

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                                                          |   |                                    |
|----------------------------------------------------------|---|------------------------------------|
| <i>In re</i> patent of Rikard M. Kjellberg <i>et al.</i> | § | Attorney Docket No.: 185945.011700 |
|                                                          | § |                                    |
| U.S. Patent No. 7,233,790                                | § | Customer No.: 67395                |
|                                                          | § |                                    |
| Issue Date: June 19, 2007                                | § |                                    |
|                                                          | § |                                    |
| Filing Date: June 19, 2003                               | § |                                    |
|                                                          | § |                                    |
| For: DEVICE CAPABILITY BASED                             | § |                                    |
| DISCOVERY PACKAGING AND                                  | § |                                    |
| PROVISIONING OF CONTENT                                  | § |                                    |
| FOR WIRELESS MOBILE                                      | § |                                    |
| DEVICES                                                  | § |                                    |

**REQUEST FOR *EX PARTE* REEXAMINATION OF  
U.S. PATENT 7,233,790**

Mail Stop "*Ex Parte* Reexam"  
Attn: Central Reexamination Unit  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

Pursuant to the provisions of 35 U.S.C. §§ 301-307, Unified Patents, LLC ("Requester") hereby requests an *ex parte* reexamination of claims 1-2, 4, and 8-9 (the "Challenged Claims") of U.S. Patent 7,233,790 (the "'790 Patent, Ex. 1001), which issued on June 19, 2007 based on U.S. Patent Application 10/600,746 (the "'746 Application"), which claims the benefit of four provisional applications, each of which was filed on June 28, 2002. The '790 Patent is currently assigned to VideoLabs, Inc. ("VideoLabs" or "Patent Owner"). The assignment is recorded in the U.S. Patent and Trademark Office ("USPTO") at reel/frame 054727/0726.

This Request presents prior art references and analyses that are noncumulative of the prior art that was before the Examiner during the original prosecution of the '790 Patent and speaks directly to the reasons the original claims were originally allowed. As demonstrated herein, the

Challenged Claims are invalid over these references. Requester therefore requests that an order for reexamination and an Office Action rejecting claims 1-2, 4, and 8-9 be issued.

**Ex Parte Patent Reexamination Filing Requirements**

Pursuant to 37 C.F.R. § 1.510(b)(1), statements pointing out at least one substantial new question of patentability based on material, non-cumulative reference patents and printed publications for the Challenged Claims of the '790 Patent are provided in Section III of this Request.

Pursuant to 37 C.F.R. § 1.510(b)(2), reexamination of the Challenged Claims (claims 1-2, 4, and 8-9) of the '790 Patent is requested, and a detailed explanation of the pertinence and manner of applying the cited references to the Challenged Claims is provided in Section IV of this Request.

Pursuant to 37 C.F.R. § 1.510(b)(3), copies of every patent or printed publication relied upon or referred to in the statement pointing out each substantial new question of patentability or in the detailed explanation of the pertinence and manner of applying the cited references are provided as Exhibits 1001, 1004-1012 (with Exhibits 1004-1007 forming the basis for the SNQ presented herein) and Appendices A-C of this Request.

Pursuant to 37 C.F.R. § 1.510(b)(4), a copy of the '790 Patent is provided as Exhibit 1001 of this Request, along with a copy of any disclaimer, certificate of correction, and reexamination certificate issued corresponding to the patent.

Pursuant to 37 C.F.R. § 1.510(b)(5), the attached Certificate of Service indicates that a copy of this Request, in its entirety, has been served on Patent Owner at the following address of record for Patent Owner, in accordance with 37 C.F.R. § 1.33(c):

Kilpatrick Townsend & Stockton LLP (I)  
Mailstop: IP Docketing – 22  
1100 Peachtree Street  
Suite 2800  
Atlanta, GA 30309

Also submitted herewith is the fee set forth in 37 C.F.R. § 1.20(c)(1).

Pursuant to 37 C.F.R. § 1.510(b)(6), Requester hereby certifies that the statutory estoppel provisions of 35 U.S.C. § 315(e)(1) and 35 U.S.C. § 325(e)(1) do not prohibit Requester from filing this *ex parte* patent reexamination request.

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**TABLE OF EXHIBITS**

| <b>Exhibit</b> | <b>Description</b>                                                                                                                                               |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex. 1001       | U.S. Patent No. 7,233,790 to Kjellberg et al. (“the ’790 Patent” or “the Challenged Patent”)                                                                     |
| Ex. 1002       | Declaration of A. L. Narasimha Reddy, Ph.D. (“Reddy Decl.”)                                                                                                      |
| Ex. 1003       | File History Excerpts from U.S. Patent Application No. 10/600,746 obtained from PAIR                                                                             |
| Ex. 1004       | U.S. Patent Application Publication No. 2002/0078178 to Senoh (“Senoh”)                                                                                          |
| Ex. 1005       | U.S. Patent No. 6,035,339 to Agraharam et al. (“Agraharam”)                                                                                                      |
| Ex. 1006       | U.S. Patent No. 6,421,726 to Kenner et al. (“Kenner”)                                                                                                            |
| Ex. 1007       | U.S. Patent No. 6,345,279 to Li et al. (“Li”)                                                                                                                    |
| Ex. 1008       | K. H. Britton, et al. <i>Transcoding: Extending e-business to new environments</i> , IBM Systems J. Vol. 40, No. 1, 2001, pp.153-178.                            |
| Ex. 1009       | Andrew Perkis, et al., <i>Universal Multimedia Access from Wired and Wireless Systems</i> , Circuits Systems Signal Processing, Vol. 20, No. 3, 2001, pp.387-402 |
| Ex. 1010       | Rakesh Mohan, et al., <i>Adapting Multimedia Internet Content for Universal Access</i> , IEEE Transactions on Multimedia, Vol. 1, No. 1 (Mar. 1999), pp.104-114  |
| Ex. 1011       | U.S. Patent No. 7,551,913 to Chien                                                                                                                               |
| Ex. 1012       | U.S. Patent Application Publication No. 2001/0032355 to Jones                                                                                                    |

## **I. CLAIMS FOR WHICH REEXAMINATION IS REQUESTED**

Before explaining the substantial new question of patentability (SNQ) presented in this Request along with a brief summary of the '790 Patent, the claims of the '790 Patent for which reexamination is requested are provided. Claims 1, 2, 8, and 9 are independent claims. Challenged claim 4 depends from challenged claim 2.

1. A method of providing access to content for use on wireless communication devices, the method comprising:

receiving and storing a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers, including receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities; and

maintaining a product catalog containing a description of the items of content, the product catalog including, in association with each item of content, a reference to each implementation of said item of content.

2. A method of providing access to digital content for use on wireless communication devices, the method comprising:

receiving and storing in a server system a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers, including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities;

operating the server system to maintain a product catalog containing a description of the items of digital content, wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content;

receiving a request from a wireless device used by one of the subscribers;

in response to the request, selecting a portion of the product catalog to be presented to the subscriber, based on device capabilities of the wireless device used by the subscriber; and

presenting the selected portion of the product catalog to the subscriber via a wireless network, such that the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said

item.

4. A method as recited in claim 2, further comprising:

receiving from the subscriber a request for one of the items of digital content in said portion of the product catalog;

selecting an implementation of the requested item of digital content, based on device capabilities of the wireless device used by the subscriber; and

downloading the selected implementation of the item of digital content to the wireless device used by the subscriber.

8. A system comprising:

a network interface through which to communicate over a communication network; and

a download manager to

receive and store a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless telecommunications subscribers, including receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities; and

maintain a product catalog containing a description of the items of content, the product catalog including, in association with each item of content, a reference to each implementation of said item of content.

9. A system comprising:

a processor; and

a storage facility accessible to the processor and containing code which, when executed by the processor, causes the processing system to

receive and store a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless telecommunications subscribers, including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities;

maintain a product catalog containing a description of the items of digital content, wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital

content;

receive a request from a wireless device used by one of the subscribers;

in response to the request, select a portion of the product catalog to be presented to the subscriber, based on device capabilities of the wireless device used by the subscriber; and

cause the selected portion of the product catalog to be presented to the subscriber via a wireless telecommunications network, such that the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item.

## **II. U.S. PATENT 7,233,790**

### **A. Overview**

The '790 patent describes a system and method for distributing “digital products from multiple suppliers to wireless services subscribers . . . .” Ex. 1001 ('790 pat.), Abstract. “Product suppliers can publish and manage their products on the server system via a computer network and make their products available to the subscribers for purchase or licensing.” *Id.*; *see also id.*, 1:13-18. “Multiple different implementations of any product can be maintained, where each implementation corresponds to a different set of device capabilities.” *Id.*

The '790 patent explains that wireless devices at the time of the invention such as “cellular telephones, personal digital assistants (PDAs) and two-way pagers, have become commonplace in many countries.” Ex. 1001 ('790 pat.), 1:22-25. These devices had more capabilities than their predecessors such as allowing users to play games, send email, download files, and “send and receive video.” *Id.*, 1:34-39 (describing the “latest generation of mobile telephones (and other mobile devices)”). According to the patent, users typically had to obtain new digital content for their mobile devices directly from the content suppliers via a wireless network using the Internet. *Id.*, 1:45-53. Making users go directly to the content providers was inconvenient for the users when users wanted content from multiple content providers. *Id.*, 1:53-59. The '790 patent explains that content providers needed to deploy content multiple times and package it differently for each of the various devices on the market because those devices had different capabilities and provisioning models. *Id.*, 1:60-2:4. It was allegedly burdensome for content providers to “package and provision the digital content they produce in a manner that is suitable for all of the devices in the marketplace,” which also requires the content suppliers to keep up with device development. *Id.*,

2:4-17.

In one embodiment described in the '790 patent, “multiple different implementations of at least one of the items of content are received, where each implementation corresponds to a different set of device capabilities.” Ex. 1001 ('790 pat.), 2:60-63. A product catalog is maintained which includes a description of the items of content and reference to “each implementation of the item of content.” Ex. 1001 ('790 pat.), 2:65-67. The embodiment are “implemented in a network server system that includes one or more server computer systems on a network” that includes “an application server referred to . . . as the ‘download manager’.” *Id.*, 3:63-4:1. Using the sever-based download manager application, content providers can make their content available to subscribers. *Id.*, 4:1-8.

As shown in Figure 1 of the '790 patent (reproduced below), “[t]he download manager 1 acts as an intermediary between multiple content suppliers . . . and multiple customers . . . , e.g., wireless services subscribers . . . .” Ex. 1001 ('790 pat.), 4:9-14.

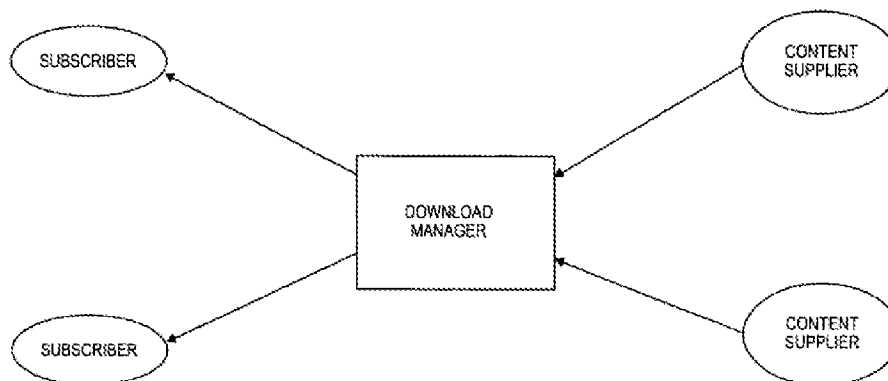


FIG. 1

Ex. 1001 ('790 pat.), FIG. 1.

The download manager application includes a “device capability manager” that is “responsible for device recognition (e.g., supporting device recognition through UAProf using Profile headers and Profile-Diff headers), device capability determination (e.g., retrieving device descriptors using best efforts and appending device capabilities to the session context), and device capability management (e.g., automated management of UAProf capable devices and quarantine of undefined or partially defined devices.” Ex. 1001 ('790 pat.), 7:4-7, 7:31-39; *see also id.*, 8:30-52. One reason devices are identified is to “select the appropriate implementations of products that are purchased” and to “filter the set of available products that a subscriber can discover.” Ex. 1001 ('790 pat.), 7:39-45.

A product catalog includes “descriptions of all published items of content (products)” and references to “at least one implementation 57 of that product. *Id.*, 9:37-40. Multiple implementations of items may be published on the download manager, and each may be “designed for a different specific client device or set of client devices.” *Id.*, 9:44-48.

The Challenged Claims of the ’790 Patent are directed to methods and systems that receive and store multiple items of content that may be made available to subscribers’ wireless communication devices. At least one of the implementations of the items of content is received and stored in multiple “implementations,” where different implementations correspond to different device capabilities. A product catalog is maintained. The product catalog contains descriptions of items of content and includes a reference to each implementation of the items. According to certain claims (e.g., claims 2 and 9), a request is received from a wireless device, and in response to the request a portion of the product catalog is selected and presented to the subscriber based on the device capabilities. The catalog, as presented to the subscriber, provides only a single description of each item in the portion, regardless of the number of implementations there are of each item.

## **B. Prosecution History**

The ’790 patent was issued based on U.S. Patent Application 10/600,746 (the “’746 application”). The ’790 patent claims the benefit of four earlier-filed provisional applications, each of which was filed on June 28, 2002. Ex. 1001 (’790 pat.), cover.

The ’746 application was filed with 11 method claims. Ex. 1003 (File History), 55-53. In the first Office Action, the examiner rejected claims 1-4 and 9, but objected to claims 10 and 11 and indicated that claims 5-8 were allowable. Ex. 1003 (File History), 21-23. Claims 1-4 and 9 were rejected as being anticipated by either U.S. Patent No. 6,912,385 to Namba et al. and U.S. Patent Application Publication 2003/0060188 to Gidron et al. *Id.*, 22-23. The Office Action merely states that “[c]laims 5-8 are allowed,” and “[c]laims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.” Ex. 1003 (File History), 23.

In response to the Office Action, the applicants canceled claims 1-4, amended their claims such that new independent claims 12 and 13 [issued claims 8 and 9] “include limitations substantially similar to those in claims 5 and 6,” which were issued as claims 1 and 2, respectively. *Id.*, 4, 16-17.

All remaining claims were then allowed. The examiner indicated that the reasons for allowance was that the prior art did not disclose “a method and system of accessing content on a wireless communication device, that specifically includes *receiving and storing a plurality of different implementations of the items of content*” or “maintaining a catalog describing the items of content.” Ex. 1003 (File History), 3. “No obvious combination of references found would have taught one of ordinary skill in the art to make and use applicant’s method and system as claimed.” *Id.*

### **III. THE PRIOR ART REFERENCES, ARGUMENTS, AND EVIDENCE PRESENT A SUBSTANTIAL NEW QUESTION OF PATENTABILITY**

As shown below, Requester submits that the prior art references raise a new “substantial question of patentability” because “the teaching of the (prior art) patents and printed publications is such that a reasonable examiner would consider the teaching to be important in deciding whether or not the claim is patentable.” *See* MPEP § 2242.

While the original Examiner was unable to locate prior art that received and stored a plurality of different implementations of items of content or maintaining a catalog describing the items of content, the prior art presented in this Request shows that these features were known to those skilled in the art before the earliest possible effective priority date. Indeed, the art presented in this Request shows that there was considerable research into techniques of transcoding data to allow access by a wide variety of devices with different capabilities including mobile devices. Moreover, the use of product catalogs to provide users with access to content from multiple content providers was known to those skilled in the art as a convenient way to increase consumer interest in digital content like audio and video content.

The references relied upon in this Request are new; the references relied upon herein were not previously considered; the “same question of patentability as to the claim has not been decided by the Office in an earlier concluded examination or review of the patent” at least because none of the art referenced in this request was before the Office during prosecution of the ’790 patent or during a prior post-grant proceeding challenging any claim of the ’790 patent, any of which that are known to Requester have been listed below in Section V, *infra*.

Reexamination of the Challenged Claims is requested in view of the following prior art references:

**Exhibit 1004: U.S. Patent Application Publication No. 2002/0078178 A1 to Senoh (“Senoh”)**: Senoh is a prior art printed publication and published United States Patent Application. *See* Ex. 1004 (Senoh), cover. Senoh was filed in the United States on August 27, 2001 and published on June 20, 2002. Senoh is thus prior art under pre-AIA 35 U.S.C. §§ 102(a) and (e).

**Exhibit 1005: U.S. Patent No. 6,035,339 to Agraharam et al. (“Agraharam”)**: Agraharam is a prior art patent that was filed in the United States on March 13, 1997 and issued as a patent on March 7, 2000. *See* Ex. 1005 (Agraharam), cover. Agraharam is thus prior art under pre-AIA 35 U.S.C. §§ 102(a), (b), and (e).

**Exhibit 1006: U.S. Patent No. 6,421,726 to Kenner et al. (“Kenner”)**: Kenner is a prior art patent that was filed in the United States on March 1, 1998 and claims the benefit of an earlier-filed provisional application, which was filed on March 14, 1997. Ex. 1006 (Kenner), cover. Kenner issued as a patent on July 16, 2002. Kenner is thus prior art under pre-AIA 35 U.S.C. § 102(e).

**Exhibit 1007: U.S. Patent No. 6,345,279 to Li et al. (“Li”)**: Li is a prior art patent that was filed in the United States on April 23, 1999 and issued as a patent on February 5, 2002. Ex. 1007 (Li), cover. Li is thus prior art under pre-AIA 35 U.S.C. §§ 102(a) and (e).

**A. SNQ1: Senoh in view of Agraharam Renders Claims 1 and 8 Obvious and Presents a Substantial New Question of Patentability**

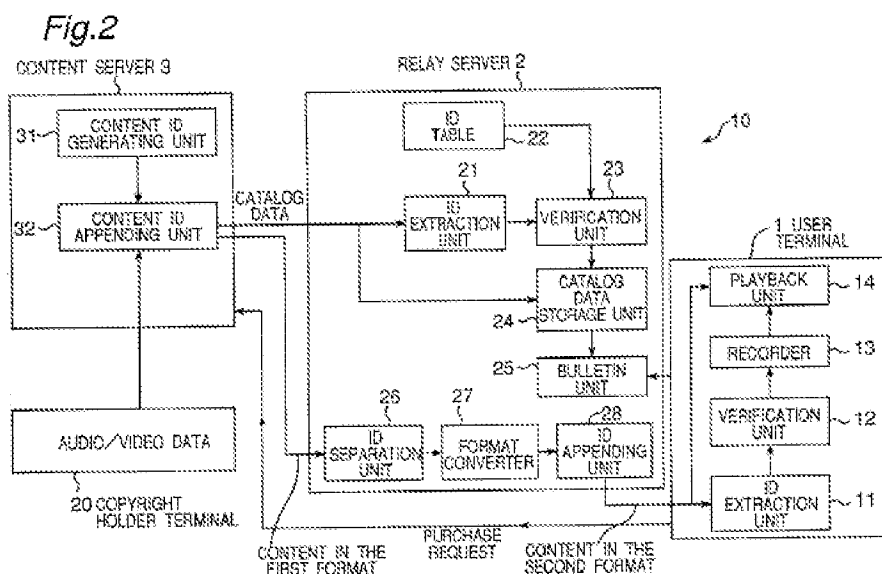
**1. Overview of Senoh (Ex. 1004)**

Senoh discloses a system and method for content distribution over a network which permits distribution “in a format enabling viewing and enjoyment at the user terminal.” Ex. 1004 (Senoh), Abstract. Senoh explains that in a conventional system “the content owner loads a catalog of the available content onto a web site and solicits users wanting the content.” Ex. 1004 (Senoh), ¶[0004]. The user can then purchase the content. *Id.* One problem with this conventional system is that “when the specifications of the distributed content differ from the specifications of the content that is viewable on the user’s terminal or monitor,” the user will be “unable to enjoy the content.” *Id.*, ¶[0008]. This could happen, for example, when the content is distributed in high-definition TV format, but the user terminal can only display standard-definition content. *Id.* Senoh further explains that a catalog including content previews—whether that be audio or video—are

received from content providers and are stored and made accessible to users. Ex. 1004, ¶¶[0043]-[0045]. These content previews are pertinent to the challenge to the independent claims of the '790 patent presented in this Request.

Senoh's "content distribution system" includes a user terminal, relay server, and content server. *Id.*, ¶[0029]. Of course, although one terminal is described explicitly, "plural user terminals can be connected." *Id.*

The content distribution system is shown in detail in Senoh's Figure 2 (reproduced below).



Ex. 1004 (Senoh), FIG. 2. As shown here, the relay server 2 includes a "catalog data storage unit 24," which is used to store data received from content providers about items available for purchase. Ex. 1004 (Senoh), ¶[0046]; *see also id.*, ¶[0044] ("[T]he relay server 2 is a server computer accessible from the network and storing a compiled catalog of plural catalog data entries."). This catalog data is generated by the content provider server and sent to the relay server "in order to market the content to a wider audience." *Id.*, ¶[0043]. Catalog data stored at the relay server can include "previews of content highlights, a copyright notice, the title, content type, price, and where to contact to purchase the content." *Id.*, ¶[0043]. Content previews can be stored in the catalog: "If the content contains video, the relay server 2 preferably enables the content highlights to be previewed. If the content is audio (music), a selection of a particular length could be provided as a preview." *Id.*, ¶[0044]. Figure 4 shows "[a] sample catalog compiling plural catalog data entries."

Fig.4

| CONTENT NAME                  | CONTENT 1                                              | CONTENT 2                                              | ... |
|-------------------------------|--------------------------------------------------------|--------------------------------------------------------|-----|
| PREVIEW                       | PREVIEW OF<br>CONTENT 1<br>(WITH DIGITAL<br>WATERMARK) | PREVIEW OF<br>CONTENT 2<br>(WITH DIGITAL<br>WATERMARK) | ... |
| CONTENT RECORDING DATE        | 2000.6.17                                              | 1999.12.31                                             | ... |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                         | HANAKO UENO                                            | ... |
| TITLE                         | BATTLE IN PEBBLE BEACH                                 | COUNTDOWN 2000                                         | ... |
| GENRE                         | SPORTS                                                 | EVENT                                                  | ... |
| CONTENT TYPE                  | FINAL (GOLF TOURNAMENT)                                | NEW YEAR'S EVE                                         | ... |
| DUPLICATION FEE               | \$10                                                   | \$5                                                    | ... |
| ...                           | ...                                                    | ...                                                    | ... |
| CONTACT ADDRESS FOR THE BUYER | abc@del                                                | ch@ki                                                  | ... |
| ...                           | ...                                                    | ...                                                    | ... |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY      |                                                        |     |

CATALOG

Ex. 1004 (Senoh), FIG. 4.

The user can view the catalog data from their user terminal, which can be a “cellular phone.” Ex. 1004 (Senoh), ¶¶[0045], [0057], [0060], [0074]. After viewing previews of the content, the user can elect to purchase the full-length content by contacting the content server. *Id.*, ¶¶[0045], [0057]. The content server also “requests the format supported by the user terminal 1 for viewing the content.” *Id.*, ¶[0057]. Senoh explains that the term “viewable” means “that the user terminal 1 supports the format in which the content will be reproduced, or can display the content at the performance of the output display (the display performance of the monitor) of the user terminal 1.” Ex. 1004 (Senoh), ¶[0059].

The POSITA would have recognized that Senoh’s technique of sending the full-length content to the relay sever, transcoding it and sending it to the user terminal would not have been efficient for use with Senoh’s video previews, which are stored as part of the catalog on the relay server and thus would have looked to a solution in which transcoded versions of the content were stored at the server that receives the request for the content. Ex. 1002 (Reddy Decl.), ¶¶95, 101, 133. This would have led the POSITA to look to other techniques to tailor Senoh’s catalog previews to a diverse set of wireless communication devices, as explained below.

## 2. Overview of Agaharam (Ex. 1005)

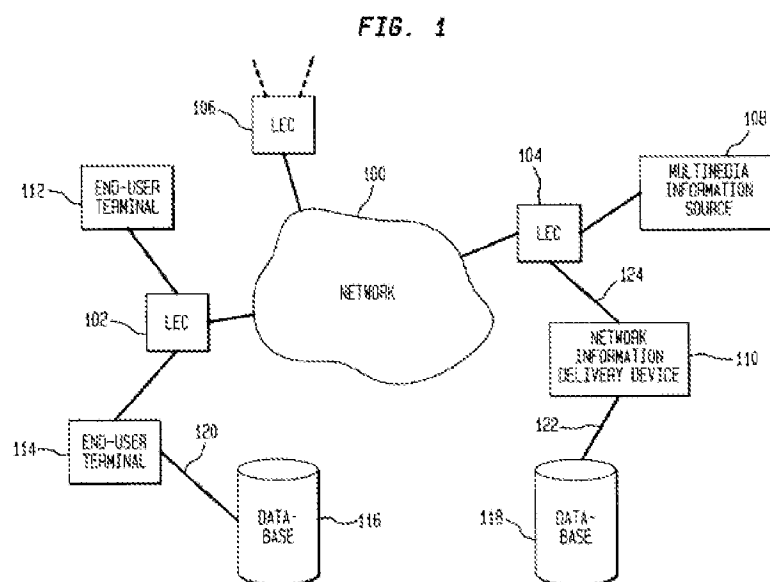
Agaharam describes a “network information delivery system” that “automatically

determines end-user information output requirements based on predetermined data corresponding to each requesting end-user terminal.” Ex. 1005 (Agraharam), Abstract. Agraharam explains that prior art techniques required a content provider to solicit information about the user terminal capabilities via a menu. *Id.*, 1:11-14. After receiving the information from the user, “if choices are available,” the requested content will be delivered to the user in the most compatible pre-formatted form. *Id.*, 1:20-23. But requiring the user to declare the user terminal capabilities was “very inconvenient,” and it may exceed the technical sophistication of the end-user. *Id.*, 1:24-28. “Thus, there is a need to provide a method and apparatus to more conveniently determine the user terminal capabilities and to deliver information so that the user terminal capabilities may be most effectively used.” *Id.*, 1:31-35.

Agraharam thus proposes an “information delivery system that automatically determines end-user information output requirements based on predetermined data corresponding to each requesting end-user terminal” based on the contents of an “end-user profile” that is stored in a database. Ex. 1005 (Agraharam), 1:38-44.

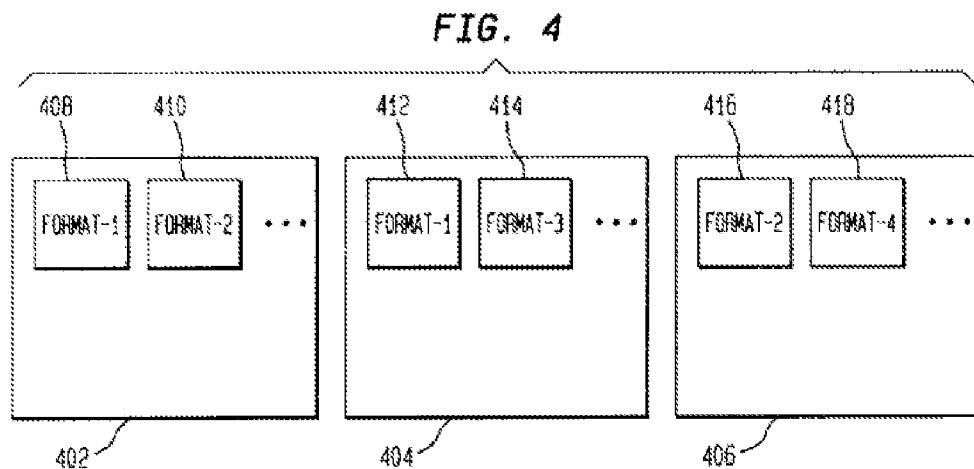
Agraharam teaches that the content can be pre-formatted into a number of different formats for delivery to the user’s terminal. Ex. 1005 (Agraharam), 1:56-60 (“The information to be delivered to end-users may be pre-formatted into predetermined formats. The predetermined formats may be determined based on how often a particular format of the information is requested and characteristics of the information.”).

Figure 1 illustrates a network according to Agraharam:



Ex. 1005 (Agraharam), FIG. 1, 2:26-30. The network can include a wireless network. *Id.*, 2:30-33. “When an end-user using the end-user terminal 114 requests information such as multimedia information from the network information delivery device 110, the network information delivery device 110 first searches the contents of database 118 to determine information output requirements corresponding to the end-user terminal 114.” Ex. 1005 (Agraharam), 2:43-48. Based on the requirements, the multimedia data can be packaged and delivered according to the requirements of the end-user’s terminal. *Id.*, 2:52-58.

Because end-users buy their equipment on the open market, “end-user terminal requirements can be grouped which allows information such as multimedia information to be preformatted into predetermined formats,” which allows for “efficient delivery to the end-user.” Ex. 1005 (Agraharam), 4:39-43. Agraharam’s Figure 4 shows “multimedia information 402, 404 and 406 being formatted in a plurality of formats such as format-1 to format-4,” which can be for example, AVI or QuickTime formats. *Id.*, 4:44-49. Besides the pre-formatted data, data may also be formatted “on-the-fly” to ensure optimal information delivery to certain terminals, thus showing that a POSITA would have found it beneficial to use both static and dynamic transcoding (i.e., transcoding before data is requested and transcoding data as needed) in the same system. *Id.*, 4:49-57; Ex. 1002, ¶¶44, 98.



Ex. 1005 (Agraharam), FIG. 4.

### 3. Motivation to Combine Senoh and Agraharam

As explained in detail in Appendix A, the subject matter of claims 1 and 8 would have been obvious based on the combination of Senoh and Agraharam. Specifically, while Senoh describes

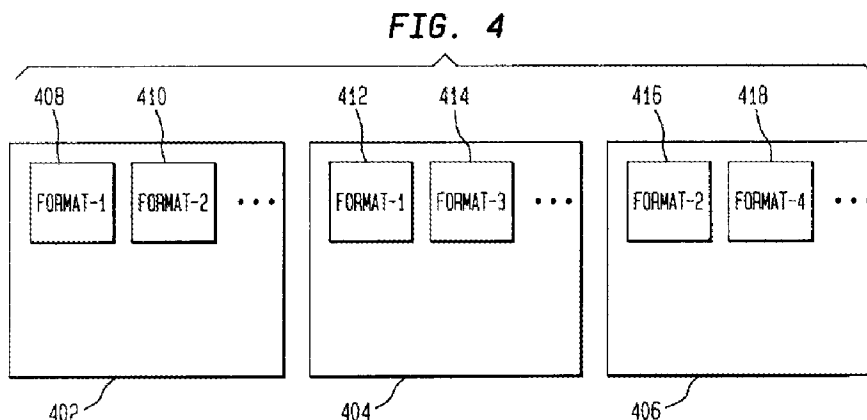
a product catalog that includes numerous items of content such as previews of video and/or audio, *see* Ex. 1004 (Senoh), ¶[0044], Senoh does not describe how to ensure that the previews can be viewed or otherwise provided to the user when different devices having different capabilities are used to access the product catalog. Ex. 1002 (Reddy Decl.), ¶¶79, 92-93. Indeed, this particular problem of selecting an appropriate version—which would have been recognized by the POSITA—is unaddressed by Senoh’s teachings. *Id.* Thus, Senoh does not disclose the claimed steps of *receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities* or maintaining a product catalog that includes *in association with each item of content, a reference to each implementation of said item of content*. Nor does Senoh disclose a distribution manager that performs this functionality.

An efficient solution to the problem of ensuring Senoh’s catalog previews are provided to devices having different capabilities is provided by Agraharam and renders the claimed subject matter obvious. Specifically, Agraharam explains that it is efficient to store various implementations of content encoded in different formats in a repository so that it can be provided to different devices in accordance with the capabilities of the devices. *See, e.g.,* Ex. 1005 (Agraharam), 4:39-43 (“Based on parameters such as most often requested information and specific characteristics of the information to be formatted, information may be formatted into predetermined formats for efficient delivery to the end-user.”), 7:30-34 (“[T]he network information delivery device 110 may maintain a repository of information received from information sources such as information source 108. The formats of the information in the repository may be stored in deliverable formats . . .”). Agraharam explains that

Figure 4 shows multimedia information 402, 404 and 406 formatted in a plurality of formats such as format-1 to format-4. Format-1 to format-4 may be formats such as “Audio Video Interleave” (AVI) (Microsoft’s ‘Video for Windows’ standard) or “QuickTime.” Thus, as shown in FIG. 4, multimedia information 402 is formatted in at least format-1 408 and format-2 410; multimedia information 404 is formatted in at least format-1 412 and format-3 414 and multimedia information 406 is formatted in at least format-2 416 and format-4 418. Cases that require formats other than the predetermined formats may be handled by formatting the information “on-the-fly” to ensure optimal information delivery to, and reproduction by the end-user terminal 114.

Ex. 1005 (Agraharam), 4:44-57. The different items of content disclosed by Agraharam are shown

as 402, 404, and 406, and the different implementations are shown as “Format-1” through “Format-4” (408, 410, 412, 414, 416, and 418), as illustrated below:



*Id.*, FIG. 4.

These different items of information and their respective implementations “from information sources such as information source 108 may be deposited in the information delivery database” maintained by the information delivery device 110, thereby reducing network traffic. Ex. 1005 (Agraharam), 4:60-67. These different implementations represent “predetermined formats” and are provided to the user terminals based on the capabilities of the end-user terminals. *See* Ex. 1005, 4:35-39 (“Because end-users obtain end-user terminal capabilities by purchasing equipment that is available on the market, end-user terminal requirements can be grouped which allows information such as multimedia information to be preformatted into predetermined formats.”). Thus, the different implementations of the items of content described by Agraharam correspond to different sets of device capabilities associated with different user terminals. Ex. 1002 (Reddy Decl.), ¶83.

It would have been obvious to modify Senoh’s catalog such that it received a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities for several reasons.

First, POSITAs knew that different devices have different capabilities to view multimedia content and that content like Senoh’s previews needed to be delivered to devices in a format that the devices could interpret and display or playback. Ex. 1002 (Reddy Decl.), ¶39-44, 92; Ex. 1004 (Senoh), ¶[0008] (“A problem arises . . . when the specifications of the distributed content differ from the specifications of content that is viewable on the user’s terminal or monitor, resulting in the user being unable to enjoy the content.”); Ex. 1005 (Agraharam), (“[I]f none of the

predetermined formats are suitable for information reproduction by the user terminal, the user terminal reproduces the information in an undesirable manner.”). A POSITA would have been motivated to perform a step of receiving preview data in different implementations corresponding to different devices that access Senoh’s catalog, and storing that data with other catalog data at the relay server, so that a wide variety of devices can preview the content from the catalog, thus further disseminating the content to a variety of users, as desired by Senoh. Ex. 1004 (Senoh), ¶[0043] (explaining that the catalog is for marketing “content to a wider audience”); Ex. 1002 (Reddy Decl.), ¶94.

Second, POSITAs knew that content creators wanted to have control over the presentation of different versions of their content to ensure that they displayed the way that they wanted them to display. Ex. 1002 (Reddy Decl.), ¶96 (discussing Ex. 1008 (Britton), p.156 (“The primary advantages of static transcoding are quality of presentation and performance.[] Each page is constructed by a human designer, generally working with tools that show how the application will look or sound and thus allowing the presentation to be hand-tailored for each environment.”)). Thus, to provide content creators the ability to have control over the appearance of different implementations the POSITA would have seen a benefit to having the content server maintain different, preformatted implementations of the previews and provide those to Senoh’s relay server to market the content. Ex. 1002 (Reddy Decl.), ¶96; Ex. 1008 (Britton), p.156.

Third, POSITAs also knew that latency in viewing content on the Web affected the user experience. Ex. 1002 (Reddy Decl.), ¶97. For example, if the product catalog loads slowly, this may give the end-user the perception that quality is bad, or at least may frustrate the end-user. *Id.* Thus, a POSITA would have been encouraged to ensure that the product catalog loaded on the user’s device quickly, while providing an experience that engaged the user. Ex. 1002 (Reddy Decl.), ¶97. Transcoding the content into different implementations before the content was requested by a user was a known way to reduce latency, particularly in cases in which resource-intensive encoding for audio or video was to be performed. *Id.*, ¶97. This was recognized by those in the art before 2002. *See, e.g.*, Ex. 1007 (Li), 3:8-10 (“Thus, the invention can handle media items such as video and audio which are difficult to handle in conventional proxies. This off-line transcoding also leads to lower response latencies than proxies.”). A POSITA would have recognized that if the catalog previews were stored at the relay and transcoded on the fly, potentially many different items would need to be transcoded to be viewed, thus increasing the

load time of the catalog itself, to the detriment of the user experience—potentially costing a sale. Ex. 1002 (Reddy Decl.), ¶¶97. And, if the catalog previews were stored at content servers, a POSITA would have realized that the process of fetching numerous catalog previews from numerous sources would also decrease latency and it would have been inconsistent with the concept of storing catalog data at the relay server. Ex. 1002 (Reddy Decl.), ¶97; Ex. 1004 (Senoh), ¶¶[0032] (copyright holder terminal 20 and content server 3 could be the same computer), [0035] (each copyright holder is assigned a unique copyright holder identifier), [0054] (copyright holder identifier added to catalog data before it is sent to the relay server), FIG. 5 (showing multiple copyright holder IDs, meaning that the ID table 22 in the relay server identifies content from multiple copyright holders and content server/copyright holder terminals).

Fourth, storing multiple implementations of an item of content (previews) is one of a finite number of predictable solutions available to the POSITA for enabling content to be tailored to the user terminals requesting Senoh’s previews. Ex. 1002 (Reddy Decl.), ¶97. Indeed, besides receiving and storing different implementations of items of content, one implementation could be received and transcoded at the relay server; implementations may be transcoded on the fly from a single implementation, or, contrary to Senoh’s teachings, the catalog content could be kept at content servers and either transcoded there statically or dynamically. *Id.* These solutions all had predictable results as the concepts of “static” transcoding and “dynamic” transcoding were discussed in the literature and had known implications. *See, e.g.*, Ex. 1008, pp.154-157.

Applying Agraharam’s technique of encoding different implementations of items of content and storing them in a database/repository at an information delivery device 110 to the storage of previews in Senoh’s relay server would have merely applied a known technique to Senoh’s known system, which was ready for improvement. Ex. 1002 (Reddy Decl.), ¶99. This would have furthered Senoh’s goal of marketing content from content providers to “a wider audience.” Ex. 1004 (Senoh), ¶[0043]; Ex. 1002 (Reddy Decl.), ¶94. As mentioned above, Agraharam provides a known solution to a problem apparent in Senoh’s catalog system—namely that the catalog previews would be viewable on only certain terminals because they were not transcoded into different formats for a variety of user terminals. Ex. 1002 (Reddy Decl.), ¶¶99-100. Applying Agraharam’s technique to Senohs’ previews to transcode the data into different formats for different terminal capabilities would have merely yielded the predictable results of better ensuring that user terminals could view the preview content on their terminals and support

a range of terminal types and capabilities. *Id.* The POSITA would have had a reasonable expectation of succeeding in combining the teachings of Agraharam and Senoh to provide for receipt and storage of multiple implementations of Senoh’s catalog previews because it provides a known, simple technique to provide multimedia content to diverse device types in an efficient manner. Ex. 1002 (Reddy Decl.), ¶101.

When implementing the combined Senoh-Agraharam system, the POSITA would also have found it obvious to include *a reference to each implementation of said item of content* based on the combined teachings of Senoh and Agraharam. Ex. 1002 (Reddy Decl), ¶¶102-104. Because a POSITA would have found it obvious to receive and store multiple implementations of previews at the relay server, the POSITA would have recognized that there needed to be a way to retrieve the implementation and insert it into the product catalog being viewed by a particular user terminal. Ex. 1002 (Reddy Decl), ¶102. The POSITA would have found it obvious to include a reference to each implementation of each item of content in Senoh’s product catalog because it would have allowed the resulting system to provide the desired content to the user terminal in an appropriate format and would have allowed Senoh’s relay server and catalog to provide the appropriate implementation. *Id.*, ¶103. The POSITA would have been motivated to associate references to the stored implementations of the previews because it would have allowed the Senoh-Agraharam system to provide the content to the end-user in the appropriate format in a structured manner in the product catalog. *Id.*, ¶104. The POSITA would have expected to succeed in implementing the combined Senoh-Agraharam system with the claimed reference because such references allowed access to stored content and were used to access databases and retrieve content long before the ’790 patent. *Id.*, ¶104.

#### **4. Senoh in view of Agraharam Presents a SNQ**

This combination of references teaches subject matter that goes to the heart of the reasons that the claims were deemed allowable—namely the receipt and storage of multiple implementations of items of content and making items of content available to subscribers via a product catalog that contains descriptions of such items of content. *See supra* §II.B.

The Examiner did not have the teachings of Agraharam to consider when determining that the prior art did not teach “a method and system of accessing content on a wireless communication device, that specifically includes *receiving and storing a plurality of different implementations of*

the items of content,” Ex. 1003 (File History), 43. As explained above, Agraharam teaches creating multiple implementations of items of content for viewing on user terminals with different capabilities. *Supra* §III.A.2. Moreover, the Examiner did not have the teachings of Senoh when concluding that the prior art did not disclose “maintaining a catalog describing the items of content.” Ex. 1003 (File History), 43. This is illustrated in Senoh, for example, at Figure 4:

**Fig.4**

| CONTENT NAME                  | CONTENT 1                                         | CONTENT 2                                     | ... |
|-------------------------------|---------------------------------------------------|-----------------------------------------------|-----|
| PREVIEW                       | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)     | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) | ... |
| CONTENT RECORDING DATE        | 2000.6.17                                         | 1999.12.31                                    | ... |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                    | HANAKO UENO                                   | ... |
| TITLE                         | BATTLE IN PEBBLE BEACH                            | COUNTDOWN 2000                                | ... |
| GENRE                         | SPORTS                                            | EVENT                                         | ... |
| CONTENT TYPE                  | FINAL (GOLF TOURNAMENT)                           | NEW YEAR'S EVE                                | ... |
| DUPLICATION FEE               |                                                   | \$10                                          | \$5 |
| ...                           | ...                                               | ...                                           | ... |
| CONTACT ADDRESS FOR THE BUYER | abc@cd                                            | ghijk                                         | ... |
| ...                           | ...                                               | ...                                           | ... |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |                                               |     |

CATALOG

Ex. 1004 (Senoh), FIG. 4; ¶[0024] (“FIG. 4 is an example of a catalog containing plural catalog data entries.”).

As explained above and demonstrated in further detail herein, *infra* §IV and in Appendix A, claims 1 and 8 would have been obvious over the combination of Senoh and Agraharam and should not have issued. Therefore, Senoh and Agraharam present a substantial new question of patentability that should be resolved through reexamination.

## **B. SNQ2: Senoh in view of Kenner Renders Claims 1-2, 4, and 8-9 Obvious and Presents a Substantial New Question of Patentability**

### **1. Overview of Senoh (Ex. 1004)**

An overview of the relevant teachings of Senoh is discussed above and is not repeated here in the interest of brevity. *Supra* §III.A..

### **2. Overview of Kenner (Ex. 1006)**

Kenner describes “[a] system and method for the selection and retrieval of various types of video data from distributed delivery sites,” which “maintain[] copies of the data in several

alternative file formats.” Ex. 1007 (Kenner), Abstract. “The appropriate file format is automatically selected based on the capabilities of a user terminal making a request for data.” *Id.*

Kenner explains that the Web “has begun to host highly sophisticated types of multimedia content, such as audio and video data, and computer software,” which have “extremely high storage and bandwidth requirements.” Ex. 1007 (Kenner), 1:56-59. Compression is used to reduce the data requirements. *Id.*, 1:60-2:3. There are various available compression formats. *Id.*, 1:67-2:3. To decompress a file compressed in a particular format, a specific codec is usually needed. *Id.*, 2:4-10 (“[A] single CODEC program can only recognize and decompress a single compression format.”). “When a video clip is stored for transmission in a format which can be decompressed by the CODEC at a user terminal, delivery of the video clip to the user can proceed smoothly.” *Id.*, 2:11-14. But, “when a service begins to make video clips available over the Internet, it is more likely that the video clips will be requested by a non-subscribing user whose multimedia terminal does not have the service provider’s preferred CODEC.” *Id.*, 2:19-24. This can lead the user to need to search for the correct CODEC and install it, which “can be difficult, time-consuming, or inconvenient . . .” *Id.*, 2:26-32.

Kenner proposes a solution to allow the user device to access video clips using a codec installed on the user terminal. For example, Kenner explains that “a video clip is stored in a number of different formats at individual delivery sites connected to the Internet.” Ex. 1007 (Kenner), 7:28-30. The terminal determines which codecs are installed and requests a video clip stored in the appropriate format. *Id.*, 7:37-40.

Kenner Figure 1 shows “an illustrative network topology of a system according to the invention including multiple users and multiple content providers.” Ex. 1007 (Kenner), 7:49-51.

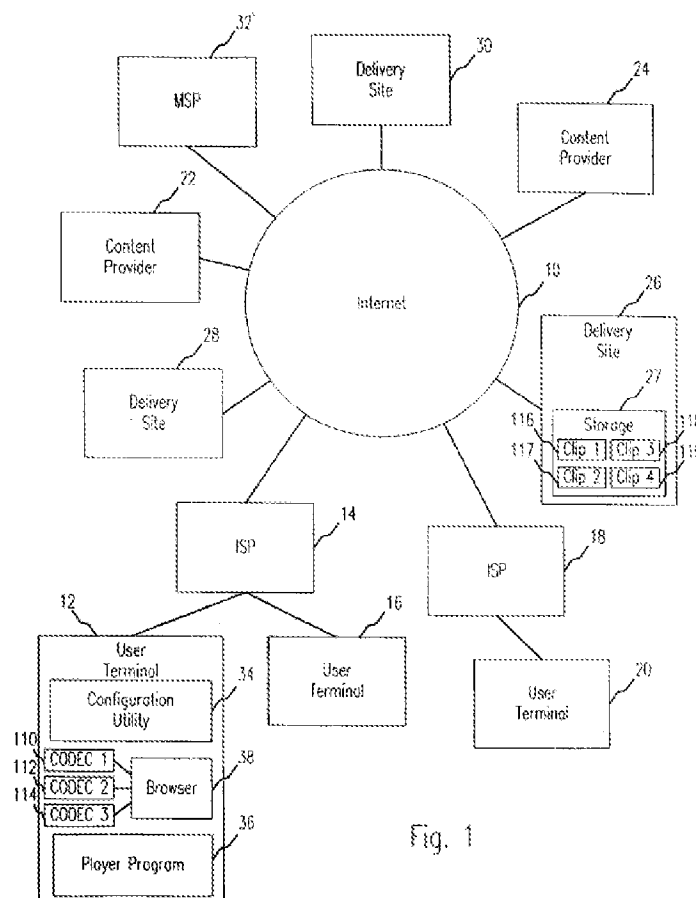


Fig. 1

Ex. 1007 (Kenner), FIG. 1. The delivery site (26) “includes a storage module 27 for storing content such as audio/video clips.” *Id.*, 8:45-46. The format selection aspect of Kenner’s technique “attempts to identify one o the video clips 116-119 as being in a preferred format that is both stored in the storage module 127 (FIG. 1) and supported by one of the CODECs (110-114) (FIG. 1).” Ex. 1007 (Kenner), 18:20-24.

Kenner explains that a web page can include an embedded reference to a video clip, and may also include an embedded software program. *Id.*, 18:18-24. When the web page is loaded, the program executes and provides a prioritized order of preferred CODECs for accessing the video. *Id.*, 18:36-42.

If one of the preferred CODECs is installed (step 126), a URL is created from the storage location of the video clip (step 128). For example, such a created URL might be ‘http://www.deliverysite.com/clips/watchme’. Note that the created URL does not have a format type extension. The created URL is then modified (step 130) by appending a format type extension (e.g. ‘.mpg’ for MPEG-formatted clips, or ‘.avi’ for Microsoft Video for

Windows-formatted clips) to the location of the video clip. The format type extension used depends on the selected CODEC. The resulting URL (e.g., 'http://www.deliverysite.com/clips/watchme.mpg') uniquely specifies a video clip file in a format recognized by the preferred CODEC installed on the user terminal. This URL is then transmitted to the delivery site specified by the URL, and the clip is downloaded (step 132) and played (step 134). When the video clip file is received, the browser automatically invokes the proper CODEC for its display.

Ex. 1007 (Kenner), 18:48-65.

### 3. Motivation to Combine Senoh and Kenner

As explained in detail in Appendix B, the subject matter of the claims for which reexamination is requested would have been obvious based on the combination of Senoh and Kenner. Specifically, while Senoh describes a product catalog that includes numerous items of content such as previews of video and/or audio, *see* Ex. 1004 (Senoh), ¶[0044], Senoh does not describe how to ensure that the previews can be viewed or otherwise provided to the user when different devices having different capabilities are used to access the product catalog. Ex. 1002 (Reddy Decl.), ¶117, 131. Indeed, this particular problem of selecting an appropriate version—which would have been recognized by the POSITA—is unaddressed by Senoh's teachings. *Id.* Thus, Senoh does not disclose the claimed steps of *receiving [and storing] a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities* or maintaining a product catalog that includes *in association with each item of content, a reference to each implementation of said item of content*. Nor does Senoh disclose a download manager that performs this functionality.

Kenner provides a mechanism for storing multimedia content at a server which hosts a webpage in which the content is embedded and which ensures that the end-user's terminal can play the content back. Ex. 1002 (Reddy), ¶63, 118-120. Kenner explains that servers can store "a plurality of video clips in different formats." Ex. 1006 (Kenner), 18:8-11. In the context of Senoh's catalog, the POSITA would have understood that the first step in viewing the catalog included loading a web page such that a browser or other software on the user terminal could view the catalog data. Ex. 1002 (Reddy Decl.), ¶135. As illustrated in Senoh's FIG. 4, the webpage would include one or more links to audio or video content in the form of previews of the items of content.

See Ex. 1004 (Senoh), FIG. 4. Loading a webpage with embedded video data is also described by Kenner. See Ex. 1006 (Kenner), 18:32-33 (“First, the Web page containing the video clip is loaded by the user terminal (step 120).”). To ensure that the user terminal’s browser can view the preview (e.g., video or audio), a POSITA would have found it obvious to employ Kenner’s embedded script, which “specifies a sequence of preferred CODECs and corresponding video clip format types.” Ex. 1006 (Kenner), 18:33-39; Ex. 1002 (Reddy Decl.), ¶136.. Based on the execution of this script, “a URL is created from the storage location of the video clip” on the server. *Id.*, 18:48-50. Then, the appropriate file format extension is appended to it to allow the identification of a format of the file that can be played back on the user terminal. *Id.*, 18:51-61 (“Note that the created URL does not have a format type extension. The created URL is then modified (step 130) by appending a format type extension (e.g. “.mpg” for MPEG-formatted clips, or “.avi” for Microsoft Video for Windows-formatted clips) to the location of the video clip. The format type extension used depends on the selected CODEC. The resulting URL (e.g. “http://www.deliverysite.com/clips/watchme.mpg”) uniquely specifies a video clip file in a format recognized by the preferred CODEC installed on the user terminal.”). Thus, Kenner describes a technique that includes receiving and storing a plurality of different implementations (e.g., .mpg and .avi versions of the same video content), where each implementation corresponds to a different set of device capabilities—namely the installed CODEC. Ex. 1002 (Reddy), ¶¶120-121. Additionally, Kenner discloses or renders obvious including a reference to each implementation of said item of content in association with each item of content in the product catalog through its disclosure of URLs and directories on the server identified by the URL, which by its nature provides a reference to the files—each implementation of the video—stored in the directory. Ex. 1002 (Reddy), ¶¶125-126, 144.

The POSITA would have found it obvious to modify Senoh using Kenner’s techniques because a POSITA would have looked for a technique to ensure that the previews served to the user terminal could be decoded by the terminal because an appropriate CODEC was installed on the user terminal; this would have allowed the user to view or listen to the preview. Ex. 1002 (Reddy Decl.), ¶132. The POSITA would have found a solution to this need in Kenner. Ex. 1002 (Reddy Decl.), ¶133. A POSITA would have looked to Kenner for several reasons.

First, Kenner provides a simple technique using traditional HTTP protocols and Internet programming to identify which CODECs are installed on a user terminal and uses those techniques

and tools to server the correct versions of content to a user terminal so that it can be conveyed to the subscriber. Ex. 1002 (Reddy Decl.), ¶¶134-136.

Second, POSITAs knew that different devices have different capabilities to view multimedia content and that content like Senoh's previews needed to be delivered to devices in a format that the devices could interpret and display or playback. Ex. 1002 (Reddy Decl.), ¶131; Ex. 1004 (Senoh), ¶[0008] ("A problem arises . . . when the specifications of the distributed content differ from the specifications of content that is viewable on the user's terminal or monitor, resulting in the user being unable to enjoy the content."). And, when the user terminal lacks the correct software (i.e., CODEC) for playing content, they may find it difficult, inconvenient, or time-consuming to download. Ex. 1006 (Kenner), 2:19-32. A POSITA would have been motivated to perform a step of receiving preview data in different implementations corresponding to different device capabilities for the various devices that access Senoh's catalog so that a wide variety of devices can preview the content from the catalog using CODECs installed on the terminals. Ex. 1004 (Senoh), ¶[0043] (explaining that the catalog is for marketing "content to a wider audience"); Ex. 1002 (Reddy Decl.), ¶132.

Third, POSITAs knew that content creators wanted to have control over the presentation of different versions of their content to ensure that they displayed the way that they wanted them to display. Ex. 1002 (Reddy Decl.), ¶138 (citing Ex. 1008 (Britton), p.156 ("The primary advantages of static transcoding are quality of presentation and performance.[ ] Each page is constructed by a human designer, generally working with tools that show how the application will look or sound and thus allowing the presentation to be hand-tailored for each environment.")). Thus, to provide content creators the ability to have control over the appearance of different implementations the POSITA would have seen a benefit to having the content server maintain different, preformatted implementations of the previews and provide those to Senoh's relay server to market the content. Ex. 1002 (Reddy Decl.), ¶138; Ex. 1008 (Britton), p.156.

Fourth, POSITAs also knew that latency in viewing content on the Web affected the user experience. Ex. 1002 (Reddy Decl.), ¶137. For example, if the product catalog loads slowly, this may give the end-user the perception that quality is bad, or at least may frustrate the end-user. *Id.* Thus, a POSITA would have been encouraged to ensure that the product catalog loaded on the user's device quickly, while providing an experience that engaged the user. Ex. 1002 (Reddy Decl.), ¶137. Transcoding the content into different implementations before the content was

requested by a user was a known way to reduce latency, particularly in cases in which resource-intensive encoding for audio or video was to be performed. *Id.*, ¶137. This was recognized by those in the art before 2002. *See, e.g.*, Ex. 1007 (Li), 3:8-10 (“Thus, the invention can handle media items such as video and audio which are difficult to handle in conventional proxies. This off-line transcoding also leads to lower response latencies than proxies.”). A POSITA would have recognized that if the catalog previews were stored at the relay and transcoded on the fly, potentially many different items would need to be transcoded to be viewed, thus increasing the load time of the catalog itself, to the detriment of the user experience—potentially costing a sale. Ex. 1002 (Reddy Decl.), ¶137. And, if the catalog previews were stored at content servers, a POSITA would have realized that the process of fetching numerous catalog previews from numerous sources would also decrease latency and it would have been inconsistent with the concept of storing catalog data at the relay server. Ex. 1004 (Senoh), ¶¶[0032] (copyright holder terminal 20 and content server 2 could be the same computer), [0035] (each copyright holder is assigned a unique copyright holder identifier), [0054] (copyright holder identifier added to catalog data before it is sent to the relay server), FIG. 5 (showing multiple copyright holder IDs, meaning that the ID table 22 in the relay server identifies content from multiple copyright holders and content server/copyright holder terminals).

Fifth, storing multiple implementations of an item of content (previews) is one of a finite number of predictable solutions available to the POSITA for enabling content to be tailored to the user terminals requesting Senoh’s previews. Ex. 1002 (Reddy Decl.), ¶138. Indeed, besides receiving and storing different implementations of items of content, one implementation could be received and transcoded at the relay server; implementations may be transcoded on the fly from a single implementation, or, contrary to Senoh’s teachings, the catalog content could be kept at content servers and either transcoded there statically or dynamically. *Id.*. These solutions all had predictable results as the concepts of “static” transcoding and “dynamic” transcoding were discussed in the literature and had known implications. *See, e.g.*, Ex. 1008, pp.154-157. Thus, a POSITA would have found it obvious to use Kenner’s system and methods for retrieving content of a particular format keyed to the device capabilities of the requesting device in connection with Senoh’s catalog including previews such as video or audio. As explained above, Senoh teaches an online catalog for browsing multimedia content. Ex. 1004 (Senoh), ¶¶[0043]-[0044]. The catalog can include previews of the audio or video. *Id.*, ¶[0044]. Yet, Senoh does not explain how to better

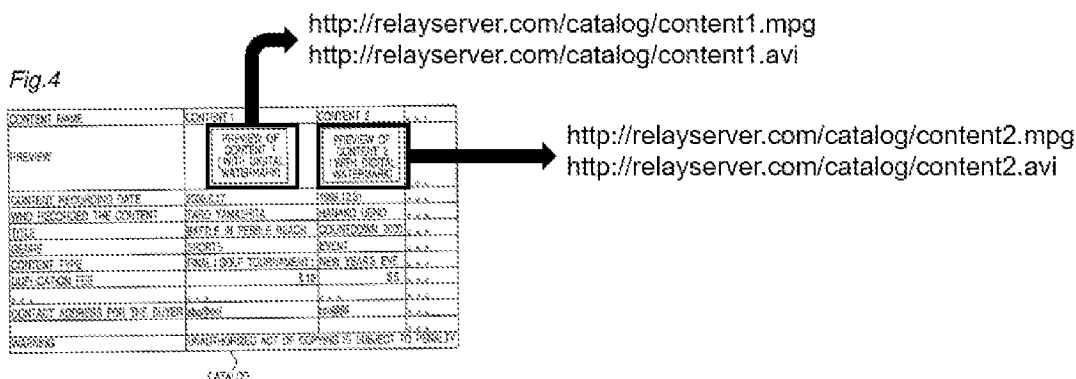
ensure that the multimedia previews could be viewed on the user terminal. Thus Senoh does not disclose a way to ensure that the previews sent to a user's terminal, such as a wireless communication device, would actually be seen on the user terminal or rendered in the best format for the device. Ex. 1002 (Reddy), ¶131. A POSITA would have been motivated to look to Kenner for the reasons discussed above. The POSITA would have been motivated to use the techniques disclosed in Kenner with the catalog of Senoh to address these shortcomings because it would have allowed the preview content to be played by various user terminals having different capabilities (i.e., installed CODECs) through the automatic selection of content that can be played by the terminal. Ex. 1002 (Reddy Decl.), ¶132, 135, 140. This would have minimized user frustration in either not being able to view certain content or having to locate and install a particular CODEC (if possible) to play the one version of content stored at Senoh's relay server. Ex. 1002 (Reddy Decl.), ¶139. The use of Kenner's known technique to allow the system to automatically correlate pre-stored video having particular formats with user terminals having the installed CODEC software to decode and play that content would have merely applied a known technique to Senoh's catalog and would have yielded only predictable results of allowing a diverse set of devices with different CODECs to view the previews of the content items through the catalog site. Ex. 1002 (Reddy Decl.), ¶140. The POSITA would have looked to Kenner to provide a technique that allowed the system to correlate between installed CODECs on client terminals and available implementations of the items of content. Ex. 1002 (Reddy Decl.), ¶141. Because the interrelated techniques were taught in detail in the prior art, and the art was predictable and well-understood, the POSITA would have had a reasonable expectation of success in combining Senoh's relay server and catalog with Kenner's technique for ensuring that user terminals could view video files. Ex. 1002 (Reddy Decl.), ¶143.

Additionally, Senoh does not explicitly teach that the product catalog *includes, in association with each item of digital content, a reference to each implementation of said item of digital content*. But this feature would have been obvious over the combined teachings of Senoh and Kenner. The POSITA would have found it obvious to store multiple implementations (formats) of Senoh's preview content at Senoh's relay server based on the teachings of Kenner. In doing so, a POSITA would have further found it obvious to include *a reference to each implementation of said item of digital content* through use of a directory structure on the relay server. Ex. 1002 (Reddy Decl.), ¶¶124-127, 144. As taught by Kenner, if an acceptable codec is

installed on the end-user's terminal, "a URL is created from the storage location of the video clip (step 128)." Ex. 1006 (Kenner), 18:48-50. "For example, such a created URL might be "http://deliverysite.com/clips/watchme." *Id.*, 18:48-51. But, this URL is missing the "format type extension," such as ".mpg" or ".avi." *Id.*, 18:50-56.

In implementing Senoh's product catalog, including, for example, previews of video and/or audio content using Kenner's techniques, each preview would be stored in a particular directory associated with that preview (e.g., /clips/watchme in the context of Kenner's example). Ex. 1002 (Reddy Decl.), ¶125. The directory structure including /clips/watchme" is a reference to each implementation of the digital content called "watchme" because it unambiguously identifies all the files stored in that directory with the name "watchme." Ex. 1002 (Reddy Decl.), ¶125. In other words, /clips/watchme is the directory in which each implementation of watchme is stored including watchme.mpg and watchme.avi. *Id.*

In implementing the combined Senoh-Kenner system, to select one of the versions of the preview, the POSITA would have used Kenner's explicit reference to each of the implementations stored in a directory including all versions of the particular preview (e.g., /clips/watchme according to Kenner's example). Ex. 1002 (Reddy Decl.), ¶¶125-126, 144. In a combined Senoh-Kenner system, the POSITA would have understood that references such as "catalog/content1" and "catalog/content2" provided a reference to each implementation of the item of digital content, thus allowing the specific implementations required by the client terminal to be accessed by appending the correct file extension to the name. Ex. 1002 (Reddy Decl.), ¶126.



For these reasons, the POSITA would have found it obvious to modify Senoh in view of Kenner so that Senoh received and stored different implementations of at least one preview in Senoh's catalog where the different implementations correspond to different device capabilities of

user terminals and Senoh's catalog including references to the different implementations to allow them to be identified and selected for provision to a requesting user terminal. Ex. 1002 (Reddy Decl.), ¶144.

#### 4. Senoh in view of Kenner Presents a SNQ

This combination of references teaches subject matter that goes to the heart of the reasons that the claims were deemed allowable—namely the receipt and storage of multiple implementations of items of content and making items of content available to subscribers via a product catalog that contains descriptions of such items of content. *See supra* §II.B.

The examiner did not have the teachings of Senoh or Kenner when concluding that the prior art did not teach “a method and system of accessing content on a wireless communication device, that specifically includes *receiving and storing a plurality of different implementations of the items of content*,” Ex. 1003 (File History), 43. As explained above, Kenner teaches creating multiple implementations of items of content (e.g., file.mpg, file.avi) for viewing on user terminals with different capabilities (e.g., installed CODECs). *Supra* §III.B.2. Moreover, the Examiner did not have the teachings of Senoh when concluding that the prior art did not disclose “maintaining a catalog describing the items of content.” Ex. 1003 (File History), 43. This is illustrated in Senoh, for example, at Figure 4:

*Fig.4*

| CONTENT NAME                  | CONTENT 1                                              | CONTENT 2                                              |  |
|-------------------------------|--------------------------------------------------------|--------------------------------------------------------|--|
| PREVIEW                       | PREVIEW OF<br>CONTENT 1<br>(WITH DIGITAL<br>WATERMARK) | PREVIEW OF<br>CONTENT 2<br>(WITH DIGITAL<br>WATERMARK) |  |
| CONTENT RECORDING DATE        | 2000.6.17                                              | 1999.12.31                                             |  |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                         | HANAKO UENO                                            |  |
| TITLE                         | BATTLE IN PEBBLE BEACH                                 | COUNTDOWN 2000                                         |  |
| GENRE                         | SPORTS                                                 | EVENT                                                  |  |
| CONTENT TYPE                  | FINAL (GOLF TOURNAMENT)                                | NEW YEAR'S EVE                                         |  |
| DUPLICATION FEE               | \$10                                                   | \$5                                                    |  |
| CONTACT ADDRESS FOR THE BUYER | taro@del                                               | hiko@k                                                 |  |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY      |                                                        |  |

CATALOG

Ex. 1004 (Senoh), FIG. 4; ¶[0024] (“FIG. 4 is an example of a catalog containing plural catalog data entries.”).

As explained above and demonstrated in further detail herein, *infra* §IV.B and in Appendix B, claims 1-2, 4, and 8-9 would have been obvious over the combination of Senoh and Kenner and should not have issued. Therefore, Senoh and Kenner present a substantial new question of patentability that should be resolved through reexamination.

**C. SNQ3: Senoh in view of Li Renders Claims 1-2, 4, and 8-9 Obvious and Presents a Substantial New Question of Patentability**

**1. Overview of Senoh (Ex. 1004)**

An overview of the relevant teachings of Senoh is discussed above. *Supra* §III.A.1.

**2. Overview of Li (Ex. 1007)**

Li describes a technique for optimizing the delivery of various types of multimedia content including “video, images, graphics, text and audio.” Ex. 1007, 1:24-26. Li explains that a “wide variety of devices over a wide range of network environments” may access multimedia information, and that this includes devices like “personal computers on a local area network (LAN), personal digital assistants (PDAs) on dial-up modems and smart cellular phones,” which have different screen sizes, resolution, color depth, network bandwidth, and computing power. Ex. 1007, 1:26-36. As Li explains, universal multimedia delivery methods “need to account for the composite nature of Web documents, and the variety of client platform capabilities, user interests, network constraints and authoring policies.” *Id.*, 1:37-42.

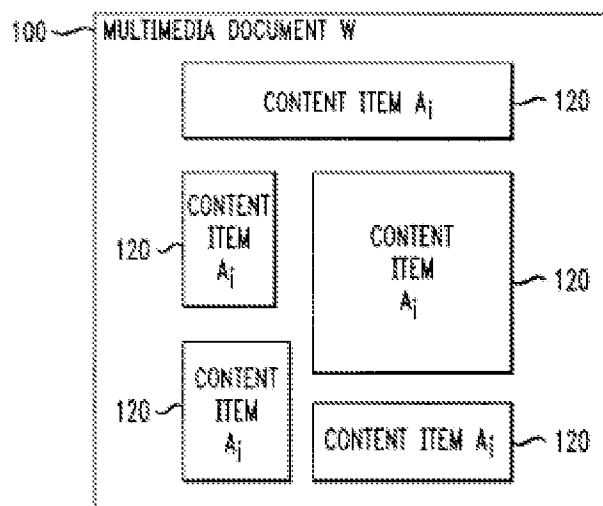
Li thus “relates to delivery of multimedia content to client devices, and more particularly, to methods and apparatus for adapting such multimedia content for diverse client devices.” *Id.*, 1:18-21. Li teaches “[a] method of adapting multimedia content to a client device wherein the multimedia content includes one or more items and the client device has capabilities and resources associated therewith . . . .” Ex. 1007, Abstract. The multimedia content is transcoded “into a plurality of transcoded content versions, wherein the plurality of transcoded content versions have different modalities and resolutions associated therewith.” *Id.* When a transcoded version of the content is not compatible with the client device’s capabilities, it is “filtered out.” *Id.*; *see also id.*, 6:50-56, 10:63-67.

Content may be initially authored as text or an image. Ex. 1007, 2:21-23. Next, each content item is “transcoded into multiple resolution and modality versions so that they can be rendered on different devices.” *Id.*, 2:23-25. According to one example, “a video item is transcoded into a selected set of images so that it can be rendered on a device not capable of displaying video.” *Id.*, 2:25-28. “Each version of a content item requires different resources from the client device.” *Id.*, 2:29-30. “If the client has limited resources, e.g., such as a PDA or pager, some of the content items may not get any resources assigned and thus not be delivered to the client.” *Id.*, 2:34-39.

Li describes the use of a data structure called an “InfoPyramid,” which represents different transcoded versions of the content and the use of InfoPyramids to select appropriate content for the user terminal using filtering and resource allocation processes. *Id.*, 2:40-48, 4:49-67. Using Li’s techniques the “content author” can “edit and replace transcoded versions of content items generated by the automated transcoding systems,” thus giving the content owner control over customization and the overall content—an advantage sought by content creators. Ex. 1007 (Li), 2:56-62. To enable more efficient handling of audio and video content, “the invention permits the transcoded versions of the content items to be generated prior to any requests.” *Id.*, 3:4-6. “This off-line transcoding also leads to lower response latencies than proxies.” *Id.*, 3:8-10.

Li’s Figure 1 shows “an example of a multimedia document.” Ex. 1007, 4:4-5.

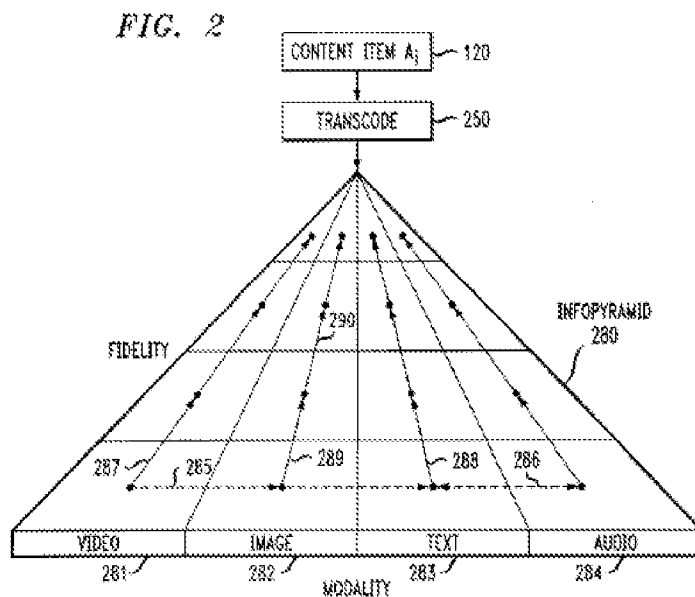
**FIG. 1**



Ex. 1007, FIG. 1. As explained in Li and shown in Figure 1, the document is identified as 100 and includes content items A<sub>i</sub> identified as number 120. Ex. 1007, 4:4-14. “Each content item A<sub>i</sub>, can

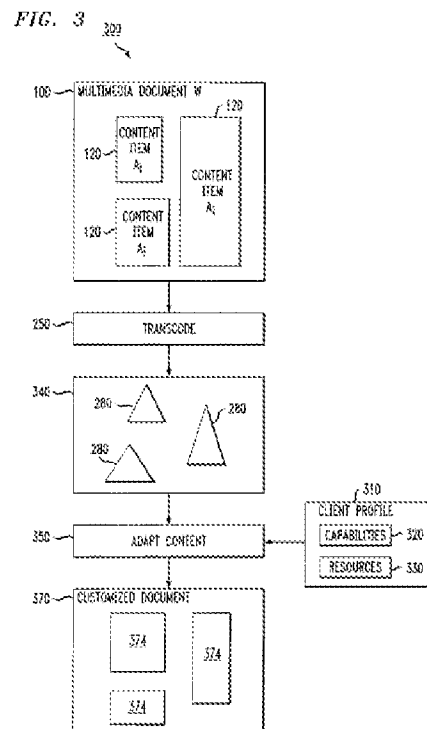
be an atomic unit of media such as, for example, an image.” *Id.*, 4:14-16.

An InfoPyramid is shown in Figure 2 (below). Ex. 1007, 4:20-23.



Ex. 1007, FIG. 2. “A content item 120 is transcoded . . . into an InfoPyramid 280” which is shown here as having several different resolutions and modalities. *Id.*, 4:21-26; *id.*, 5:6-8 (“The transcoding process 250 populates the InfoPyramid 280 structure with multi-resolution, multi-modal versions of the content item . . .”). “A specific version of a multimedia item can be referred to be one of the cells.” *Id.*, 4:66-67.

Li’s provides “a flow chart of a method 300 of adapting multimedia document 100 to a client device according to the invention” as Figure 3 (see right). Ex. 1007, 5:63-65, FIG. 3. The client device provides a client profile 310 to the system and this client profile specifies capabilities and resources. *Id.*, 5:65-66, 6:8-9. Capabilities include the ability to display image, video, and audio replay capabilities, and color capabilities. *Id.*, 6:9-19. Resources include things like screen size, bandwidth, and storage capacity. *Id.*, 6:19-29. The client device provides a profile through any one of a “number of mechanisms,” including the User-Agent field



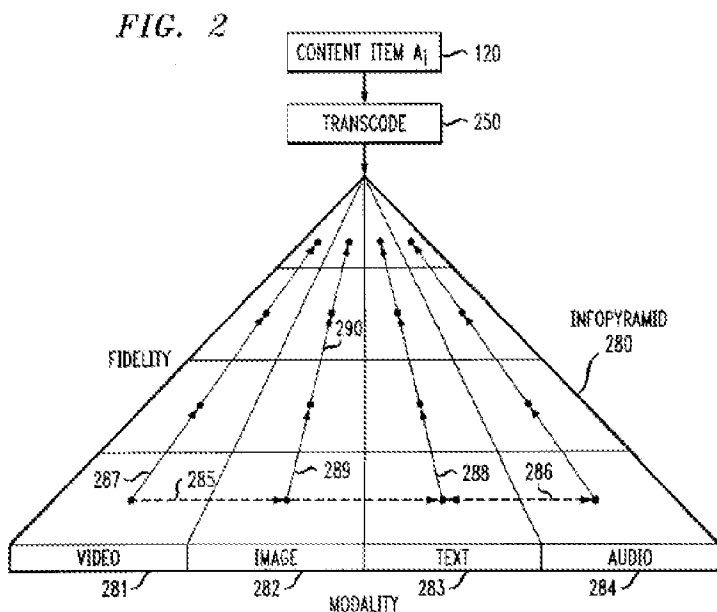
in an HTTP request as one example. Ex. 1007, 7:30-31. Content items 120 are transcoded into different versions (modalities and fidelities or qualities) and stored in a structure called an InfoPyramid, as discussed above. Using the client device profile, the correct modality and fidelity of the content item can be chosen from the InfoPyramids and unsupported content is filtered out such that it is not provided to the user terminals. *Id.*, 6:42-67; FIG. 3.

### 3. Motivation to Combine Senoh and Li

As explained in detail in Appendix C, the subject matter of the claims for which reexamination is requested would have been obvious based on the combination of Senoh and Li.

A POSITA would have understood that while Senoh teaches a product catalog that includes information about multiple items of content including text and video clips that are provided from content creators, *see* Ex. 1004 (Senoh), ¶¶[0043]-[0045], FIG. 4; Ex. 1002 (Reddy Decl., ¶¶190-191, 210, Senoh does not describe techniques for ensuring that the catalog previews can be accessed by devices with different device capabilities to ensure that the content provided from the catalog can be viewed on the client devices, Ex. 1002 (Reddy Decl.), ¶207. Therefore, the POSITA would have looked at prior art solutions to make the catalog as accessible to end-users as possible to achieve the goal of allowing the content to be marketed to “a wider audience” as taught by Senoh. Ex. 1004 (Senoh), ¶[0043]; Ex. 1002, ¶207.

A POSITA would have found a solution in Li. Specifically, the POSITA would have seen that Li teaches a way of transcoding content into numerous different formats to create what Li calls “InfoPyramids.” Ex. 1007 (Li), 2:40-47, 5:66-6:2 (“As shown in FIG 2, the content items 120 of a multimedia document 100 are transcoded (250) into multiple modality and fidelity versions to generate a set of InfoPyramids 280.”).



Therefore, Li teaches transcoding content items into *a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities*. As taught in Li, based on the client device capabilities and resources provided in a client device profile, an appropriate implementation of the item of content can be selected for the device, e.g., “all versions that are in video modality can be filtered out if the device is not capable of displaying video” and “all versions that are color images can be filtered out for a device that has only a black and white or gray-level screen.” Ex. 1007 (Li), 6:52-56.

The POSITA would have looked to Li to improve Senoh’s catalog display techniques for several reasons. First, a POSITA knew that different devices have different capabilities to view multimedia content and that content like Senoh’s previews needed to be delivered to devices in a format that the devices could interpret and display or playback. Ex. 1002 (Reddy Decl.), ¶¶39-44, 205; Ex. 1004 (Senoh), ¶[0008] (“A problem arises . . . when the specifications of the distributed content differ from the specifications of content that is viewable on the user’s terminal or monitor, resulting in the user being unable to enjoy the content.”). And, when the user terminal lacks the correct software (i.e., CODEC) for playing content, they may find it difficult, inconvenient, or time-consuming to download. Ex. 1006 (Kenner), 2:19-32. A POSITA would have been motivated to perform a step of receiving preview data in different implementations corresponding to different device capabilities for the various devices that access Senoh’s catalog so that a wide variety of devices can preview the content from the catalog using CODECs installed on the terminals. Ex. 1004 (Senoh), ¶[0043] (explaining that the catalog is for marketing “content to a wider audience”); Ex. 1002 (Reddy Decl.), ¶207.

Second, POSITAs knew that content creators wanted to have control over the presentation of different versions of their content to ensure that they displayed the way that they wanted them to display. Ex. 1002 (Reddy Decl.), ¶209 (discussing Ex. 1008 (Britton), p.156 (“The primary advantages of static transcoding are quality of presentation and performance.[ ] Each page is constructed by a human designer, generally working with tools that show how the application will look or sound and thus allowing the presentation to be hand-tailored for each environment.”)). Thus, to provide content creators the ability to have control over the appearance of different implementations the POSITA would have seen a benefit to having the content server maintain different, preformatted implementations of the previews and provide those to Senoh’s relay server

to market the content. Ex. 1002 (Reddy Decl.), ¶209; Ex. 1008 (Britton), p.156.

Third, POSITAs also knew that latency in viewing content on the Web affected the user experience. Ex. 1002 (Reddy Decl.), ¶210. For example, if the product catalog loads slowly, this may give the end-user the perception that quality is bad, or at least may frustrate the end-user. *Id.* Thus, a POSITA would have been encouraged to ensure that the product catalog loaded on the user's device quickly, while providing an experience that engaged the user. Ex. 1002 (Reddy Decl.), ¶¶210, 215. Transcoding the content into different implementations before the content was requested by a user was a known way to reduce latency, particularly in cases in which resource-intensive encoding for audio or video was to be performed. *Id.*, ¶¶210, 215. This was recognized by those in the art before 2002. *See, e.g.*, Ex. 1007 (Li), 3:8-10 (“Thus, the invention can handle media items such as video and audio which are difficult to handle in conventional proxies. This off-line transcoding also leads to lower response latencies than proxies.”). A POSITA would have recognized that if the catalog previews were stored at the relay and transcoded on the fly, potentially many different items would need to be transcoded to be viewed, thus increasing the load time of the catalog itself, to the detriment of the user experience—potentially costing a sale. Ex. 1002 (Reddy Decl.), ¶210. And, if the catalog previews were stored at content servers, a POSITA would have realized that the process of fetching numerous catalog previews from numerous sources would also decrease latency, Ex. 1002 (Reddy Decl.), ¶¶210, 215, and it would have been inconsistent with Senoh's concept of storing catalog data at the relay server, Ex. 1004 (Senoh), ¶¶[0032] (copyright holder terminal 20 and content server 2 could be the same computer), [0035] (each copyright holder is assigned a unique copyright holder identifier), [0054] (copyright holder identifier added to catalog data before it is sent to the relay server), FIG. 5 (showing multiple copyright holder IDs, meaning that the ID table 22 in the relay server identifies content from multiple copyright holders and content server/copyright holder terminals).

Fourth, storing multiple implementations of an item of content (previews) is one of a finite number of predictable solutions available to the POSITA for enabling content to be tailored to the user terminals requesting Senoh's previews. Ex. 1002 (Reddy Decl.), ¶211. Indeed, besides receiving and storing different implementations of items of content, one implementation could be received and transcoded at the relay server; implementations may be transcoded on the fly from a single implementation, or, contrary to Senoh's teachings, the catalog content could be kept at content servers and either transcoded there statically or dynamically. *Id.* These solutions all had

predictable results as the concepts of “static” transcoding and “dynamic” transcoding were discussed in the literature and had known implications. *See, e.g.*, Ex. 1008, pp.154-157.

It would have been obvious to transcode content in Senoh’s content servers to create InfoPyramids using techniques taught in Li so that InfoPyramids could be received and stored at relay servers to enable selection of the best implementation of the content to present to a particular user terminal based on a device’s capabilities as taught in Li. Ex. 1002 (Reddy), ¶¶212-213. A POSITA would have found the inclusion of Li’s known technique would have improved Senoh’s catalog system in the same way that improved Li’s system over prior art techniques for allowing various devices to view multimedia content on a Web page that is tailored to the device. *Id.*, ¶212. Applying the Li techniques to content for Senoh’s catalog would have allowed consumers of video or audio content to browse Senoh’s catalog for content using a variety of devices with a variety of capabilities thus accomplishing the intended goal of Senoh’s product catalog—i.e., “to market the content to a wider audience.” Ex. 1004 (Senoh), ¶[0043].

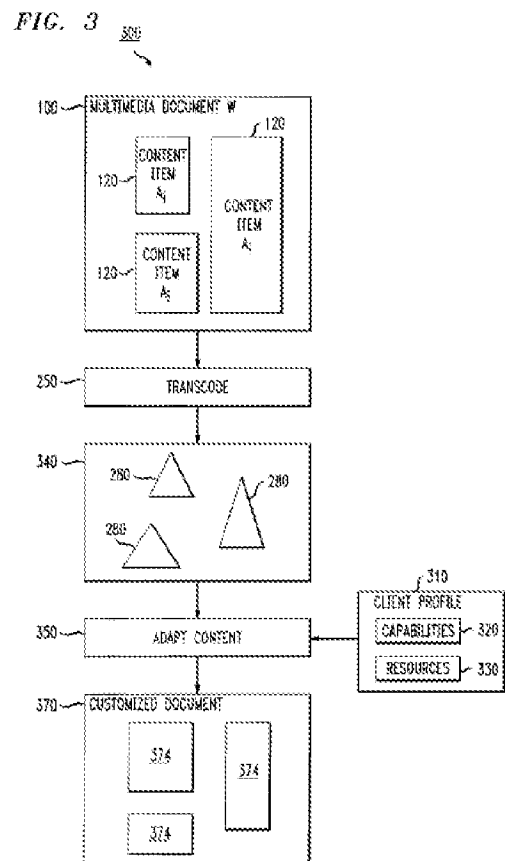
Moreover, applying Li’s technique for adapting content to a variety of user terminals including “PDAs” and “smart cellular phones,” Ex. 1007 (Li), 1:31-36, would have merely applied Li’s known technique for transcoding various types of content such as Senoh’s text and video and audio clips into different fidelity and/or modalities to allow as many users to view the content as possible from their mobile devices, *id.*, 4:58-67. Additionally, applying Li’s known technique to Senoh’s system to allow the relay server to receive items of information in multiple different implementations tailored for a variety of different user terminals would have improved Senoh’s catalog by enabling it to be viewed on a wide variety of different end user devices. Ex. 1002 (Reddy Decl.), ¶¶212-213. Thus, applying Li to Senoh’s catalog technique would have improved Senoh in the same way as it improved Li over the prior art. Ex. (Reddy Decl.) 1002, ¶¶212, 215. At the very least, applying Li’s techniques on the data to be served to the relay server from Senoh’s content servers for use in Senoh’s catalogs would have improved upon Senoh in a predictable manner—by allowing catalog content to be tailored for many different types of devices so that the content could be marketed to wider audiences. Ex. 1002 (Reddy Decl.), ¶215. The POSITA would have reasonably expected to succeed in combining Senoh and Li because Li’s transcoding techniques were known and predictable and combining them with Senoh would have merely combined the known transcoding techniques with known and Internet-based technologies to provide Senoh’s product catalog to user devices. Ex. 1002 (Reddy Decl.), ¶216.

Additionally, Senoh does not explicitly teach that the product catalog *includes, in association with each item of digital content, a reference to each implementation of said item of digital content*. But, this feature would have been obvious over the combined teachings of Senoh and Li. As explained in connection with *Limitation [1Aii]*, above, it would have been obvious to store multiple implementations (formats) of Senoh’s catalog content at Senoh’s relay server in data structures such as Li’s InfoPyramids based on Li’s teachings. In doing so, a POSITA would have understood that *a reference to each implementation of said item of digital content* was needed to identify the specific InfoPyramid for a specific item of information. More specifically, a POSITA would have understood that there needed to be a reference from the content items—e.g., Senoh’s previews—and the InfoPyramid that defines various implementations of that content item stored at the relay server. Ex. 1002 (Reddy Decl.), ¶¶199-202, 217. Such a reference is needed to tie the items (previews) in the catalog to the InfoPyramid including the implementations and without such a reference the system would not be able to correlate items to InfoPyramids. Ex. 1002 (Reddy Decl.), ¶202.

When a document (e.g., Senoh’s product catalog) includes multiple items of information with multiple components, each of the items can be represented in its own InfoPyramid (280), as indicated in Li’s FIG. 3 (right).

Thus, a document such as Senoh’s product catalog includes a number of content items (e.g., text, video previews) that each provide a *product catalog* which includes *in association with each item of content* (e.g., “Content 1’s” preview) *a reference to each implementation of said item of content*—i.e., a reference to the particular InfoPyramid in the combined Senoh-Li system that includes the “multiple representations of a multimedia item . . . organized into a pyramid-like data structure, as illustrated in FIG. 2.” Ex. 1007 (Li), 4:58-61. These different implementations

are further described by Li as follows: “The cells of the pyramid correspond to different



representations of the objects using different modalities such as, for example, video 281, image 282, audio 283 and text 284, and fidelities such as in the range of full-resolution (bottom of the pyramid) to low-resolution (top of the pyramid). A specific version of a multimedia item can be referred to by one of the cells.” Ex. 1007 (Li), 4:61-67. The POSITA would have understood that in implementing Senoh’s product catalog using Li’s InfoPyramids, each item of information—e.g., preview of Content 1 or a preview of Content 2—would be associated with multiple implementations of that item as defined in the InfoPyramid and that the process of selecting which, if any, implementation is to be provided to the user terminal required use of a *reference to* the specific InfoPyramid—i.e., to *each implementation of said item of content* to allow selection of the appropriate item of content for the end user terminal. Ex. 1002 (Reddy Decl.), ¶202.

For these reasons, the POSITA would have found it obvious to modify Senoh in view of Li so that Senoh received and stored different implementations of previews in InfoPyramids such that an implementation would be selected to match the device capabilities, and including a reference in Senoh’s catalog to each implementation of the previews stored in an InfoPyramid for to properly associate the preview with the aspect of the product catalog including the particular preview of the content. Ex. 1002 (Reddy Decl.), ¶217.

#### **4. Senoh in view of Li Presents a SNQ**

This combination of references teaches subject matter that goes to the heart of the reasons that the claims were deemed allowable—namely the receipt and storage of multiple implementations of items of content and making items of content available to subscribers via a product catalog that contains descriptions of such items of content. *See supra* §II.B.

The examiner did not have the teachings of Senoh or Li when concluding that the prior art did not teach “a method and system of accessing content on a wireless communication device, that specifically includes *receiving and storing a plurality of different implementations of the items of content*,” Ex. 1003 (File History), 43. As explained above, Li teaches creating multiple implementations of items of content in terms of both modalities and fidelities and storing them in an InfoPyramid, which allows for the storage of multiple implementations of content and the selection of an appropriate implementation to be served to the end-user’s terminal in response to a request for the content. *Supra* §III.C.2. Moreover, the Examiner did not have the teachings of Senoh when concluding that the prior art did not disclose “maintaining a catalog describing the

items of content.” Ex. 1003 (File History), 43. This is illustrated in Senoh, for example, at Figure 4:

**Fig.4**

| CONTENT NAME                  | CONTENT 1                                         | CONTENT 2                                     |  |
|-------------------------------|---------------------------------------------------|-----------------------------------------------|--|
| PREVIEW                       | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)     | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) |  |
| CONTENT RECORDING DATE        | 2000.6.17                                         | 1999.12.31                                    |  |
| WHO RECORDED THE CONTENT      | TARO YAMASHEA                                     | HANAKO JENO                                   |  |
| TITLE                         | BATTLE IN PEBBLE BEACH                            | COUNTDOWN 2000                                |  |
| GENRE                         | SPORTS                                            | EVENT                                         |  |
| CONTENT TYPE                  | FINAL (GOLF TOURNAMENT)                           | NEW YEAR'S EVE                                |  |
| DUPLICATION FEE               | \$10                                              | \$5                                           |  |
| CONTACT ADDRESS FOR THE BUYER | abc@del                                           | ghk@hll                                       |  |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |                                               |  |

CATALOG

Ex. 1004 (Senoh), FIG. 4; ¶[0024] (“FIG. 4 is an example of a catalog containing plural catalog data entries.”).

As explained above and demonstrate in further detail herein, *infra* §IV.C and in Appendix C, claims 1, 2, 4, 8, and 9 would have been obvious over the combination of Senoh and Li and should not have issued. Therefore, Senoh and Li present a substantial new question of patentability that should be resolved through reexamination.

#### IV. DETAILED APPLICATION OF THE PRIOR ART TO EVERY CLAIM FOR WHICH REEXAMINATION IS REQUESTED

##### A. SNQ1 (Senoh in view of Agraharam; Appendix A)

Senoh in view of Agraharam renders obvious each and every element of claims 1 and 8. For ease of reference, Requester outlines examples from each reference that disclose or render obvious each associated claim limitation below. Further, a framework for a POSITA’s background knowledge and motivations to combine are provided by Requester’s expert, A.L. Narasimha Reddy, Ph.D (*see* Ex. 1002). A more detailed mapping of SNQ1 is provided in Appendix A.

**Claim 1:** [1P] *A method of providing access to content for use on wireless communication devices, the method comprising:* (Senoh describes *a method of providing access to content* by describing a “catalog” including “catalog data” which includes “previews of content highlights” accessible via a “common bulletin board,” Ex. 1004 (Senoh), ¶[0043]-[0045], and

which can be accessed via a “cellular phone,” which is a *wireless communication device*, *id.*, ¶¶[0060], [0074]; Ex. 1002 (Reddy Decl.), ¶¶71-75); **[1Ai] receiving and storing a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers**, (Senoh describes *receiving and storing a plurality of items of content* by explaining that a content server “generates and sends catalog data for the content to the relay server,” and that the relay server stores “a compiled catalog of plural catalog data entries,” including “preview[s]” or “a selection of a particular length could be provided as a preview” for music content, Ex. 1004 (Senoh), ¶¶[0044]-[0045]; Ex. 1002 (Reddy Decl.), ¶¶76-78; these *items of content* are *to be made available for use in wireless communication devices*, i.e., Senoh’s “cellular phones,” Ex. 1004 (Senoh), ¶¶[0060], [0074], which can access Senoh’s catalog, *id.*, ¶¶[0044]-[0045], and these devices are, or at least obviously would have been *used by a plurality of wireless subscribers*, Ex. 1002 (Reddy Decl.), ¶78 (citing Ex. 1011, 2:5-7 (describing cellular phone with a “subscriber identity module” (SIM) which identifies a subscriber’s device to the network))); **[1Aii] including receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities**; (Senoh discloses receiving items of content—“content highlights” and “a selection of a particular length provided as a preview,” Ex. 1004 (Senoh), ¶[0044]; Agraharam teaches or at least renders obvious *receiving a plurality of different implementations of at least one of the items of content* because Agraharam teaches “multimedia information . . . being formatted in a plurality of formats such as format-1 to format-4,” Ex. 1005 (Agraharam), 4:44-57, and which “may be deposited in [a] information delivery database,” *id.*, 4:60-67; Ex. 1002 (Reddy Decl.), ¶82; Agraharam further teaches *each implementation of any given item of content corresponds to a different set of device capabilities* because Agraharam teaches that the “multimedia information” is “preformatted into predetermined formats” and “the network information delivery device 110 can automatically determine the best information delivery parameters required for effective delivery of the information requested by the end-user,” Ex. 1005 (Agraharam), 4:27-30, and after receiving a request from a terminal “the controller 302 determines the end-user information output requirements” and “packages the information based on the end-user information output requirements,” *id.*, 5:19-24); **and [1B] maintaining a product catalog containing a description of the items of content, the product catalog including, in association with each item of content, a reference to each implementation of said item of**

*content*. (Senoh teaches *maintaining a product catalog* by explaining that the “relay server 2” stores “a compiled catalog of plural catalog data entries,” Ex. 1004 (Senoh), ¶[0044], and the *product catalog* contains *a description of the items of content* such as previews and text as shown in Senoh’s Figure 4, *id.*, FIG. 4; Senoh in view of Agraharam render obvious *including in association with each item of content, a reference to each implementation of said item of content* because Senoh’s catalog entries would identify the previews—i.e., “multimedia information . . . being formatted in a plurality of formats such as format-1 to format-4,” Ex. 1005 (Agraharam), 4:44-57).

**Claim 8:** *[8P] A system comprising* (Senoh discloses *a system* because it describes “an electronic distribution system,” Ex. 1004 (Senoh), Abstract, FIG. 2); *[8A] a network interface through which to communicate over a communication network; and* (Senoh discloses or renders obvious a *network interface through which to communicate over a communication network* because it discloses a “relay server” and “content server” which are “connected to a communication network 4, such as the Internet, through which they can communicate with each other,” Ex. 1004 (Senoh), ¶[0029], and an POSITA would have known that *a network interface* allowed servers to interface with the physical communication medium over which data is transmitted, Ex. 1002 (Reddy Decl.), ¶108); *[8B] a download manager to* (Senoh’s relay server constitutes a *download manager* that performs the claimed functions, Ex. 1004 (Senoh), ¶[0029]; Ex. 1001, 3:66-4:1 (defining download manger); Ex. 1002, ¶109); *[8Bi] receive and store a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless telecommunications subscribers,* (Senoh describes a download manager that can *receive and store a plurality of items of content* by explaining that a content server “generates and sends catalog data for the content to the relay server,” and that the relay server stores “a compiled catalog of plural catalog data entries,” including “preview[s]” or “a selection of a particular length could be provided as a preview” for music content, Ex. 1004 (Senoh), ¶¶[0044]-[0045]; Ex. 1002 (Reddy Decl.), ¶¶76-78, 110; these *items of content* are *to be made available for use in wireless communication devices*, i.e., Senoh’s “cellular phones,” Ex. 1004 (Senoh), ¶¶[0060], [0074], which can access Senoh’s catalog, *id.*, ¶¶[0044]-[0045], and these devices are, or at least obviously would have been *used by a plurality of wireless subscribers*, Ex. 1002 (Reddy Decl.), ¶¶76-78, 110 (citing Ex. 1011, 2:5-7 (describing cellular phone with a “subscriber identity module” (SIM) which identifies a subscriber’s device to the network))); *[8Bii]*

*including receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities;* (Senoh discloses receiving items of content—“content highlights” and “a selection of a particular length provided as a preview,” Ex. 1004 (Senoh), ¶[0044]; Agraharam teaches or at least renders obvious *receiving a plurality of different implementations of at least one of the items of content* because Agraharam teaches “multimedia information . . . being formatted in a plurality of formats such as format-1 to format-4,” Ex. 1005 (Agraharam), 4:44-57, and which “may be deposited in [a] information delivery database,” *id.*, 4:60-67; Ex. 1002 (Reddy Decl.), ¶¶82, 111; Agraharam further teaches *each implementation of any given item of content corresponds to a different set of device capabilities* because Agraharam teaches that the “multimedia information” is “preformatted into predetermined formats” and “the network information delivery device 110 can automatically determine the best information delivery parameters required for effective delivery of the information requested by the end-user,” Ex. 1005 (Agraharam), 4:27-30, and after receiving a request from a terminal “the controller 302 determines the end-user information output requirements” and “packages the information based on the end-user information output requirements,” *id.*, 5:19-24); *and [8Biii] maintain a product catalog containing a description of the items of content, the product catalog including, in association with each item of content, a reference to each implementation of said item of content.* (Senoh teaches *maintaining a product catalog* by explaining that the “relay server 2” stores “a compiled catalog of plural catalog data entries,” Ex. 1004 (Senoh), ¶[0044], and the *product catalog* contains *a description of the items of content* such as previews and text as shown in Senoh’s Figure 4, *id.*, FIG. 4; Senoh in view of Agraharam render obvious *including in association with each item of content, a reference to each implementation of said item of content* because Senoh’s catalog entries would identify the previews—i.e., “multimedia information . . . being formatted in a plurality of formats such as format-1 to format-4,” Ex. 1005 (Agraharam), 4:44-57).

## **B. SNQ2 (Senoh in view of Kenner; Appendix B)**

Senoh in view of Kenner renders obvious each and every element of claims 1, 2, 4, 8, and 9. For ease of reference, Requester outlines examples from each reference that disclose or render obvious each associated claim limitation below. Further, a framework for a POSITA’s background knowledge and motivations to combine are provided by Requester’s expert, A.L. Narasimha

Reddy, Ph.D (see Ex. 1002). A more detailed mapping of SNQ2 is provided in Appendix B.

**Claim 1: [1P] A method of providing access to content for use on wireless communication devices, the method comprising:** (Senoh describes *a method of providing access to content* by describing a “catalog” including “catalog data” which includes “previews of content highlights” accessible via a “common bulletin board,” Ex. 1004 (Senoh), ¶¶[0043]-[0045], and which can be accessed via a “cellular phone,” which is a *wireless communication device*, *id.*, ¶¶[0060], [0074]; Ex. 1002 (Reddy Decl.), ¶¶71-75, 115); **[1Ai] receiving and storing a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers,** (Senoh describes *receiving and storing a plurality of items of content* by explaining that a content server “generates and sends catalog data for the content to the relay server,” and that the relay server stores “a compiled catalog of plural catalog data entries,” including “preview[s]” or “a selection of a particular length could be provided as a preview” for music content, Ex. 1004 (Senoh), ¶¶[0044]-[0045]; Ex. 1002 (Reddy Decl.), ¶¶76-78, 116; these *items of content* are *to be made available for use in wireless communication devices*, i.e., Senoh’s “cellular phones,” Ex. 1004 (Senoh), ¶¶[0060], [0074], which can access Senoh’s catalog, *id.*, ¶¶[0044]-[0045], and these devices are, or at least obviously would have been *used by a plurality of wireless subscribers*, Ex. 1002 (Reddy Decl.), ¶¶78, 116 (citing Ex. 1011, 2:5-7 (describing cellular phone with a “subscriber identity module” (SIM) which identifies a subscriber’s device to the network))); **[1Aii] including receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities; and** (Senoh discloses receiving items of content—“content highlights” and “a selection of a particular length provided as a preview,” Ex. 1004 (Senoh), ¶[0044]; Kenner teaches or at least renders obvious *receiving a plurality of different implementations of at least one of the items of content* by explaining that “a video clip is stored in a number of different compression formats at individual delivery sites connected to the Internet,” Ex. 1006 (Kenner), 7:28-30, *see also id.*, 18:6-13 (referring to a “first delivery site 26” that “includes storage for a plurality of video clips in different formats”), and Kenner explains that *each implementation of any given item of content corresponds to a different set of device capabilities* because “[t]he appropriate file format is automatically selected based on the capabilities of the user terminal making the request for data,” *id.*, at Abstract, and even if Kenner did not disclose “receiving” the implementations, it would have been obvious to receive

them at delivery sites around the Internet, Ex. 1002 (Reddy Decl.), ¶¶118-121); ***[1B] maintaining a product catalog containing a description of the items of content, the product catalog including, in association with each item of content, a reference to each implementation of said item of content.*** (Senoh teaches ***maintaining a product catalog*** by explaining that the “relay server 2” stores “a compiled catalog of plural catalog data entries,” Ex. 1004 (Senoh), ¶[0044], and the ***product catalog*** contains ***a description of the items of content*** such as previews and text as shown in Senoh’s Figure 4, *id.*, FIG. 4; Senoh in view of Kenner renders obvious ***including, in association with each item of content, a reference to each implementation of said item of content*** because Kenner explains that each implementation is referenced by a directory and file name—a “URL might be “http://deliverysite.com/clips/watchme,” which is a reference to each implementation of “watchme” such as watchme.mpg and watchme.avi, Ex. 1006 (Kenner), 18:48-56, and including such references to Senoh’s previews in Senoh’s catalog stored at the relay server would have been obvious, Ex. 1002 (Reddy Decl.), ¶¶124-126.)

**Claim 2: [2P] A method of providing access to digital content for use on wireless communication devices, the method comprising:** (Senoh describes ***a method of providing access to content*** by describing a “catalog” including “catalog data” which includes “previews of content highlights” accessible via a “common bulletin board,” Ex. 1004 (Senoh), ¶¶[0043]-[0045], and which can be accessed via a “cellular phone,” which is a ***wireless communication device***, *id.*, ¶¶[0060], [0074]; Ex. 1002 (Reddy Decl.), ¶¶71-75, 146); ***[2Ai] receiving and storing in a server system a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless subscribers,*** (Senoh describes ***receiving and storing a plurality of items of digital content*** by explaining that a content server “generates and sends catalog data for the content to the relay server,” and that the relay server—i.e., at least a part of ***a server system***—stores “a compiled catalog of plural catalog data entries,” including “preview[s]” or “a selection of a particular length could be provided as a preview” for music content, Ex. 1004 (Senoh), ¶¶[0044]-[0045]; Ex. 1002 (Reddy Decl.), ¶¶76-78, 147; these ***items of digital content*** are ***to be made available for use in wireless communication devices***, i.e., Senoh’s “cellular phones,” Ex. 1004 (Senoh), ¶¶[0060], [0074], which can access Senoh’s catalog, *id.*, ¶¶[0044]-[0045], and these devices are, or at least obviously would have been ***used by a plurality of wireless subscribers***, Ex. 1002 (Reddy Decl.), ¶¶78, 147 (citing Ex. 1011, 2:5-7 (describing cellular phone with a “subscriber identity module” (SIM) which identifies a

subscriber's device to the network))))); **[2Aii] including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities;** (Senoh discloses receiving items of content—"content highlights" and "a selection of a particular length provided as a preview," Ex. 1004 (Senoh), ¶[0044]; Kenner teaches or at least renders obvious **receiving a plurality of different implementations of at least one of the items of digital content** by explaining that "a video clip is stored in a number of different compression formats at individual delivery sites connected to the Internet," Ex. 1006 (Kenner), 7:28-30, *see also id.*, 18:6-13 (referring to a "first delivery site 26" that "includes storage for a plurality of video clips in different formats"), and Kenner explains that **each implementation of any given item of digital content corresponds to a different set of device capabilities** because "[t]he appropriate file format is automatically selected based on the capabilities of the user terminal making the request for data," *id.*, at Abstract, and even if Kenner did not disclose "receiving" the implementations, it would have been obvious to receive them at delivery sites around the Internet, Ex. 1002 (Reddy Decl.), ¶¶120-121, 148); **[2B] operating the server system to maintain a product catalog containing a description of the items of digital content wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content;** (Senoh teaches operating a "relay server"—i.e., at least a part of **the server system—to maintain a product catalog** by explaining that the "relay server 2" stores "a compiled catalog of plural catalog data entries," Ex. 1004 (Senoh), ¶[0044], and the **product catalog** contains **a description of the items of content** such as previews and text as shown in Senoh's Figure 4, *id.*, FIG. 4; Senoh in view of Kenner renders obvious **the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of content** because Kenner explains that each implementation is referenced by a directory and file name—a "URL might be "http://deliverysite.com/clips/watchme," which is a reference to each implementation of "watchme" such as watchme.mpg and watchme.avi, Ex. 1006 (Kenner), 18:48-56, and including such references to Senoh's previews in Senoh's catalog stored at the relay server would have been obvious, Ex. 1002 (Reddy Decl.), ¶125-127, 149.); **[2C] receiving a request from a wireless device used by one of the subscribers;** (Senoh in view of Kenner renders obvious **receiving a request from a wireless device used by one of the subscribers** because Kenner explains that once the

format type is determined based on the installed CODECs, the “format type extension” is “transmitted to the delivery site specified by the URL,” Ex. 1006 (Kenner), 18:61-63; Ex. 1002 (Reddy Decl.), ¶151); ***[2D] in response to the request, selecting a portion of the product catalog to be presented to the subscriber, based on device capabilities of the wireless device used by the subscriber;*** (Senoh and Kenner renders obvious that *in response to the request*—i.e., a request including the “URL” and “format type extension” taught by Kenner to Senoh’s relay server to access previews of content, causes the server select to identify the specific file associated with the URL and “format type extension,” which ultimately results in “the clip [being] downloaded (step 132)” to the Senoh’s cellular phone, Ex. 1006 (Kenner), 18:61-65; Ex. 1002 (Reddy Decl.), ¶¶153-154; only *a portion of the product catalog is presented to the subscriber* because there are different versions of the videos stored on the relay server, but only one is selected to be served to the client, Ex. 1002 (Reddy Decl.), ¶154, and this is done *based on the device capabilities of the wireless device used by the subscriber* because “[t]he appropriate file format is automatically selected based on the capabilities of the user terminal making the request for data,” *id.*, at Abstract, and even if Kenner did not disclose “receiving” the implementations, it would have been obvious to receive them at delivery sites around the Internet, Ex. 1002 (Reddy Decl.), ¶154); ***[2E] presenting the selected portion of the product catalog to the subscriber via a wireless network, such that the selection portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item.*** (Senoh in view of Kenner renders obvious *presenting the selected portion of the product catalog to the subscriber* because in the selected version of the video (e.g., .mpg or .avi)—*i.e., the selected portion of the product catalog* would be presented *to the subscriber via a wireless network*—i.e., the cellular network in the case of Senoh’s cellular phones, Ex. 1004 (Senoh), ¶¶[0060], [0074], such that *the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item* because while there may be two implementations—e.g., .avi and .mpg—only a single one is provided along with accompanying text to describe the content even though more than one version is available, Ex. 1002 (Reddy), ¶156).

**Claim 4: [4P] A method as recited in claim 2, further comprising:** (Senoh in view of Kenner renders claim 2 obvious as discussed above); ***[4A] receiving from the subscriber a request for one of the items of digital content in said portion of the product catalog;*** (Senoh discloses

*receiving from the subscriber a request* because it explains that a user can “send[] a purchase request to the content provider . . .,” Ex. 1004, ¶[0057], and the request can be for *one of the items of digital content in said portion of the product catalog* because the user can make the selection by viewing “the bulletin board 25 containing catalog data, views previews of content from the catalog data on the bulletin board 25,” and may elect to purchase the item of digital content from the catalog by contacting the content provider, Ex. 1004 (Senoh), ¶[0057]); *[4B] selecting an implementation of the requested item of digital content, based on device capabilities of the wireless device used by the subscriber; and* (Senoh discloses and renders obvious *selecting an implementation of the requested item of digital content, based on device capabilities of the wireless device used by the subscriber* because “[i]f the format of the content sent to the relay server 2 differs from the format required by the user terminal 1, the relay server 2 converts the received format to the format viewable by the user terminal 1, and then transmits the content to the user terminal 1,” where “viewable” refers to whether the terminal “supports the format in which the content will be reproduced . . . .” Ex. 1004 (Senoh), ¶[0059]; *see also id.*, ¶¶[0060]-[0061], [0064]); *[4C] downloading the selected implementation of the item of digital content to the wireless device used by the subscriber.* (Senoh discloses and renders obvious a step of *downloading the selected implementation of the item of digital content to the wireless device used by the subscriber* by explaining that when the content is in the correct format “the relay server 2 simply sends the content directly to the user terminal 1” and when the content is not in the required format “the relay server 2 converts the received format to the format viewable by the user terminal 1, and then transmits the content to the user terminal 1,” Ex. 1004 (Senoh), ¶[0059]-[0060]).

**Claim 8:** *[8P] A system comprising* (Senoh discloses *a system* because it describes “an electronic distribution system,” Ex. 1004 (Senoh), Abstract, FIG. 2); *[8A] a network interface through which to communicate over a communication network; and* (Senoh discloses or renders obvious a *network interface through which to communicate over a communication network* because it discloses a “relay server” and “content server” which are “connected to a communication network 4, such as the Internet, through which they can communicate with each other,” Ex. 1004 (Senoh), ¶[0029], and an POSITA would have known that *a network interface* allowed servers to interface with the physical communication medium over which data is transmitted, Ex. 1002 (Reddy Decl.), ¶¶108, 168); *[8B] a download manager to* (Senoh’s relay

server constitutes a *download manager* that performs the claimed functions, Ex. 1004 (Senoh), ¶¶0029]; Ex. 1001, 3:66-4:1 (defining download manger); Ex. 1002, ¶¶109, 169); **[8Bi] receive and store a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless telecommunications subscribers**, (Senoh describes a download manager that can *receive and store a plurality of items of content* by explaining that a content server “generates and sends catalog data for the content to the relay server,” and that the relay server stores “a compiled catalog of plural catalog data entries,” including “preview[s]” or “a selection of a particular length could be provided as a preview” for music content, Ex. 1004 (Senoh), ¶¶[0044]-[0045]; Ex. 1002 (Reddy Decl.), ¶¶76-77, 170; these *items of content* are *to be made available for use in wireless communication devices*, i.e., Senoh’s “cellular phones,” Ex. 1004 (Senoh), ¶¶[0060], [0074], which can access Senoh’s catalog, *id.*, ¶¶[0044]-[0045], and these devices are, or at least obviously would have been *used by a plurality of wireless subscribers*, Ex. 1002 (Reddy Decl.), ¶¶78, 170 (citing Ex. 1011, 2:5-7 (describing cellular phone with a “subscriber identity module” (SIM) which identifies a subscriber’s device to the network))); **[8Bii] including receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities; and** (Senoh discloses receiving items of content—“content highlights” and “a selection of a particular length provided as a preview,” Ex. 1004 (Senoh), ¶[0044]; Kenner teaches or at least renders obvious *receiving a plurality of different implementations of at least one of the items of content* by explaining that “a video clip is stored in a number of different compression formats at individual delivery sites connected to the Internet,” Ex. 1006 (Kenner), 7:28-30, *see also id.*, 18:6-13 (referring to a “first delivery site 26” that “includes storage for a plurality of video clips in different formats”), and Kenner explains that *each implementation of any given item of content corresponds to a different set of device capabilities* because “[t]he appropriate file format is automatically selected based on the capabilities of the user terminal making the request for data,” *id.*, at Abstract, and even if Kenner did not disclose “receiving” the implementations, it would have been obvious to receive them at delivery sites around the Internet, Ex. 1002 (Reddy Decl.), ¶¶133-138, 171); **[8Biii] maintain a product catalog containing a description of the items of content, the product catalog including, in association with each item of content, a reference to each implementation of said item of content.** (Senoh teaches *maintaining a product catalog* by explaining that the “relay server 2” stores “a compiled catalog of plural catalog data entries,” Ex.

1004 (Senoh), ¶[0044], and the *product catalog* contains *a description of the items of content* such as previews and text as shown in Senoh’s Figure 4, *id.*, FIG. 4; Senoh in view of Kenner renders obvious *including, in association with each item of content, a reference to each implementation of said item of content* because Kenner explains that each implementation is referenced by a directory and file name—a “URL might be “http://deliverysite.com/clips/watchme,” which is a reference to each implementation of “watchme” such as watchme.mpg and watchme.avi, Ex. 1006 (Kenner), 18:48-56, and including such references to Senoh’s previews in Senoh’s catalog stored at the relay server would have been obvious, Ex. 1002 (Reddy Decl.), ¶¶125-127, 144, 172-173.)

**Claim 9:** *[9P] A system comprising:* (Senoh discloses *a system* because it describes “an electronic distribution system,” Ex. 1004 (Senoh), Abstract, FIG. 2); *[9A] a processor; and* (A POSITA would have understood that Senoh discloses a processor because Senoh teaches a “content distribution system 10,” including “relay server 2,” and “content server 3,” which communicate over a “communication network 4, such as the Internet,” Ex. 1004 (Senoh), ¶[0029], data can be converted into formats such as MPEG-2 and MPEG-4, which requires a processor, Ex. 1002 (Reddy Decl.), ¶176, and Senoh explains that the operations can “be written as a computer program causing a computer to execute the various processes,” Ex. 1004 (Senoh), ¶[0081]); *[9B] a storage facility accessible to the processor and containing code which, when executed by the processor, causes the processing system to* (Senoh discloses or at least renders obvious a *storage facility accessible to the processor and containing code* by explaining that “processing operations of the various components . . . can also be written as a computer program” and “recorded to . . . flash memory or other semiconductor storage medium,” for example, Ex. 1004 (Senoh), ¶[0081], and *when executed by the processor*, the code *causes the processing system* to perform the functions described in the following limitations); *[9Bi] receive and store a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless communication subscribers* (Senoh describes *receiving and storing a plurality of items of digital content* by explaining that a content server “generates and sends catalog data for the content to the relay server,” and that the relay server—i.e., at least a part of *a server system*—stores “a compiled catalog of plural catalog data entries,” including “preview[s]” or “a selection of a particular length could be provided as a preview” for music content, Ex. 1004 (Senoh), ¶¶[0044]-[0045]; Ex. 1002 (Reddy Decl.), ¶¶ 76-77, 147, 180; these *items of digital*

*content are to be made available for use in wireless communication devices*, i.e., Senoh’s “cellular phones,” Ex. 1004 (Senoh), ¶¶[0060], [0074], which can access Senoh’s catalog, *id.*, ¶¶[0044]-[0045], and these devices are, or at least obviously would have been ***used by a plurality of wireless subscribers***, Ex. 1002 (Reddy Decl.), ¶¶78, 170 (citing Ex. 1011, 2:5-7 (describing cellular phone with a “subscriber identity module” (SIM) which identifies a subscriber’s device to the network))); ***[9Bii] including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities;*** (Senoh discloses receiving items of content—“content highlights” and “a selection of a particular length provided as a preview,” Ex. 1004 (Senoh), ¶[0044]; Kenner teaches or at least renders obvious ***receiving a plurality of different implementations of at least one of the items of digital content*** by explaining that “a video clip is stored in a number of different compression formats at individual delivery sites connected to the Internet,” Ex. 1006 (Kenner), 7:28-30, *see also id.*, 18:6-13 (referring to a “first delivery site 26” that “includes storage for a plurality of video clips in different formats”), and Kenner explains that ***each implementation of any given item of digital content corresponds to a different set of device capabilities*** because “[t]he appropriate file format is automatically selected based on the capabilities of the user terminal making the request for data,” *id.*, at Abstract, and even if Kenner did not disclose “receiving” the implementations, it would have been obvious to receive them at delivery sites around the Internet, Ex. 1002 (Reddy Decl.), ¶¶142, 181, 186); ***[9Biii] maintain a product catalog containing a description of the items of digital content, wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content;*** (Senoh teaches ***maintain[ing] a product catalog*** by explaining that the “relay server 2” stores “a compiled catalog of plural catalog data entries,” Ex. 1004 (Senoh), ¶[0044], and the ***product catalog*** contains ***a description of the items of content*** such as previews and text as shown in Senoh’s Figure 4, *id.*, FIG. 4; Senoh in view of Kenner renders obvious ***the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of content*** because Kenner explains that each implementation is referenced by a directory and file name—a “URL might be “http://deliversite.com/clips/watchme,” which is a reference to each implementation of “watchme” such as watchme.mpg and watchme.avi, Ex. 1006 (Kenner), 18:48-56, and including such references to Senoh’s previews in Senoh’s catalog stored at the relay server would have been

obvious, Ex. 1002 (Reddy Decl.), ¶¶125-127, 144, 182, 186.); *[9Biv] receive a request from a wireless device used by one of the subscribers*; (Senoh in view of Kenner renders obvious code that causes the relay server to *receive a request from a wireless device used by one of the subscribers* because Kenner explains that once the format type is determined based on the installed CODECs, the “format type extension” is “transmitted to the delivery site specified by the URL,” Ex. 1006 (Kenner), 18:61-63; Ex. 1002 (Reddy Decl.), ¶¶151, 183); *[9Bv] in response to the request, select a portion of the product catalog to be presented to the subscriber, based on device capabilities of the wireless device used by the subscriber*; (Senoh and Kenner renders obvious code that *in response to the request*—i.e., a request including the “URL” and “format type extension” taught by Kenner to Senoh’s relay server to access previews of content, causes the server select to identify the specific file associated with the URL and “format type extension,” which ultimately results in “the clip [being] downloaded (step 132)” to the Senoh’s cellular phone, Ex. 1006 (Kenner), 18:61-65; Ex. 1002 (Reddy Decl.), ¶¶154, 184; only *a portion of the product catalog is presented to the subscriber* because there are different versions of the videos stored on the relay server, but only one is selected to be served to the client, Ex. 1002 (Reddy Decl.), ¶¶154, 184, and this is done *based on the device capabilities of the wireless device used by the subscriber* because “[t]he appropriate file format is automatically selected based on the capabilities of the user terminal making the request for data,” *id.*, at Abstract) *and [9Bvi] cause the selected portion of the product catalog to be presented to the subscriber via a wireless telecommunications network, such that the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item.* (Senoh in view of Kenner renders obvious computer code that causes *the selected portion of the product catalog to be presented to the subscriber* because in the selected version of the video (e.g., .mpg or .avi)—i.e., *the selected portion of the product catalog* would be presented *to the subscriber via a wireless network*—i.e., the cellular network in the case of Senoh’s cellular phones, Ex. 1004 (Senoh), ¶¶[0060], [0074], such that *the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item* because while there may be two implementations—e.g., .avi and .mpg—only a single one is provided along with accompanying text to describe the content even though more than one version is available, Ex. 1002 (Reddy), ¶¶156, 185).

### C. SNQ3 (Senoh in view of Li; Appendix C)

Senoh in view of Li renders obvious each and every element of claims 1, 2, 4, 8, and 9. For ease of reference, Requester outlines examples from each reference that disclose or render obvious each associated claim limitation below. Further, a framework for a POSITA's background knowledge and motivations to combine are provided by Requester's expert, A.L. Narasimha Reddy, Ph.D (*see* Ex. 1002). A more detailed mapping of SNQ3 is provided in Appendix C.

**Claim 1: [1P] A method of providing access to content for use on wireless communication devices, the method comprising:** (Senoh describes *a method of providing access to content* by describing a “catalog” including “catalog data” which includes “previews of content highlights” accessible via a “common bulletin board,” Ex. 1004 (Senoh), ¶¶[0043]-[0045], and which can be accessed via a “cellular phone,” which is a *wireless communication device, id.*, ¶¶[0060], [0074]; Ex. 1002 (Reddy Decl.), ¶¶73-74, 188); **[1Ai] receiving and storing a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers,** (Senoh describes *receiving and storing a plurality of items of content* by explaining that a content server “generates and sends catalog data for the content to the relay server,” and that the relay server stores “a compiled catalog of plural catalog data entries,” including “preview[s]” or “a selection of a particular length could be provided as a preview” for music content, Ex. 1004 (Senoh), ¶¶[0044]-[0045]; Ex. 1002 (Reddy Decl.), ¶¶76-77, 189; these *items of content* are *to be made available for use in wireless communication devices*, i.e., Senoh's “cellular phones,” Ex. 1004 (Senoh), ¶¶[0060], [0074], which can access Senoh's catalog, *id.*, ¶¶[0044]-[0045], and these devices are, or at least obviously would have been *used by a plurality of wireless subscribers*, Ex. 1002 (Reddy Decl.), ¶¶78, 189 (citing Ex. 1011, 2:5-7 (describing cellular phone with a “subscriber identity module” (SIM) which identifies a subscriber's device to the network))); **[1Aii] including receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities;** (Senoh discloses receiving items of content—“content highlights” and “a selection of a particular length provided as a preview,” Ex. 1004 (Senoh), ¶¶[0044]; Li teaches storing multimedia content that is transcoded “to optimally match the capabilities of the client device requesting it,” Ex. 1007 (Li), 2:19-21, that items of content are “transcoded into multiple resolution and modality versions so that they can be rendered on different devices,” *id.*, 2:24-26, and that “the transcoded versions of content items to

be granted prior to any requests,” thus allowing the technique to be used efficiently with “media items such as video and audio,” *id.*, 3:4-10; it would have been obvious to use Li’s techniques at content servers such that multiple implementations of items of content corresponding to different sets of device capabilities are received at Senoh’s relay server, Ex. 1002 (Reddy Decl.), ¶¶190-195, 204, 207, 208-211); **and [1B] maintaining a product catalog containing a description of the items of content, the product catalog including, in association with each item of content, a reference to each implementation of said item of content.** (Senoh teaches *maintaining a product catalog* by explaining that the “relay server 2” stores “a compiled catalog of plural catalog data entries,” Ex. 1004 (Senoh), ¶[0044], and the *product catalog* contains *a description of the items of content* such as previews and text as shown in Senoh’s Figure 4, *id.*, FIG. 4; Senoh in view of Li renders obvious *including, in association with each item of content, a reference to each implementation of said item of content* because Li teaches a “multimedia document” with “a number of content items Ai,” which are associated with InfoPyramids, Ex. 1007 (Li), 4:10-13, 4:58-67 (“multiple representations of a multimedia item . . . organized into a pyramid-like data structure, as illustrated in FIG. 2” which “correspond to different representations of objects using different modalities . . . and fidelities”), FIGs. 1 & 3; associating an item of content, which in the context of Senoh may be a preview with an InfoPyramid including *each implementation of content* would have been an obvious way of associating the item of content with all of its implementations to ensure that the implementation was correctly associated with the document/catalog, Ex. 1002 (Reddy Decl), ¶¶199-202, 217).

**Claim 2: [2P] A method of providing access to digital content for use on wireless communication devices, the method comprising:** (Senoh describes *a method of providing access to content* by describing a “catalog” including “catalog data” which includes “previews of content highlights” accessible via a “common bulletin board,” Ex. 1004 (Senoh), ¶¶[0043]-[0045], and which can be accessed via a “cellular phone,” which is a *wireless communication device*, *id.*, ¶¶[0060], [0074]; Ex. 1002 (Reddy Decl.), ¶¶73-74, 219); **[2Ai] receiving and storing in a server system a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless subscribers,** (Senoh describes *receiving and storing a plurality of items of digital content* by explaining that a content server “generates and sends catalog data for the content to the relay server,” and that the relay server—i.e., at least a part of *a server system*—stores “a compiled catalog of plural catalog data entries,” including

“preview[s]” or “a selection of a particular length could be provided as a preview” for music content, Ex. 1004 (Senoh), ¶¶[0044]-[0045]; Ex. 1002 (Reddy Decl.), ¶¶147, 220; these *items of digital content* are *to be made available for use in wireless communication devices*, i.e., Senoh’s “cellular phones,” Ex. 1004 (Senoh), ¶¶[0060], [0074], which can access Senoh’s catalog, *id.*, ¶¶[0044]-[0045], and these devices are, or at least obviously would have been *used by a plurality of wireless subscribers*, Ex. 1002 (Reddy Decl.), ¶¶78, 220 (citing Ex. 1011, 2:5-7 (describing cellular phone with a “subscriber identity module” (SIM) which identifies a subscriber’s device to the network))); *[2Aii] including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities*; (Senoh discloses receiving items of content—“content highlights” and “a selection of a particular length provided as a preview,” Ex. 1004 (Senoh), ¶[0044]; Li teaches storing multimedia content that is transcoded “to optimally match the capabilities of the client device requesting it,” Ex. 1007 (Li), 2:19-21, that items of content are “transcoded into multiple resolution and modality versions so that they can be rendered on different devices,” *id.*, 2:24-26, and that “the transcoded versions of content items to be granted prior to any requests,” thus allowing the technique to be used efficiently with “media items such as video and audio,” *id.*, 3:4-10; therefore, Senoh in view of Li renders obvious *receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities*; it would have been obvious to use Li’s techniques at content servers such that multiple implementations of items of content corresponding to different sets of device capabilities are received at Senoh’s relay server, Ex. 1002 (Reddy Decl.), ¶¶79, 190-191, 204, 210-211, 221234); *[2B] operating the server system to maintain a product catalog containing a description of the items of digital content wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content*; (Senoh teaches operating a “relay server”—i.e., at least a part of *the server system—to maintain a product catalog* by explaining that the “relay server 2” stores “a compiled catalog of plural catalog data entries,” Ex. 1004 (Senoh), ¶[0044], and the *product catalog* contains *a description of the items of content* such as previews and text as shown in Senoh’s Figure 4, *id.*, FIG. 4; Senoh in view of Li renders obvious *the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of content* because

Kenner explains that each implementation is referenced by a directory and file name—a “URL might be “http://deliverysite.com/clips/watchme,” which is a reference to each implementation of “watchme” such as watchme.mpg and watchme.avi, Ex. 1006 (Kenner), 18:48-56, and including such references to Senoh’s previews in Senoh’s catalog stored at the relay server would have been obvious, Ex. 1002 (Reddy Decl.), ¶¶200-202, 222); **[2C] receiving a request from a wireless device used by one of the subscribers;** (Senoh in view of Li renders obvious *receiving a request from a wireless device used by one of the subscribers* because Senoh’s catalog is something that Senoh’s cellular phones would request, Ex. 1002 (Reddy Decl.), ¶¶224-226, and Li explains that “[a]s is well known, a Web user (client) makes a request from his client device for some particular Web document(s) or other multimedia content which may contain video, images, graphics, text, audio. The request is sent to a Web server which satisfies the request by returning the requested document to the client,” Ex. 1007 (Li), 4:5-10, and the POSITA would have understood that this is how Senoh’s clients can request catalog data from the relay server, Ex. 1002 (Reddy Decl.), ¶226); **[2D] in response to the request, selecting a portion of the product catalog to be presented to the subscriber, based on device capabilities of the wireless device used by the subscriber;** (Senoh and Li renders obvious that *in response to the request*—i.e., a request sent to the relay server to access catalog content, “client device profile” data “obtained by,” for example, “User-Agent fields in the HTTP . . . request header” is used to “filter[] out” “the versions from the InfoPyramids that do not meet client capabilities 320,” and then selects “the appropriate version 374” of the content “which has not been previously filtered out in step 420, to render the customized multimedia document 370,” Ex. 1007 (Li), 6:49-56, 10:62-65, and this process of filtering out incompatible content and selecting a part of the InfoPyramid constitutes *selecting a portion of the product catalog to be presented to the subscriber, based on the device capabilities of the wireless device used by the subscriber* when applied to Senoh’s product catalog, Ex. 1002 (Reddy Decl.), ¶¶228-230); **[2E] presenting the selected portion of the product catalog to the subscriber via a wireless network, such that the selection portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item.** (Senoh in view of Li renders obvious *presenting the selected portion of the product catalog to the subscriber* because in the selected version of the transcoded content that is not already filtered out—i.e., *the selected portion of the product catalog* would be presented *to the subscriber via a wireless network*—i.e., the cellular network in the case of Senoh’s cellular

phones, Ex. 1004 (Senoh), ¶¶[0060], [0074], such that *the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item* because while there may be various implementations incompatible content is filtered out and only a single one is provided along with accompanying text to describe the content even though more than one version is available, Ex. 1007 (Li), 6:49-67, Ex. 1002 (Reddy), ¶¶232-233).

**Claim 4:** *[4P] A method as recited in claim 2, further comprising:* (Senoh in view of Li renders claim 2 obvious as discussed above); *[4A] receiving from the subscriber a request for one of the items of digital content in said portion of the product catalog;* (Senoh discloses *receiving from the subscriber a request* because it explains that a user can “send[] a purchase request to the content provider . . . ,” Ex. 1004, ¶[0057], and the request can be for *one of the items of digital content in said portion of the product catalog* because the user can make the selection by viewing “the bulletin board 25 containing catalog data, views previews of content from the catalog data on the bulletin board 25,” and may elect to purchase the item of digital content from the catalog by contacting the content provider, Ex. 1004 (Senoh), ¶[0057]); *[4B] selecting an implementation of the requested item of digital content, based on device capabilities of the wireless device used by the subscriber; and* (Senoh discloses and renders obvious *selecting an implementation of the requested item of digital content, based on device capabilities of the wireless device used by the subscriber* because “[i]f the format of the content sent to the relay server 2 differs from the format required by the user terminal 1, the relay server 2 converts the received format to the format viewable by the user terminal 1, and then transmits the content to the user terminal 1,” where “viewable” refers to whether the terminal “supports the format in which the content will be reproduced . . . .” Ex. 1004 (Senoh), ¶[0059]; *see also id.*, ¶¶[0060]-[0061], [0064]); *[4C] downloading the selected implementation of the item of digital content to the wireless device used by the subscriber.* (Senoh discloses and renders obvious a step of *downloading the selected implementation of the item of digital content to the wireless device used by the subscriber* by explaining that when the content is in the correct format “the relay server 2 simply sends the content directly to the user terminal 1” and when the content is not in the required format “the relay server 2 converts the received format to the format viewable by the user terminal 1, and then transmits the content to the user terminal 1,” Ex. 1004 (Senoh), ¶[0059]-[0060]).

**Claim 8:** *[8P] A system comprising* (Senoh discloses *a system* because it describes “an electronic distribution system,” Ex. 1004 (Senoh), Abstract, FIG. 2); *[8A] a network interface through which to communicate over a communication network; and* (Senoh discloses or renders obvious a *network interface through which to communicate over a communication network* because it discloses a “relay server” and “content server” which are “connected to a communication network 4, such as the Internet, through which they can communicate with each other,” Ex. 1004 (Senoh), ¶[0029], and an POSITA would have known that *a network interface* allowed servers to interface with the physical communication medium over which data is transmitted, Ex. 1002 (Reddy Decl.), ¶¶108, 245); *[8B] a download manager to* (Senoh’s relay server constitutes a *download manager* that performs the claimed functions, Ex. 1004 (Senoh), ¶[0029]; Ex. 1001, 3:66-4:1 (defining download manger); Ex. 1002 (Reddy Decl.), ¶¶109, 246); *[8Bi] receive and store a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless telecommunications subscribers,* (Senoh describes a download manager that can *receive and store a plurality of items of content* by explaining that a content server “generates and sends catalog data for the content to the relay server,” and that the relay server stores “a compiled catalog of plural catalog data entries,” including “preview[s]” or “a selection of a particular length could be provided as a preview” for music content, Ex. 1004 (Senoh), ¶¶[0044]-[0045]; Ex. 1002 (Reddy Decl.), ¶¶76-77, 189, 247; these *items of content* are *to be made available for use in wireless communication devices*, i.e., Senoh’s “cellular phones,” Ex. 1004 (Senoh), ¶¶[0060], [0074], which can access Senoh’s catalog, *id.*, ¶¶[0044]-[0045], and these devices are, or at least obviously would have been *used by a plurality of wireless subscribers*, Ex. 1002 (Reddy Decl.), ¶¶78, 189, 247 (citing Ex. 1011, 2:5-7 (describing cellular phone with a “subscriber identity module” (SIM) which identifies a subscriber’s device to the network))); *[8Bii] including receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities;* (Senoh discloses receiving items of content—“content highlights” and “a selection of a particular length provided as a preview,” Ex. 1004 (Senoh), ¶[0044]; Li teaches storing multimedia content that is transcoded “to optimally match the capabilities of the client device requesting it,” Ex. 1007 (Li), 2:19-21, that items of content are “transcoded into multiple resolution and modality versions so that they can be rendered on different devices,” *id.*, 2:24-26, and that “the transcoded versions of content items to

be granted prior to any requests,” thus allowing the technique to be used efficiently with “media items such as video and audio,” *id.*, 3:4-10; therefore, Senoh in view of Li renders obvious *receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities*; it would have been obvious to use Li’s techniques at content servers such that multiple implementations of items of content corresponding to different sets of device capabilities are received at Senoh’s relay server, Ex. 1002 (Reddy Decl.), ¶¶190-191, 204, 207, 248) *and [8Biii] maintain a product catalog containing a description of the items of content, the product catalog including, in association with each item of content, a reference to each implementation of said item of content.* (Senoh teaches a download manager configured to *maintain a product catalog* by explaining that the “relay server 2” stores “a compiled catalog of plural catalog data entries,” Ex. 1004 (Senoh), ¶[0044], and the *product catalog* contains *a description of the items of content* such as previews and text as shown in Senoh’s Figure 4, *id.*, FIG. 4; Senoh in view of Li renders obvious *including, in association with each item of content, a reference to each implementation of said item of content* because Li teaches a “multimedia document” with “a number of content items Ai,” which are associated with InfoPyramids, Ex. 1007 (Li), 4:10-13, 4:58-67 (“multiple representations of a multimedia item . . . organized into a pyramid-like data structure, as illustrated in FIG. 2” which “correspond to different representations of objects using different modalities . . . and fidelities”), FIGs. 1 & 3; associating an item of content, which in the context of Senoh may be a preview with an InfoPyramid including *each implementation of content* would have been an obvious way of associating the item of content with all of its implementations to ensure that the implementation was correctly associated with the document/catalog, Ex. 1002 (Reddy Decl), ¶¶200-202, 249).

**Claim 9: [9P] A system comprising:** (Senoh discloses *a system* because it describes “an electronic distribution system,” Ex. 1004 (Senoh), Abstract, FIG. 2); **[9A] a processor; and** (A POSITA would have understood that Senoh discloses a processor because Senoh teaches a “content distribution system 10,” including “‘relay server 2,” and “content server 3,” which communicate over a “communication network 4, such as the Internet,” Ex. 1004 (Senoh), ¶[0029], data can be converted into formats such as MPEG-2 and MPEG-4, which requires a processor, Ex. 1002 (Reddy Decl.), ¶253, and Senoh explains that the operations can “be written as a computer program causing a computer to execute the various processes,” Ex. 1004 (Senoh), ¶[0081]); **[9B]**

*a storage facility accessible to the processor and containing code which, when executed by the processor, causes the processing system to* (Senoh discloses or at least renders obvious a *storage facility accessible to the processor and containing code* by explaining that “processing operations of the various components . . . can also be written as a computer program” and “recorded to . . . flash memory or other semiconductor storage medium,” for example, Ex. 1004 (Senoh), ¶[0081], and *when executed by the processor*, the code *causes the processing system* to perform the functions described in the following limitations); *[9Bi] receive and store a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless communication subscribers* (Senoh describes *receiving and storing a plurality of items of digital content* by explaining that a content server “generates and sends catalog data for the content to the relay server,” and that the relay server—i.e., at least a part of a *server system*—stores “a compiled catalog of plural catalog data entries,” including “preview[s]” or “a selection of a particular length could be provided as a preview” for music content, Ex. 1004 (Senoh), ¶¶[0044]-[0045]; Ex. 1002 (Reddy Decl.), ¶¶76-77, 147, 257; these *items of digital content* are *to be made available for use in wireless communication devices*, i.e., Senoh’s “cellular phones,” Ex. 1004 (Senoh), ¶¶[0060], [0074], which can access Senoh’s catalog, *id.*, ¶¶[0044]-[0045], and these devices are, or at least obviously would have been *used by a plurality of wireless subscribers*, Ex. 1002 (Reddy Decl.), ¶¶78, 147, 257 (citing Ex. 1011, 2:5-7 (describing cellular phone with a “subscriber identity module” (SIM) which identifies a subscriber’s device to the network))); *[9Bii] including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities;* (Senoh discloses receiving items of content—“content highlights” and “a selection of a particular length provided as a preview,” Ex. 1004 (Senoh), ¶[0044]; Li teaches storing multimedia content that is transcoded “to optimally match the capabilities of the client device requesting it,” Ex. 1007 (Li), 2:19-21, that items of content are “transcoded into multiple resolution and modality versions so that they can be rendered on different devices,” *id.*, 2:24-26, and that “the transcoded versions of content items to be granted prior to any requests,” thus allowing the technique to be used efficiently with “media items such as video and audio,” *id.*, 3:4-10; therefore, Senoh in view of Li renders obvious *receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device*

*capabilities*; it would have been obvious to use Li's techniques at content servers such that multiple implementations of items of content corresponding to different sets of device capabilities are received at Senoh's relay server, Ex. 1002 (Reddy Decl.), ¶¶191, 258); **[9Biii] maintain a product catalog containing a description of the items of digital content, wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content;** (Senoh teaches a download manager configured to *maintain a product catalog* by explaining that the "relay server 2" stores "a compiled catalog of plural catalog data entries," Ex. 1004 (Senoh), ¶[0044], and the *product catalog* contains *a description of the items of content* such as previews and text as shown in Senoh's Figure 4, *id.*, FIG. 4; Senoh in view of Li renders obvious *including, in association with each item of content, a reference to each implementation of said item of content* because Li teaches a "multimedia document" with "a number of content items Ai," which are associated with InfoPyramids, Ex. 1007 (Li), 4:10-13, 4:58-67 ("multiple representations of a multimedia item . . . organized into a pyramid-like data structure, as illustrated in FIG. 2" which "correspond to different representations of objects using different modalities . . . and fidelities"), FIGs. 1 & 3; associating an item of content, which in the context of Senoh may be a preview with an InfoPyramid including *each implementation of content* would have been an obvious way of associating the item of content with all of its implementations to ensure that the implementation was correctly associated with the document/catalog, Ex. 1002 (Reddy Decl), ¶¶200-202, 259); **[9Biv] receive a request from a wireless device used by one of the subscribers;** (Senoh in view of Li renders obvious *receiving a request from a wireless device used by one of the subscribers* because Senoh's catalog is something that Senoh's cellular phones would request, Ex. 1002 (Reddy Decl.), ¶¶224-226, 260, and Li explains that "[a]s is well known, a Web user (client) makes a request from his client device for some particular Web document(s) or other multimedia content which may contain video, images, graphics, text, audio. The request is sent to a Web server which satisfies the request by returning the requested document to the client," Ex. 1007 (Li), 4:5-10, and the POSITA would have understood that this is how Senoh's clients can request catalog data from the relay server, Ex. 1002 (Reddy Decl.), ¶¶224-226, 260); **[9Bv] in response to the request, select a portion of the product catalog to be presented to the subscriber, based on device capabilities of the wireless device used by the subscriber; and** (Senoh and Li renders obvious that *in response to the request*—i.e., a request sent to the relay server to access catalog content, "client device profile"

data “obtained by,” for example, “User-Agent fields in the HTTP . . . request header” is used to “filter[] out” “the versions from the InfoPyramids that do not meet client capabilities 320,” and then selects “the appropriate version 374” of the content “which has not been previously filtered out in step 420, to render the customized multimedia document 370,” Ex. 1007 (Li), 6:49-56, 10:62-65, and this process of filtering out incompatible content and selecting a part of the InfoPyramid constitutes *selecting a portion of the product catalog to be presented to the subscriber, based on the device capabilities of the wireless device used by the subscriber* when applied to Senoh’s product catalog, Ex. 1002 (Reddy Decl.), ¶¶229-230, 261); *[9Bvi] cause the selected portion of the product catalog to be presented to the subscriber via a wireless telecommunications network, such that the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item.* (Senoh in view of Li renders obvious a download manager configured to *cause the selected portion of the product catalog to be presented to the subscriber via a wireless telecommunications network* because in the selected version of the transcoded content that is not already filtered out—i.e., *the selected portion of the product catalog* would be presented *to the subscriber via a wireless network*—i.e., the cellular network in the case of Senoh’s cellular phones, Ex. 1004 (Senoh), ¶¶[0060], [0074], such that *the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item* because while there may be various implementations incompatible content is filtered out and only a single one is provided along with accompanying text to describe the content even though more than one version is available, Ex. 1007 (Li), 6:49-67, Ex. 1002 (Reddy), ¶¶232-233, 262).

#### **D. Secondary Considerations**

This Request demonstrates that the Challenged Claims of the ’790 Patent are unpatentable as obvious in view of the prior art references. Applicants did not identify any evidence of secondary considerations during prosecution. Further, the clear teachings in the prior art cannot be overcome by any supposed “secondary considerations.” *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 36 (1966).

## **V. DISCLOSURE OF CONCURRENT LITIGATION, REEXAMINATION, AND RELATED PROCEEDINGS**

Based on information available to Requester, the '790 Patent is not the subject of any other proceedings before the USPTO, but it is the subject of the following pending civil actions:

- *Starz Entertainment, LLC v. VL Collective, IP, LLC*, No. 1:21-cv-01448 (D. Del.); and
- *VideoLabs, Inc. v. Netflix Inc.*, No. 22-cv-00229 (D. Del.).

## **VI. CONCLUSION**

Reexamination and cancellation of claims 1-2, 4, and 8-9 of the '790 patent is respectfully requested. The Commissioner is hereby authorized to charge Deposit Account 50-6990 under Docket No. 185945.011600 the *Ex Parte* Reexamination fee of \$12,600 under 37 C.F.R. § 1.20(c)(1). Requester believes no other fee is due with this submission, however, the Commissioner is hereby authorized to charge any fee deficiency or credit any over-payment to Deposit Account 50-6990.

Please direct all correspondence in this matter to the undersigned.

Dated: 6/23/2022

Respectfully submitted,

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## APPENDIX A

Appendix A

Request for Ex Parte Reexamination of U.S. Pat. No. 7,233,790

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**SNQ1: U.S. Patent Application Publication No. 2002/0078178 A1 to Senoh (“Senoh,” Ex. 1004) in view of U.S. Patent No. 6,035,339 to Agraharam et al. (“Agraharam,” Ex. 1005) renders claims 1 and 8 obvious.**

Senoh is prior art under pre-AIA 35 U.S.C. § 102(e) because it was filed in the United States on August 27, 2001 and published on June 20, 2002. Agraharam is prior art under pre-AIA 35 U.S.C. § 102(b) because it issued on March 7, 2000.

| Claim |                                                                                                           | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| [IIP] | A method of providing access to content for use on wireless communication devices, the method comprising: | <p>The preamble is not a limitation of the claim. However, even if the preamble is interpreted as being a limitation of the claim, Senoh discloses a method of providing access to content for use on wireless communication devices.</p> <p>Senoh discloses <i>wireless communication devices</i> because it discloses cellular user terminals that include cellular phones.<sup>1</sup> Ex. 1002 (Reddy Decl.), ¶73. Specifically, Senoh teaches a “user terminal 1” that accesses a relay server 2 which receives and stores catalog data related to various items of multimedia content. This is illustrated in Senoh Figure 2 (below).</p> |

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<sup>1</sup> In this chart emphasis is indicated in underline while references to the claim language is shown in ***bold italics***. All emphasis is added unless otherwise indicated.

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p><b>Fig.2</b></p> <p>The diagram illustrates a system architecture for content access. It includes three main components: Content Server 3, Relay Server 2, and User Terminal 1. Content Server 3 contains a Content ID Generating Unit (31) and a Content ID Appending Unit (32). Relay Server 2 contains an ID Table (22), an ID Extraction Unit (21), a Verification Unit (23), a Catalog Data Storage Unit (24), a Bulletin Unit (25), a Format Converter (27), an ID Separation Unit (26), and an ID Appending Unit (28). User Terminal 1 contains an ID Extraction Unit (11), a Verification Unit (12), a Recorder (13), and a Playback Unit (14). The system also includes a Copyright Holder Terminal (20) and Audio/Video Data. Data flow is indicated by arrows: Catalog Data flows from Content Server 3 to Relay Server 2. Content in the first format flows from the Copyright Holder Terminal to the ID Separation Unit (26). Content in the second format flows from the ID Appending Unit (28) to the User Terminal 1. A Purchase Request flows from the User Terminal 1 to the ID Extraction Unit (11).</p> <p>Ex. 1004 (Senoh), Fig. 2.</p> <p>The “user terminal” can be a “cellular phone.” Ex. 1004 (Senoh), ¶¶[0060], [0074] (“The user terminal 1 could be a personal computer, cellular phone, or television or video deck having a communication function.”). While only one terminal is shown, the POSITA would have understood that cellular networks have many subscribers, and thus multiple cellular phones are contemplated. Ex. 1002 (Reddy Decl.), ¶74; Ex. 1004 (Senoh), ¶[0029] (“It will be obvious to one with ordinary skill in the related art that while only one user terminal 1 is shown in the figure, plural user terminals can be connected.”).</p> <p>Senoh further describes a <i>method of providing access to content for use on the wireless communication devices</i>. Ex. 1002 (Reddy Decl.), ¶75. One example of content that Senoh allows terminals to access is “catalog data,” which may “contain previews of content highlights” such as a sample of a song or a video clip of a full-length video. Ex. 1004 (Senoh), ¶[0043]–[0044]. This content is accessible to the user for use on the wireless</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | communications devices through a “common bulletin board” which includes a product catalog. <i>Id.</i> , ¶[0045].                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| [1Ai] | <p>This limitation is disclosed by and would have been obvious over Senoh. Senoh discloses and renders obvious <i>receiving and storing a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers</i>.</p> <p>Senoh teaches <i>receiving and storing a plurality of items of content</i> in the relay server in because Senoh’s relay server receives previews of the content made available from copyright holders using Senoh’s system. An example of content stored in the relay server (2) disclosed in Senoh is provided in Figure 4 (below).</p> |

*Fig.4*

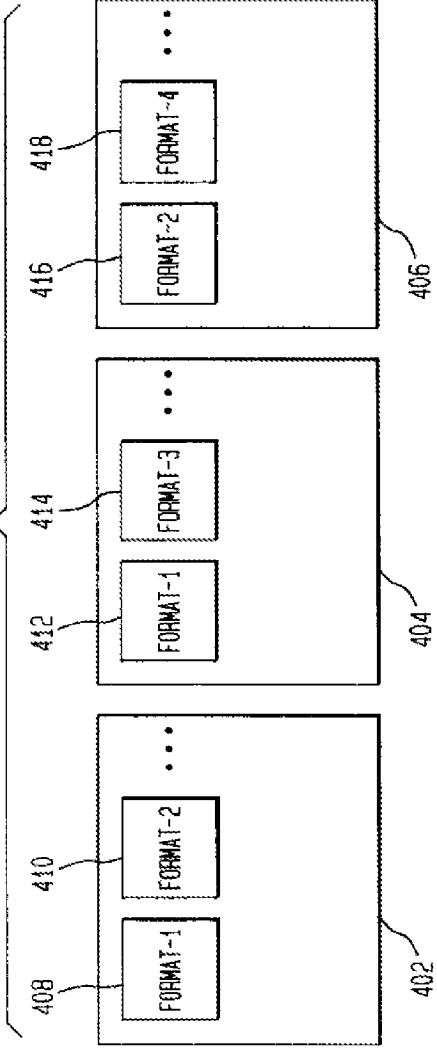
| CONTENT NAME                  | CONTENT 1                                                            | CONTENT 2                                                            | 0.0.0 |
|-------------------------------|----------------------------------------------------------------------|----------------------------------------------------------------------|-------|
| PREVIEW                       | <div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div> | <div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div> | 0.0.0 |
| CONTENT RECORDING DATE        | 2000.6.17                                                            | 1999.12.31                                                           | 0.0.0 |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                                       | HANAKO UENO                                                          | 0.0.0 |
| TITLE                         | BATTLE IN PEBBLE BEACH                                               | COUNTDOWN 2000                                                       | 0.0.0 |
| GENRE                         | SPORTS                                                               | EVENT                                                                | 0.0.0 |
| CONTENT TYPE                  | FINAL (GOLF TOURNAMENT)                                              | NEW YEAR'S EVE                                                       | 0.0.0 |
| DUPLICATION FEE               | \$10                                                                 | \$5                                                                  | 0.0.0 |
| 0.0.0                         | 0.0.0                                                                | 0.0.0                                                                | 0.0.0 |
| CONTACT ADDRESS FOR THE BUYER | abc@def                                                              | ghi@jkl                                                              | 0.0.0 |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                    |                                                                      |       |

CATALOG

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|        | Claim                                                                                                                                                                                                                   | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        |                                                                                                                                                                                                                         | <p>Ex. 1004 (Senoh), FIG. 4 (showing previews displayed in product catalog). This figure shows “[a] sample catalog compiling plural catalog entries,” from which users can “select desired content by accessing [a] bulletin board on the relay server 2 and viewing the catalog.” <i>Id.</i>, ¶[0045]. Thus, the relay server <i>receives and stores</i> “a compiled catalog of plural catalog data entries.” <i>Id.</i>, ¶[0044]. These catalog entries include audio and video previews for videos and music content. <i>Id.</i>, ¶[0044] (“If the content contains video, the relay server 2 preferably enables the content <u>highlights</u> to be previewed. If the content is audio (music), <u>a selection of a particular length</u> could be provided as a <u>preview</u>.”). These previews, whether they be audio or video, are <i>a plurality of items of content</i>.</p> <p>These <i>plurality of items of content</i> are received and stored at Senoh’s relay server. For example, Senoh explains that the content server “generates and sends catalog data for the content to the relay server 2 in order to market the content to a wider audience.” Ex. 1004 (Senoh), ¶[0043]. “[T]he relay server is a server computer accessible from the network and storing a compiled catalog of plural catalog data entries.” <i>Id.</i>, ¶[0044]; <i>see also id.</i>, ¶[0055] (“[T]he verification unit 23 allows the catalog data storage unit to store the catalog data.”). Thus, the items of content (content previews) are received by the relay server from the content server and stored so that they can be made available to users of user terminals such as Senoh’s <i>wireless communication devices</i> (Senoh’s “cellular phones[.]” Ex. 1004 (Senoh), ¶[0060], [0074]) operated by <i>wireless service subscribers</i>, Ex. 1002 (Reddy Decl.), ¶78 (citing Ex. 1011, 2:5-7 and explaining that wireless services for cellular phones provided as a subscription service using, for example, Subscriber Identity Modules in cellular phones).</p> |
| [IAii] | including receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities; and | <p>While Senoh teaches receiving a plurality of items of content as discussed with respect to Limitation [IAii], Senoh does not describe <i>receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities</i>. Senoh is silent about how to ensure that a variety of different user terminals having different viewing requirements can view the various previews in the catalog. Ex. 1002 (Reddy Decl.), ¶93.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>A solution for this is found in Agraharam. Agraharam teaches <i>receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities</i>. Agraharam teaches that “information source 108” (also called a “multimedia information source 108”) is the source of information in the system. See Ex. 1005 (Agraharam), 2:39, 2:53-55 (“[T]he network information delivery device 110 retrieves the multimedia information, for example, from the information source 108 . . . .”), 4:31-33 (“The network information delivery device 110 may retrieve the requested information from information sources such as information source 108 . . . .”). The multimedia information stored in the multimedia information source 108 “maybe formatted into predetermined formats for efficient delivery to the end-user.” Ex. 1005 (Agraharam), 4:39-43.</p> <p>For example, FIG. 4 shows multimedia information 402, 404 and 406 being formatted in a plurality of formats such as format-1 to format-4. Format-1 to format-4 may be formats such as “Audio Video Interleave” (AVI) (Microsoft’s ‘Video for Windows’ standard) or “QuickTime.” Thus, as shown in FIG. 4, multimedia information 402 is formatted in at least format-1 408 and format-2 410; multimedia information 404 is formatted in at least format-1 412 and format-3 414 and multimedia information 406 is formatted in at least format-2 416 and format-4 418. Cases that require formats other than the predetermined formats may be handled by formatting the information “on-the-fly” to ensure optimal information delivery to, and reproduction by the end-user terminal 114.</p> <p>Ex. 1005 (Agraharam), 4:44-57. The different items of content disclosed by Agraharam are shown as 402, 404, and 406, and the different implementations are shown as “Format-1” through “Format-4” (408, 410, 412, 414, 416, and 418), as illustrated below:</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p style="text-align: center;"><b>FIG. 4</b></p>  <p>Id., FIG. 4.</p> <p>Agraharam teaches that these different items of information and their respective implementations “from information sources such as information source 108 may be deposited in the information delivery database” maintained by the information delivery device 110, thereby reducing network traffic. Ex. 1005 (Agraharam), 4:60-67. These different implementations represent “predetermined formats” and are provided to the user terminals based on the capabilities of the end-user terminals. <i>Id.</i>, 4:35-39 (“Because end-users obtain <u>end-user terminal capabilities</u> by purchasing equipment that is available on the market, <u>end-user terminal requirements</u> can be grouped which allows information such as multimedia information to be preformatted into predetermined formats.”). Thus, the different implementations of the items of content described by Agraharam correspond to different sets of device capabilities associated with different user terminals. Ex. 1002 (Reddy Decl.), ¶83.</p> <p>Based on Agraharam, it would have been obvious to modify Senoh’s catalog such that it received <b>a plurality of different implementations of at least one of the items of content</b>,</p> |

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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p><i>where each implementation of any given item of content corresponds to a different set of device capabilities.</i></p> <p>A POSITA would have looked to Agraharam for several reasons. First, the POSITA would have understood that different devices having different capabilities for viewing multimedia content like Senoh’s previews needed to have the data delivered in certain formats to display well on the devices. Ex. 1002 (Reddy Decl.), ¶¶39-44, 92; Ex. 1004 (Senoh), ¶[0008] (“A problem arises . . . when the specifications of the distributed content differ from the specifications of content that is viewable on the user’s terminal or monitor, resulting in the user being unable to enjoy the content.”); Ex. 1005 (Agraharam), (“[I]f none of the predetermined formats are suitable for information reproduction by the user terminal, the user terminal reproduces the information in an undesirable manner.”). A POSITA would have been motivated to perform a step of receiving preview data in different implementations corresponding to different devices that access Senoh’s catalog, and storing that data with other catalog data at the relay server, so that a wide variety of devices can preview the content from the catalog, thus further disseminating the content to a variety of users, as desired by Senoh. Ex. 1004 (Senoh), ¶[0043].</p> <p>Second, a POSITA knew that content creators wanted to have control over how the different versions of their content displayed on devices. Ex. 1002 (Reddy Decl.), ¶96; Ex. 1008 (Britton), p.156 (“The primary advantages of static transcoding are quality of presentation and performance.[] Each page is constructed by a human designer, generally working with tools that show how the application will look or sound and thus allowing the presentation to be hand-tailored for each environment.”). To provide content creators the ability to control the appearance of different implementations of their content, the POSITA would have seen a benefit to having the content server maintain different, preformatted implementations of the previews, and provide those to Senoh’s relay server to market the content to a wider audience. Ex. 1002 (Reddy Decl.), ¶96; Ex. 1004 (Senoh), ¶[0044] (catalog for marketing to wider audience).</p> <p>Third, a POSITA knew that latency in viewing content on the Web affected the user experience. Ex. 1002 (Reddy Decl.), ¶97. Thus, using the same transcoding processes that</p> |

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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>Senoh uses for purchased full-length content would have been unattractive for Senoh's previews. Ex. 1002 (Reddy Decl.), ¶95. A POSITA would have understood from Senoh that content in the catalog originated from different content creators/copyright holders. Ex. 1002 (Reddy Decl.), ¶97. Specifically, Senoh explains that the copyright holder and content server computers could be the same machines, Ex. 1004 (Senoh), ¶[0032], that each copyright holder receives a unique ID, <i>id.</i>, ¶[0034], and that the relay server stores a catalog with content from multiple copyright holders, <i>id.</i>, ¶[0054], FIG. 5; Ex. 1002 (Reddy Decl.), ¶97. Therefore, to implement a system where the content server maintains the previews until requested would have caused the content to be fetched when the catalog data was requested, sent to the relay server, transcoded at the relay server, and sent to the user terminal, from each of the content servers that provided catalog content. This would have added latency to the system, resulting in a potentially frustrating user experience that could lead to the perception that the service was poor quality. Ex. 1002 (Reddy Decl.), ¶97. Therefore, transcoding the preview content in advance like Agraham does would have been seen as a way to reduce latency for resource intensive audio and video content like Senoh's previews. <i>Id.</i> And, while users might be willing to wait for content to be transcoded after they pay for it and await its delivery, users may be less tolerant of delays while viewing a number of different previews in the catalog while browsing for something they may want to buy. <i>Id.</i> Thus, the POSITA would have been led to look to Agraham for a solution to the problem of ensuring content was delivered to devices in a format they could properly view.</p> <p>Fourth, storing multiple implementations of an item of content (previews) is one of a finite number of predictable solutions available to the POSITA for enabling content to be tailored to the user terminals requesting Senoh's previews. Ex. 1002 (Reddy Decl.), ¶98. Indeed, besides receiving and storing different implementations of items of content, one implementation could be received and transcoded at the relay server; implementations may be transcoded on the fly from a single implementation, or, contrary to Senoh's teachings, the catalog content could be kept at content servers and either transcoded there statically or dynamically. <i>Id.</i> These solutions all had predictable results as the concepts of "static" transcoding and "dynamic" transcoding were discussed in the literature and had known implications. <i>See, e.g.</i>, Ex. 1008, pp.154-157.</p> |

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|      | Claim                                                                                                                                                                                                                | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                                                                                                                                                                                                      | <p>A POSITA would have been motivated to perform a step of receiving preview data in different implementations corresponding to different devices that access Senoh's catalog so that a wide variety of devices can preview the content from the catalog, thus further disseminating the content to a variety of users, as desired by Senoh. Ex. 1004 (Senoh), ¶[0043] (explaining that the catalog is for marketing "content to a wider audience"); Ex. 1002 (Reddy Decl.), ¶94.</p> <p>Applying Agraharam's technique of encoding different implementations of items of content and storing them in a database/repository at an information delivery device 110 to the storage of previews in Senoh's relay server would have merely applied a known technique to Senoh's known system, which was ready for improvement. Ex. 1002 (Reddy Decl.), ¶100. Furthermore, Agraharam provides a known solution to a problem apparent in Senoh's catalog system—namely that the catalog previews would be viewable on only certain terminals because they were not transcoded into different formats for a variety of user terminals. <i>Id.</i>. Applying Agraharam's technique to Senoh's previews thus transcoding the data into different formats for different terminal capabilities would have merely yielded the predictable results of better ensuring that user terminals could view the preview content on their terminals and support a broad range of terminal types and capabilities. <i>Id.</i>, ¶100. The POSITA would have had a reasonable expectation of succeeding in combining the teachings of Agraharam and Senoh to provide for receipt and storage of multiple implementations of the previews because it provides a known simple technique to provide multimedia content to diverse device types in an efficient manner. Ex. 1002 (Reddy Decl.), ¶101.</p> |
| [1B] | maintaining a product catalog containing a description of the items of content, the product catalog including, in association with each item of content, a reference to each implementation of said item of content. | <p>Senoh teaches <i><b>maintaining a product catalog containing a description of items of content</b></i>. Specifically, Senoh explains that "content server 3 . . . generates and sends catalog data for content to the relay server 2 in order to market the content to a wider audience." Ex. 1004 (Senoh), ¶[0043]. "[T]he relay server 2 is a server computer accessible from the network and storing a compiled catalog of plural catalog data entries." <i>Id.</i>, ¶[0044]. "A sample catalog compiling plural catalog data entries is shown in FIG. 4." <i>Id.</i>, ¶[0045].</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| Claim                         | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                      |           |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|-----------|-----------|-------|---------|----------------------------------------------------------------------|----------------------------------------------------------------------|-------|------------------------|-----------|------------|-------|--------------------------|----------------|-------------|-------|-------|------------------------|----------------|-------|-------|--------|-------|-------|--------------|-------------------------|----------------|-------|-----------------|------|-----|-------|-------|-------|-------|-------|-------------------------------|---------|---------|-------|---------|---------------------------------------------------|--|-------|
|                               | <div>Fig.4</div> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th>0.0.0</th></tr><tr><td>PREVIEW</td><td><div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div></td><td><div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div></td><td>0.0.0</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>1999.12.31</td><td>0.0.0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HANAKO UENO</td><td>0.0.0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0.0.0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0.0.0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL (GOLF TOURNAMENT)</td><td>NEW YEAR'S EVE</td><td>0.0.0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0.0.0</td></tr><tr><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>abc@def</td><td>ghi@jkl</td><td>0.0.0</td></tr><tr><td>WARNING</td><td colspan="2">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td><td>0.0.0</td></tr></table> | CONTENT NAME                                                         | CONTENT 1 | CONTENT 2 | 0.0.0 | PREVIEW | <div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div> | <div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div> | 0.0.0 | CONTENT RECORDING DATE | 2000.6.17 | 1999.12.31 | 0.0.0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HANAKO UENO | 0.0.0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0.0.0 | GENRE | SPORTS | EVENT | 0.0.0 | CONTENT TYPE | FINAL (GOLF TOURNAMENT) | NEW YEAR'S EVE | 0.0.0 | DUPLICATION FEE | \$10 | \$5 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | CONTACT ADDRESS FOR THE BUYER | abc@def | ghi@jkl | 0.0.0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  | 0.0.0 |
| CONTENT NAME                  | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | CONTENT 2                                                            | 0.0.0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| PREVIEW                       | <div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div> | 0.0.0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT RECORDING DATE        | 2000.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 1999.12.31                                                           | 0.0.0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | HANAKO UENO                                                          | 0.0.0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| TITLE                         | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | COUNTDOWN 2000                                                       | 0.0.0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| GENRE                         | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | EVENT                                                                | 0.0.0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT TYPE                  | FINAL (GOLF TOURNAMENT)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | NEW YEAR'S EVE                                                       | 0.0.0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| DUPLICATION FEE               | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | \$5                                                                  | 0.0.0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| 0.0.0                         | 0.0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 0.0.0                                                                | 0.0.0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTACT ADDRESS FOR THE BUYER | abc@def                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | ghi@jkl                                                              | 0.0.0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                      | 0.0.0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |

Ex. 1004 (Senoh), FIG. 4. Senoh's *product catalog* includes *descriptions of items of content* because provides for information such as title, a preview, genre, etc., See Ex. 1004 (Senoh), ¶[0044]; FIG. 4.

Based on the combined teachings of Senoh and Agraharam, it would have been obvious to have *a reference to each implementation of each item of content as recited in this claim*. Specifically, as explained above, it would have been obvious to receive and store various implementations of each item of content at Senoh's relay server so that the previews of the content could be accessed and provided to as many end-users via their terminals as possible. See above, *Limitation [Iaii]*. Based on this modification, Senoh's catalog would reference not only each item of content stored in the relay server database, but also each implementation of each item of content, as illustrated below. See Ex. 1002 (Reddy Decl.), ¶[87-89, 102-104.

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <div><p>The diagram illustrates a content management system. At the top is a table labeled 'CATALOG' with columns for 'CONTENT NAME', 'CONTENT 1', and 'CONTENT 2'. The table contains several rows of content details, including 'PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)', 'PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK)', 'CONTENT RECORDING DATE', 'WHO RECORDED THE CONTENT', 'TITLE', 'GENRE', 'CONTENT TYPE', 'REPLICATION FEE', 'CONTACT ADDRESS FOR THE BUYER', and 'WARNINGS'. Below the table is a database icon. Arrows point from the database to two large rectangular blocks, 402 and 404. Block 402 contains 'FORMAT-1' and 'FORMAT-2'. Block 404 contains 'FORMAT-1', 'FORMAT-2', 'FORMAT-3', and 'FORMAT-4'. Arrows also point from the catalog table to these blocks, specifically to the 'FORMAT-1' and 'FORMAT-2' blocks in both 402 and 404.</p></div> <p>Ex. 1002 (Reddy Decl.), ¶88. Thus, in the combined Senoh-Agraharam system, Senoh’s catalog includes a reference to each implementation of said item of content. For instance Senoh’s “Content 1” refers to item of content 402, and each implementation of that item of content (i.e., items 408 and 410). Ex. 1002 (Reddy Decl.), ¶88.</p> <p>It would have been obvious to implement Senoh’s catalog to refer to each implementation of said item of content because it would permit the selection of specific items of content from the catalog in a manner that allows the system to provide the desired content to the user in a format that was best-suited for the user’s terminal by enabling the system to determine which implementation (i.e., which format) is appropriate for the user terminal, as contemplated by both Senoh and Agraharam. Ex. 1004 (Senoh), ¶[0059] (“If the format of the content sent to the relay server 2 differs from the format required by the user terminal 1, the relay server 2 converts the received format to the format viewable by the</p> |

Appendix A  
Request for Ex Parte Reexamination of U.S. Pat. No. 7,233,790

|             | <b>Claim</b>         | <b>Prior Art Disclosures</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             |                      | <p>user terminal 1, and then transmits the content to the user terminal 1.”); Ex. 1005 (Agraharam), 4:27-30 (“[T]he network information delivery device 110 can automatically determine the best information delivery parameters required for effective delivery of the information requested by the end-user.”). A POSITA would have thus been motivated to associate references to the stored implementations of the items of the content and thus references to each implementation of the items of content with the listings of those items of content in the catalog because it would have allowed the combined system to provide requested content to the end-user in a format that is viewable by the end-user on their terminal. Ex. 1002 (Reddy Decl.), ¶102-104. And, the POSITA would have reasonably anticipated success in making the combination to include references to each implementation because such references allowed access to stored content and had been routinely used to access databases to retrieve content based on the references well before the ’790 patent. <i>Id.</i>, ¶102-104.</p> |
| <b>[8P]</b> | A system comprising: | <p>The preamble is not a limitation of the claim. Even if the preamble is interpreted as being a limitation of the claim, Senoh discloses <i>a system</i>. For instance, Senoh describes and illustrates “an electronic distribution system.” Ex. 1004 (Senoh), Abstract. Figure 2 shows “a specific configuration of [the] content distribution system.” <i>Id.</i>, ¶[0022].</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |



| Claim                                                                                                                                                                                                | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                              |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-----------|-----------|--|---------|--------------------------------------------------------------|--------------------------------------------------------------|-------|------------------------|-----------|------------|-------|--------------------------|----------------|-------------|-------|-------|------------------------|----------------|-------|-------|--------|-------|-------|--------------|-------------------------|----------------|-------|-----------------|------|-----|-------|-------|-------|-------|-------|-------------------------------|---------|--------|-------|---------|---------------------------------------------------|--|-------|
|                                                                                                                                                                                                      | <p>In Senoh, the claimed “download manager” is the relay server. <i>See, e.g.</i>, Ex. 1004 (Senoh), FIGS. 1 &amp; 2; ¶¶[0029] (“The relay server 2 converts the content received from the content server 3 in the first format to a second format specification, and sends the reformatted content to the user terminal 1.”), [0043]-[0045] (describing catalog provided by relay server), [0046] (describing relay server). A POSITA would have understood Senoh’s relay server functionality constitutes a download manager. Ex. 1002 (Reddy Decl.), ¶109 (citing Ex. 1001 (’790 pat.) 3:66-4:1 (“The server system includes an application referred to herein as the ‘download manager.’”).</p> <p>Senoh discloses and renders obvious a download manager to <i>receive and store a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless telecommunications subscribers.</i></p> <p>Senoh discloses a catalog with multiple items of content as shown in Figure 4 (below).</p>                                                                                                                             |                                                              |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| <b>[8Bi]</b><br><br>receive and store a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless telecommunications subscribers, | <p style="text-align: center;"><b>Fig.4</b></p> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th></th></tr><tr><td>PREVIEW</td><td><div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div></td><td><div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div></td><td>0.0.0</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2003.6.17</td><td>1999.12.31</td><td>0.0.0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HANAKO UENO</td><td>0.0.0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0.0.0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0.0.0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL (GOLF TOURNAMENT)</td><td>NEW YEAR’S EVE</td><td>0.0.0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0.0.0</td></tr><tr><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>abc@def</td><td>ghi@kl</td><td>0.0.0</td></tr><tr><td>WARNING</td><td colspan="2">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td><td>0.0.0</td></tr></table> <p style="text-align: center;">CATALOG</p> | CONTENT NAME                                                 | CONTENT 1 | CONTENT 2 |  | PREVIEW | <div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div> | <div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div> | 0.0.0 | CONTENT RECORDING DATE | 2003.6.17 | 1999.12.31 | 0.0.0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HANAKO UENO | 0.0.0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0.0.0 | GENRE | SPORTS | EVENT | 0.0.0 | CONTENT TYPE | FINAL (GOLF TOURNAMENT) | NEW YEAR’S EVE | 0.0.0 | DUPLICATION FEE | \$10 | \$5 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | CONTACT ADDRESS FOR THE BUYER | abc@def | ghi@kl | 0.0.0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  | 0.0.0 |
| CONTENT NAME                                                                                                                                                                                         | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | CONTENT 2                                                    |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| PREVIEW                                                                                                                                                                                              | <div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div> | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| CONTENT RECORDING DATE                                                                                                                                                                               | 2003.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1999.12.31                                                   | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| WHO RECORDED THE CONTENT                                                                                                                                                                             | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | HANAKO UENO                                                  | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| TITLE                                                                                                                                                                                                | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | COUNTDOWN 2000                                               | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| GENRE                                                                                                                                                                                                | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EVENT                                                        | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| CONTENT TYPE                                                                                                                                                                                         | FINAL (GOLF TOURNAMENT)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | NEW YEAR’S EVE                                               | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| DUPLICATION FEE                                                                                                                                                                                      | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | \$5                                                          | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| 0.0.0                                                                                                                                                                                                | 0.0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.0.0                                                        | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| CONTACT ADDRESS FOR THE BUYER                                                                                                                                                                        | abc@def                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | ghi@kl                                                       | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| WARNING                                                                                                                                                                                              | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                              | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |

|        | Claim                                                                                                                                                                                                                   | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        |                                                                                                                                                                                                                         | <p>Ex. 1004 (Senoh), FIG. 4. This figure shows “[a] sample catalog compiling plural catalog entries,” from which users can “select desired content by accessing [a] bulletin board on the relay server 2 and viewing the catalog.” <i>Id.</i>, ¶[0045]. Thus, the relay server stores “a compiled catalog of plural catalog data entries.” <i>Id.</i>, ¶[0044]. Content stored at relay server includes previews of audio or video data: “If the content contains video, the relay server 2 preferably enables the content highlights to be previewed. If the content is audio (music), a selection of a particular length could be provided as a preview.” Ex. 1004 (Senoh), ¶[0044]; <i>see also id.</i>, FIG. 4. Here, a first item of content is “Preview of Content 1” and a second item of content is “Preview of Content 2,” and thus are <i>a plurality of items of content</i> which are to be made available to user terminals including <i>wireless communication devices used by a plurality of wireless services subscribers</i>. Ex. 1002 (Reddy Decl.), ¶¶76-78, 110; Ex. 1011, 2:5-7 (describing SIM cards to identify cellular phone service subscribers to the network).</p> <p>These items of content are provided from Senoh’s content server 3 and are <i>received</i> by, and <i>stored</i> in, the relay server. <i>See</i> Ex. 1004 (Senoh), ¶[0043] (“The content server 3 then generates and sends catalog data for the content to the relay server 2 in order to market the content to a wider audience. The catalog data could contain previews of content highlights . . .”), ¶[0044] (“[T]he relay server 2 is a server computer accessible from the network and storing a compiled product catalog of plural catalog data entries.”). These different previews associated with the difference catalog entries (e.g., as shown in FIG. 4) are <i>received and stored in</i> relay server and constitute <i>items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers</i>. Ex. 1002 (Reddy Decl.), ¶¶76, 110.</p> |
| [8Bii] | including receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities; and | <p>While Senoh teaches receiving a plurality of items of content as discussed with respect to Limitation [1Aii], Senoh does not describe a download manager that performs a function of <i>receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities</i>. Senoh is silent about how to ensure that a variety of different user terminals having different viewing requirements can view the various previews in the catalog. Ex. 1002 (Reddy Decl.), ¶93.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>A solution for this is found in Agraharam. Agraharam teaches <i>receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities</i>. Agraharam teaches that “information source 108” (also called a “multimedia information source 108”) is the source of information in the system. See Ex. 1005 (Agraharam), 2:39, 2:53-55 (“[T]he network information delivery device 110 retrieves the multimedia information, for example, from the information source 108 . . . .”), 4:31-33 (“The network information delivery device 110 may retrieve the requested information from information sources such as information source 108 . . . .”). The multimedia information stored in the multimedia information source 108 “maybe formatted into predetermined formats for efficient delivery to the end-user.” Ex. 1005 (Agraharam), 4:39-43.</p> <p>For example, FIG. 4 shows multimedia information 402, 404 and 406 being formatted in a plurality of formats such as format-1 to format-4. Format-1 to format-4 may be formats such as “Audio Video Interleave” (AVI) (Microsoft’s ‘Video for Windows’ standard) or “QuickTime.” Thus, as shown in FIG. 4, multimedia information 402 is formatted in at least format-1 408 and format-2 410; multimedia information 404 is formatted in at least format-1 412 and format-3 414 and multimedia information 406 is formatted in at least format-2 416 and format-4 418. Cases that require formats other than the predetermined formats may be handled by formatting the information “on-the-fly” to ensure optimal information delivery to, and reproduction by the end-user terminal 114.</p> <p>Ex. 1005 (Agraharam), 4:44-57. The different items of content disclosed by Agraharam are shown as 402, 404, and 406, and the different implementations are shown as “Format-1” through “Format-4” (408, 410, 412, 414, 416, and 418), as illustrated below:</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|       | <p style="text-align: center;"><b>FIG. 4</b></p> <p style="text-align: center;"><i>Id.</i>, FIG. 4.</p> <p>Agraharam teaches that these different items of information and their respective implementations “from information sources such as information source 108 may be deposited in the information delivery database” maintained by the information delivery device 110, thereby reducing network traffic. Ex. 1005 (Agraharam), 4:60-67. These different implementations represent “predetermined formats” and are provided to the user terminals based on the capabilities of the end-user terminals. <i>See</i> Ex. 1005, 4:35-39 (“Because end-users obtain <u>end-user terminal capabilities</u> by purchasing equipment that is available on the market, <u>end-user terminal requirements</u> can be grouped which allows information such as multimedia information to be pref formatted into predetermined formats.”). Thus, the different implementations of the items of content described by Agraharam correspond to different sets of device capabilities associated with different user terminals. Ex. 1002 (Reddy Decl.), ¶¶79-84, 111.</p> <p>Based on Agraharam, it would have been obvious to modify Senoh’s catalog such that it received <b>a plurality of different implementations of at least one of the items of content</b>,</p> |

Appendix A  
Request for Ex Parte Reexamination of U.S. Pat. No. 7,233,790

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p><i>where each implementation of any given item of content corresponds to a different set of device capabilities.</i></p> <p>A POSITA would have looked to Agraharam for several reasons. First, the POSITA would have understood that different devices having different capabilities for viewing multimedia content like Senoh’s previews needed to have the data delivered in certain formats to display well on the devices. Ex. 1002 (Reddy Decl.), ¶¶39-44, 92; Ex. 1004 (Senoh), ¶[0008] (“A problem arises . . . when the specifications of the distributed content differ from the specifications of content that is viewable on the user’s terminal or monitor, resulting in the user being unable to enjoy the content.”); Ex. 1005 (Agraharam), (“[I]f none of the predetermined formats are suitable for information reproduction by the user terminal, the user terminal reproduces the information in an undesirable manner.”). A POSITA would have been motivated to perform a step of receiving preview data in different implementations corresponding to different devices that access Senoh’s catalog, and storing that data with other catalog data at the relay server, so that a wide variety of devices can preview the content from the catalog, thus further disseminating the content to a variety of users, as desired by Senoh. Ex. 1004 (Senoh), ¶[0043].</p> <p>Second, a POSITA knew that content creators wanted to have control over how the different versions of their content displayed on devices. Ex. 1002 (Reddy Decl.), ¶96; Ex. 1008 (Britton), p.156 (“The primary advantages of static transcoding are quality of presentation and performance.[] Each page is constructed by a human designer, generally working with tools that show how the application will look or sound and thus allowing the presentation to be hand-tailored for each environment.”). To provide content creators the ability to control the appearance of different implementations of their content, the POSITA would have seen a benefit to having the content server maintain different, preformatted implementations of the previews, and provide those to Senoh’s relay server to market the content to a wider audience. Ex. 1002 (Reddy Decl.), ¶96; Ex. 1004 (Senoh), ¶[0044] (catalog for marketing to wider audience).</p> <p>Third, a POSITA knew that latency in viewing content on the Web affected the user experience. Ex. 1002 (Reddy Decl.), ¶97. Thus, using the same transcoding processes that</p> |

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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|       | <p>Senoh uses for purchased full-length content would have been unattractive for Senoh's previews. Ex. 1002 (Reddy Decl.), ¶95. A POSITA would have understood from Senoh that content in the catalog originated from different content creators/copyright holders. Ex. 1002 (Reddy Decl.), ¶97. Specifically, Senoh explains that the copyright holder and content server computers could be the same machines, Ex. 1004 (Senoh), ¶[0032], that each copyright holder receives a unique ID, <i>id.</i>, ¶[0034], and that the relay server stores a catalog with content from multiple copyright holders, <i>id.</i>, ¶[0054], FIG. 5; Ex. 1002 (Reddy Decl.), ¶97. Therefore, to implement a system where the content server maintains the previews until requested would have caused the content to be fetched when the catalog data was requested, sent to the relay server, transcoded at the relay server, and sent to the user terminal, from each of the content servers that provided catalog content. This would have added latency to the system, resulting in a potentially frustrating user experience that could lead to the perception that the service was poor quality. Ex. 1002 (Reddy Decl.), ¶97. Therefore, transcoding the preview content in advance like Agharam does would have been seen as a way to reduce latency for resource intensive audio and video content like Senoh's previews. <i>Id.</i> And, while users might be willing to wait for content to be transcoded after they pay for it and await its delivery, users may be less tolerant of delays while viewing a number of different previews in the catalog while browsing for something they may want to buy. <i>Id.</i> Thus, the POSITA would have been led to look to Agharam for a solution to the problem of ensuring content was delivered to devices in a format they could properly view.</p> <p>Fourth, storing multiple implementations of an item of content (previews) is one of a finite number of predictable solutions available to the POSITA for enabling content to be tailored to the user terminals requesting Senoh's previews. Ex. 1002 (Reddy Decl.), ¶98. Indeed, besides receiving and storing different implementations of items of content, one implementation could be received and transcoded at the relay server; implementations may be transcoded on the fly from a single implementation, or, contrary to Senoh's teachings, the catalog content could be kept at content servers and either transcoded there statically or dynamically. <i>Id.</i> These solutions all had predictable results as the concepts of "static" transcoding and "dynamic" transcoding were discussed in the literature and had known implications. <i>See, e.g.</i>, Ex. 1008, pp.154-157.</p> |

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|         | Claim                                                                                                                                                                     | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         |                                                                                                                                                                           | <p>A POSITA would have been motivated to perform a step of receiving preview data in different implementations corresponding to different devices that access Senoh’s catalog so that a wide variety of devices can preview the content from the catalog, thus further disseminating the content to a variety of users, as desired by Senoh. Ex. 1004 (Senoh), ¶[0043] (explaining that the catalog is for marketing “content to a wider audience”); Ex. 1002 (Reddy Decl.), ¶94.</p> <p>Applying Agraharam’s technique of encoding different implementations of items of content and storing them in a database/repository at an information delivery device 110 to the storage of previews in Senoh’s relay server would have merely applied a known technique to Senoh’s known system, which was ready for improvement. Ex. 1002 (Reddy Decl.), ¶100. Furthermore, Agraharam provides a known solution to a problem apparent in Senoh’s catalog system—namely that the catalog previews would be viewable on only certain terminals because they were not transcoded into different formats for a variety of user terminals. <i>Id.</i>. Applying Agraharam’s technique to Senoh’s previews thus transcoding the data into different formats for different terminal capabilities would have merely yielded the predictable results of better ensuring that user terminals could view the preview content on their terminals and support a broad range of terminal types and capabilities. <i>Id.</i>, ¶100. The POSITA would have had a reasonable expectation of succeeding in combining the teachings of Agraharam and Senoh to provide for receipt and storage of multiple implementations of the previews because it provides a known simple technique to provide multimedia content to diverse device types in an efficient manner. Ex. 1002 (Reddy Decl.), ¶101.</p> |
| [8Biii] | maintain a product catalog containing a description of the items of content, the product catalog including, in association with each item of content, a reference to each | <p>Senoh teaches <i>maintaining a product catalog containing a description of items of content</i>. Specifically, Senoh explains that “content server 3 . . . generates and sends <u>catalog data</u> for content to the relay server 2 in order to market the content to a wider audience.” Ex. 1004 (Senoh), ¶[0043]. “[T]he relay server 2 is a server computer accessible from the network and storing a compiled <u>catalog of plural catalog data entries</u>.” <i>Id.</i>, ¶[0044]. “A sample catalog compiling plural catalog data entries is shown in FIG. 4.” <i>Id.</i>, ¶[0045].</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Claim                                   | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                              |           |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-----------|-----------|-------|---------|--------------------------------------------------------------|--------------------------------------------------------------|-------|------------------------|-----------|------------|-------|--------------------------|----------------|-------------|-------|-------|------------------------|----------------|-------|-------|--------|-------|-------|--------------|---------------------------|----------------|-------|-----------------|------|-----|-------|-------|-------|-------|-------|-------------------------------|---------|---------|-------|---------|---------------------------------------------------|--|--|
| implementation of said item of content. | <div>Fig.4</div> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th>0.0.0</th></tr><tr><td>PREVIEW</td><td><div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div></td><td><div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div></td><td>0.0.0</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>1999.12.31</td><td>0.0.0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HANAKO UENO</td><td>0.0.0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0.0.0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0.0.0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL ( GOLF TOURNAMENT )</td><td>NEW YEAR'S EVE</td><td>0.0.0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0.0.0</td></tr><tr><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>abc@def</td><td>ghi@jkl</td><td>0.0.0</td></tr><tr><td>WARNING</td><td colspan="3">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td></tr></table> <div>CATALOG</div> | CONTENT NAME                                                 | CONTENT 1 | CONTENT 2 | 0.0.0 | PREVIEW | <div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div> | <div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div> | 0.0.0 | CONTENT RECORDING DATE | 2000.6.17 | 1999.12.31 | 0.0.0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HANAKO UENO | 0.0.0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0.0.0 | GENRE | SPORTS | EVENT | 0.0.0 | CONTENT TYPE | FINAL ( GOLF TOURNAMENT ) | NEW YEAR'S EVE | 0.0.0 | DUPLICATION FEE | \$10 | \$5 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | CONTACT ADDRESS FOR THE BUYER | abc@def | ghi@jkl | 0.0.0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  |  |
| CONTENT NAME                            | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | CONTENT 2                                                    | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| PREVIEW                                 | <div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div> | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| CONTENT RECORDING DATE                  | 2000.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 1999.12.31                                                   | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| WHO RECORDED THE CONTENT                | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | HANAKO UENO                                                  | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| TITLE                                   | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | COUNTDOWN 2000                                               | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| GENRE                                   | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | EVENT                                                        | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| CONTENT TYPE                            | FINAL ( GOLF TOURNAMENT )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | NEW YEAR'S EVE                                               | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| DUPLICATION FEE                         | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | \$5                                                          | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| 0.0.0                                   | 0.0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.0.0                                                        | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| CONTACT ADDRESS FOR THE BUYER           | abc@def                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | ghi@jkl                                                      | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| WARNING                                 | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                              |           |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |

Ex. 1004 (Senoh), FIG. 4. Senoh's *product catalog* includes *descriptions of items of content* because provides for information such as title, a preview, genre, etc., See Ex. 1004 (Senoh), ¶[0044]; FIG. 4.

But, Senoh does not explicitly disclose that the product catalog includes *in association with each item of content, a reference to each implementation of said item of content*. Based on the combined teachings of Senoh and Agraharam, it would have been obvious to have a reference *to each implementation of each item of content as recited in this claim*. Specifically, as explained above, it would have been obvious to receive and store various implementations of each item of content at Senoh's relay server so that the previews of the content could be accessed and provided to as many end-users via their terminals as possible. See above, *Limitation [IAii]*. Based on this modification, Senoh's catalog would reference not only each item of content stored in the relay server database,

| Claim                         | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                              |           |           |         |                                              |                                              |                        |           |            |                           |                |             |       |                        |                 |       |        |       |              |                       |               |                 |      |     |                               |                      |                      |         |                                            |  |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------|-----------|---------|----------------------------------------------|----------------------------------------------|------------------------|-----------|------------|---------------------------|----------------|-------------|-------|------------------------|-----------------|-------|--------|-------|--------------|-----------------------|---------------|-----------------|------|-----|-------------------------------|----------------------|----------------------|---------|--------------------------------------------|--|
|                               | <p>but also each implementation of each item of content, as illustrated below. See Ex. 1002 (Reddy Decl.), ¶¶87-89, 112.</p> <div><table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th></tr><tr><td>PREVIEW</td><td>PREVIEW OF CONTENT 1 (WITH SERIAL WATERMARK)</td><td>PREVIEW OF CONTENT 2 (WITH SERIAL WATERMARK)</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>2000.12.31</td></tr><tr><td>NAME RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>YAMAKO UENO</td></tr><tr><td>TITLE</td><td>SUTTLE IN PEBBLE BEACH</td><td>CONFESSION 2000</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td></tr><tr><td>CONTENT TYPE</td><td>PRAC. GOLF TOURNAMENT</td><td>NEW YEARS EVE</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>00000000000000000000</td><td>00000000000000000000</td></tr><tr><td>WARNING</td><td colspan="2">UNAUTHORIZED COPIES ARE SUBJECT TO PENALTY</td></tr></table><p>The diagram illustrates a content catalog system. A database icon is connected to a catalog structure. The catalog structure consists of three main sections, each representing a different content item. Each section contains a list of formats (e.g., FORMAT-1, FORMAT-2, FORMAT-3, FORMAT-4) and their corresponding content items. Arrows indicate the flow of information from the database to the catalog and then to the content items.</p></div> <p>Ex. 1002 (Reddy Decl.), ¶88. Thus, in the combined Senoh-Agraham system, Senoh's catalog includes a reference to each implementation of said item of content. For instance Senoh's "Content 1" refers to item of content 402, and each implementation of that item of content (i.e., items 408 and 410). Ex. 1002 (Reddy Decl.), ¶88.</p> <p>It would have been obvious to implement Senoh's catalog to refer to each implementation of said item of content because it would permit the selection of specific items of content from the catalog in a manner that allows the system to provide the desired content to the user in a format that was best-suited for the user's terminal by enabling the system to determine which implementation (i.e., which format) is appropriate for the user terminal, as contemplated by both Senoh and Agraham. Ex. 1004 (Senoh) ¶[0059] ("If the format</p> | CONTENT NAME                                 | CONTENT 1 | CONTENT 2 | PREVIEW | PREVIEW OF CONTENT 1 (WITH SERIAL WATERMARK) | PREVIEW OF CONTENT 2 (WITH SERIAL WATERMARK) | CONTENT RECORDING DATE | 2000.6.17 | 2000.12.31 | NAME RECORDED THE CONTENT | TARO YAMASHITA | YAMAKO UENO | TITLE | SUTTLE IN PEBBLE BEACH | CONFESSION 2000 | GENRE | SPORTS | EVENT | CONTENT TYPE | PRAC. GOLF TOURNAMENT | NEW YEARS EVE | DUPLICATION FEE | \$10 | \$5 | CONTACT ADDRESS FOR THE BUYER | 00000000000000000000 | 00000000000000000000 | WARNING | UNAUTHORIZED COPIES ARE SUBJECT TO PENALTY |  |
| CONTENT NAME                  | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | CONTENT 2                                    |           |           |         |                                              |                                              |                        |           |            |                           |                |             |       |                        |                 |       |        |       |              |                       |               |                 |      |     |                               |                      |                      |         |                                            |  |
| PREVIEW                       | PREVIEW OF CONTENT 1 (WITH SERIAL WATERMARK)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | PREVIEW OF CONTENT 2 (WITH SERIAL WATERMARK) |           |           |         |                                              |                                              |                        |           |            |                           |                |             |       |                        |                 |       |        |       |              |                       |               |                 |      |     |                               |                      |                      |         |                                            |  |
| CONTENT RECORDING DATE        | 2000.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 2000.12.31                                   |           |           |         |                                              |                                              |                        |           |            |                           |                |             |       |                        |                 |       |        |       |              |                       |               |                 |      |     |                               |                      |                      |         |                                            |  |
| NAME RECORDED THE CONTENT     | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | YAMAKO UENO                                  |           |           |         |                                              |                                              |                        |           |            |                           |                |             |       |                        |                 |       |        |       |              |                       |               |                 |      |     |                               |                      |                      |         |                                            |  |
| TITLE                         | SUTTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | CONFESSION 2000                              |           |           |         |                                              |                                              |                        |           |            |                           |                |             |       |                        |                 |       |        |       |              |                       |               |                 |      |     |                               |                      |                      |         |                                            |  |
| GENRE                         | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | EVENT                                        |           |           |         |                                              |                                              |                        |           |            |                           |                |             |       |                        |                 |       |        |       |              |                       |               |                 |      |     |                               |                      |                      |         |                                            |  |
| CONTENT TYPE                  | PRAC. GOLF TOURNAMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | NEW YEARS EVE                                |           |           |         |                                              |                                              |                        |           |            |                           |                |             |       |                        |                 |       |        |       |              |                       |               |                 |      |     |                               |                      |                      |         |                                            |  |
| DUPLICATION FEE               | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | \$5                                          |           |           |         |                                              |                                              |                        |           |            |                           |                |             |       |                        |                 |       |        |       |              |                       |               |                 |      |     |                               |                      |                      |         |                                            |  |
| CONTACT ADDRESS FOR THE BUYER | 00000000000000000000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 00000000000000000000                         |           |           |         |                                              |                                              |                        |           |            |                           |                |             |       |                        |                 |       |        |       |              |                       |               |                 |      |     |                               |                      |                      |         |                                            |  |
| WARNING                       | UNAUTHORIZED COPIES ARE SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                              |           |           |         |                                              |                                              |                        |           |            |                           |                |             |       |                        |                 |       |        |       |              |                       |               |                 |      |     |                               |                      |                      |         |                                            |  |

Appendix A  
Request for Ex Parte Reexamination of U.S. Pat. No. 7,233,790

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|       | <p>of the content sent to the relay server 2 differs from the format required by the user terminal 1, the relay server 2 converts the received format to the format viewable by the user terminal 1, and then transmits the content to the user terminal 1.”); Ex. 1005 (Agraharam), 4:27-30 (“[T]he network information delivery device 110 can automatically determine the best information delivery parameters required for effective delivery of the information requested by the end-user.”). A POSITA would have thus been motivated to associate references to the stored implementations of the items of the content and thus references to each implementation of the items of content with the listings of those items of content in the catalog because it would have allowed the combined system to provide requested content to the end-user in a format that is viewable by the end-user on their terminal. Ex. 1002 (Reddy Decl.), ¶¶102-104. And, the POSITA would have reasonably anticipated success in making the combination to include references to each implementation because such references allowed access to stored content and had been routinely used to access databases to retrieve content based on the references well before the ’790 patent. <i>Id.</i>, ¶104.</p> |

## **APPENDIX B**

**SNQ2: U.S. Patent Application Publication No. 2002/0078178 A1 to Senoh (“Senoh,” Ex. 1004) in view of U.S. Patent No. 6,421,726 to Kenner (“Kenner,” Ex. 1006) renders claims 1-2, 4, 8-9, and 11 obvious.**

Senoh is prior art under pre-AIA 35 U.S.C. § 102(e) because it was filed in the United States on August 27, 2001 and published on June 20, 2002. Kenner is prior art under 35 U.S.C. § 102(e) because it was filed on March 1, 1998.

| Claim                                                                                                                  | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| [11P]<br><br>A method of providing access to content for use on wireless communication devices, the method comprising: | <p>The preamble is not a limitation of the claim. However, even if the preamble is interpreted as being a limitation of the claim, Senoh discloses a method of providing access to content for use on wireless communication devices.</p> <p>Senoh discloses <i>wireless communication devices</i> because it discloses cellular user terminals that include cellular phones. Ex. 1002, ¶¶ 73, 115. Specifically, Senoh teaches a “user terminal 1” that accesses a relay server 2 which receives and stores catalog data related to various items of multimedia content. This is illustrated in Senoh Figure 2 (below).</p> <p><i>Fig. 2</i></p> <p>CONTENT SERVER 3</p> <p>RELAY SERVER 2</p> <p>1 USER TERMINAL</p> <p>31~ CONTENT ID GENERATING UNIT</p> <p>32~ CONTENT ID APPENDING UNIT</p> <p>22 ID TABLE</p> <p>21 ID EXTRACTION UNIT</p> <p>23 VERIFICATION UNIT</p> <p>24 CATALOG DATA STORAGE UNIT</p> <p>25 BULLETIN UNIT</p> <p>26 ID SEPARATION UNIT</p> <p>27 FORMAT CONVERTER</p> <p>28 ID APPENDING UNIT</p> <p>14 PLAYBACK UNIT</p> <p>13 RECORDER</p> <p>12 VERIFICATION UNIT</p> <p>11 ID EXTRACTION UNIT</p> <p>20 COPYRIGHT HOLDER TERMINAL</p> <p>AUDIO/VIDEO DATA</p> <p>CATALOG DATA</p> <p>PURCHASE REQUEST</p> <p>CONTENT IN THE FIRST FORMAT</p> <p>CONTENT IN THE SECOND FORMAT</p> |

Ex. 1004 (Senoh), FIG. 2.

|       | Claim                                                                                                                                                                      | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       |                                                                                                                                                                            | <p>The “user terminal” can be a “cellular phone.” Ex. 1004 (Senoh), ¶¶[0060], [0074] (“The user terminal 1 could be a personal computer, cellular phone, or television or video deck having a communication function.”). As Senoh explains “[i]t will be obvious to one with ordinary skill in the related art that while only one user terminal 1 is shown in the figure, plurality user terminals can be connected.” Ex. 1004 (Senoh), ¶[0029]; <i>see also</i> Ex. 1002 (Reddy Decl.), ¶74, 115; Ex. 1006 (Kenner), 8:26-28 (“Only three user terminals are shown; however, it should be recognized that the number of concurrent users of the invention is unlimited, such to the operational details set forth below.”).</p> <p>Senoh further describes a <i>method of providing access to content for use on the wireless communication devices</i>. Senoh discloses a method of <i>providing access to content</i> in the form of previews of content through an online catalog. For example, Senoh explains that the “content server 3 . . . generates and sends catalog data for the content to the relay server 2 in order to market the content to a wider audience.” Ex. 1004 (Senoh), ¶[0043]. When the content is video content, “the relay server 2 preferably enables the content highlights to be previewed.” <i>Id.</i>, ¶[0044]. Users can “select desired content by accessing the bulletin board on the relay server 2 and viewing the catalog.” <i>Id.</i>, ¶[0045]. This content is accessible to the user for use on wireless communication devices through the “common bulletin board” which includes a product catalog. Ex. 1004 (Senoh), ¶[0045].</p> <p>Senoh discloses and renders obvious <i>receiving and storing a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers</i>.</p> <p>Senoh teaches <i>receiving and storing a plurality of items of content</i> in the relay server in because Senoh’s relay server receives previews of the content made available from copyright holders using Senoh’s system. An example of content stored in the relay server (2) disclosed in Senoh is provided in Figure 4 (below).</p> |
| [IAi] | receiving and storing a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers, |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| Claim                         | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                               |           |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
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|                               | <div>Fig.4</div> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th>0 0 0</th></tr><tr><td>PREVIEW</td><td>PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)</td><td>PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK)</td><td></td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>1999.12.31</td><td>0 0 0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HANAKO UENO</td><td>0 0 0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0 0 0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0 0 0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL (GOLF TOURNAMENT)</td><td>NEW YEAR'S EVE</td><td>0 0 0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0 0 0</td></tr><tr><td>0 0 0</td><td>0 0 0</td><td>0 0 0</td><td>0 0 0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>abc@def</td><td>ghi@jkl</td><td>0 0 0</td></tr><tr><td>WARNING</td><td colspan="3">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td></tr></table> <div>CATALOG</div> <p>Ex. 1004 (Senoh), FIG. 4 (showing previews displayed in product catalog). This figure shows “[a] sample catalog compiling plural catalog entries,” from which users can “select desired content by accessing [a] bulletin board on the relay server 2 and viewing the catalog.” <i>Id.</i>, ¶[0045]. Thus, the relay server stores “a compiled catalog of plural catalog data entries.” <i>Id.</i>, ¶[0044]. Content stored at relay server includes previews of audio or video data: “If the content contains video, the relay server 2 preferably enables the content highlights to be previewed. If the content is audio (music), a selection of a particular length could be provided as a preview.” Ex. 1004 (Senoh), ¶[0044]; <i>see also id.</i>, FIG. 4. Here, a first item of content is “Preview of Content 1” and a second item of content is “Preview of Content 2” and thus are <b>a plurality of items of content</b> which are to be made available to user terminals including <b>wireless communication devices used by a plurality of wireless services subscribers</b>. Ex. 1002 (Reddy Decl.), ¶¶76-77, 115.</p> | CONTENT NAME                                  | CONTENT 1 | CONTENT 2 | 0 0 0 | PREVIEW | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK) | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) |  | CONTENT RECORDING DATE | 2000.6.17 | 1999.12.31 | 0 0 0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HANAKO UENO | 0 0 0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0 0 0 | GENRE | SPORTS | EVENT | 0 0 0 | CONTENT TYPE | FINAL (GOLF TOURNAMENT) | NEW YEAR'S EVE | 0 0 0 | DUPLICATION FEE | \$10 | \$5 | 0 0 0 | 0 0 0 | 0 0 0 | 0 0 0 | 0 0 0 | CONTACT ADDRESS FOR THE BUYER | abc@def | ghi@jkl | 0 0 0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  |  |
| CONTENT NAME                  | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | CONTENT 2                                     | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| PREVIEW                       | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) |           |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| CONTENT RECORDING DATE        | 2000.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 1999.12.31                                    | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | HANAKO UENO                                   | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| TITLE                         | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | COUNTDOWN 2000                                | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| GENRE                         | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | EVENT                                         | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| CONTENT TYPE                  | FINAL (GOLF TOURNAMENT)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | NEW YEAR'S EVE                                | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| DUPLICATION FEE               | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | \$5                                           | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| 0 0 0                         | 0 0 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0 0 0                                         | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| CONTACT ADDRESS FOR THE BUYER | abc@def                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | ghi@jkl                                       | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                               |           |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |

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|        | Claim                                                                                                                                                                                                                          | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        |                                                                                                                                                                                                                                | <p>These <i>plurality of items of content</i> are provided from Senoh's content server 3 and are <i>received</i> by, and <i>stored</i> in, the relay server. <i>See</i> Ex. 1004 (Senoh), ¶[0043] ("The content server 3 then generates and sends catalog data for the content to the relay server 2 in order to market the content to a wider audience. The catalog data could contain previews of content highlights . . . ."), ¶[0044] ("[T]he relay server 2 is a server computer accessible from the network and storing a compiled product catalog of plural catalog data entries."). These different previews associated with the difference catalog entries (e.g., as shown in FIG. 4) are <i>received and stored in</i> relay server and constitute <i>items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers</i>. Ex. 1002 (Reddy Decl.), ¶¶78 (citing Ex. 1011, 2:5-7 and explaining that wireless services for cellular phones were provided as a subscription service using, for example, Subscriber Identity Modules in cellular phones), 116.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| [1Aii] | <p>including receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities; and</p> | <p>This limitation would have been obvious over Senoh in view of Kenner. While Senoh describes how items of content (e.g., video and audio previews) are received and stored at the relay server, Senoh does not disclose a mechanism for ensuring that various user terminals can view the previews from the catalog if the capabilities of those terminals differ. Ex. 1002 (Reddy Decl.), ¶117. Senoh thus does not disclose <i>receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of content corresponds to a different set of device capabilities</i> to allow wider access to Senoh's catalog previews. A POSITA would have looked for a technique to ensure that the user terminals had the proper CODEC installed to allow the terminal to view or listen to the preview and would have found a solution in Kenner. Ex. 1002 (Reddy Decl.), ¶¶133-138.</p> <p>Kenner teaches "[a] system and method for the selection and retrieval of various types of video data from distributed delivery sites . . ." Ex. 1006 (Kenner), Abstract. Kenner's "Smart Mirror" sites "maintains copies of . . . data in several alternative file formats," and "[t]he appropriate file format is automatically selected based on the capabilities of a user terminal making a request for data." <i>Id.</i> Kenner explains that ensuring that a codec for decoding multimedia is the appropriate codec to allow viewing of the media "can be difficult, time-consuming, or inconvenient." Ex. 1006 (Kenner), 2:26-29. "If a user is forced to download a</p> |

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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>CODEC program before he can play a video file, he may be discouraged from pursuing that particular video request any further.” <i>Id.</i>, 2:29-32. Kenner further explains that</p> <p>Since video delivery over the Internet has quickly gained in popularity, a need exists for a system that can make sure that a user’s video request can, in most cases, be satisfied by video clip stored in a compression format recognized by a CODEC on the user’s terminal, thereby eliminating or reducing the user’s need to download a new CODEC program.</p> <p>Ex. 1006 (Kenner), 5:48-54. Kenner thus uses a “format selection scheme . . . to automatically select a video clip file compressed in a format recognized by a CODEC program already installed and operative on a user terminal.” <i>Id.</i>, 6:1-4.</p> <p>A Web page hosting an embedded video clip also includes code to activate the Smart Mirroring and format selection schemes. Accordingly, <u>a video clip selection and retrieval system according to the invention stores each video clip at various locations in a number of different compression formats. A format selection module comprises software programs that instruct the user terminal to determine which CODEC programs are installed at a user terminal, select a preferred CODEC for use, locate video clips stored in a compression format recognized by the preferred CODEC, and redirect or modify a video request so the video delivery system can locate and retrieve the desired clip. Where no appropriate CODEC is detected, the format selection module prompts the user to download and install a preferred CODEC.</u></p> <p>In a first embodiment of the format selection module, a video clip is stored in a number of different compression formats at individual delivery sites connected to the Internet. <u>The video clip and its address are referenced on a Web page providing access to the</u></p> |

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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|       | <p>The Web page also contains an embedded software program for querying the user terminal to determine what CODECs are installed at the terminal. The embedded program is automatically executed when the user requests a video clip which is referenced on the Web page. If the query detects the presence of a CODEC that can decompress a video clip stored by one of the servers, the embedded program will select that CODEC and request the appropriate video clip.</p> <p>Ex. 1006 (Kenner), 7:14-40.</p> <p>The invention is capable of selecting a preferred file format from a plurality of available formats. Accordingly, the storage module 27 of the first delivery site 26 (FIG. 1) <u>includes storage for a plurality of video clips in different formats</u>. Four clips 116-119 are shown, although any number can be used under the system and method of the invention.</p> <p>Ex. 1006 (Kenner), 18:6-13. Based on the foregoing, Kenner describes method including <i>receiving and storing a plurality of different implementations of at least one of the items of digital content</i> by explaining that “a video clip selection and retrieval system according to the invention stores each video clip at various locations in a number of different compression formats.” <i>Id.</i>, 7:16-19, 7:28-30. As Kenner explains, different formats correspond to different <i>device capabilities</i>: “The appropriate file format is automatically selected based on the capabilities of a user terminal making a request for data.” Ex. 1006 (Kenner), Abstract. And, even if Kenner did not explicitly disclose receiving the different implementations, it would have been obvious to receive them from the source of the content after transcoding of the data into different formats to give the content creator maximum control over the look of the content on various devices in various formats, as explained in more detail below. Ex. 1002 (Reddy Decl.), ¶[142.</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>A POSITA would have found it obvious to use Kenner's system for retrieving content of a particular format keyed to the device capabilities of the requesting device in connection with Senoh's catalog including video. As explained above, Senoh teaches an online catalog for browsing multimedia content. Ex. 1004 (Senoh), ¶¶[0043]-[0044]. The catalog can include previews of the audio or video. <i>Id.</i>, ¶[0044]. Yet, Senoh does not explain how the multimedia previews would have been viewed on the user terminal. Nor does Senoh provide a discussion of how to ensure that the end-user's terminal can play the audio or video preview from the catalog. The POSITA would have looked to Kenner for several reasons.</p> <p>First, the POSITA would have understood that different devices having different capabilities for viewing multimedia content like Senoh's previews needed to have the data delivered in certain formats to display well on the devices. Ex. 1002 (Reddy Decl.), ¶¶[39-44, 130; Ex. 1004 (Senoh), ¶[0008] ("A problem arises . . . when the specifications of the distributed content differ from the specifications of content that is viewable on the user's terminal or monitor, resulting in the user being unable to enjoy the content."). A POSITA would have been motivated to perform a step of receiving preview data in different implementations corresponding to different devices that access Senoh's catalog, and storing that data with other catalog data at the relay server, so that a wide variety of devices can preview the content from the catalog, thus further disseminating the content to a variety of users, as desired by Senoh. Ex. 1004 (Senoh), ¶[0043]; Ex. 1002 (Reddy Decl.), ¶[132].</p> <p>Second, a POSITA knew that latency in viewing content on the Web affected the user experience. Ex. 1002 (Reddy Decl.), ¶[137. Thus, using the same transcoding processes that Senoh uses for purchased full-length content would have been unattractive for Senoh's previews. Ex. 1002 (Reddy Decl.), ¶[137. A POSITA would have understood from Senoh that content in the catalog originated from different content creators/copyright holders. Ex. 1002 (Reddy Decl.), ¶[137. Specifically, Senoh explains that the copyright holder and content server computers could be the same machines, Ex. 1004 (Senoh), ¶[0032], that each copyright holder receives a unique ID, <i>id.</i>, ¶[0034], and that the relay server stores a catalog with content from multiple copyright holders, <i>id.</i>, ¶[0054], FIG. 5; Ex. 1002 (Reddy Decl.), ¶[137. Therefore, to implement a system where the content server maintains the previews until requested would have caused the content to be fetched when the catalog data was requested,</p> |

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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>sent to the relay server, transcoded at the relay server, and sent to the user terminal, from each of the content servers that provided catalog content. This would have added latency to the system, resulting in a potentially frustrating user experience that could lead to the perception that the service was poor quality. Ex. 1002 (Reddy Decl.), ¶138. Therefore, transcoding the preview content in advance like Agraharam does would have been seen as a way to reduce latency for resource intensive audio and video content like Senoh's previews. <i>Id.</i> And, while users might be willing to wait for content to be transcoded after they pay for it and await its delivery, users may be less tolerant of delays while viewing a number of different previews in the catalog while browsing for something they may want to buy. <i>Id.</i> Thus, the POSITA would have been led to look to Kenner for a solution to the problem of ensuring content was delivered to devices in a format they could properly view. <i>Id.</i></p> <p>Third, storing multiple implementations of an item of content (previews) is one of a finite number of predictable solutions available to the POSITA for enabling content to be tailored to the user terminals requesting Senoh's previews. Ex. 1002 (Reddy Decl.), ¶139. Indeed, besides receiving and storing different implementations of items of content, one implementation could be received and transcoded at the relay server; implementations may be transcoded on the fly from a single implementation, or, contrary to Senoh's teachings, the catalog content could be kept at content servers and either transcoded there statically or dynamically. <i>Id.</i> These solutions all had predictable results as the concepts of "static" transcoding and "dynamic" transcoding were discussed in the literature and had known implications. <i>See, e.g.,</i> Ex. 1008, pp.154-157.</p> <p>The POSITA would have seen that Kenner provides a mechanism for storing multimedia content at a server which hosts a webpage in which the content is embedded and which ensures that the end-user's terminal can play the content back. Ex. 1002 (Reddy), ¶134. Kenner explains that servers can store "a plurality of video clips in different formats." Ex. 1006 (Kenner), 18:8-11. In the context of Senoh's catalog, the POSITA would have understood that the first step in viewing the catalog included loading a web page such that a browser or other software on the user terminal could view the catalog data. As illustrated in Senoh's FIG. 4, the webpage would include one or more links to audio or video content in the form of previews of the items of content. <i>See</i> Ex. 1004 (Senoh), FIG. 4. Loading a webpage with embedded video data is also described by Kenner. <i>See</i> Ex. 1006 (Kenner),</p> |

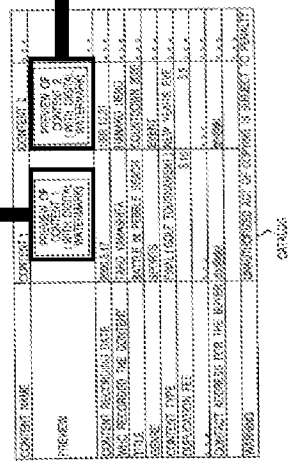
| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>18:32-33 (“First, the Web page containing the video clip is loaded by the user terminal (step 120).”). To ensure that the user terminal’s browser can view the video, a POSITA would have found it obvious to employ Kenner’s embedded script, which “specifies a sequence of preferred CODECs and corresponding video clip format types.” Ex. 1006 (Kenner), 18:33-39; Ex. 1002 (Reddy Decl.), ¶136. Based on the execution of this script, “a URL is created from the storage location of the video clip” on the server. <i>Id.</i>, 18:48-50. Then, the appropriate file format extension is appended to it to allow the identification of a format of the file that can be played back on the user terminal. <i>Id.</i>, 18:51-61 (“Note that the created URL does not have a format type extension. The created URL is then modified (step 130) by appending a format type extension (e.g. “.mpg” for MPEG-formatted clips, or “.avi” for Microsoft Video for Windows-formatted clips) to the location of the video clip. The format type extension used depends on the selected CODEC. The resulting URL (e.g. “http://www.deliverysite.com/clips/watchme.mpg”) uniquely specifies a video clip file in a format recognized by the preferred CODEC installed on the user terminal.”).</p> <p>A POSITA would have been motivated to use techniques disclosed by Kenner in connection with the catalog of Senoh because it would have allowed the preview content to be played by various user terminals having different capabilities through the automatic selection of content that can be played by the terminal. Ex. 1002 (Reddy Decl.), ¶140. This would have minimized user frustration in either not being able to view certain content or having to locate and install a particular codec to play the one version of content stored at the server location. Ex. 1002 (Reddy Decl.), ¶139. The use of Kenner’s known technique to allow the system to automatically correlate pre-stored video having particular formats with user terminals capable of playing that content would have merely applied a known technique to Senoh’s catalog and would have yielded only predictable results of allowing a diverse set of devices with different codes to view the previews of the content items through the catalog site. Ex. 1002 (Reddy Decl.), ¶140. The POSITA would have looked to Kenner to provide a technique that allowed the system to correlate between installed CODECs on client terminals and available implementations of the items of content. Ex. 1002 (Reddy Decl.), ¶141. Because the interrelated techniques were taught in detail in the prior art, and the art was predictable and well-understood, the POSITA would have had a reasonable expectation of success in</p> |

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|      | Claim                                                                                                                                                                                                                | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                                                                                                                                                                                                      | <p>combining Senoh's relay server and catalog with Kenner's technique for ensuring that user terminals could view video files. Ex. 1002 (Reddy Decl.), ¶143.</p> <p>Moreover, even if it was contended that Kenner did not teach receiving and storing the different implementations of the items of content, it would have been obvious to have the content creators produce the items of content and send them to the relay server such that are received and stored in the compiled catalog disclosed by Senoh. Ex. 1002 (Reddy Decl.), ¶142; Ex. 1008, p.156. This is because content creators would have wanted to have control over the transcoding of their content, and storing that content with the remainder of the catalog data would have improved the speed at which it could be delivered to the end-user. <i>Id.</i> This would have improved the marketability of the system and content. <i>Id.</i></p> |
| [1B] | maintaining a product catalog containing a description of the items of content, the product catalog including, in association with each item of content, a reference to each implementation of said item of content. | <p>Senoh teaches <i><u>maintaining a product catalog containing a description of the items of content</u></i>. Senoh, however, does not explicitly teach that the product catalog includes <i><u>in association with each item of content, a reference to each implementation of said item of content</u></i>.</p> <p>Senoh explains that “content server 3 . . . generates and sends <u>catalog data</u> for content to the relay server 2 in order to market the content to a wider audience.” Ex. 1004 (Senoh), ¶[0043]. “[T]he relay server 2 is a server computer accessible from the network and storing a compiled catalog of plural catalog data entries.” <i>Id.</i>, ¶[0044]. “A <u>sample catalog compiling plural catalog data entries is shown in FIG. 4.</u>” <i>Id.</i>, ¶[0045].</p>                                                                                                                      |

| Claim                         | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                              |           |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-----------|-----------|-------|---------|--------------------------------------------------------------|--------------------------------------------------------------|-------|------------------------|-----------|------------|-------|--------------------------|----------------|-------------|-------|-------|------------------------|----------------|-------|-------|--------|-------|-------|--------------|---------------------------|----------------|-------|-----------------|------|-----|-------|-------|-------|-------|-------|-------------------------------|---------|---------|-------|---------|---------------------------------------------------|--|-------|
|                               | <div>Fig.4</div> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th>0 0 0</th></tr><tr><td>PREVIEW</td><td><div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div></td><td><div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div></td><td>0 0 0</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>1999.12.31</td><td>0 0 0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HANAKO UENO</td><td>0 0 0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0 0 0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0 0 0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL ( GOLF TOURNAMENT )</td><td>NEW YEAR'S EVE</td><td>0 0 0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0 0 0</td></tr><tr><td>0 0 0</td><td>0 0 0</td><td>0 0 0</td><td>0 0 0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>abc@del</td><td>ghi@jkl</td><td>0 0 0</td></tr><tr><td>WARNING</td><td colspan="2">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td><td>0 0 0</td></tr></table> <div>CATALOG</div> <div>Ex. 1004 (Senoh), FIG. 4.</div> <p>Senoh's <i>product catalog</i> includes references to items of content because it allows the user to view previews of the content. Ex. 1004 (Senoh), ¶¶[0043]-[0044].</p> <p>Senoh does not explicitly teach that the product catalog <i>includes, in association with each item of digital content, a reference to each implementation of said item of digital content</i>. But, this feature would have been obvious over the combined teachings of Senoh and Kenner. As explained in connection with <i>Limitation [2Aii]</i>, above, it would have been obvious to store multiple implementations (formats) of Senoh's preview content at Senoh's relay server based on the teachings of Kenner. In doing so, a POSITA would have further found it obvious to include <i>a reference to each implementation of said item of digital content</i> through use of</p> | CONTENT NAME                                                 | CONTENT 1 | CONTENT 2 | 0 0 0 | PREVIEW | <div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div> | <div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div> | 0 0 0 | CONTENT RECORDING DATE | 2000.6.17 | 1999.12.31 | 0 0 0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HANAKO UENO | 0 0 0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0 0 0 | GENRE | SPORTS | EVENT | 0 0 0 | CONTENT TYPE | FINAL ( GOLF TOURNAMENT ) | NEW YEAR'S EVE | 0 0 0 | DUPLICATION FEE | \$10 | \$5 | 0 0 0 | 0 0 0 | 0 0 0 | 0 0 0 | 0 0 0 | CONTACT ADDRESS FOR THE BUYER | abc@del | ghi@jkl | 0 0 0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  | 0 0 0 |
| CONTENT NAME                  | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | CONTENT 2                                                    | 0 0 0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| PREVIEW                       | <div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div> | 0 0 0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT RECORDING DATE        | 2000.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1999.12.31                                                   | 0 0 0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | HANAKO UENO                                                  | 0 0 0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| TITLE                         | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | COUNTDOWN 2000                                               | 0 0 0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| GENRE                         | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EVENT                                                        | 0 0 0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT TYPE                  | FINAL ( GOLF TOURNAMENT )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | NEW YEAR'S EVE                                               | 0 0 0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| DUPLICATION FEE               | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | \$5                                                          | 0 0 0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| 0 0 0                         | 0 0 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0 0 0                                                        | 0 0 0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTACT ADDRESS FOR THE BUYER | abc@del                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | ghi@jkl                                                      | 0 0 0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                              | 0 0 0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>a directory structure on the relay server. Ex. 1002 (Reddy Decl.), ¶125-127. As taught by Kenner if an acceptable codec is installed on the end-user's terminal, "a URL is created from the storage location of the video clip (step 128)." Ex. 1006 (Kenner), 18:48-50. "For example, such a created URL might be "http://deliverysite.com/clips/watchme." <i>Id.</i>, 18:48-51. But, this URL is missing the "format type extension," such as ".mpg" or ".avi." <i>Id.</i>, 18:50-56.</p> <p>In implementing Senoh's product catalog, including, for example, previews of video content using Kenner's techniques, each preview would be stored in a particular directory associated with that preview (e.g., /clips/watchme in the context of Kenner's example). Ex. 1002 (Reddy Decl.), ¶125. The directory structure including /clips/watchme" is a reference to each implementation of the digital content called "watchme" because it unambiguously identifies all the files stored in that directory with the name "watchme." Ex. 1002 (Reddy Decl.), ¶125. In other words, /clips/watchme is the directory in which each implementation of watchme is stored including watchme.mpg and watchme.avi. <i>Id.</i></p> <p>As explained above, a POSITA would have found it obvious to use Kenner's technique to ensure that devices requesting content from Senoh's relay server had a CODEC installed that would allow the user of the device to view (or listen to) the preview from the catalog. <i>See Limitation [IAii]</i>. In implementing the combined Senoh-Kenner system, to access an individual implementation for a particular item of content (e.g., video or audio preview), the POSITA would have understood that Kenner's technique uses a directory name to explicitly reference each of the implementations stored in that directory and further includes a reference based on the file name. Ex. 1002 (Reddy Decl.), ¶¶125,. Thus, to implement the combined Senoh-Kenner system, the POSITA would have understood that references such as "catalog/content1" and "catalog/content2" provided a reference to each implementation of the item of digital content, thus allowing the specific implementations required by the client terminal to be accessed by appending the correct file extension to the name. Ex. 1002 (Reddy Decl.), ¶¶126, 144.</p> |

|      | Claim                                                                                                             | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------|-------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                                                                                                   | <p data-bbox="300 1260 332 1323"><i>Fig. 4</i></p>  <p data-bbox="657 189 909 1392">For the reasons explained above, it would have been obvious to use Kenner's techniques for serving multimedia content that can be viewed by a user's terminal. <i>See Limitation [2Aii]</i>. And this would have included using the technique for storing different formats and accessing those formats from, for example, a browser on the user's terminal by addressing the content using Kenner's techniques and including references to those different implementations of content to ensure that the correct version is served to the user's terminal. Ex. 1002 (Reddy Decl.), ¶129-144.</p> |
| [2P] | A method of providing access to digital content for use on wireless communication devices, the method comprising: | <p data-bbox="950 189 1063 1392">The preamble is not a limitation of the claim. However, even if the preamble is interpreted as being a limitation of the claim, Senoh discloses a method of providing access to content for use on wireless communication devices.</p> <p data-bbox="1096 189 1282 1392">Senoh discloses <i>wireless communication devices</i> because it discloses cellular user terminals that include cellular phones. Ex. 1002, ¶173, 146. Specifically, Senoh teaches a "user terminal 1" that accesses a relay server 2 which receives and stores catalog data related to various items of digital content—namely multimedia data such as audio or video. Ex. 1004 (Senoh), ¶¶[0043]-[0044]. This is illustrated in Senoh Figure 2 (below).</p>  |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p data-bbox="251 1092 284 1176"><b>Fig.2</b></p> <p data-bbox="820 1050 852 1386">Ex. 1004 (Senoh), FIG. 2.</p> <p data-bbox="893 189 1185 1386">The “user terminal” can be a “cellular phone.” Ex. 1004 (Senoh), ¶¶[0060], [0074] (“The user terminal 1 could be a personal computer, cellular phone, or television or video deck having a communication function.”). As Senoh explains “[i]t will be obvious to one with ordinary skill in the related art that while only one user terminal 1 is shown in the figure, plurality user terminals can be connected.” Ex. 1004 (Senoh), ¶[0029]; Ex. 1002 (Reddy Decl.), ¶¶74, 146; Ex. 1006 (Kenner), 8:26-28 (“Only three user terminals are shown; however, it should be recognized that the number of concurrent users of the invention is unlimited, such to the operational details set forth below.”)).</p> <p data-bbox="1226 189 1396 1386">Senoh further describes a <i>method of providing access to content for use on the wireless communication devices</i>. Ex. 1002 (Reddy Decl.), ¶¶74, 146. Senoh discloses a method of <i>providing access to content</i> in the form of previews of content through an online catalog. For example, Senoh explains that the “content server 3 . . . generates and sends catalog data for the content to the relay server 2 in order to market the content to a wider audience.” Ex.</p> |

Appendix B  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

|              | <b>Claim</b>                                                                                                                                                                                                 | <b>Prior Art Disclosures</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              |                                                                                                                                                                                                              | <p>1004 (Senoh), ¶[0043]. When the content is video content, “the relay server 2 preferably enables the content highlights to be previewed.” <i>Id.</i>, ¶[0044]. Users can “select desired content by accessing the bulletin board on the relay server 2 and viewing the catalog.” <i>Id.</i>, ¶[0045]. This content is accessible to the user for use on wireless communication devices through the “common bulletin board” which includes a product catalog. Ex. 1004 (Senoh), ¶[0045].</p>                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>[2Ai]</b> | <p>receiving and storing in a server system a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers,</p> | <p>Senoh discloses and renders obvious <i>receiving . . . a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers</i>. The functionality performed by Senoh’s relay server is performed <i>in a server system</i> and when items of content and their implementations are stored in a database of relay server 2, the steps of <i>receiving and storing</i> are performed <i>in a server system</i>. Ex. 1002 (Reddy Decl.), ¶147.</p> <p>Senoh teaches <i>receiving and storing a plurality of items of content</i> in the relay server in because Senoh’s relay server receives previews of the content made available from copyright holders using Senoh’s system. An example of content stored in the relay server (2) disclosed in Senoh is provided in Figure 4 (below).</p> |

| Claim |  | Prior Art Disclosures         |                                                   |                                                  |       |       |
|-------|--|-------------------------------|---------------------------------------------------|--------------------------------------------------|-------|-------|
| Fig.4 |  | CONTENT NAME                  | CONTENT 1                                         | CONTENT 2                                        | 0.0.0 |       |
|       |  | PREVIEW                       | PREVIEW OF CONTENT 1<br>(WITH DIGITAL WATERMARK)  | PREVIEW OF CONTENT 2<br>(WITH DIGITAL WATERMARK) | 0.0.0 |       |
|       |  | CONTENT RECORDING DATE        | 2000.6.17                                         | 1999.12.31                                       | 0.0.0 |       |
|       |  | WHO RECORDED THE CONTENT      | TARO YAMASHITA                                    | HANAKO UENO                                      | 0.0.0 |       |
|       |  | TITLE                         | BATTLE IN PEBBLE BEACH                            | COUNTDOWN 2000                                   | 0.0.0 |       |
|       |  | GENRE                         | SPORTS                                            | EVENT                                            | 0.0.0 |       |
|       |  | CONTENT TYPE                  | FINAL ( GOLF TOURNAMENT )                         | NEW YEAR'S EVE                                   | 0.0.0 |       |
|       |  | DUPLICATION FEE               | \$10                                              | \$5                                              | 0.0.0 |       |
|       |  | 0.0.0                         | 0.0.0                                             | 0.0.0                                            | 0.0.0 |       |
|       |  | CONTACT ADDRESS FOR THE BUYER | abc@def                                           | ghi@jkl                                          | 0.0.0 |       |
|       |  | WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |                                                  |       | 0.0.0 |
|       |  | CATALOG                       |                                                   |                                                  |       |       |

Ex. 1004 (Senoh), FIG. 4 (showing previews displayed in product catalog). This figure shows “[a] sample catalog compiling plural catalog entries,” from which users can “select desired content by accessing [a] bulletin board on the relay server 2 and viewing the catalog.” *Id.*, ¶[0045]. The catalog data is generated by and sent from the content server 3 to the relay server 2. *See* Ex. 1004 (Senoh), ¶[0043] (“The content server 3 then generates and sends catalog data for the content to the relay server 2 in order to market the content to a wider audience.”), [0044] (“[T]he relay server 2 is a server computer accessible from the network and storing a compiled catalog of plural catalog data entries.”). This allows the relay server to store “a compiled catalog of plural catalog data entries.” *Id.*, ¶[0044]. Content stored at relay server includes previews of audio or video data. “If the content contains video, the relay server 2 preferably enables the content highlights to be previewed. If the content is audio (music), a selection of a particular length could be provided as a preview.” Ex. 1004 (Senoh),

|        | Claim                                                                                                                                                                                                                                           | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        |                                                                                                                                                                                                                                                 | <p>¶[0044]; <i>see also id.</i>, FIG. 4. Here, a first item of content is “Preview of Content 1” and a second item of content is “Preview of Content 2” and thus are <i>a plurality of items of content</i> which are to be made available to user terminals including <i>wireless communication devices used by a plurality of wireless services subscribers</i>. Ex. 1002 (Reddy Decl.), ¶¶76-77, 147.</p> <p>These <i>plurality of items of content</i> are provided from Senoh’s content server 3 and are <i>received</i> by, and <i>stored</i> in, the relay server. <i>See</i> Ex. 1004 (Senoh), ¶[0043] (“The content server 3 then generates and sends catalog data for the content to the relay server 2 in order to market the content to a wider audience. The catalog data could contain previews of content highlights . . .”), ¶[0044] (“[T]he relay server 2 is a server computer accessible from the network and storing a compiled product catalog of plural catalog data entries.”). These different previews associated with the difference catalog entries (e.g., as shown in FIG. 4) are <i>received and stored</i> in relay server and constitute <i>items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers</i>. Ex. 1002 (Reddy Decl.), ¶¶78, 147 (citing Ex. 1011, 2:5-7 and explaining that wireless services for cellular phones were provided as a subscription service using, for example, Subscriber Identity Modules in cellular phones), 116.</p> |
| [2Aii] | including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities; | <p>This limitation would have been obvious over Senoh in view of Kenner. While Senoh describes how items of content (e.g., video and audio previews) are received at the relay server, Senoh does not disclose a mechanism for ensuring that various user terminals can view the previews from the catalog if the capabilities of those terminals differs. In connection with the catalog previews Senoh does not disclose <i>receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of content corresponds to a different set of device capabilities</i> to allow wider access to Senohs’ catalog previews. A POSITA would have looked for a technique to ensure that the user terminals had the proper CODEC installed to allow the terminal to view or listen to the preview and would have found a solution in Kenner. Ex. 1002 (Reddy Decl.), ¶¶133-138, 148.</p> <p>Kenner teaches a technique to ensure that the end-user terminal making the request for previews from the catalog receives the preview in a format that the terminal can decode and display. Specifically, Kenner teaches “[a] system and method for the selection and retrieval</p>                                                                                                                                                                                                                                                                                                     |

Appendix B  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>of various types of video data from distributed delivery sites . . . .” Ex. 1006 (Kenner), Abstract. Kenner’s “Smart Mirror” sites “maintains copies of . . . data in several alternative file formats,” and “[t]he appropriate file format is automatically selected based on the capabilities of a user terminal making a request for data.” <i>Id.</i> Kenner explains that ensuring that a codec for decoding multimedia is the appropriate codec to allow viewing of the media “can be difficult, time-consuming, or inconvenient.” Ex. 1006 (Kenner), 2:26-29. “If a user is forced to download a CODEC program before he can play a video file, he may be discouraged from pursuing that particular video request any further.” <i>Id.</i>, 2:29-32. Kenner further explains that</p> <p>Since video delivery over the Internet has quickly gained in popularity, a need exists for a system that can make sure that a user’s video request can, in most cases, be satisfied by video clip stored in a compression format recognized by a CODEC on the user’s terminal, thereby eliminating or reducing the user’s need to download a new CODEC program.</p> <p>Ex. 1006 (Kenner), 5:48-54. Kenner thus uses a “format selection scheme . . . to automatically select a video clip file compressed in a format recognized by a CODEC program already installed and operative on a user terminal.” <i>Id.</i>, 6:1-4.</p> <p>A Web page hosting an embedded video clip also includes code to activate the Smart Mirroring and format selection schemes. Accordingly, <u>a video clip selection and retrieval system according to the invention stores each video clip at various locations in a number of different compression formats. A format selection module comprises software programs that instruct the user terminal to determine which CODEC programs are installed at a user terminal, select a preferred CODEC for use, locate video clips stored in a compression format recognized by the preferred CODEC, and redirect or modify a video request so the video delivery system can locate and retrieve the desired clip. Where no</u></p> |

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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>appropriate CODEC is detected, the format selection module prompts the user to download and install a preferred CODEC.</p> <p>In a first embodiment of the format selection module, <u>a video clip is stored in a number of different compression formats at individual delivery sites connected to the Internet. The video clip and its address are referenced on a Web page providing access to the server.</u> The Web page also contains an embedded software program for querying the user terminal to determine what CODECs are installed at the terminal. The embedded program is automatically executed when the user requests a video clip which is referenced on the Web page. If the query detects the presence of a CODEC that can decompress a video clip stored by one of the servers, the embedded program will select that CODEC and request the appropriate video clip.</p> <p>Ex. 1006 (Kenner), 7:14-40.</p> <p>The invention is capable of selecting a preferred file format from a plurality of available formats. Accordingly, the storage module 27 of the first delivery site 26 (FIG. 1) <u>includes storage for a plurality of video clips in different formats.</u> Four clips 116-119 are shown, although any number can be used under the system and method of the invention.</p> <p>Ex. 1006 (Kenner), 18:6-13. Based on the foregoing, Kenner describes method including <b><i>receiving and storing a plurality of different implementations of at least one of the items of digital content</i></b> by explaining that “a video clip selection and retrieval system according to the invention stores each video clip at various locations in a number of different compression formats.” <i>Id.</i>, 7:16-19, 7:28-30. As Kenner explains, different formats correspond to different <b><i>device capabilities</i></b>: “The appropriate file format is automatically</p> |

Appendix B  
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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>selected based on the capabilities of a user terminal making a request for data.” Ex. 1006 (Kenner), Abstract.</p> <p>A POSITA would have found it obvious to use Kenner’s system for retrieving content of a particular format keyed to the device capabilities of the requesting device in connection with Senoh’s catalog including video. As explained above, Senoh teaches an online catalog for browsing multimedia content. Ex. 1004 (Senoh), ¶¶[0043]–[0044]. The catalog can include previews of the audio or video. <i>Id.</i>, ¶[0044]. Yet, Senoh does not explain how the multimedia previews would have been viewed on the user terminal. Nor does Senoh provide a discussion of how to ensure that the end-user’s terminal can play the audio or video preview from the catalog. A POSITA would have looked for a technique to ensure that the user terminals had the proper CODEC installed to allow the terminal to view or listen to the preview and would have found a solution in Kenner. Ex. 1002 (Reddy Decl.), ¶¶133-138, 157. The POSITA would have looked to Kenner for several reasons.</p> <p>First, the POSITA would have understood that different devices having different capabilities for viewing multimedia content like Senoh’s previews needed to have the data delivered in certain formats to display well on the devices. Ex. 1002 (Reddy Decl.), ¶¶39-44, 130, 157; Ex. 1004 (Senoh), ¶[0008] (“A problem arises . . . when the specifications of the distributed content differ from the specifications of content that is viewable on the user’s terminal or monitor, resulting in the user being unable to enjoy the content.”). A POSITA would have been motivated to perform a step of receiving preview data in different implementations corresponding to different devices that access Senoh’s catalog, and storing that data with other catalog data at the relay server, so that a wide variety of devices can preview the content from the catalog, thus further disseminating the content to a variety of users, as desired by Senoh. Ex. 1004 (Senoh), ¶[0043]; Ex. 1002 (Reddy Decl.), ¶1¶32, 157.</p> <p>Second, a POSITA knew that latency in viewing content on the Web affected the user experience. Ex. 1002 (Reddy Decl.), ¶¶137, 157. Thus, using the same transcoding processes that Senoh uses for purchased full-length content would have been unattractive for Senoh’s previews. Ex. 1002 (Reddy Decl.), ¶¶137, 157. A POSITA would have understood from Senoh that content in the catalog originated from different content creators/copyright holders. Ex. 1002 (Reddy Decl.), ¶¶137, 157. Specifically, Senoh explains that the copyright holder</p> |

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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|       | <p>and content server computers could be the same machines, Ex. 1004 (Senoh), ¶[0032], that each copyright holder receives a unique ID, <i>id.</i>, ¶[0034], and that the relay server stores a catalog with content from multiple copyright holders, <i>id.</i>, ¶[0054], FIG. 5; Ex. 1002 (Reddy Decl.), ¶¶137, 157. Therefore, to implement a system where the content server maintains the previews until requested would have caused the content to be fetched when the catalog data was requested, sent to the relay server, transcoded at the relay server, and sent to the user terminal, from each of the content servers that provided catalog content. This would have added latency to the system, resulting in a potentially frustrating user experience that could lead to the perception that the service was poor quality. Ex. 1002 (Reddy Decl.), ¶¶138, 157. Therefore, transcoding the preview content in advance like Agrapharam does would have been seen as a way to reduce latency for resource intensive audio and video content like Senoh's previews. <i>Id.</i> And, while users might be willing to wait for content to be transcoded after they pay for it and await its delivery, users may be less tolerant of delays while viewing a number of different previews in the catalog while browsing for something they may want to buy. <i>Id.</i> Thus, the POSITA would have been led to look to Kenner for a solution to the problem of ensuring content was delivered to devices in a format they could properly view. <i>Id.</i></p> <p>Third, storing multiple implementations of an item of content (previews) is one of a finite number of predictable solutions available to the POSITA for enabling content to be tailored to the user terminals requesting Senoh's previews. Ex. 1002 (Reddy Decl.), ¶139. Indeed, besides receiving and storing different implementations of items of content, one implementation could be received and transcoded at the relay server; implementations may be transcoded on the fly from a single implementation, or, contrary to Senoh's teachings, the catalog content could be kept at content servers and either transcoded there statically or dynamically. <i>Id.</i> These solutions all had predictable results as the concepts of "static" transcoding and "dynamic" transcoding were discussed in the literature and had known implications. <i>See, e.g.</i>, Ex. 1008, pp.154-157.</p> <p>The POSITA would have seen that Kenner provides a mechanism for storing multimedia content at a server which hosts a webpage in which the content is embedded and which ensures that the end-user's terminal can play the content back. Ex. 1002 (Reddy), ¶¶ 134,</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|       | <p>157. Kenner explains that servers can store “a plurality of video clips in different formats.” Ex. 1006 (Kenner), 18:8-11. In the context of Senoh’s catalog, the POSITA would have understood that the first step in viewing the catalog included loading a web page such that a browser or other software on the user terminal could view the catalog data. As illustrated in Senoh’s FIG. 4, the webpage would include one or more links to audio or video content in the form of previews of the items of content. <i>See</i> Ex. 1004 (Senoh), FIG. 4. Loading a webpage with embedded video data is also described by Kenner. <i>See</i> Ex. 1006 (Kenner), 18:32-33 (“First, the Web page containing the video clip is loaded by the user terminal (step 120).”). To ensure that the user terminal’s browser can view the video, a POSITA would have found it obvious to employ Kenner’s embedded script, which “specifies a sequence of preferred CODECs and corresponding video clip format types.” Ex. 1006 (Kenner), 18:33-39. Based on the execution of this script, “a URL is created from the storage location of the video clip” on the server. <i>Id.</i>, 18:48-50. Then, the appropriate file format extension is appended to it to allow the identification of a format of the file that can be played back on the user terminal. <i>Id.</i>, 18:51-61 (“Note that the created URL does not have a format type extension. The created URL is then modified (step 130) by appending a format type extension (e.g. “.mpg” for MPEG-formatted clips, or “.avi” for Microsoft Video for Windows-formatted clips) to the location of the video clip. The format type extension used depends on the selected CODEC. The resulting URL (e.g. “http://www.deliverysite.com/clips/watchme.mpg”) uniquely specifies a video clip file in a format recognized by the preferred CODEC installed on the user terminal.”).</p> <p>A POSITA would have been motivated to use techniques disclosed by Kenner in connection with the catalog of Senoh because it would have allowed the preview content to be played by various user terminals having different capabilities through the automatic selection of content that can be played by the terminal. Ex. 1002 (Reddy Decl.), ¶¶140, 157. This would have minimized user frustration in either not being able to view certain content or having to locate and install a particular codec to play the one version of content stored at the server location. Ex. 1002 (Reddy Decl.), ¶139, 157. The use of Kenner’s known technique to allow the system to automatically correlate pre-stored video having particular formats with user terminals capable of playing that content would have merely applied a known technique to Senoh’s catalog and would have yielded only predictable results of allowing a diverse set of</p> |

|      | Claim                                                                                                                                                                                                                                                                          | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|      |                                                                                                                                                                                                                                                                                | <p>devices with different codes to view the previews of the content items through the catalog site. Ex. 1002 (Reddy Decl.), ¶140, 157. The POSITA would have looked to Kenner to provide a technique that allowed the system to correlate between installed CODECs on client terminals and available implementations of the items of content. Ex. 1002 (Reddy Decl.), ¶¶141, 157. Because the interrelated techniques were taught in detail in the prior art, and the art was predictable and well-understood, the POSITA would have had a reasonable expectation of success in combining Senoh's relay server and catalog with Kenner's technique for ensuring that user terminals could view video files. Ex. 1002 (Reddy Decl.), ¶¶143, 157.</p> <p>Moreover, even if it was contended that Kenner did not teach receiving and storing the different implementations of the items of content, it would have been obvious to have the content creators produce the items of content and send them to the relay server such that are received and stored in the compiled catalog disclosed by Senoh. Ex. 1002 (Reddy Decl.), ¶¶142, 157; Ex. 1008, p.156. This is because content creators would have wanted to have control over the transcoding of their content, and storing that content with the remainder of the catalog data would have improved the speed at which it could be delivered to the end-user. <i>Id.</i> This would have improved the marketability of the system and content. <i>Id.</i></p> |
| [2B] | operating the server system to maintain a product catalog containing a description of the items of digital content wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content; | <p>Senoh's relay server—i.e., a <i>server system</i>—is operated to <i>maintain a product catalog containing a description of the items of digital content</i>. Specifically, Senoh explains that “content server 3 . . . generates and sends <u>catalog data</u> for content to the relay server 2 in order to market the content to a wider audience.” Ex. 1004 (Senoh), ¶[0043]. “[T]he relay server 2 is a server computer accessible from the network and storing a compiled <u>catalog of plural catalog data entries</u>.” <i>Id.</i>, ¶[0044]. “A <u>sample catalog compiling plural catalog data entries is shown in FIG. 4</u>.” <i>Id.</i>, ¶[0045].</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| Claim                         | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                      |           |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
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|                               | <div>Fig.4</div> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th>0 0 0</th></tr><tr><td>PREVIEW</td><td><div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div></td><td><div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div></td><td>0 0 0</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>1999.12.31</td><td>0 0 0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HANAKO UENO</td><td>0 0 0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0 0 0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0 0 0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL ( GOLF TOURNAMENT )</td><td>NEW YEAR'S EVE</td><td>0 0 0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0 0 0</td></tr><tr><td>0 0 0</td><td>0 0 0</td><td>0 0 0</td><td>0 0 0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>abc@del</td><td>ghi@jkl</td><td>0 0 0</td></tr><tr><td>WARNING</td><td colspan="2">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td><td>0 0 0</td></tr></table> <div>CATALOG</div> <div>Ex. 1004 (Senoh), FIG. 4.</div> <p>Senoh's <i>product catalog</i> includes references to items of content because it allows users to View previews of the content. Ex. 1004, ¶[0043]-[0044].</p> <p>Senoh does not explicitly teach that the product catalog <i>includes, in association with each item of digital content, a reference to each implementation of said item of digital content</i>. But, this feature would have been obvious over the combined teachings of Senoh and Kenner. As explained in connection with <i>Limitation [2Aii]</i>, above, it would have been obvious to store multiple implementations (formats) of Senoh's preview content at Senoh's relay server based on the teachings of Kenner. In doing so, a POSITA would have further found it obvious to include <i>a reference to each implementation of said item of digital content</i> through use of</p> | CONTENT NAME                                                         | CONTENT 1 | CONTENT 2 | 0 0 0 | PREVIEW | <div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div> | <div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div> | 0 0 0 | CONTENT RECORDING DATE | 2000.6.17 | 1999.12.31 | 0 0 0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HANAKO UENO | 0 0 0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0 0 0 | GENRE | SPORTS | EVENT | 0 0 0 | CONTENT TYPE | FINAL ( GOLF TOURNAMENT ) | NEW YEAR'S EVE | 0 0 0 | DUPLICATION FEE | \$10 | \$5 | 0 0 0 | 0 0 0 | 0 0 0 | 0 0 0 | 0 0 0 | CONTACT ADDRESS FOR THE BUYER | abc@del | ghi@jkl | 0 0 0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  | 0 0 0 |
| CONTENT NAME                  | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | CONTENT 2                                                            | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| PREVIEW                       | <div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div> | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT RECORDING DATE        | 2000.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 1999.12.31                                                           | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | HANAKO UENO                                                          | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| TITLE                         | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | COUNTDOWN 2000                                                       | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| GENRE                         | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | EVENT                                                                | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT TYPE                  | FINAL ( GOLF TOURNAMENT )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | NEW YEAR'S EVE                                                       | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| DUPLICATION FEE               | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | \$5                                                                  | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| 0 0 0                         | 0 0 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0 0 0                                                                | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTACT ADDRESS FOR THE BUYER | abc@del                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | ghi@jkl                                                              | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                      | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|       | <p>a directory structure on the relay server. Ex. 1002 (Reddy Decl.), ¶¶125-127, 149. As taught by Kenner if an acceptable codec is installed on the end-user's terminal, "a URL is created from the storage location of the video clip (step 128)." Ex. 1006 (Kenner), 18:48-50. "For example, such a created URL might be "http://deliverysite.com/clips/watchme." <i>Id.</i>, 18:48-51. But, this URL is missing the "format type extension," such as ".mpg" or ".avi." <i>Id.</i>, 18:50-56.</p> <p>In implementing Senoh's product catalog, including, for example, previews of video content using Kenner's techniques, each preview would be stored in a particular directory associated with that preview (e.g., /clips/watchme in the context of Kenner's example). Ex. 1002 (Reddy Decl.), ¶¶125-127, 149. The directory structure including /clips/watchme" is a reference to each implementation of the digital content called "watchme." Ex. 1002 (Reddy Decl.), ¶125-127, 149. In other words, /clips/watchme is the directory in which each implementation of watchme is stored including watchme.mpg and watchme.avi. <i>Id.</i> A POSITA would have thus found obvious an implementation of Senoh's product catalog based on Kenner's techniques to have been obvious as illustrated below:</p> <div data-bbox="860 252 1234 1323"><p>Fig.4</p><pre>graph TD     RS[RELAY SERVER] --&gt; C[CONTENT]     RS --&gt; CAT[CATALOG]     C --&gt; C1[CONTENT1]     C --&gt; C2[CONTENT2]     C1 --&gt; C1_mpg[content1.mpg]     C1 --&gt; C1_av[content1.avi]     C2 --&gt; C2_mpg[content2.mpg]     C2 --&gt; C2_av[content2.avi]     CAT --&gt; CAT1[catalog1.mpg]     CAT --&gt; CAT2[catalog1.avi]</pre><p>http://relayserver.com/catalog/content1.mpg<br/>http://relayserver.com/catalog/content1.avi</p><p>http://relayserver.com/catalog/content2.mpg<br/>http://relayserver.com/catalog/content2.avi</p></div> |

For the reasons explained above, it would have been obvious to use Kenner's techniques for serving multimedia content that can be viewed by a user's terminal. *See Limitation [2Aii]*. And this would have included using the technique for storing different formats and accessing those formats from, for example, a browser on the user's terminal by addressing the content

|             | Claim                                                                                                                                                                                     | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             |                                                                                                                                                                                           | using Kenner's techniques and including references to those different implementations of content to ensure that the correct version is served to the user's terminal. Ex. 1002 (Reddy Decl.), ¶129-144, 157.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>[2C]</b> | receiving a request from a wireless device used by one of the subscribers;                                                                                                                | <p>The combination of Senoh and Kenner render the step of <b><i>receiving a request from a wireless device used by one of the subscribers</i></b> obvious.</p> <p>In the combined Senoh-Kenner technique for serving appropriately formatted multimedia data associated with Senoh's product catalog to end-user terminals, a POSITA would have understood that once the format type is determined, a URL including the "format type extension" is "transmitted to the delivery site specified by the URL, and the clip is downloaded (step 132) and played (step 134)." Ex. 1006 (Kenner), 18:61-63; Ex. 1002 (Reddy Decl.), ¶151. The URL sent from the user terminal is received by Senoh's relay server in the combined Senoh-Kenner system, causing the preview having a file format that can be viewed by the user's terminal to be served to the end-user terminal in a format that can be viewed on that terminal. For the reasons explained above, a process including <b><i>receiving a request from a wireless device used by one of the subscribers</i></b> would have been obvious.</p>                                                                                                                  |
| <b>[2D]</b> | in response to the request, selecting a portion of the product catalog to be presented to the subscriber, based on device capabilities of the wireless device used by the subscriber; and | <p>The combination of Senoh and Kenner renders obvious <b><i>in response to the request, selecting a portion of the product catalog to be presented to the subscriber, based on the capabilities of the wireless device used by the subscriber.</i></b></p> <p>As explained above in connection with <i>Limitation [2Aii]</i>, it would have been obvious to use the Kenner techniques in combination with Senoh's product catalog to ensure that properly formatted video and audio data are served from Senoh's relay server to user terminals viewing the product catalog previews. In the combined system, once a URL having the appropriate "format type extension" for a codec installed on the terminal is received, a portion of the product catalog is selected based on the device capabilities and is presented to the subscriber thus allowing the content to be downloaded and played. Ex. 1006 (Kenner), 18:61-65 ("This URL is then transmitted to the delivery site specified by the URL, and the clip is downloaded (step 132) and played (step 134). When the video clip file is received, the browser automatically invokes the proper CODEC for its display."); Ex. 1002 (Reddy Decl.), ¶154.</p> |

|             | <b>Claim</b>                                                                                                                                                                                                                                                                                                        | <b>Prior Art Disclosures</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             |                                                                                                                                                                                                                                                                                                                     | Thus, in response to the request—i.e., the URL including the correctly format type extension as taught by Kenner—a portion of the product catalog is selected from the relay server to be presented to the subscriber on their terminal. This selection is performed <i>based on the device capabilities of the wireless device used by the subscriber</i> because the format type extension is used to obtain the correctly formatted content from the server based on the codec installed at the terminal. Ex. 1006, 18:48-65; Ex. 1002 (Reddy Decl.), ¶154. And, only <i>a portion of the product catalog</i> is selected because the preview content is only provided in one format. <i>Id.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>[2E]</b> | presenting the selected portion of the product catalog to the subscriber via a wireless network, such that the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item. | The combination of Senoh and Kenner renders obvious <i>presenting the selected portion of the product catalog to the subscriber via a wireless network, such that the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item.</i><br><br>A subscriber using the cellular phone described by Senoh to view the product catalog including video previews, Ex. 1004, ¶¶[0044], [0060], [0074], in which the techniques of Kenner are used to select a preview in the appropriate format for viewing on the user terminal would be presented with <i>the selected portion of the product catalog via a wireless network.</i> Ex. 1002, ¶156. Using the combined teachings of Senoh and Kenner, the <i>selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations</i> because, for example, the video preview would be presented on one format (e.g., .mpg) and not another available format (e.g., .avi) based on the available codec at the terminal. Ex. 1006 (Kenner), 18:48-67; Ex. 1002, ¶156. In other words, even when Senoh's product catalog refers to a .mpg and a .avi formatted version of a particular preview, only one of the formats will be returned for viewing of the preview using Kenner's techniques. Ex. 1002 (Reddy Decl.), ¶156. And, the description would not change regardless of how many different implementations of the previews are present in Senoh's product catalog data. <i>Id.</i> |
| <b>[4P]</b> | A method as recited in claim 2, further comprising:                                                                                                                                                                                                                                                                 | <i>See claim 2, above.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>[4A]</b> | receiving from the subscriber a request for one of the items                                                                                                                                                                                                                                                        | Senoh discloses or renders obvious a step of <i>receiving from the subscriber a request for one of the items of digital content in said portion of the product catalog.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

Appendix B  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

|  | <b>Claim</b>                                               | <b>Prior Art Disclosures</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|  | of digital content in said portion of the product catalog; | <p>Specifically, Senoh explains that a user can select an item of digital content from the catalog and request that it be delivered to their device. For instance, Senoh teaches:</p> <p>A sample catalog compiling plural catalog data entries is shown in FIG. 4. The catalog can be posted to a common bulletin board (electronic bulletin board) accessible from the network. <u>Users can then select desired content by accessing the bulletin board on the relay server 2 and viewing the catalog. It should be further noted that the content ID is also contained in the preview data extracted from the content.</u></p> <p>Ex. 1004 (Senoh), ¶[0045].</p> <p>The user terminal 1 is described next. <u>The user terminal 1 is the terminal or computer whereby a user views the bulletin board 25 containing the catalog data, views previews of content from the catalog data on the bulletin board 25, and views or listens to the content. If there is content that the user wishes to purchase, the user sends a purchase request to the content provider (marketer or copyright holder of the content on the content server 3). This request contains the e-mail address or other information specifying the content provider or other party marketing the content. When the content server 3 receives such a purchase request, it sends a request for credit card information, electronic money, or other payment method to the user terminal 1. The content server 3 also requests the format supported by the user terminal 1 for viewing the content.</u></p> <p><i>Id.</i>, ¶[0057]. Therefore, Senoh teaches and renders obvious <i>receiving from the subscriber a request for one of the items of digital content in said portion of the product catalog</i>. Ex. 1002 (Reddy Decl.), ¶[159-161].</p> |

|             | <b>Claim</b>                                                                                                                                          | <b>Prior Art Disclosures</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <b>[4B]</b> | selecting an implementation of the requested item of digital content, based on device capabilities of the wireless device used by the subscriber; and | <p>Senoh discloses and renders obvious a step of <i>selecting an implementation of the requested item of digital content, based on device capabilities of the wireless device used by the subscriber</i>.</p> <p>After the user provides a request for an item of content, “[t]he content server . . . requests the format supported by the user terminal 1 for viewing the content.” Ex. 1004 (Senoh), ¶[0057]. Content is provided from the content server to the relay server, and then from the relay server to the user terminal. <i>Id.</i>, ¶[0058]-[0059]. The implementation of the content—i.e., the format—provided by the relay server 2 is selected based on the device capabilities (i.e., the “format supported by the user terminal 1 for viewing the content”) of the wireless device used by the subscriber. Specifically, Senoh teaches:</p> <p style="padding-left: 40px;">If the format of the content sent to the relay server 2 differs from the format required by the user terminal 1, the relay server 2 converts the received format to the format viewable by the user terminal 1, and then transmits the content to the user terminal 1. The term “viewable” means that the user terminal 1 supports the format in which the content will be reproduced, or can display the content at the performance of the output display (the display performance of the monitor) of the user terminal 1.</p> <p>Ex. 1004 (Senoh), ¶[0059]. Therefore, a POSITA would have understood that Senoh teaches that an implementation of the content from content server is selected based on device capabilities (i.e., required format) for the wireless device. Ex. 1002 (Reddy Decl.), ¶163. For example, Senoh explains that content may be provided from content server in a format for HDTV, but may be downsampled to meet the requirements for a wireless device:</p> <p style="padding-left: 40px;">While the format specification includes the encoding method, resolution, and other parameters, a process for converting content in MPEG-2 main profile, high level format (such as HDTV format) to content in MPEG-4 simple profile, level 0 format (such as Quarter Common Intermediate Format (QCIF)) is used by way of</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|       | <p>example. <u>This conversion process enables the user to view content using a cellular phone or other user terminal 1 on which content cannot be viewed in the normal TV format.</u></p> <p style="text-align: center;">* * * * *</p> <p><u>The copyright holder produces MPEG-2 main profile, high level AV data conforming to the HDTV format, and sends this data to the content server 3. The content ID appending unit 32 of the content server 3 generates content in first format by adding content ID as a digital watermark encrypted using a public key encryption scheme to the AV data. The content server 3 sends content in this first format to the relay server 2.</u></p> <p style="text-align: center;">* * * * *</p> <p><u>The format converter 27 then downsamples the MPEG-2 main profile, high level format AV data obtained by the ID separation unit 26 to MPEG-4 simple profile, level 0 format AV data. Using the procedure described above for adding a digital watermark, the ID appending unit 28 of the relay server 2 then adds the extracted content ID to the converted AV data to output data formatted to the second format specification. The ID appending unit 28 sends the reformatted content to the user terminal 1 (FIG. 1).</u></p> |
| [4C]  | <p>Ex. 1004 (Senoh), ¶¶[0060]-[0061], [0064].</p> <p>Senoh discloses and renders obvious a step of <i>downloading the selected implementation of the item of digital content to the wireless device used by the subscriber.</i></p> <p>Specifically, Senoh teaches that in response to the request for content from the end-user, the relay server downloads the implementation selected based on the format requirements of the device to the wireless device (i.e., cellular phone) used by the subscriber. <i>See, e.g., Ex. 1004 (Senoh), ¶¶[0058]</i> (“If the format of the content received from the content server 3 is the same as format specified by the user, the relay server 2 simply sends the content directly to</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

Appendix B  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

|      | Claim                | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                      | <p>the user terminal 1.”), [0059] (“If the format of the content sent to the relay server 2 differs from the format required by the user terminal 1, the relay server 2 converts the received format to the format viewable by the user terminal 1, and then transmits the content to the user terminal 1.”), [0060] (“This conversion process enables the user to view content using a cellular phone or other user terminal 1 on which content cannot be viewed in the normal TV format.”), [0073] (“The content can then be sent to the user terminal 1 so that the user can enjoy viewing the content while simultaneously appropriately protecting the copyright of the content owner.”); <i>see also</i> Ex. 1002 (Reddy Decl.), ¶165.</p> |
| [8P] | A system comprising: | <p>The preamble is not a limitation of the claim. However, even if the preamble is interpreted as being a limitation of the claim, Senoh discloses a system, such as the content distribution system shown in FIG. 2. <i>See, e.g.</i>, Ex. 1004 (Senoh), ¶¶[0002] (“This invention relates to controlling an electronic distribution system for distributing digital multimedia content, including audio and video, by way of a network.”), [0010] (“An object of this invention is therefore to provide an electronic distribution system . . .”), [0030] (“The configuration of this content distribution system is described in greater detail below with reference to FIG. 2.”).</p>                                                        |

|             | Claim                                                                              | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             |                                                                                    | <p><b>Fig.2</b></p> <p>CONTENT SERVER 3</p> <p>RELAY SERVER 2</p> <p>1 USER TERMINAL</p> <p>20 COPYRIGHT HOLDER TERMINAL</p> <p>Fig.2</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>[8A]</b> | a network interface through which to communicate over a communication network; and | <p>Ex. 1004 (Senoh), FIG. 2; see also Ex. 1002 (Reddy Decl.), ¶167.</p> <p>Senoh discloses or renders obvious a <b>network interface through which to communicate over a communication network</b>. Specifically, Senoh teaches that “[c]ontent distribution system 10 has a user terminal 1, relay server 2, and content server 3. The user terminal 1, relay server 2, and content server 3 are each connected to a communication network 4, such as the Internet through which they can communicate with each other.” Ex. 1004 (Senoh), ¶[0029]. A POSITA would have understood that the interface between hardware connected to the network and the network itself is a network interface, and therefore would have appreciated that there is a network interface in each of the relay server, content server, and user terminal that allows data to be communicated from these systems over the network such as the Internet. Ex. 1002 (Reddy Decl.), ¶¶108, 168.</p> |
| <b>[8B]</b> | a download manager to                                                              | <p>Senoh discloses and renders obvious a <b>download manager</b>. As used in the ’790 Patent, the term “download manager” refers to an application server in the server system with the capabilities described below in <i>Limitations 8Bi-8Biii</i>. See Ex. 1001, 3:66-4:1 (“The server system includes an application server referred to herein as a ‘download manager.’”).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| Claim                         |                                                                                                                                                                                  | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |              |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |               |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
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|                               |                                                                                                                                                                                  | <p>In Senoh, the claimed “download manager” is the relay server. <i>See, e.g., Ex. 1004</i> (Senoh), FIGS. 1 &amp; 2; ¶¶[0029] (“The relay server 2 converts the content received from the content server 3 in the first format to a second format specification, and sends the reformatted content to the user terminal. 1.”), [0043]-[0045] (describing catalog provided by relay server), [0046] (describing relay server). As explained in further detail below, a POSITA would have understood Senoh’s relay server to constitute a download manager, and that the capabilities required by <i>Limitations 8B1-8Biii</i> would have been obvious over Senoh in view of Li. Ex. 1002 (Reddy Decl.), ¶¶109, 169.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |              |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |               |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| [8Bi]                         | receive and store a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless telecommunications subscribers, | <p>Senoh discloses and renders obvious a download manager to <i>receive and store a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless telecommunications subscribers</i>.</p> <p>Senoh teaches <i>receiving and storing a plurality of items of content</i> in the relay server in because Senoh’s relay server receives previews of the content made available from copyright holders using Senoh’s system. An example of content stored in the relay server (2) disclosed in Senoh is provided in Figure 4 (below).</p> <p><b>Fig.4</b></p> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th></th></tr><tr><td>PREVIEW</td><td><div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div></td><td><div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div></td><td>0.0.0</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>1999.12.31</td><td>0.0.0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HANAKO UENO</td><td>0.0.0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0.0.0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0.0.0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL (GOLF TOURNAMENT)</td><td>NEW YEARS EVE</td><td>0.0.0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0.0.0</td></tr><tr><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>abx@def</td><td>ghi@kl</td><td>0.0.0</td></tr><tr><td>WARNING</td><td colspan="2">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td><td>0.0.0</td></tr></table> <p>CATALOG</p> | CONTENT NAME | CONTENT 1 | CONTENT 2 |  | PREVIEW | <div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div> | <div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div> | 0.0.0 | CONTENT RECORDING DATE | 2000.6.17 | 1999.12.31 | 0.0.0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HANAKO UENO | 0.0.0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0.0.0 | GENRE | SPORTS | EVENT | 0.0.0 | CONTENT TYPE | FINAL (GOLF TOURNAMENT) | NEW YEARS EVE | 0.0.0 | DUPLICATION FEE | \$10 | \$5 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | CONTACT ADDRESS FOR THE BUYER | abx@def | ghi@kl | 0.0.0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  | 0.0.0 |
| CONTENT NAME                  | CONTENT 1                                                                                                                                                                        | CONTENT 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |              |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |               |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| PREVIEW                       | <div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div>                                                                                                                     | <div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.0.0        |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |               |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| CONTENT RECORDING DATE        | 2000.6.17                                                                                                                                                                        | 1999.12.31                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 0.0.0        |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |               |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                                                                                                                                                   | HANAKO UENO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0.0.0        |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |               |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| TITLE                         | BATTLE IN PEBBLE BEACH                                                                                                                                                           | COUNTDOWN 2000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.0.0        |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |               |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| GENRE                         | SPORTS                                                                                                                                                                           | EVENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 0.0.0        |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |               |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| CONTENT TYPE                  | FINAL (GOLF TOURNAMENT)                                                                                                                                                          | NEW YEARS EVE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0.0.0        |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |               |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| DUPLICATION FEE               | \$10                                                                                                                                                                             | \$5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.0.0        |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |               |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| 0.0.0                         | 0.0.0                                                                                                                                                                            | 0.0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 0.0.0        |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |               |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| CONTACT ADDRESS FOR THE BUYER | abx@def                                                                                                                                                                          | ghi@kl                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 0.0.0        |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |               |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0.0        |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |               |       |                 |      |     |       |       |       |       |       |                               |         |        |       |         |                                                   |  |       |

|        | Claim                                                                                                                                                        | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|        |                                                                                                                                                              | <p>Ex. 1004 (Senoh), FIG. 4 (showing previews displayed in product catalog). This figure shows “[a] sample catalog compiling plural catalog entries,” from which users can “select desired content by accessing [a] bulletin board on the relay server 2 and viewing the catalog.” <i>Id.</i>, ¶[0045]. Thus, the relay server stores “a compiled catalog of plural catalog data entries.” <i>Id.</i>, ¶[0044]. Content stored at relay server 2 preferably includes previews of audio or video data: “If the content contains video, the relay server 2 preferably enables the content highlights to be previewed. If the content is audio (music), a selection of a particular length could be provided as a preview.” Ex. 1004 (Senoh), ¶[0044]; <i>see also id.</i>, FIG. 4. Here, a first item of content is “Preview of Content 1” and a second item of content is “Preview of Content 2” and thus are <i>a plurality of items of content</i> which are to be made available to user terminals including <i>wireless communication devices used by a plurality of wireless services subscribers</i>. Ex. 1002 (Reddy Decl.), ¶¶76-77, 170.</p> <p>These <i>plurality of items of content</i> are provided from Senoh’s content server 3 and are <i>received</i> by, and <i>stored</i> in, the relay server. <i>See</i> Ex. 1004 (Senoh), ¶[0043] (“The content server 3 then generates and sends catalog data for the content to the relay server 2 in order to market the content to a wider audience. The catalog data could contain previews of content highlights . . . .”), ¶[0044] (“[T]he relay server 2 is a server computer accessible from the network and storing a compiled product catalog of plural catalog data entries”). These different previews associated with the difference catalog entries (e.g., as shown in FIG. 4) are <i>received and stored in</i> relay server and constitute <i>items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers</i>. Ex. 1002 (Reddy Decl.), ¶¶78 (citing Ex. 1011, 2:5-7 and explaining that wireless services for cellular phones were provided as a subscription service using, for example, Subscriber Identity Modules in cellular phones), 170.</p> |
| [8Bii] | including receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content | <p>This limitation would have been obvious over Senoh in view of Kenner. While Senoh describes how items of content (e.g., video and audio previews) are received at the relay server, Senoh does not disclose a mechanism for ensuring that various user terminals can view the previews from the catalog if the capabilities of those terminals differs. Ex. 1002 (Reddy Decl.), ¶¶117, 171. In connection with the catalog previews. In connection with the catalog multimedia content, Senoh does not explicitly disclose <i>receiving a plurality of different implementations of at least one of the items of digital content</i> (where the content</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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| Claim                                                      | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| corresponds to a different set of device capabilities; and | <p>is previews of full-length content), <i>where each implementation of any given item of content corresponds to a different set of device capabilities</i>. A POSITA would have looked for a technique to ensure that the user terminals had the proper CODEC installed to allow the terminal to view or listen to the preview and would have found a solution in Kenner. Ex. 1002 (Reddy Decl.), ¶¶133-138, 171.</p> <p>Kenner teaches “[a] system and method for the selection and retrieval of various types of video data from distributed delivery sites . . . .” Ex. 1006 (Kenner), Abstract. Kenner’s “Smart Mirror” sites “maintains copies of . . . data in several alternative file formats,” and “[t]he appropriate file format is automatically selected based on the capabilities of a user terminal making a request for data.” <i>Id.</i> Kenner explains that ensuring that a codec for decoding multimedia is the appropriate codec to allow viewing of the media “can be difficult, time-consuming, or inconvenient.” Ex. 1006 (Kenner), 2:26-29. “If a user is forced to download a CODEC program before he can play a video file, he may be discouraged from pursuing that particular video request any further.” <i>Id.</i>, 2:29-32. Kenner further explains that</p> <p style="padding-left: 40px;">Since video delivery over the Internet has quickly gained in popularity, a need exists for a system that can make sure that a user’s video request can, in most cases, be satisfied by video clip stored in a compression format recognized by a CODEC on the user’s terminal, thereby eliminating or reducing the user’s need to download a new CODEC program.</p> <p>Ex. 1006 (Kenner), 5:48-54. Kenner thus uses a “format selection scheme . . . to automatically select a video clip file compressed in a format recognized by a CODEC program already installed and operative on a user terminal.” <i>Id.</i>, 6:1-4.</p> <p>A Web page hosting an embedded video clip also includes code to activate the Smart Mirroring and format selection schemes. Accordingly, <u>a video clip selection and retrieval system according to the invention stores each video clip at various locations in a number of different compression formats. A format selection</u></p> |

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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|       | <p>module comprises software programs that instruct the user terminal to determine which CODEC programs are installed at a user terminal, select a preferred CODEC for use, locate video clips stored in a compression format recognized by the preferred CODEC, and redirect or modify a video request so the video delivery system can locate and retrieve the desired clip. Where no appropriate CODEC is detected, the format selection module prompts the user to download and install a preferred CODEC.</p> <p>In a first embodiment of the format selection module, <u>a video clip is stored in a number of different compression formats at individual delivery sites connected to the Internet. The video clip and its address are referenced on a Web page providing access to the server. The Web page also contains an embedded software program for querying the user terminal to determine what CODECs are installed at the terminal. The embedded program is automatically executed when the user requests a video clip which is referenced on the Web page. If the query detects the presence of a CODEC that can decompress a video clip stored by one of the servers, the embedded program will select that CODEC and request the appropriate video clip.</u></p> <p>Ex. 1006 (Kenner), 7:14-40.</p> <p>The invention is capable of selecting a preferred file format from a plurality of available formats. Accordingly, the storage module 27 of the first delivery site 26 (FIG. 1) <u>includes storage for a plurality of video clips in different formats. Four clips 116-119 are shown, although any number can be used under the system and method of the invention.</u></p> |

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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|       | <p>Ex. 1006 (Kenner), 18:6-13. Based on the foregoing, Kenner describes method including <i>receiving and storing a plurality of different implementations of at least one of the items of digital content</i> by explaining that “a video clip selection and retrieval system according to the invention stores each video clip at various locations in a number of different compression formats.” <i>Id.</i>, 7:16-19, 7:28-30. As Kenner explains, different formats correspond to different <i>device capabilities</i>: “The appropriate file format is automatically selected based on the capabilities of a user terminal making a request for data.” Ex. 1006 (Kenner), Abstract. And, even if Kenner did not explicitly disclose receiving the different implementations, it would have been obvious to receive them from the source of the content after transcoding of the data into different formats to give the content creator maximum control over the look of the content on various devices in various formats, as explained in more detail below. Ex. 1002 (Reddy Decl.), ¶¶142, 171.</p> <p>A POSITA would have found it obvious to use Kenner’s system for retrieving content of a particular format keyed to the device capabilities of the requesting device in connection with Senoh’s catalog including video. As explained above, Senoh teaches an online catalog for browsing multimedia content. Ex. 1004 (Senoh), ¶¶[0043]-[0044]. The catalog can include previews of the audio or video. <i>Id.</i>, ¶[0044]. Yet, Senoh does not explain how the multimedia previews would have been viewed on the user terminal. Nor does Senoh provide a discussion of how to ensure that the end-user’s terminal can play the audio or video preview from the catalog. The POSITA would have looked to Kenner for several reasons.</p> <p>First, the POSITA would have understood that different devices having different capabilities for viewing multimedia content like Senoh’s previews needed to have the data delivered in certain formats to display well on the devices. Ex. 1002 (Reddy Decl.), ¶¶39-44, 130, 171, 173; Ex. 1004 (Senoh), ¶[0008] (“A problem arises . . . when the specifications of the distributed content differ from the specifications of content that is viewable on the user’s terminal or monitor, resulting in the user being unable to enjoy the content.”). A POSITA would have been motivated to perform a step of receiving preview data in different implementations corresponding to different devices that access Senoh’s catalog, and storing that data with other catalog data at the relay server, so that a wide variety of devices can</p> |

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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|       | <p>preview the content from the catalog, thus further disseminating the content to a variety of users, as desired by Senoh. Ex. 1004 (Senoh), ¶¶0043]; Ex. 1002 (Reddy Decl.), ¶¶132, 173.</p> <p>Second, a POSITA knew that latency in viewing content on the Web affected the user experience. Ex. 1002 (Reddy Decl.), ¶¶137, 173. Thus, using the same transcoding processes that Senoh uses for purchased full-length content would have been unattractive for Senoh's previews. Ex. 1002 (Reddy Decl.), ¶¶137, 173. A POSITA would have understood from Senoh that content in the catalog originated from different content creators/copyright holders. Ex. 1002 (Reddy Decl.), ¶¶137, 173. Specifically, Senoh explains that the copyright holder and content server computers could be the same machines, Ex. 1004 (Senoh), ¶¶0032], that each copyright holder receives a unique ID, <i>id.</i>, ¶¶0034], and that the relay server stores a catalog with content from multiple copyright holders, <i>id.</i>, ¶¶0054], FIG. 5; Ex. 1002 (Reddy Decl.), ¶¶137, 173. Therefore, to implement a system where the content server maintains the previews until requested would have caused the content to be fetched when the catalog data was requested, sent to the relay server, transcoded at the relay server, and sent to the user terminal, from each of the content servers that provided catalog content. This would have added latency to the system, resulting in a potentially frustrating user experience that could lead to the perception that the service was poor quality. Ex. 1002 (Reddy Decl.), ¶¶138, 173. Therefore, transcoding the preview content in advance like Agharam does would have been seen as a way to reduce latency for resource intensive audio and video content like Senoh's previews. <i>Id.</i> And, while users might be willing to wait for content to be transcoded after they pay for it and await its delivery, users may be less tolerant of delays while viewing a number of different previews in the catalog while browsing for something they may want to buy. <i>Id.</i> Thus, the POSITA would have been led to look to Kenner for a solution to the problem of ensuring content was delivered to devices in a format they could properly view. <i>Id.</i></p> <p>Third, storing multiple implementations of an item of content (previews) is one of a finite number of predictable solutions available to the POSITA for enabling content to be tailored to the user terminals requesting Senoh's previews. Ex. 1002 (Reddy Decl.), ¶¶139, 173. Indeed, besides receiving and storing different implementations of items of content, one implementation could be received and transcoded at the relay server; implementations may</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|       | <p>be transcoded on the fly from a single implementation, or, contrary to Senoh's teachings, the catalog content could be kept at content servers and either transcoded there statically or dynamically. <i>Id.</i> These solutions all had predictable results as the concepts of "static" transcoding and "dynamic" transcoding were discussed in the literature and had known implications. <i>See, e.g.,</i> Ex. 1008, pp.154-157.</p> <p>The POSITA would have seen that Kenner provides a mechanism for storing multimedia content at a server which hosts a webpage in which the content is embedded and which ensures that the end-user's terminal can play the content back. Ex. 1002 (Reddy), ¶¶134, 173. Kenner explains that servers can store "a plurality of video clips in different formats." Ex. 1006 (Kenner), 18:8-11. In the context of Senoh's catalog, the POSITA would have understood that the first step in viewing the catalog included loading a web page such that a browser or other software on the user terminal could view the catalog data. As illustrated in Senoh's FIG. 4, the webpage would include one or more links to audio or video content in the form of previews of the items of content. <i>See</i> Ex. 1004 (Senoh), FIG. 4. Loading a webpage with embedded video data is also described by Kenner. <i>See</i> Ex. 1006 (Kenner), 18:32-33 ("First, the Web page containing the video clip is loaded by the user terminal (step 120)."). To ensure that the user terminal's browser can view the video, a POSITA would have found it obvious to employ Kenner's embedded script, which "specifies a sequence of preferred CODECs and corresponding video clip format types." Ex. 1006 (Kenner), 18:33-39; Ex. 1002 (Reddy Decl.), ¶136. Based on the execution of this script, "a URL is created from the storage location of the video clip" on the server. <i>Id.</i>, 18:48-50. Then, the appropriate file format extension is appended to it to allow the identification of a format of the file that can be played back on the user terminal. <i>Id.</i>, 18:51-61 ("Note that the created URL does not have a format type extension. The created URL is then modified (step 130) by appending a format type extension (e.g. ".mpg" for MPEG-formatted clips, or ".avi" for Microsoft Video for Windows-formatted clips) to the location of the video clip. The format type extension used depends on the selected CODEC. The resulting URL (e.g. "http://www.deliverysite.com/clips/watchme.mpg") uniquely specifies a video clip file in a format recognized by the preferred CODEC installed on the user terminal.").</p> |

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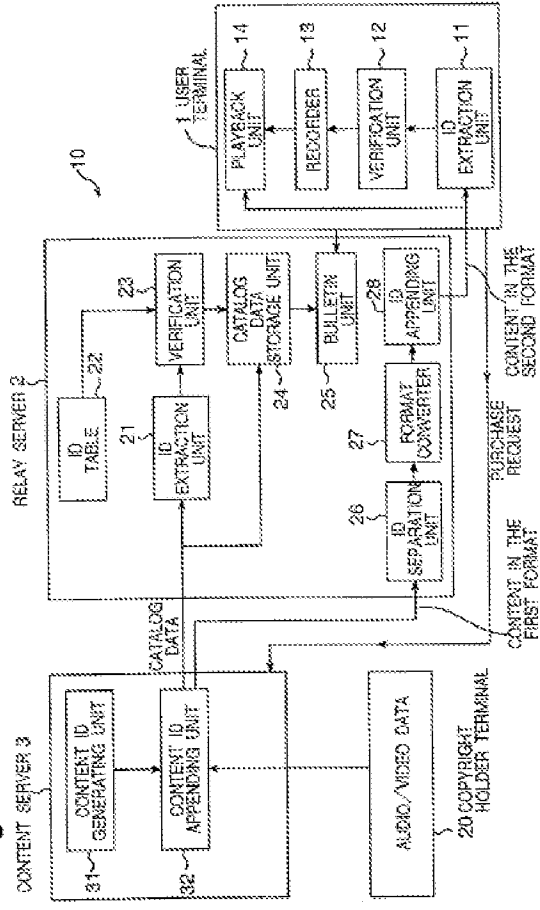
|         | Claim                                                                                                                                        | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         |                                                                                                                                              | <p>A POSITA would have been motivated to use techniques disclosed by Kenner in connection with the catalog of Senoh because it would have allowed the preview content to be played by various user terminals having different capabilities through the automatic selection of content that can be played by the terminal. Ex. 1002 (Reddy Decl.), ¶¶140, 173. This would have minimized user frustration in either not being able to view certain content or having to locate and install a particular codec to play the one version of content stored at the server location. Ex. 1002 (Reddy Decl.), ¶¶139, 173. The use of Kenner's known technique to allow the system to automatically correlate pre-stored video having particular formats with user terminals capable of playing that content would have merely applied a known technique to Senoh's catalog and would have yielded only predictable results of allowing a diverse set of devices with different codes to view the previews of the content items through the catalog site. Ex. 1002, ¶140, 173. The POSITA would have looked to Kenner to provide a technique that allowed the system to correlate between installed CODECs on client terminals and available implementations of the items of content. Ex. 1002 (Reddy Decl.), ¶¶141, 173. Because the interrelated techniques were taught in detail in the prior art, and the art was predictable and well-understood, the POSITA would have had a reasonable expectation of success in combining Senoh's relay server and catalog with Kenner's technique for ensuring that user terminals could view video files. Ex. 1002 (Reddy Decl.), ¶¶143, 173.</p> <p>Moreover, even if it was contended that Kenner did not teach receiving and storing the different implementations of the items of content, it would have been obvious to have the content creators produce the items of content and send them to the relay server such that are received and stored in the compiled catalog disclosed by Senoh. Ex. 1002 (Reddy Decl.), ¶¶142, 173; Ex. 1008, p.156. This is because content creators would have wanted to have control over the transcoding of their content, and storing that content with the remainder of the catalog data would have improved the speed at which it could be delivered to the end-user. <i>Id.</i> This would have improved the marketability of the system and content. <i>Id.</i></p> |
| [8Biii] | maintain a product catalog containing a description of the items of content, the product catalog including, in association with each item of | <p>Senoh teaches a download manager to <b><i>maintain a product catalog containing a description of the items of content</i></b>. Senoh, however, does not explicitly teach that the product catalog includes <b><i>in association with each item of content, a reference to each implementation of said item of content</i></b>. This latter aspect of the claim would have been obvious over Senoh in view of Kenner.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| Claim                                                                | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                              |           |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-----------|-----------|-------|---------|--------------------------------------------------------------|--------------------------------------------------------------|-------|------------------------|-----------|------------|-------|--------------------------|----------------|-------------|-------|-------|------------------------|----------------|-------|-------|--------|-------|-------|--------------|---------------------------|----------------|-------|-----------------|------|-----|-------|-------|-------|-------|-------|-------------------------------|---------|---------|-------|---------|---------------------------------------------------|--|-------|
| content, a reference to each implementation of said item of content. | <p>Senoh explains that “content server 3 . . . generates and sends catalog data for content to the relay server 2 in order to market the content to a wider audience.” Ex. 1004 (Senoh), ¶[0043]. “[T]he relay server 2 is a server computer accessible from the network and storing a compiled catalog of plural catalog data entries.” <i>Id.</i>, ¶[0044]. “A sample catalog compiling plural catalog data entries is shown in FIG. 4.” <i>Id.</i>, ¶[0045].</p> <p><b>Fig.4</b></p> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th>0.0.0</th></tr><tr><td>PREVIEW</td><td><div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div></td><td><div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div></td><td>0.0.0</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>1999.12.31</td><td>0.0.0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HANAKO UENO</td><td>0.0.0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0.0.0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0.0.0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL ( GOLF TOURNAMENT )</td><td>NEW YEAR'S EVE</td><td>0.0.0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0.0.0</td></tr><tr><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>abc@del</td><td>ghi@jkl</td><td>0.0.0</td></tr><tr><td>WARNING</td><td colspan="2">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td><td>0.0.0</td></tr></table> <p>CATALOG</p> <p>Ex. 1004 (Senoh), FIG. 4.</p> <p>Senoh’s <i>product catalog</i> includes references to items of content because it allows the user to view previews of the content. Ex. 1004 (Senoh), ¶[0043]-[0044].</p> | CONTENT NAME                                                 | CONTENT 1 | CONTENT 2 | 0.0.0 | PREVIEW | <div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div> | <div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div> | 0.0.0 | CONTENT RECORDING DATE | 2000.6.17 | 1999.12.31 | 0.0.0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HANAKO UENO | 0.0.0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0.0.0 | GENRE | SPORTS | EVENT | 0.0.0 | CONTENT TYPE | FINAL ( GOLF TOURNAMENT ) | NEW YEAR'S EVE | 0.0.0 | DUPLICATION FEE | \$10 | \$5 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | CONTACT ADDRESS FOR THE BUYER | abc@del | ghi@jkl | 0.0.0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  | 0.0.0 |
| CONTENT NAME                                                         | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | CONTENT 2                                                    | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| PREVIEW                                                              | <div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div> | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT RECORDING DATE                                               | 2000.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 1999.12.31                                                   | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WHO RECORDED THE CONTENT                                             | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | HANAKO UENO                                                  | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| TITLE                                                                | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | COUNTDOWN 2000                                               | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| GENRE                                                                | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | EVENT                                                        | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT TYPE                                                         | FINAL ( GOLF TOURNAMENT )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | NEW YEAR'S EVE                                               | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| DUPLICATION FEE                                                      | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | \$5                                                          | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| 0.0.0                                                                | 0.0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 0.0.0                                                        | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTACT ADDRESS FOR THE BUYER                                        | abc@del                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | ghi@jkl                                                      | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WARNING                                                              | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                              | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |

Appendix B  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>Senoh does not explicitly teach that the product catalog <i>includes, in association with each item of digital content, a reference to each implementation of said item of digital content</i>. But, this feature would have been obvious over the combined teachings of Senoh and Kenner.</p> <p>As explained in connection with <i>Limitation [2Aii]</i>, above, it would have been obvious to store multiple implementations (formats) of Senoh's preview content at Senoh's relay server based on the teachings of Kenner. In doing so, a POSITA would have further found it obvious to include <i>a reference to each implementation of said item of digital content</i> through use of a directory structure on the relay server. Ex. 1002 (Reddy Decl.), ¶¶125-127, 144, 172-173. As taught by Kenner if an acceptable codec is installed on the end-user's terminal, "a URL is created from the storage location of the video clip (step 128)." Ex. 1006 (Kenner), 18:48-50. "For example, such a created URL might be "http://deliverysite.com/clips/watchme." <i>Id.</i>, 18:48-51. But, this URL is missing the "format type extension," such as ".mpg" or ".avi." <i>Id.</i>, 18:50-56. In implementing Senoh's product catalog, including, for example, previews of video content using Kenner's techniques, each preview would be stored in a particular directory associated with that preview (e.g., /clips/watchme in the context of Kenner's example). Ex. 1002 (Reddy Decl.), ¶¶125-127, 144, 172-173. The directory structure including /clips/watchme" is a reference to each implementation of the digital content called "watchme." Ex. 1002 (Reddy Decl.), ¶¶125-127, 144, 172-173. In other words, /clips/watchme is the directory in which each implementation of watchme is stored including watchme.mpg and watchme.avi. <i>Id.</i> A POSITA would have thus found obvious an implementation of Senoh's product catalog based on Kenner's techniques to have been obvious as illustrated below:</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <div> <p>Fig. 4</p> </div> <p>For the reasons explained above, it would have been obvious to use Kenner's techniques for serving multimedia content that can be viewed by a user's terminal. <i>See Limitation [2Aii]</i>. And this would have included using the technique for storing different formats and accessing those formats from, for example, a browser on the user's terminal by addressing the content using Kenner's techniques. Ex. 1002 (Reddy Decl.), ¶¶125-127, 144, 172-173.</p>                                                                                                                                                                                                                   |
| [9P]  | <p>A system comprising:</p> <p>The preamble is not a limitation of the claim. However, even if the preamble is interpreted as being a limitation of the claim, Senoh discloses a system, such as the content distribution system shown in FIG. 2. <i>See, e.g.</i>, Ex. 1004 (Senoh), ¶¶[0002] (“This invention relates to controlling an electronic distribution system for distributing digital multimedia content, including audio and video, by way of a network.”), [0010] (“An object of this invention is therefore to provide an electronic distribution system . . .”), [0030] (“The configuration of this content distribution system is described in greater detail below with reference to FIG. 2.”).</p> |

|                                                                   | Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                   |       | <p data-bbox="251 1123 284 1207"><b>Fig.2</b></p>  <p data-bbox="868 399 901 1375">Ex. 1004 (Senoh), FIG. 2; <i>see also</i> Ex. 1002 (Reddy Decl.), ¶¶167, 174-175.</p> <p data-bbox="909 199 1015 1375">A POSITA would have understood that Senoh teaches <i>a processor</i> even though it is not explicitly mentioned. At the very least, the use of <i>a processor</i> in Senoh's system would have been obvious.</p> <p data-bbox="1055 199 1274 1375">For instance, Senoh teaches a "content distribution system 10" that includes a "user terminal 1," "relay server 2," and "content server 3." Ex. 1004 (Senoh), ¶[0029]. These entities are capable of communicating over a "communication network 4, such as the Internet . . . ." <i>Id.</i> Moreover, Senoh explains that various content may be converted from one format (e.g., MPEG-2) to another format (MPEG-4). <i>Id.</i>, ¶[0064], [0067]. Furthermore, Senoh explains that</p> |
| <p data-bbox="917 1564 950 1900"><b>[9A]</b> a processor; and</p> |       | <p data-bbox="1315 367 1421 1218">The processing operations of the various components of the above described content distribution system can also be written as a computer program causing a computer to execute the various</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

Appendix B  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

|      | Claim                                                                                                                                            | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                                                                                                                                  | <p>processes. Such a computer can be recorded to a CD, DVD, or other optical disc, to a floppy disk or other magnetic storage medium, or to flash memory or other semiconductor storage medium. The computer program could yet further be distributed as an electric signal via the Internet or other network.</p> <p>Ex. 1004 (Senoh), ¶[0081]. The POSITA would have understood all of these references to refer to systems with processors for executing computer-readable instructions. Ex. 1002 (Reddy Decl.), ¶176. Even if it could be argued that a processor is not disclosed to the POSITA, a POSITA would have understood how to implement the functionality described by Senoh and rendered obvious by Senoh in view of Kenner in a processor because processors were commonly used to execute computer-readable instructions in computer systems such as those described by Senoh. Ex. 1002 (Reddy Decl.), ¶176.</p>                                                                                   |
| [9B] | <p>a storage facility accessible to the processor and containing code which, when executed by the processor, causes the processing system to</p> | <p>Senoh discloses or at least renders obvious the claimed <i>storage facility accessible to the processor and containing code which, when executed by the processor, causes the processing system to</i> perform various functions.</p> <p>For instance, Senoh explains:</p> <p>The processing operations of the various components of the above described content distribution system can also be written as a computer program causing a computer to execute the various processes. Such a computer can be recorded to a CD, DVD, or other optical disc, to a floppy disk or other magnetic storage medium, or to flash memory or other semiconductor storage medium. The computer program could yet further be distributed as an electric signal via the Internet or other network.</p> <p>Ex. 1004 (Senoh), ¶[0081].</p> <p>The POSITA would have understood that the functionality performed by, for instance the content server and the relay server would have been implemented based on computer code,</p> |

| Claim                         | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                      |           |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
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|                               | and that such code would have been stored in a <i>storage facility</i> so that the computer-readable instructions could be fetched and executed by the processor to perform the functionality disclosed and rendered obvious by Senoh. Ex. 1002 (Reddy Decl.), ¶177-179.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                      |           |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| [9Bi]                         | <p>Senoh discloses or at least renders obvious code that when executed causes the processing system to <i>receive and store a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless communication subscribers</i>.</p> <p>Senoh discloses that the processing system performs functionality associated with <i>receiving and storing</i> using Senoh’s relay server 2. Ex. 1002 (Reddy Decl.), ¶¶76-77, 147, 180. Senoh discloses a catalog with multiple items of content as shown in Figure 4 (below).</p> <p><i>Fig.4</i></p> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th></th></tr><tr><td>PREVIEW</td><td><div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div></td><td><div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div></td><td>0.0.0</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>1999.12.31</td><td>0.0.0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HANAKO UENO</td><td>0.0.0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0.0.0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0.0.0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL (GOLF TOURNAMENT)</td><td>NEW YEAR’S EVE</td><td>0.0.0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0.0.0</td></tr><tr><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>labo@def</td><td>ghi@jkl</td><td>0.0.0</td></tr><tr><td>WARNING</td><td colspan="2">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td><td>0.0.0</td></tr></table> <p>CATALOG</p> | CONTENT NAME                                                         | CONTENT 1 | CONTENT 2 |  | PREVIEW | <div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div> | <div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div> | 0.0.0 | CONTENT RECORDING DATE | 2000.6.17 | 1999.12.31 | 0.0.0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HANAKO UENO | 0.0.0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0.0.0 | GENRE | SPORTS | EVENT | 0.0.0 | CONTENT TYPE | FINAL (GOLF TOURNAMENT) | NEW YEAR’S EVE | 0.0.0 | DUPLICATION FEE | \$10 | \$5 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | CONTACT ADDRESS FOR THE BUYER | labo@def | ghi@jkl | 0.0.0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  | 0.0.0 |
| CONTENT NAME                  | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | CONTENT 2                                                            |           |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| PREVIEW                       | <div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div> | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| CONTENT RECORDING DATE        | 2000.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 1999.12.31                                                           | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | HANAKO UENO                                                          | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| TITLE                         | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | COUNTDOWN 2000                                                       | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| GENRE                         | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | EVENT                                                                | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| CONTENT TYPE                  | FINAL (GOLF TOURNAMENT)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | NEW YEAR’S EVE                                                       | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| DUPLICATION FEE               | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | \$5                                                                  | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| 0.0.0                         | 0.0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0.0.0                                                                | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| CONTACT ADDRESS FOR THE BUYER | labo@def                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | ghi@jkl                                                              | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                      | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |

|        | Claim                                                                                                                                                                                                                                           | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        |                                                                                                                                                                                                                                                 | <p>Ex. 1004 (Senoh), FIG. 4. This figure shows “[a] sample catalog compiling plural catalog entries,” from which users can “select desired content by accessing [a] bulletin board on the relay server 2 and viewing the catalog.” <i>Id.</i>, ¶[0045]. The catalog data is generated by and sent from the content server 3 to the relay server 2. <i>See</i> Ex. 1004 (Senoh), ¶[0043] (“The content server 3 then generates and sends catalog data for the content to the relay server 2 in order to market the content to a wider audience.”), [0044] (“[T]he relay server 2 is a server computer accessible from the network and storing a compiled catalog of plural catalog data entries.”). This allows the relay server to store “a compiled catalog of plural catalog data entries.” <i>Id.</i>, ¶[0044]. Content stored at relay server includes previews of audio or video data. “If the content contains video, the relay server 2 preferably enables the content highlights to be previewed. If the content is audio (music), a selection of a particular length could be provided as a preview.” Ex. 1004 (Senoh), ¶[0044]; <i>see also id.</i>, FIG. 4.</p> <p>Senoh’s different previews associated with the different catalog entries (e.g., as shown in FIG. 4) are <i>received and stored in</i> relay server and are <i>items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers</i>. Ex. 1002 (Reddy Decl.), ¶¶78 (citing Ex. 1011, 2:5-7 and explaining that wireless services for cellular phones were provided as a subscription service using, for example, Subscriber Identity Modules in cellular phones), 180.</p> |
| [9Bii] | including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities; | <p>Senoh in view of Kenner renders obvious code that when executed causes the processing system to <i>receive and store a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities</i>.</p> <p>While Senoh describes how items of content (e.g., video and audio previews) are received at the relay server, Senoh does not disclose a mechanism for ensuring that various user terminals can view the previews from the catalog if the capabilities of those terminals differ. In connection with the catalog previews, Senoh thus does not disclose <i>receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of content corresponds to a different set of device capabilities</i>. A POSITA would have looked for a technique to ensure that the user terminals</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

Appendix B  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|       | <p>had the proper CODEC installed to allow the terminal to view or listen to the preview and would have found a solution in Kenner. Ex. 1002 (Reddy Decl.), ¶¶133-138, 181, 186.</p> <p>Kenner teaches a technique to ensure that the end-user terminal making the request for previews from the catalog receives the preview in a format that the terminal can decode and display. Specifically, Kenner teaches “[a] system and method for the selection and retrieval of various types of video data from distributed delivery sites . . . .” Ex. 1006 (Kenner), Abstract. Kenner’s “Smart Mirror” sites “maintains copies of . . . data in several alternative file formats,” and “[t]he appropriate file format is automatically selected based on the capabilities of a user terminal making a request for data.” <i>Id.</i> Kenner explains that ensuring that a codec for decoding multimedia is the appropriate codec to allow viewing of the media “can be difficult, time-consuming, or inconvenient.” Ex. 1006 (Kenner), 2:26-29. “If a user is forced to download a CODEC program before he can play a video file, he may be discouraged from pursuing that particular video request any further.” <i>Id.</i>, 2:29-32. Kenner further explains that</p> <p style="padding-left: 40px;">Since video delivery over the Internet has quickly gained in popularity, a need exists for a system that can make sure that a user’s video request can, in most cases, be satisfied by video clip stored in a compression format recognized by a CODEC on the user’s terminal, thereby eliminating or reducing the user’s need to download a new CODEC program.</p> <p>Ex. 1006 (Kenner), 5:48-54. Kenner thus uses a “format selection scheme . . . to automatically select a video clip file compressed in a format recognized by a CODEC program already installed and operative on a user terminal.” <i>Id.</i>, 6:1-4.</p> <p>A Web page hosting an embedded video clip also includes code to activate the Smart Mirroring and format selection schemes. Accordingly, <u>a video clip selection and retrieval system according to the invention stores each video clip at various locations in a number of different compression formats. A format selection</u></p> |

Appendix B  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|       | <p>module comprises software programs that instruct the user terminal to determine which CODEC programs are installed at a user terminal, select a preferred CODEC for use, locate video clips stored in a compression format recognized by the preferred CODEC, and redirect or modify a video request so the video delivery system can locate and retrieve the desired clip. Where no appropriate CODEC is detected, the format selection module prompts the user to download and install a preferred CODEC.</p> <p>In a first embodiment of the format selection module, <u>a video clip is stored in a number of different compression formats at individual delivery sites connected to the Internet. The video clip and its address are referenced on a Web page providing access to the server. The Web page also contains an embedded software program for querying the user terminal to determine what CODECs are installed at the terminal. The embedded program is automatically executed when the user requests a video clip which is referenced on the Web page. If the query detects the presence of a CODEC that can decompress a video clip stored by one of the servers, the embedded program will select that CODEC and request the appropriate video clip.</u></p> <p>Ex. 1006 (Kenner), 7:14-40.</p> <p>The invention is capable of selecting a preferred file format from a plurality of available formats. Accordingly, the storage module 27 of the first delivery site 26 (FIG. 1) <u>includes storage for a plurality of video clips in different formats.</u> Four clips 116-119 are shown, although any number can be used under the system and method of the invention.</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|       | <p>Ex. 1006 (Kenner), 18:6-13. Based on the foregoing, Kenner describes method including <i>receiving and storing a plurality of different implementations of at least one of the items of digital content</i> by explaining that “a video clip selection and retrieval system according to the invention stores each video clip at various locations in a number of different compression formats.” <i>Id.</i>, 7:16-19, 7:28-30. As Kenner explains, different formats correspond to different <i>device capabilities</i>: “The appropriate file format is automatically selected based on the capabilities of a user terminal making a request for data.” Ex. 1006 (Kenner), Abstract. And, even if Kenner did not explicitly disclose receiving the different implementations, it would have been obvious to receive them from the source of the content after transcoding of the data into different formats to give the content creator maximum control over the look of the content on various devices in various formats, as explained in more detail below. Ex. 1002 (Reddy Decl.), ¶¶142, 181, 186.</p> <p>A POSITA would have found it obvious to use Kenner’s system for retrieving content of a particular format keyed to the device capabilities of the requesting device in connection with Senoh’s catalog including video. As explained above, Senoh teaches an online catalog for browsing multimedia content. Ex. 1004 (Senoh), ¶¶[0043]-[0044]. The catalog can include previews of the audio or video. <i>Id.</i>, ¶[0044]. Yet, Senoh does not explain how the multimedia previews would have been viewed on the user terminal. Nor does Senoh provide a discussion of how to ensure that the end-user’s terminal can play the audio or video preview from the catalog. The POSITA would have looked to Kenner for several reasons.</p> <p>First, the POSITA would have understood that different devices having different capabilities for viewing multimedia content like Senoh’s previews needed to have the data delivered in certain formats to display well on the devices. Ex. 1002 (Reddy Decl.), ¶¶39-44, 130, 181, 186; Ex. 1004 (Senoh), ¶[0008] (“A problem arises . . . when the specifications of the distributed content differ from the specifications of content that is viewable on the user’s terminal or monitor, resulting in the user being unable to enjoy the content.”). A POSITA would have been motivated to perform a step of receiving preview data in different implementations corresponding to different devices that access Senoh’s catalog, and storing that data with other catalog data at the relay server, so that a wide variety of devices can</p> |

Appendix B  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

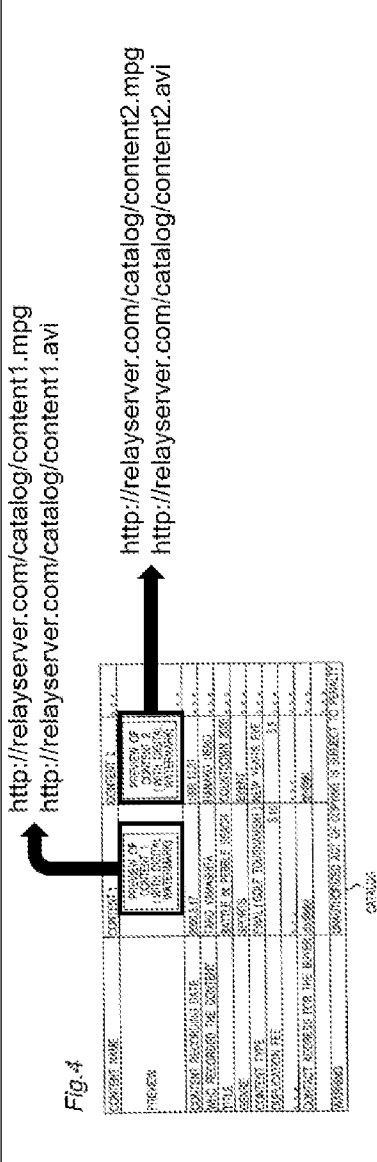
| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|       | <p>preview the content from the catalog, thus further disseminating the content to a variety of users, as desired by Senoh. Ex. 1004 (Senoh), ¶¶0043]; Ex. 1002 (Reddy Decl.), ¶¶132, 186.</p> <p>Second, a POSITA knew that latency in viewing content on the Web affected the user experience. Ex. 1002 (Reddy Decl.), ¶¶137, 186. Thus, using the same transcoding processes that Senoh uses for purchased full-length content would have been unattractive for Senoh's previews. Ex. 1002 (Reddy Decl.), ¶¶137, 186. A POSITA would have understood from Senoh that content in the catalog originated from different content creators/copyright holders. Ex. 1002 (Reddy Decl.), ¶¶137, 186. Specifically, Senoh explains that the copyright holder and content server computers could be the same machines, Ex. 1004 (Senoh), ¶¶0032], that each copyright holder receives a unique ID, <i>id.</i>, ¶¶0034], and that the relay server stores a catalog with content from multiple copyright holders, <i>id.</i>, ¶¶0054], FIG. 5; Ex. 1002 (Reddy Decl.), ¶¶137, 186. Therefore, to implement a system where the content server maintains the previews until requested would have caused the content to be fetched when the catalog data was requested, sent to the relay server, transcoded at the relay server, and sent to the user terminal, from each of the content servers that provided catalog content. This would have added latency to the system, resulting in a potentially frustrating user experience that could lead to the perception that the service was poor quality. Ex. 1002 (Reddy Decl.), ¶¶138, 186. Therefore, transcoding the preview content in advance like Agharam does would have been seen as a way to reduce latency for resource intensive audio and video content like Senoh's previews. <i>Id.</i> And, while users might be willing to wait for content to be transcoded after they pay for it and await its delivery, users may be less tolerant of delays while viewing a number of different previews in the catalog while browsing for something they may want to buy. <i>Id.</i> Thus, the POSITA would have been led to look to Kenner for a solution to the problem of ensuring content was delivered to devices in a format they could properly view. <i>Id.</i></p> <p>Third, storing multiple implementations of an item of content (previews) is one of a finite number of predictable solutions available to the POSITA for enabling content to be tailored to the user terminals requesting Senoh's previews. Ex. 1002 (Reddy Decl.), ¶¶139, 186. Indeed, besides receiving and storing different implementations of items of content, one implementation could be received and transcoded at the relay server; implementations may</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|       | <p>be transcoded on the fly from a single implementation, or, contrary to Senoh's teachings, the catalog content could be kept at content servers and either transcoded there statically or dynamically. <i>Id.</i> These solutions all had predictable results as the concepts of "static" transcoding and "dynamic" transcoding were discussed in the literature and had known implications. <i>See, e.g.,</i> Ex. 1008, pp.154-157.</p> <p>The POSITA would have seen that Kenner provides a mechanism for storing multimedia content at a server which hosts a webpage in which the content is embedded and which ensures that the end-user's terminal can play the content back. Ex. 1002 (Reddy), ¶143, 186. Kenner explains that servers can store "a plurality of video clips in different formats." Ex. 1006 (Kenner), 18:8-11. In the context of Senoh's catalog, the POSITA would have understood that the first step in viewing the catalog included loading a web page such that a browser or other software on the user terminal could view the catalog data. As illustrated in Senoh's FIG. 4, the webpage would include one or more links to audio or video content in the form of previews of the items of content. <i>See</i> Ex. 1004 (Senoh), FIG. 4. Loading a webpage with embedded video data is also described by Kenner. <i>See</i> Ex. 1006 (Kenner), 18:32-33 ("First, the Web page containing the video clip is loaded by the user terminal (step 120)."). To ensure that the user terminal's browser can view the video, a POSITA would have found it obvious to employ Kenner's embedded script, which "specifies a sequence of preferred CODECs and corresponding video clip format types." Ex. 1006 (Kenner), 18:33-39. Based on the execution of this script, "a URL is created from the storage location of the video clip" on the server. <i>Id.</i>, 18:48-50. Then, the appropriate file format extension is appended to it to allow the identification of a format of the file that can be played back on the user terminal. <i>Id.</i>, 18:51-61 ("Note that the created URL does not have a format type extension. The created URL is then modified (step 130) by appending a format type extension (e.g. ".mpg" for MPEG-formatted clips, or ".avi" for Microsoft Video for Windows-formatted clips) to the location of the video clip. The format type extension used depends on the selected CODEC. The resulting URL (e.g. "http://www.deliverysite.com/clips/watchme.mpg") uniquely specifies a video clip file in a format recognized by the preferred CODEC installed on the user terminal.").</p> |

|                | <b>Claim</b>                                                                                                                                   | <b>Prior Art Disclosures</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                |                                                                                                                                                | <p>A POSITA would have been motivated to use techniques disclosed by Kenner in connection with the catalog of Senoh because it would have allowed the preview content to be played by various user terminals having different capabilities through the automatic selection of content that can be played by the terminal. Ex. 1002 (Reddy Decl.), ¶¶140, 186. This would have minimized user frustration in either not being able to view certain content or having to locate and install a particular codec to play the one version of content stored at the server location. Ex. 1002 (Reddy Decl.), ¶¶139, 186. The use of Kenner's known technique to allow the system to automatically correlate pre-stored video having particular formats with user terminals capable of playing that content would have merely applied a known technique to Senoh's catalog and would have yielded only predictable results of allowing a diverse set of devices with different codes to view the previews of the content items through the catalog site. Ex. 1002, ¶140, 186. The POSITA would have looked to Kenner to provide a technique that allowed the system to correlate between installed CODECs on client terminals and available implementations of the items of content. Ex. 1002 (Kenner), ¶141, 186. Because the interrelated techniques were taught in detail in the prior art, and the art was predictable and well-understood, the POSITA would have had a reasonable expectation of success in combining Senoh's relay server and catalog with Kenner's technique for ensuring that user terminals could view video files. Ex. 1002 (Reddy Decl.), ¶143, 186.</p> <p>Moreover, even if it was contended that Kenner did not teach receiving and storing the different implementations of the items of content, it would have been obvious to have the content creators produce the items of content and send them to the relay server such that are received and stored in the compiled catalog disclosed by Senoh. Ex. 1002 (Reddy Decl.), ¶¶142, 186; Ex. 1008, p.156. This is because content creators would have wanted to have control over the transcoding of their content, and storing that content with the remainder of the catalog data would have improved the speed at which it could be delivered to the end-user. <i>Id.</i> This would have improved the marketability of the system and content. <i>Id.</i></p> |
| <b>[9Biii]</b> | maintain a product catalog containing a description of the items of digital content, wherein the product catalog includes, in association with | <p>Senoh discloses and renders obvious code that when executed causes a processor to <b><i>maintain a product catalog containing a description of items of digital content</i></b>. Senoh in view of Kenner renders obvious code that when executes causes a processor to maintain a product catalog <b><i>wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content</i></b>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

| Claim                                                                                             | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                               |           |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
|---------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-----------|-----------|-------|---------|-----------------------------------------------|-----------------------------------------------|-------|------------------------|-----------|------------|-------|--------------------------|----------------|-------------|-------|-------|------------------------|----------------|-------|-------|--------|-------|-------|--------------|---------------------------|----------------|-------|-----------------|------|-----|-------|-------|-------|-------|-------|-------------------------------|---------|---------|-------|---------|---------------------------------------------------|--|-------|
| each item of digital content, a reference to each implementation of said item of digital content; | <p>Senoh explains that “content server 3 . . . generates and sends catalog data for content to the relay server 2 in order to market the content to a wider audience.” Ex. 1004 (Senoh), ¶[0043]. “[T]he relay server 2 is a server computer accessible from the network and storing a compiled catalog of plural catalog data entries.” <i>Id.</i>, ¶[0044]. “A sample catalog compiling plural catalog data entries is shown in FIG. 4.” <i>Id.</i>, ¶[0045].</p> <p><b>Fig.4</b></p> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th>0.0.0</th></tr><tr><td>PREVIEW</td><td>PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)</td><td>PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK)</td><td>0.0.0</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>1999.12.31</td><td>0.0.0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HANAKO UENO</td><td>0.0.0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0.0.0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0.0.0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL ( GOLF TOURNAMENT )</td><td>NEW YEAR'S EVE</td><td>0.0.0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0.0.0</td></tr><tr><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>abc@del</td><td>ghi@jkl</td><td>0.0.0</td></tr><tr><td>WARNING</td><td colspan="2">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td><td>0.0.0</td></tr></table> <p>CATALOG</p> <p>Ex. 1004 (Senoh), FIG. 4.</p> <p>Senoh’s <i>product catalog</i> includes references to items of content because it allows users to view previews of the content. Ex. 1004 (Senoh), ¶[0043]-[0044].</p> | CONTENT NAME                                  | CONTENT 1 | CONTENT 2 | 0.0.0 | PREVIEW | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK) | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) | 0.0.0 | CONTENT RECORDING DATE | 2000.6.17 | 1999.12.31 | 0.0.0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HANAKO UENO | 0.0.0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0.0.0 | GENRE | SPORTS | EVENT | 0.0.0 | CONTENT TYPE | FINAL ( GOLF TOURNAMENT ) | NEW YEAR'S EVE | 0.0.0 | DUPLICATION FEE | \$10 | \$5 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | CONTACT ADDRESS FOR THE BUYER | abc@del | ghi@jkl | 0.0.0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  | 0.0.0 |
| CONTENT NAME                                                                                      | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | CONTENT 2                                     | 0.0.0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| PREVIEW                                                                                           | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) | 0.0.0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT RECORDING DATE                                                                            | 2000.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1999.12.31                                    | 0.0.0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WHO RECORDED THE CONTENT                                                                          | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | HANAKO UENO                                   | 0.0.0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| TITLE                                                                                             | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | COUNTDOWN 2000                                | 0.0.0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| GENRE                                                                                             | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EVENT                                         | 0.0.0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT TYPE                                                                                      | FINAL ( GOLF TOURNAMENT )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | NEW YEAR'S EVE                                | 0.0.0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| DUPLICATION FEE                                                                                   | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | \$5                                           | 0.0.0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| 0.0.0                                                                                             | 0.0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.0.0                                         | 0.0.0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTACT ADDRESS FOR THE BUYER                                                                     | abc@del                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | ghi@jkl                                       | 0.0.0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WARNING                                                                                           | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                               | 0.0.0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|       | <p>Senoh does not explicitly teach that the product catalog <i>includes, in association with each item of digital content, a reference to each implementation of said item of digital content</i>. But, this feature would have been obvious over the combined teachings of Senoh and Kenner. As explained in connection with <i>Limitation [2Aii]</i>, above, it would have been obvious to store multiple implementations (formats) of Senoh's preview content at Senoh's relay server based on the teachings of Kenner. In doing so, a POSITA would have further found it obvious to include <i>a reference to each implementation of said item of digital content</i> through use of a directory structure on the relay server. Ex. 1002 (Reddy Decl.), ¶¶125-127, 144, 182, 186. As taught by Kenner if an acceptable codec is installed on the end-user's terminal, "a URL is created from the storage location of the video clip (step 128)." Ex. 1006 (Kenner), 18:48-50. "For example, such a created URL might be "http://deliverysite.com/clips/watchme." <i>Id.</i>, 18:48-51. But, this URL is missing the "format type extension," such as ".mpg" or ".avi." <i>Id.</i>, 18:50-56.</p> <p>In implementing Senoh's product catalog, including, for example, previews of video content using Kenner's techniques, each preview would be stored in a particular directory associated with that preview (e.g., /clips/watchme in the context of Kenner's example). Ex. 1002 (Reddy Decl.), ¶¶125-127, 144, 181, 186. The directory structure including /clips/watchme" is a reference to each implementation of the digital content called "watchme" because it unambiguously identifies all the files stored in that directory with the name "watchme." Ex. 1002 (Reddy Decl.), ¶¶125-127, 144, 181, 186. In other words, /clips/watchme is the directory in which each implementation of watchme is stored including watchme.mpg and watchme.avi. <i>Id.</i> A POSITA would have thus found obvious an implementation of Senoh's product catalog based on Kenner's techniques to have been obvious as illustrated below:</p> |

|        | Claim                                                                    | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        |                                                                          | <p><i>Fig. 4</i></p>  <p>For the reasons explained above, it would have been obvious to use Kenner's techniques for serving multimedia content that can be viewed by a user's terminal. <i>See Limitation [2Aii]</i>. And this would have included using the technique for storing different formats and accessing those formats from, for example, a browser on the user's terminal by addressing the content using Kenner's techniques. Ex. 1002 (Reddy Decl.), ¶¶125-127, 144, 182, 186.</p> <p>Senoh in view of Kenner renders obvious code that when executed causes a processor to <b>receive a request from a wireless device used by one of the subscribers</b>.</p> <p>In the combined Senoh-Kenner technique for serving appropriately formatted multimedia data associated with Senoh's product catalog to end-user terminals, a POSITA would have understood that once the format type is determined, a URL including the "format type extension" is "transmitted to the delivery site specified by the URL, and the clip is downloaded (step 132) and played (step 134)." Ex. 1006 (Kenner), 18:61-63; Ex. 1002 (Reddy Decl.), ¶¶151, 183. The URL sent from the user terminal is received by Senoh's relay server in the combined Senoh-Kenner system, causing the preview having a file format that can be viewed by the user's terminal to be served to the end-user terminal in a format that can be viewed on that terminal. For the reasons explained above, a process including <b>receiving a request from a wireless device used by one of the subscribers</b> would have been obvious.</p> |
| [9Biv] | receive a request from a wireless device used by one of the subscribers; |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

|         | Claim                                                                                                                                                                                                   | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| [9Bv]   | in response to the request, select a portion of the product catalog to be presented to the subscriber, based on device capabilities of the wireless device used by the subscriber; and                  | <p>Senoh in view of Kenner renders obvious code that when executed causes a processor to <b><i>in response to the request, selecting a portion of the product catalog to be presented to the subscriber, based on the capabilities of the wireless device used by the subscriber.</i></b></p> <p>As explained above in connection with <i>Limitation [2Aii]</i>, it would have been obvious to use the Kenner techniques in combination with Senoh's product catalog to ensure that properly formatted video and audio data are served from Senoh's relay server to user terminals viewing the product catalog previews. In the combined system, once a URL having the appropriate "format type extension" for a codec installed on the terminal is received, a portion of the product catalog is selected based on the device capabilities and is presented to the subscriber thus allowing the content to be downloaded and played. Ex. 1006 (Kenner), 18:61-65 ("This URL is then transmitted to the delivery site specified by the URL, and the clip is downloaded (step 132) and played (step 134). When the video clip file is received, the browser automatically invokes the proper CODEC for its display."); Ex. 1002 (Reddy Decl.), ¶¶154, 184.</p> <p>Thus, in response to the request—i.e., the URL including the correctly format type extension as taught by Kenner—a portion of the product catalog is selected from the relay server to be presented to the subscriber on their terminal. This selection is performed <b><i>based on the device capabilities of the wireless device used by the subscriber</i></b> because the format type extension is used to obtain the correctly formatted content from the server based on the codec installed at the terminal. Ex. 1006, 18:48-65; Ex. 1002 (Reddy Decl.), ¶154, 184. And, only <b><i>a portion of the product catalog</i></b> is selected because the preview content is only provided in one format. <i>Id.</i></p> |
| [9Bvii] | cause the selected portion of the product catalog to be presented to the subscriber via a wireless telecommunications network, such that the selected portion, as presented to the subscriber, provides | <p>Senoh in view of Kenner renders obvious code that when executed, <b><i>causes the selected portion of the product catalog to be presented to the subscriber via a wireless network, such that the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item.</i></b></p> <p>A subscriber using the cellular phone described by Senoh to view the product catalog including video previews, Ex. 1004, ¶¶[0044], [0060], [0074], in which the techniques of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

Appendix B  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

|  | <b>Claim</b>                                                                                                                              | <b>Prior Art Disclosures</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item. | <p>Kenner are used to select a preview in the appropriate format for viewing on the user terminal would be presented with <i>the selected portion of the product catalog via a wireless network</i>. Ex. 1002, ¶¶156, 185. Using the combined teachings of Senoh and Kenner, the <i>selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations</i> because, for example, the video preview would be presented on one format (e.g., .mpg) and not another available format (e.g., .avi) based on the available codec at the terminal. Ex. 1006 (Kenner), 18:48-67; Ex. 1002, ¶¶156, 185. In other words, even when Senoh's product catalog refers to a .mpg and a .avi formatted version of a particular preview, only one of the formats will be returned for viewing of the preview using Kenner's techniques. Ex. 1002 (Reddy Decl.), ¶¶156, 185.</p> |

## APPENDIX C

**SNQ3: U.S. Patent Application Publication No. 2002/0078178 A1 to Senoh ("Senoh," Ex. 1004) in view of U.S. Patent No. 6,345,279 to Li et al. ("Li," Ex. 1007) renders claims 1-2, 4, 8-9, and 11 obvious.**

Senoh is prior art under pre-AIA 35 U.S.C. § 102(e) because it was filed in the United States on August 27, 2001 and published on June 20, 2002. Li is prior art under 35 U.S.C. § 102(a) and (e) because it was filed on April 2, 1999 and issued on February 5, 2002.

| Claim                                                                                                              | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| [11P]<br>A method of providing access to content for use on wireless communication devices, the method comprising: | <p>The preamble is not a limitation of the claim. However, even if the preamble is interpreted as being a limitation of the claim, Senoh discloses a method of providing access to content for use on wireless communication devices.</p> <p>Senoh discloses <i>wireless communication devices</i> because it discloses cellular user terminals that include cellular phones. Ex. 1002, ¶¶73, 188. Specifically, Senoh teaches a "user terminal 1" that accesses a relay server 2 which receives and stores catalog data related to various items of multimedia content. This is illustrated in Senoh Figure 2 (below).</p> <p style="text-align: center;"><i>Fig.2</i></p> <p style="text-align: center;"><i>Ex. 1004 (Senoh), FIG. 2.</i></p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|       | <p>The “user terminal” can be a “cellular phone.” Ex. 1004 (Senoh), ¶¶[0060], [0074] (“The user terminal 1 could be a personal computer, cellular phone, or television or video deck having a communication function.”). As Senoh explains “[i]t will be obvious to one with ordinary skill in the related art that while only one user terminal 1 is shown in the figure, plurality user terminals can be connected.” Ex. 1004 (Senoh), ¶[0029]; <i>see also</i> Ex. 1002 (Reddy Decl.), ¶74, 188; Ex. 1006 (Kenner), 8:26-28 (“Only three user terminals are shown; however, it should be recognized that the number of concurrent users of the invention is unlimited, such to the operational details set forth below.”)).</p> <p>Senoh further describes a <i>method of providing access to content for use on the wireless communication devices</i>. Ex. 1002 (Reddy Decl.), ¶¶73-75, 188. In addition to allowing users to contact content providers to purchase content, <i>see, e.g.</i>, Ex. 1004 (Senoh), ¶¶[0045], [0057]-[0059], Senoh discloses a method of <i>providing access to content</i> in the form of previews of content through an online catalog. For example, Senoh explains that the “content server 3 . . . generates and sends catalog data for the content to the relay server 2 in order to market the content to a wider audience.” Ex. 1004 (Senoh), ¶[0043]. When the content is video content, “the relay server 2 preferably enables the content highlights to be previewed.” <i>Id.</i>, ¶[0044]. Users can “select desired content by accessing the bulletin board on the relay server 2 and viewing the catalog.” <i>Id.</i>, ¶[0045]. This content is accessible to the user for use on wireless communication devices through the “common bulletin board” which includes a product catalog. Ex. 1004 (Senoh), ¶[0045].</p> <p>Senoh discloses and renders obvious <i>receiving and storing a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers</i>.</p> <p>Senoh teaches <i>receiving and storing a plurality of items of content</i> in the relay server in because Senoh’s relay server receives previews of the content made available from copyright holders using Senoh’s system. An example of content stored in the relay server (2) disclosed in Senoh is provided in Figure 4 (below).</p> |
| [1Ai] | <p>receiving and storing a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Claim                         | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                               |           |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-----------|-----------|-------|---------|-----------------------------------------------|-----------------------------------------------|--|------------------------|-----------|------------|-------|--------------------------|----------------|-------------|-------|-------|------------------------|----------------|-------|-------|--------|-------|-------|--------------|-------------------------|----------------|-------|-----------------|------|-----|-------|-------|-------|-------|-------|-------------------------------|---------|---------|-------|---------|---------------------------------------------------|--|--|
|                               | <div>Fig.4</div> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th>0 0 0</th></tr><tr><td>PREVIEW</td><td>PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)</td><td>PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK)</td><td></td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>1999.12.31</td><td>0 0 0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HANAKO UENO</td><td>0 0 0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0 0 0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0 0 0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL (GOLF TOURNAMENT)</td><td>NEW YEAR'S EVE</td><td>0 0 0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0 0 0</td></tr><tr><td>0 0 0</td><td>0 0 0</td><td>0 0 0</td><td>0 0 0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>abc@def</td><td>ghi@jkl</td><td>0 0 0</td></tr><tr><td>WARNING</td><td colspan="3">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td></tr></table> <div>CATALOG</div> <p>Ex. 1004 (Senoh), FIG. 4 (showing previews displayed in product catalog). This figure shows “[a] sample catalog compiling plural catalog entries,” from which users can “select desired content by accessing [a] bulletin board on the relay server 2 and viewing the catalog.” <i>Id.</i>, ¶[0045]. Thus, the relay server stores “a compiled catalog of plural catalog data entries.” <i>Id.</i>, ¶[0044]. Content stored at relay server includes previews of audio or video data: “If the content contains video, the relay server 2 preferably enables the content highlights to be previewed. If the content is audio (music), a selection of a particular length could be provided as a preview.” Ex. 1004 (Senoh), ¶[0044]; <i>see also id.</i>, FIG. 4. Here, a first item of content is “Preview of Content 1” and a second item of content is “Preview of Content 2,” and thus are <b>a plurality of items of content</b> which are to be made available to user terminals including <b>wireless communication devices used by a plurality of wireless services subscribers</b>. Ex. 1002 (Reddy Decl.), ¶¶76-77, 189.</p> | CONTENT NAME                                  | CONTENT 1 | CONTENT 2 | 0 0 0 | PREVIEW | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK) | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) |  | CONTENT RECORDING DATE | 2000.6.17 | 1999.12.31 | 0 0 0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HANAKO UENO | 0 0 0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0 0 0 | GENRE | SPORTS | EVENT | 0 0 0 | CONTENT TYPE | FINAL (GOLF TOURNAMENT) | NEW YEAR'S EVE | 0 0 0 | DUPLICATION FEE | \$10 | \$5 | 0 0 0 | 0 0 0 | 0 0 0 | 0 0 0 | 0 0 0 | CONTACT ADDRESS FOR THE BUYER | abc@def | ghi@jkl | 0 0 0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  |  |
| CONTENT NAME                  | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | CONTENT 2                                     | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| PREVIEW                       | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) |           |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| CONTENT RECORDING DATE        | 2000.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1999.12.31                                    | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | HANAKO UENO                                   | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| TITLE                         | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | COUNTDOWN 2000                                | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| GENRE                         | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EVENT                                         | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| CONTENT TYPE                  | FINAL (GOLF TOURNAMENT)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | NEW YEAR'S EVE                                | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| DUPLICATION FEE               | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | \$5                                           | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| 0 0 0                         | 0 0 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 0 0 0                                         | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| CONTACT ADDRESS FOR THE BUYER | abc@def                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | ghi@jkl                                       | 0 0 0     |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                               |           |           |       |         |                                               |                                               |  |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |

|         | Claim                                                                                                                                                                                                                          | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         |                                                                                                                                                                                                                                | <p>These <i>plurality of items of content</i> are provided from Senoh's content server 3 and are <i>received</i> by, and <i>stored</i> in, the relay server. <i>See</i> Ex. 1004 (Senoh), ¶[0043] ("The content server 3 then generates and sends catalog data for the content to the relay server 2 in order to market the content to a wider audience. The catalog data could contain previews of content highlights . . . ."), ¶[0044] ("[T]he relay server 2 is a server computer accessible from the network and storing a compiled product catalog of plural catalog data entries."). These different previews associated with the difference catalog entries (e.g., as shown in FIG. 4) are <i>received and stored in</i> relay server and constitute <i>items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers</i>. Ex. 1002 (Reddy Decl.), ¶¶78 (citing Ex. 1011, 2:5-7 and explaining that wireless services for cellular phones were provided as a subscription service using, for example, Subscriber Identity Modules in cellular phones), 189.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| [1Aiii] | <p>including receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities; and</p> | <p>This limitation would have been obvious over Senoh in view of Li. While Senoh describes how items of content (e.g., video and audio previews) are received and stored at the relay server, Senoh does not disclose a mechanism for ensuring that the content displays or is otherwise reproduced in a manner that is appropriate for the specific user terminal capabilities based on the terminal that is requesting to view the content. Ex. 1002 (Reddy Decl.), ¶¶79, 190. I Senoh thus does not disclose <i>receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of content corresponds to a different set of device capabilities</i> to allow wider access to Senoh's catalog previews. A POSITA would have thus looked to a technique to ensure that the user terminals received previews in a format that could be viewed by the terminal. Ex. 1002 (Reddy Decl.), ¶191. The POSITA would have recognized that Senoh's technique of sending the full-length content to the relay sever, transcoding it and sending it to the user terminal would not have been efficient for use with Senoh's video previews, which are stored as part of the catalog on the relay server and thus would have looked to a solution in which transcoded versions of the content were stored at the server that receives the request for the content. <i>Id.</i>, ¶¶191, 208.</p> <p>Li provides a technique that can accomplish this result and present content in the manner best suited for a particular user terminal. Li teaches a method and apparatus for adapting multimedia content for diverse client devices including personal digital assistants (PDAs)</p> |

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

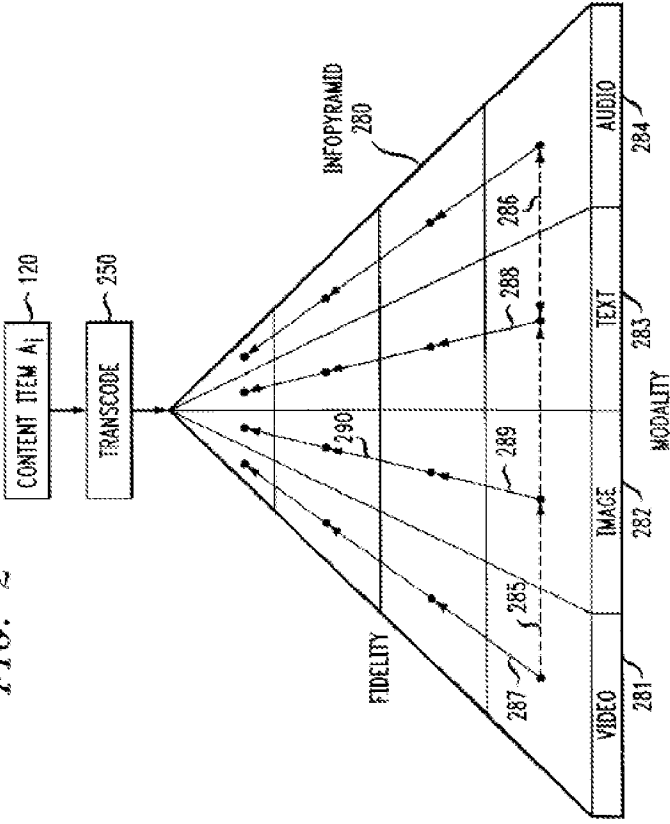
| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|       | <p>and “smart cellular phones.” Ex. 1007 (Li), 1:18-21, 1:31-36. The multimedia content is adapted “to optimally match the capabilities of the client device requesting it.” <i>Id.</i>, 2:19-21. Each content item is “transcoded into multiple resolution and modality versions so that they can be rendered on different devices.” <i>Id.</i>, 2:24-26. “For example, a video item is transcoded into a selected set of images so that it can be rendered on a device not capable of displaying video.” <i>Id.</i> Li’s invention “permits the transcoded versions of the content items to be generated prior to any requests. Thus, the invention can handle media items such as video and audio which are difficult to handle in conventional proxies. This off-line transcoding also leads to lower response latencies than proxies.” Ex. 1007 (Li), 3:4-10. The content adaptation process “can be deployed on the server-side . . . .” <i>Id.</i>, 12:11-12. The specific item(s) of information to be served to the client device are determined based on the device capabilities. Ex. 1007 (Li), 6:3-9 (“A client device is characterized by its profile 310 which lists the capabilities 320 and resources 300 of the device. . . . A client may have a different number of capabilities 320 and resources 330.”); <i>id.</i>, 6:42-47 (“A content adaptation process 350 uses the client profile 3109 to select from among the InfoPyramids 280 the versions 374 that best satisfy the particular client profile. These selected versions are rendered into a document 370 which is an adaptation (i.e., customization) of the original multimedia document 100.”).</p> <p>A POSITA would have understood that while Senoh teaches a product catalog that includes information about multiple items of content including text and video clips that are provided from content creators, <i>see</i> Ex. 1004 (Senoh), ¶¶[0043]-[0045], FIG. 4; Ex. 1002 (Reddy Decl., ¶¶190-191, 204, Senoh does not describe techniques for ensuring that the catalog can be accessed by devices with different device capabilities to ensure that the content provided from the catalog can be viewed on the client devices. Ex. 1002 (Reddy Decl.), ¶¶190-191, 204. Therefore, the POSITA would have looked at prior art solutions to make the catalog as accessible to end-users as possible to achieve the goal of allowing the content to be marketed to “a wider audience” as taught by Senoh. Ex. 1004 (Senoh), ¶[0043]; Ex. 1002, ¶207. A POSITA would have found a solution in Li and would have been led to look at Li for such a solution for several reasons.</p> |

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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|       | <p>First, a POSITA knew that content creators wanted to have control over how the different versions of their content displayed on devices. Ex. 1002 (Reddy Decl.), ¶209; Ex. 1008 (Britton), p.156 (“The primary advantages of static transcoding are quality of presentation and performance.[] Each page is constructed by a human designer, generally working with tools that show how the application will look or sound and thus allowing the presentation to be hand-tailored for each environment.”). To provide content creators the ability to control the appearance of different implementations of their content, the POSITA would have seen a benefit to having the content server maintain different, preformatted implementations of the previews, and provide those to Senoh’s relay server to market the content to a wider audience. Ex. 1002 (Reddy Decl.), ¶209; Ex. 1004 (Senoh), ¶[0044] (catalog for marketing to wider audience).</p> <p>Second, a POSITA knew that latency in viewing content on the Web affected the user experience. Ex. 1002 (Reddy Decl.), ¶210. Thus, using the same transcoding processes that Senoh uses for purchased full-length content would have been unattractive for Senoh’s previews. Ex. 1002 (Reddy Decl.), ¶210. A POSITA would have understood from Senoh that content in the catalog originated from different content creators/copyright holders. Ex. 1002 (Reddy Decl.), ¶210. Specifically, Senoh explains that the copyright holder and content server computers could be the same machines, Ex. 1004 (Senoh), ¶[0032], that each copyright holder receives a unique ID, <i>id.</i>, ¶[0034], and that the relay server stores a catalog with content from multiple copyright holders, <i>id.</i>, ¶[0054], FIG. 5; Ex. 1002 (Reddy Decl.), ¶210. Therefore, to implement a system where the content server maintains the previews until requested would have caused the content to be fetched when the catalog data was requested, sent to the relay server, transcoded at the relay server, and sent to the user terminal, from each of the content servers that provided catalog content. This would have added latency to the system, resulting in a potentially frustrating user experience that could lead to the perception that the service was poor quality. Ex. 1002 (Reddy Decl.), ¶210. Therefore, transcoding the preview content in advance like Agharam does would have been seen as a way to reduce latency for resource intensive audio and video content like Senoh’s previews. <i>Id.</i> And, while users might be willing to wait for content to be transcoded after they pay for it and await its delivery, users may be less tolerant of delays while viewing a number of different previews in the catalog while browsing for something they may want to buy. <i>Id.</i></p> |

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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|       | <p>Thus, the POSITA would have been led to look to Kenner for a solution to the problem of ensuring content was delivered to devices in a format they could properly view. <i>Id.</i></p> <p>Third, storing multiple implementations of an item of content (previews) is one of a finite number of predictable solutions available to the POSITA for enabling content to be tailored to the user terminals requesting Senoh's previews. Ex. 1002 (Reddy Decl.), ¶211. Indeed, besides receiving and storing different implementations of items of content, one implementation could be received and transcoded at the relay server; implementations may be transcoded on the fly from a single implementation, or, contrary to Senoh's teachings, the catalog content could be kept at content servers and either transcoded there statically or dynamically. <i>Id.</i> These solutions all had predictable results as the concepts of "static" transcoding and "dynamic" transcoding were discussed in the literature and had known implications. <i>See, e.g.,</i> Ex. 1008, pp.154-157.</p> <p>Specifically, the POSITA would have seen that Li teaches a way of transcoding content into numerous different formats to create what Li calls "InfoPyramids." Ex. 1007 (Li), 2:40-47, 5:66-6:2 ("As shown in FIG 2, the content items 120 of a multimedia document 100 are transcoded (250) into multiple modality and fidelity versions to generate a set of InfoPyramids 280."); Ex. 1002 (Reddy Decl.), ¶¶192-195.</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|       | <p data-bbox="259 940 300 1071"><b>FIG. 2</b></p>  <p data-bbox="966 199 1364 1375">Ex. 1007 (Li), FIG. 2. Therefore, Li teaches transcoding content items into <i>a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities</i>. Ex. 1002 (Reddy Decl.), ¶195. As taught in Li, based on the client device capabilities and resources provided in a client device profile, an appropriate implementation of the item of content can be selected for the device, e.g., “all versions that are in video modality can be filtered out if the device is not capable of displaying video” and “all versions that are color images can be filtered out for a device that has only a black and white or gray-level screen.” Ex. 1007 (Li), 6:52-56. The POSITA would have looked to Li to improve Senoh’s catalog display techniques because Li provides a way to optimize the delivery of multimedia content to user devices. Ex. 1002 (Reddy Decl.), ¶¶197, 207.</p> |

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|             | <b>Claim</b>                                                           | <b>Prior Art Disclosures</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------|------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             |                                                                        | <p>It would have been obvious to transcode preview content in Senoh's content servers to create InfoPyramids using techniques taught in Li so that InfoPyramids could be provided to relay servers to enable selection of the best way to present content to a particular user terminal based on a device's capabilities and resources as taught in Li to address the known problem that different devices had different display capabilities and not all content was properly formatted for all devices. Ex. 1002 (Reddy), ¶¶205, 212. A POSITA would have found the inclusion of Li's known technique would have improved Senoh's catalog system in the same way that improved Li's system for allowing various devices to view content tailored to the device. <i>Id.</i>, ¶212. And, applying the Li techniques to content for Senoh's catalog would allow for consumers of video content to browse the catalog for content using a variety of devices thus accomplishing the intended goal of Senoh's product catalog—i.e., “to market the content to a wider audience.” Ex. 1004 (Senoh), ¶¶0043].</p> <p>Moreover, applying Li's technique for adapting content to a variety of user terminals including “PDAs” and “smart cellular phones,” Ex. 1007 (Li), 1:31-36, would have merely applied Li's known technique for transcoding various types of content such as Senoh's text and video and audio clips into different fidelity and/or modalities to allow as many users to view the content as possible from their mobile devices, <i>id.</i>, 4:58-67; Ex. 1002 (Reddy Decl.), ¶214. Applying Li to Senoh's catalog technique would have improved Senoh in the same way as it improved the prior art discussed in Li. Ex. (Reddy Decl.) 1002, ¶215. At the very least, applying Li's techniques on the data to be served to the relay server from Senoh's content servers for use in Senoh's catalogs would have improved upon Senoh in a predictable manner—by allowing catalog content to be tailored for many different types of devices so that the content could be marketed to wider audiences. Ex. 1002 (Reddy Decl.), ¶215. The POSITA would have reasonably expected to succeed in combining Senoh and Li because Li's transcoding techniques were known and predictable and combining them with Senoh would have merely combined the known transcoding techniques with known and Internet-based technologies to provide Senoh's product catalog to user devices. Ex. 1002 (Reddy Decl.), ¶216.</p> |
| <b>[1B]</b> | maintaining a product catalog containing a description of the items of | Senoh teaches <i>maintaining a product catalog containing a description of the items of content</i> . Senoh, however, does not explicitly teach that the product catalog includes <i>in</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

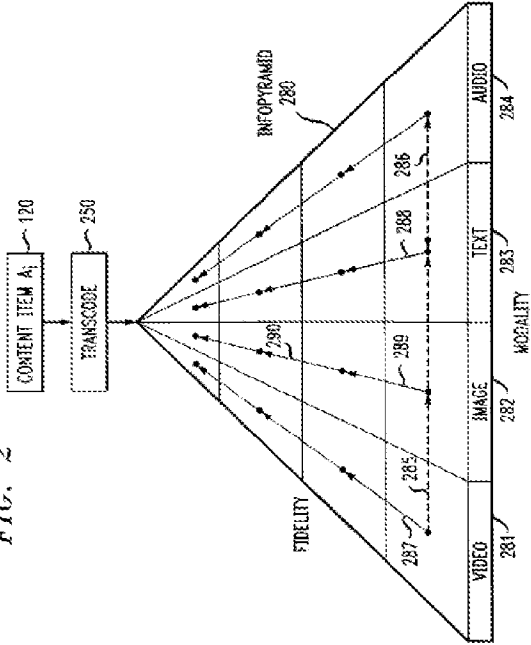
| Claim                                                                                                                                         | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                              |           |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
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| content, the product catalog including, in association with each item of content, a reference to each implementation of said item of content. | <p>Senoh explains that “content server 3 . . . generates and sends catalog data for content to the relay server 2 in order to market the content to a wider audience.” Ex. 1004 (Senoh), ¶[0043]. “[T]he relay server 2 is a server computer accessible from the network and storing a compiled catalog of plural catalog data entries.” <i>Id.</i>, ¶[0044]. “A sample catalog compiling plural catalog data entries is shown in FIG. 4.” <i>Id.</i>, ¶[0045].</p> <p><b>Fig.4</b></p> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th>0.0.0</th></tr><tr><td>PREVIEW</td><td><div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div></td><td><div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div></td><td>0.0.0</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>1999.12.31</td><td>0.0.0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HANAKO UENO</td><td>0.0.0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0.0.0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0.0.0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL (GOLF TOURNAMENT)</td><td>NEW YEAR'S EVE</td><td>0.0.0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0.0.0</td></tr><tr><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>abc@del</td><td>ghi@jkl</td><td>0.0.0</td></tr><tr><td>WARNING</td><td colspan="2">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td><td>0.0.0</td></tr></table> <p>CATALOG</p> | CONTENT NAME                                                 | CONTENT 1 | CONTENT 2 | 0.0.0 | PREVIEW | <div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div> | <div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div> | 0.0.0 | CONTENT RECORDING DATE | 2000.6.17 | 1999.12.31 | 0.0.0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HANAKO UENO | 0.0.0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0.0.0 | GENRE | SPORTS | EVENT | 0.0.0 | CONTENT TYPE | FINAL (GOLF TOURNAMENT) | NEW YEAR'S EVE | 0.0.0 | DUPLICATION FEE | \$10 | \$5 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | CONTACT ADDRESS FOR THE BUYER | abc@del | ghi@jkl | 0.0.0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  | 0.0.0 |
| CONTENT NAME                                                                                                                                  | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | CONTENT 2                                                    | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| PREVIEW                                                                                                                                       | <div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div> | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT RECORDING DATE                                                                                                                        | 2000.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 1999.12.31                                                   | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WHO RECORDED THE CONTENT                                                                                                                      | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | HANAKO UENO                                                  | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| TITLE                                                                                                                                         | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | COUNTDOWN 2000                                               | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| GENRE                                                                                                                                         | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EVENT                                                        | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT TYPE                                                                                                                                  | FINAL (GOLF TOURNAMENT)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | NEW YEAR'S EVE                                               | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| DUPLICATION FEE                                                                                                                               | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | \$5                                                          | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| 0.0.0                                                                                                                                         | 0.0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.0.0                                                        | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTACT ADDRESS FOR THE BUYER                                                                                                                 | abc@del                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | ghi@jkl                                                      | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WARNING                                                                                                                                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                              | 0.0.0     |           |       |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |

Ex. 1004 (Senoh), FIG. 4.

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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|       | <p>Senoh's <i>product catalog</i> includes references to items of content because it allows the user to view previews of the content. Ex. 1004 (Senoh), ¶¶[0043]-[0044].</p> <p>Senoh does not explicitly teach that the product catalog <i>includes, in association with each item of digital content, a reference to each implementation of said item of digital content</i>. But, this feature would have been obvious over the combined teachings of Senoh and Li. As explained in connection with <i>Limitation [IAii]</i>, above, it would have been obvious to store multiple implementations (formats) of Senoh's catalog content at Senoh's relay server in data structures such as Li's InfoPyramids based on Li's teachings. In doing so, a POSITA would have understood that <i>a reference to each implementation of said item of digital content</i> was needed to identify the specific InfoPyramid for a specific item of information. More specifically, a POSITA would have understood that there needed to be a reference from the content items—e.g., Senoh's previews—and the InfoPyramid that defines various implementations of that content item stored at the relay server. Ex. 1002 (Reddy Decl.), ¶¶200-202. Such a reference is needed to tie the items (previews) in the catalog to the InfoPyramid including the implementations and without such a reference the system would not be able to correlate items to InfoPyramids. <i>Id.</i>, ¶202.</p> <p>As Li explains, a "multimedia document," includes "a number of content items <math>A_i</math>, denoted as reference numeral 120, where <math>i=1, 2, \dots, n</math>." Ex. 1007 (Li), 4:10-13. The POSITA would have observed that Li's multimedia documents would have provided a framework for representing Senoh's product catalog. Ex. 1002 (Reddy), ¶200. This can be seen in the illustration below:</p> |

| Claim                         | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                               |           |           |  |         |                                               |                                               |         |                        |           |            |         |                          |                |             |         |       |                        |                |         |       |        |       |         |              |                       |               |         |                 |      |     |         |                               |         |         |         |         |                                                   |  |         |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-----------|-----------|--|---------|-----------------------------------------------|-----------------------------------------------|---------|------------------------|-----------|------------|---------|--------------------------|----------------|-------------|---------|-------|------------------------|----------------|---------|-------|--------|-------|---------|--------------|-----------------------|---------------|---------|-----------------|------|-----|---------|-------------------------------|---------|---------|---------|---------|---------------------------------------------------|--|---------|
|                               | <div><div>100</div><div>MULTIMEDIA DOCUMENT W</div><div><div>CONTENT ITEM A<sub>i</sub></div><div>120</div><div>CONTENT ITEM A<sub>i</sub></div><div>120</div><div>CONTENT ITEM A<sub>i</sub></div><div>120</div><div>CONTENT ITEM A<sub>i</sub></div><div>120</div></div><div>Fig. 4</div><table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th></th></tr><tr><td>PREVIEW</td><td>PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)</td><td>PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK)</td><td>0.0.0.0</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>1993.12.31</td><td>0.0.0.0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HARUKO UENO</td><td>0.0.0.0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0.0.0.0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0.0.0.0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL GOLF TOURNAMENT</td><td>NEW YEARS EVE</td><td>0.0.0.0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0.0.0.0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>0.0.0.0</td><td>0.0.0.0</td><td>0.0.0.0</td></tr><tr><td>WARNING</td><td colspan="2">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td><td>0.0.0.0</td></tr></table><div>CATALOG</div></div> <p>Ex. 1007 (Li), FIG. 1; Ex. 1004 (Senoh), FIG. 4. Here, different fields such as the preview of “Content 1” maybe one content item A<sub>i</sub> and the preview of “Content 2” may be another item of content A<sub>i</sub> in Li’s FIG. 1. Ex. 1002 (Reddy Decl.), ¶1202. Additionally, the text information for a particular item of content may represent another content item A<sub>i</sub> and so on. Ex. 1002 (Reddy Decl.), ¶¶199, 202. According to Li’s teachings, each item of content A<sub>i</sub> is transcoded into a number of different representations and stored in the InfoPyramid data structure as illustrated below in FIG. 2:</p> | CONTENT NAME                                  | CONTENT 1 | CONTENT 2 |  | PREVIEW | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK) | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) | 0.0.0.0 | CONTENT RECORDING DATE | 2000.6.17 | 1993.12.31 | 0.0.0.0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HARUKO UENO | 0.0.0.0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0.0.0.0 | GENRE | SPORTS | EVENT | 0.0.0.0 | CONTENT TYPE | FINAL GOLF TOURNAMENT | NEW YEARS EVE | 0.0.0.0 | DUPLICATION FEE | \$10 | \$5 | 0.0.0.0 | CONTACT ADDRESS FOR THE BUYER | 0.0.0.0 | 0.0.0.0 | 0.0.0.0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  | 0.0.0.0 |
| CONTENT NAME                  | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | CONTENT 2                                     |           |           |  |         |                                               |                                               |         |                        |           |            |         |                          |                |             |         |       |                        |                |         |       |        |       |         |              |                       |               |         |                 |      |     |         |                               |         |         |         |         |                                                   |  |         |
| PREVIEW                       | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) | 0.0.0.0   |           |  |         |                                               |                                               |         |                        |           |            |         |                          |                |             |         |       |                        |                |         |       |        |       |         |              |                       |               |         |                 |      |     |         |                               |         |         |         |         |                                                   |  |         |
| CONTENT RECORDING DATE        | 2000.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 1993.12.31                                    | 0.0.0.0   |           |  |         |                                               |                                               |         |                        |           |            |         |                          |                |             |         |       |                        |                |         |       |        |       |         |              |                       |               |         |                 |      |     |         |                               |         |         |         |         |                                                   |  |         |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | HARUKO UENO                                   | 0.0.0.0   |           |  |         |                                               |                                               |         |                        |           |            |         |                          |                |             |         |       |                        |                |         |       |        |       |         |              |                       |               |         |                 |      |     |         |                               |         |         |         |         |                                                   |  |         |
| TITLE                         | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | COUNTDOWN 2000                                | 0.0.0.0   |           |  |         |                                               |                                               |         |                        |           |            |         |                          |                |             |         |       |                        |                |         |       |        |       |         |              |                       |               |         |                 |      |     |         |                               |         |         |         |         |                                                   |  |         |
| GENRE                         | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | EVENT                                         | 0.0.0.0   |           |  |         |                                               |                                               |         |                        |           |            |         |                          |                |             |         |       |                        |                |         |       |        |       |         |              |                       |               |         |                 |      |     |         |                               |         |         |         |         |                                                   |  |         |
| CONTENT TYPE                  | FINAL GOLF TOURNAMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | NEW YEARS EVE                                 | 0.0.0.0   |           |  |         |                                               |                                               |         |                        |           |            |         |                          |                |             |         |       |                        |                |         |       |        |       |         |              |                       |               |         |                 |      |     |         |                               |         |         |         |         |                                                   |  |         |
| DUPLICATION FEE               | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | \$5                                           | 0.0.0.0   |           |  |         |                                               |                                               |         |                        |           |            |         |                          |                |             |         |       |                        |                |         |       |        |       |         |              |                       |               |         |                 |      |     |         |                               |         |         |         |         |                                                   |  |         |
| CONTACT ADDRESS FOR THE BUYER | 0.0.0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.0.0.0                                       | 0.0.0.0   |           |  |         |                                               |                                               |         |                        |           |            |         |                          |                |             |         |       |                        |                |         |       |        |       |         |              |                       |               |         |                 |      |     |         |                               |         |         |         |         |                                                   |  |         |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                               | 0.0.0.0   |           |  |         |                                               |                                               |         |                        |           |            |         |                          |                |             |         |       |                        |                |         |       |        |       |         |              |                       |               |         |                 |      |     |         |                               |         |         |         |         |                                                   |  |         |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p data-bbox="256 909 289 1014"><i>FIG. 2</i></p>  <p data-bbox="812 1098 844 1381">Ex. 1007 (Li), FIG. 2.</p> <p data-bbox="881 205 995 1381">When a document (e.g., Senoh's product catalog) includes multiple items of information with multiple components, each of the items can be represented in its own InfoPyramid (280), as indicated in Li's FIG. 3:</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <div data-bbox="251 892 284 1008"><p>FIG. 3</p></div> <div data-bbox="316 577 998 997"><p>FIG. 3 is a block diagram illustrating a multimedia document structure. At the top, a box labeled 100 represents the 'MULTIMEDIA DOCUMENT W'. Inside this box are two sub-boxes: 'CONTENT ITEM A1' (120) and 'CONTENT ITEM A2' (120). Below the multimedia document box is a box labeled 220, 'TRANSFORM'. An arrow points from the multimedia document box to the transform box. Below the transform box is a box labeled 340, 'CONTENT'. Inside this box are two triangular shapes, one labeled 280 and the other 282. An arrow points from the transform box to the content box. Below the content box is a box labeled 350, 'ADAPT CONTENT'. An arrow points from the content box to the adapt content box. To the right of the adapt content box is a box labeled 370, 'CUSTOMIZED DOCUMENT'. Inside this box are three rectangular shapes, one labeled 374, one labeled 376, and one labeled 378. An arrow points from the adapt content box to the customized document box. Above the adapt content box is a box labeled 310, 'CLIENT PROFILE'. Inside this box are two sub-boxes: 'CAPABILITIES' (306) and 'RESOURCES' (308). Arrows point from the client profile box to the adapt content box and from the client profile box to the customized document box.</p></div> <div data-bbox="1006 1102 1047 1375"><p>Ex. 1007 (Li), FIG. 3.</p></div> <div data-bbox="1079 189 1411 1375"><p>Thus, a document such as Senoh's product catalog includes a number of content items (e.g., text, video previews) that each provide a <i>product catalog</i> which includes <i>in association with each item of content</i> (e.g., "Content 1's" preview) <i>a reference to each implementation of said item of content</i>—i.e., a reference to the particular InfoPyramid in the combined Senoh-Li system that includes the "multiple representations of a multimedia item . . . organized into a pyramid-like data structure, as illustrated in FIG. 2." Ex. 1007 (Li), 4:58-61. These different implementations are further described by Li as follows: "The cells of the pyramid correspond to different representations of the objects using different modalities such as, for example, video 281, image 282, audio 283 and text 284, and fidelities such as in the range of full-</p></div> |

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

| Claim                                                                                                                     | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                           | <p>resolution (bottom of the pyramid) to low-resolution (top of the pyramid). A specific version of a multimedia item can be referred to by one of the cells.” Ex. 1007 (Li), 4:61-67. The POSITA would have understood that in implementing Senoh’s product catalog using Li’s InfoPyramids, each item of information—e.g., preview of Content 1 or a preview of Content 2—would be associated with multiple implementations of that item as defined in the InfoPyramid and that the process of selecting which, if any, implementation is to be provided to the user terminal required use of a <i>reference to</i> the specific InfoPyramid—i.e., to <i>each implementation of said item of content</i> to allow selection of the appropriate item of content for the end user terminal. Ex. 1002 (Reddy Decl.), ¶¶202, 217.</p> <p>It would have been obvious to use Li’s InfoPyramid techniques to provide items of content and implementations of items of content to Senoh’s relay server for the product catalog for the reasons discussed above in connection with <i>Limitation [IAii]</i> and in doing so, the POSITA would have been led to link information items (e.g., content items) with InfoPyramids as taught by Li to enable the system to operate properly. Ex. 1002 (Reddy Decl.), ¶217.</p> |
| [2P]<br>A method of providing access to digital content for use on wireless communication devices, the method comprising: | <p>The preamble is not a limitation of the claim. However, even if the preamble is interpreted as being a limitation of the claim, Senoh discloses a method of providing access to content for use on wireless communication devices.</p> <p>Senoh discloses <i>wireless communication devices</i> because it discloses cellular user terminals that include cellular phones. Ex. 1002 (Reddy Decl.), ¶¶73, 219. Specifically, Senoh teaches a “user terminal 1” that accesses a relay server 2 which receives and stores catalog data related to various items of digital content—namely multimedia data such as audio or video. Ex. 1004 (Senoh), ¶¶[0043]-[0044]. This is illustrated in Senoh Figure 2 (below).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p data-bbox="251 1092 284 1176"><b>Fig.2</b></p> <p data-bbox="820 1050 852 1386">Ex. 1004 (Senoh), FIG. 2.</p> <p data-bbox="893 189 1185 1386">The “user terminal” can be a “cellular phone.” Ex. 1004 (Senoh), ¶¶[0060], [0074] (“The user terminal 1 could be a personal computer, cellular phone, or television or video deck having a communication function.”). As Senoh explains “[i]t will be obvious to one with ordinary skill in the related art that while only one user terminal 1 is shown in the figure, plurality user terminals can be connected.” Ex. 1004 (Senoh), ¶[0029]; Ex. 1002 (Reddy Decl.), ¶¶74, 219; Ex. 1006 (Kenner), 8:26-28 (“Only three user terminals are shown; however, it should be recognized that the number of concurrent users of the invention is unlimited, such to the operational details set forth below.”)).</p> <p data-bbox="1226 189 1396 1386">Senoh further describes a <i>method of providing access to content for use on the wireless communication devices</i>. Ex. 1002 (Reddy Decl.), ¶74, 219. In addition to allowing users to contact content providers to purchase content, <i>see, e.g.</i>, Ex. 1004 (Senoh), ¶¶[0045], [0057]-[0059], Senoh discloses a method of <i>providing access to content</i> in the form of previews of content through an online catalog. For example, Senoh explains that the “content server 3 . . .</p> |

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|       | Claim                                                                                                                                                                                                 | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       |                                                                                                                                                                                                       | <p>. generates and sends catalog data for the content to the relay server 2 in order to market the content to a wider audience.” Ex. 1004 (Senoh), ¶[0043]. When the content is video content, “the relay server 2 preferably enables the content highlights to be previewed.” <i>Id.</i>, ¶[0044]. Users can “select desired content by accessing the bulletin board on the relay server 2 and viewing the catalog.” <i>Id.</i>, ¶[0045].</p>                                                                                                                                                                                          |
| [2Ai] | receiving and storing in a server system a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers, | <p>Senoh discloses and renders obvious <i>receiving . . . a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers</i>. The functionality performed by Senoh’s relay server is performed <i>in a server system</i> and when items of content and their implementations are stored in a database of relay server 2, the steps of <i>receiving and storing</i> are performed <i>in a server system</i>. Ex. 1002 (Reddy Decl.), ¶[147, 220].</p> <p>Senoh discloses a catalog with multiple items of content as shown in Figure 4 (below).</p> |

| Claim |  | Prior Art Disclosures         |                                                        |                                                        |       |       |
|-------|--|-------------------------------|--------------------------------------------------------|--------------------------------------------------------|-------|-------|
| Fig.4 |  | CONTENT NAME                  | CONTENT 1                                              | CONTENT 2                                              | 0.0.0 |       |
|       |  | PREVIEW                       | PREVIEW OF<br>CONTENT 1<br>(WITH DIGITAL<br>WATERMARK) | PREVIEW OF<br>CONTENT 2<br>(WITH DIGITAL<br>WATERMARK) | 0.0.0 |       |
|       |  | CONTENT RECORDING DATE        | 2000.6.17                                              | 1999.12.31                                             | 0.0.0 |       |
|       |  | WHO RECORDED THE CONTENT      | TARO YAMASHITA                                         | HANAKO UENO                                            | 0.0.0 |       |
|       |  | TITLE                         | BATTLE IN PEBBLE BEACH                                 | COUNTDOWN 2000                                         | 0.0.0 |       |
|       |  | GENRE                         | SPORTS                                                 | EVENT                                                  | 0.0.0 |       |
|       |  | CONTENT TYPE                  | FINAL ( GOLF TOURNAMENT )                              | NEW YEAR'S EVE                                         | 0.0.0 |       |
|       |  | DUPLICATION FEE               | \$10                                                   | \$5                                                    | 0.0.0 |       |
|       |  | 0.0.0                         | 0.0.0                                                  | 0.0.0                                                  | 0.0.0 |       |
|       |  | CONTACT ADDRESS FOR THE BUYER | abc@def                                                | ghi@jkl                                                | 0.0.0 |       |
|       |  | WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY      |                                                        |       | 0.0.0 |
|       |  | CATALOG                       |                                                        |                                                        |       |       |

Ex. 1004 (Senoh), FIG. 4. This figure shows “[a] sample catalog compiling plural catalog entries,” from which users can “select desired content by accessing [a] bulletin board on the relay server 2 and viewing the catalog.” *Id.*, ¶[0045]. The catalog data is generated by and sent from the content server 3 to the relay server 2. *See* Ex. 1004 (Senoh), ¶[0043] (“The content server 3 then generates and sends catalog data for the content to the relay server 2 in order to market the content to a wider audience.”), [0044] (“[T]he relay server 2 is a server computer accessible from the network and storing a compiled catalog of plural catalog data entries.”). This allows the relay server to store “a compiled catalog of plural catalog data entries.” *Id.*, ¶[0044]. Content stored at relay server 2 preferably includes previews of audio or video data. “If the content contains video, the relay server 2 preferably enables the content highlights to be previewed. If the content is audio (music), a selection of a particular length could be provided as a preview.” Ex. 1004 (Senoh), ¶[0044]; *see also id.*, FIG. 4. Here, a first item of

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|        | Claim                                                                                                                                                                                                                                           | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        |                                                                                                                                                                                                                                                 | <p>content is “Preview of Content 1” and a second item of content is “Preview of Content 2” and thus are <i>a plurality of items of content</i> which are to be made available to user terminals including <i>wireless communication devices used by a plurality of wireless services subscribers</i>. Ex. 1002 (Reddy Decl.), ¶¶76-78, 147, 220.</p> <p>These <i>plurality of items of content</i> are provided from Senoh’s content server 3 and are <i>received</i> by, and <i>stored</i> in, the relay server. See Ex. 1004 (Senoh), ¶[0043] (“The content server 3 then generates and sends catalog data for the content to the relay server 2 in order to market the content to a wider audience. The catalog data could contain previews of content highlights . . .”), ¶[0044] (“[T]he relay server 2 is a server computer accessible from the network and storing a compiled product catalog of plural catalog data entries.”). These different previews associated with the difference catalog entries (e.g., as shown in FIG. 4) are <i>received and stored</i> in relay server and constitute <i>items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers</i>. Ex. 1002 (Reddy Decl.), ¶¶78 (citing Ex. 1011, 2:5-7 and explaining that wireless services for cellular phones were provided as a subscription service using, for example, Subscriber Identity Modules in cellular phones), 147, 220.</p> |
| [2Aii] | including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities; | <p>This limitation would have been obvious over Senoh in view of Li. While Senoh describes how items of content (e.g., video and audio previews) are received and stored at the relay server, Senoh does not disclose a mechanism for ensuring that the content displays or is otherwise reproduced in a manner that is appropriate for the specific user terminal capabilities based on the terminal that is requesting to view the content. Ex. 1002 (Reddy Decl.), ¶79, 221. Senoh does not disclose <i>receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of content corresponds to a different set of device capabilities</i> to allow wider access to Senoh’s catalog previews. A POSITA would have thus looked to a technique to ensure that the user terminals received previews in a format that could be viewed by the terminal. Ex. 1002 (Reddy Decl.), ¶¶191, 221.</p> <p>¶</p> <p>Li provides a technique that can accomplish this result and present content in the manner best suited for a particular user terminal. Specifically, Li teaches a method and apparatus for adapting multimedia content for diverse client devices including personal digital assistants</p>                                                                                                                                                                                                       |

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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>(PDAs) and “smart cellular phones.” Ex. 1007 (Li), 1:18-21, 1:31-36. The multimedia content is adapted “to optimally match the capabilities of the client device requesting it.” <i>Id.</i>, 2:19-21. Each content item is “transcoded into multiple resolution and modality versions so that they can be rendered on different devices.” <i>Id.</i>, 2:24-26. “For example, a video item is transcoded into a selected set of images so that it can be rendered on a device not capable of displaying video.” <i>Id.</i> Li’s invention “permits the transcoded versions of the content items to be generated prior to any requests. Thus, the invention can handle media items such as video and audio which are difficult to handle in conventional proxies. This off-line transcoding also leads to lower response latencies than proxies.” Ex. 1007 (Li), 3:4-10. The content adaptation process “can be deployed on the server-side . . . .” <i>Id.</i>, 12:11-12. The specific item(s) of information to be served to the client device are determined based on the device capabilities. Ex. 1007 (Li), 6:3-9 (“A client device is characterized by its profile 310 which lists the capabilities 320 and resources 300 of the device. . . . A client may have a different number of capabilities 320 and resources 330.”); <i>id.</i>, 6:42-47 (“A content adaptation process 350 uses the client profile 3109 to select from among the InfoPyramids 280 the versions 374 that best satisfy the particular client profile. These selected versions are rendered into a document 370 which is an adaptation (i.e., customization) of the original multimedia document 100.”).</p> <p>A POSITA would have understood that while Senoh teaches a product catalog that includes information about multiple items of content including text and video clips that are provided from content creators, <i>see</i> Ex. 1004 (Senoh), ¶¶[0043]-[0045], FIG. 4; Ex. 1002 (Reddy Decl., ¶¶190-191, 204, 234, Senoh does not describe techniques for ensuring that the catalog can be accessed by devices with different device capabilities to ensure that the content provided from the catalog can be viewed on the client devices. Ex. 1002 (Reddy Decl.), ¶¶190-191, 204, 234. Therefore, the POSITA would have looked at prior art solutions to make the catalog as accessible to end-users as possible to achieve the goal of allowing the content to be marketed to “a wider audience” as taught by Senoh. Ex. 1004 (Senoh), ¶[0043]; Ex. 1002, ¶¶207, 234. A POSITA would have found a solution in Li and would have been led to look to Li for such a solution for several reasons.</p> <p>First, a POSITA knew that content creators wanted to have control over how the different versions of their content displayed on devices. Ex. 1002 (Reddy Decl.), ¶¶209, 234; Ex. 1008</p> |

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>(Britton), p.156 (“The primary advantages of static transcoding are quality of presentation and performance.[] Each page is constructed by a human designer, generally working with tools that show how the application will look or sound and thus allowing the presentation to be hand-tailored for each environment.”). To provide content creators the ability to control the appearance of different implementations of their content, the POSITA would have seen a benefit to having the content server maintain different, preformatted implementations of the previews, and provide those to Senoh’s relay server to market the content to a wider audience. Ex. 1002 (Reddy Decl.), ¶¶209, 234; Ex. 1004 (Senoh), ¶¶0044] (catalog for marketing to wider audience).</p> <p>Second, a POSITA knew that latency in viewing content on the Web affected the user experience. Ex. 1002 (Reddy Decl.), ¶¶210, 234. Thus, using the same transcoding processes that Senoh uses for purchased full-length content would have been unattractive for Senoh’s previews. Ex. 1002 (Reddy Decl.), ¶¶210, 234. A POSITA would have understood from Senoh that content in the catalog originated from different content creators/copyright holders. Ex. 1002 (Reddy Decl.), ¶¶210, 234. Specifically, Senoh explains that the copyright holder and content server computers could be the same machines, Ex. 1004 (Senoh), ¶¶0032], that each copyright holder receives a unique ID, <i>id.</i>, ¶¶0034], and that the relay server stores a catalog with content from multiple copyright holders, <i>id.</i>, ¶¶0054], FIG. 5; Ex. 1002 (Reddy Decl.), ¶¶210, 234. Therefore, to implement a system where the content server maintains the previews until requested would have caused the content to be fetched when the catalog data was requested, sent to the relay server, transcoded at the relay server, and sent to the user terminal, from each of the content servers that provided catalog content. This would have added latency to the system, resulting in a potentially frustrating user experience that could lead to the perception that the service was poor quality. Ex. 1002 (Reddy Decl.), ¶¶210, 234. Therefore, transcoding the preview content in advance like Agharam does would have been seen as a way to reduce latency for resource intensive audio and video content like Senoh’s previews. <i>Id.</i> And, while users might be willing to wait for content to be transcoded after they pay for it and await its delivery, users may be less tolerant of delays while viewing a number of different previews in the catalog while browsing for something they may want to buy. <i>Id.</i> Thus, the POSITA would have been led to look to Kenner for a solution to the</p> |

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>problem of ensuring content was delivered to devices in a format they could properly view. <i>Id.</i></p> <p>Third, storing multiple implementations of an item of content (previews) is one of a finite number of predictable solutions available to the POSITA for enabling content to be tailored to the user terminals requesting Senoh's previews. Ex. 1002 (Reddy Decl.), ¶¶211, 234. Indeed, besides receiving and storing different implementations of items of content, one implementation could be received and transcoded at the relay server; implementations may be transcoded on the fly from a single implementation, or, contrary to Senoh's teachings, the catalog content could be kept at content servers and either transcoded there statically or dynamically. <i>Id.</i> These solutions all had predictable results as the concepts of "static" transcoding and "dynamic" transcoding were discussed in the literature and had known implications. <i>See, e.g.,</i> Ex. 1008, pp.154-157.</p> <p>The POSITA would have seen that Li teaches a way of transcoding content into numerous different formats to create what Li calls "InfoPyramids." Ex. 1007 (Li), 2:40-47, 5:66-6:2 ("As shown in FIG 2, the content items 120 of a multimedia document 100 are transcoded (250) into multiple modality and fidelity versions to generate a set of InfoPyramids 280."); Ex. 1002 (Reddy Decl), ¶¶192-195, 221.</p> |



Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

|      | Claim                                                     | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                                           | <p>It would have been obvious to transcode preview content in Senoh’s content servers to create InfoPyramids using techniques taught in Li so that InfoPyramids could be provided to relay servers to enable selection of the best way to present content to a particular user terminal based on a device’s capabilities and resources as taught in Li to address the known problem that different devices had different display capabilities and not all content was properly formatted for all devices. Ex. 1002 (Reddy), ¶205, 221. A POSITA would have found the inclusion of Li’s known technique would have improved Senoh’s catalog system in the same way that improved Li’s system for allowing various devices to view content tailored to the device. <i>Id.</i>, ¶212, 234. And, applying the Li techniques to content for Senoh’s catalog would allow for consumers of video content to browse the catalog for content using a variety of devices thus accomplishing the intended goal of Senoh’s product catalog—i.e., “to market the content to a wider audience.” Ex. 1004 (Senoh), ¶[0043].</p> <p>Moreover, applying Li’s technique for adapting content to a variety of user terminals including “PDAs” and “smart cellular phones,” Ex. 1007 (Li), 1:31-36, would have merely applied Li’s known technique for transcoding various types of content such as Senoh’s text and video and audio clips into different fidelity and/or modalities to allow as many users to view the content as possible from their mobile devices, <i>id.</i>, 4:58-67; Ex. 1002 (Reddy Decl.), ¶214, 234. Applying Li to Senoh’s catalog technique would have improved Senoh in the same way as it improved Li. Ex. (Reddy Decl.) 1002, ¶[215, 234. At the very least, applying Li’s techniques on the data to be served to the relay server from Senoh’s content servers for use in Senoh’s catalogs would have improved upon Senoh in a predictable manner—by allowing catalog content to be tailored for many different types of devices so that the content could be marketed to wider audiences. Ex. 1002 (Reddy Decl.), ¶[215, 234. The POSITA would have reasonably expected to succeed in combining Senoh and Li because Li’s transcoding techniques were known and predictable and combining them with Senoh would have merely combined the known transcoding techniques with known and Internet-based technologies to provide Senoh’s product catalog to user devices. Ex. 1002 (Reddy Decl.), ¶[216, 234.</p> |
| [2B] | operating the server system to maintain a product catalog | Senoh’s relay server—i.e., a <i>server system</i> —is operated to <i>maintain a product catalog containing a description of the items of digital content</i> . Specifically, Senoh explains that                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

| Claim                                                                                                                                                                                                                | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                      |           |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|-----------|-----------|--|---------|----------------------------------------------------------------------|----------------------------------------------------------------------|-------|------------------------|-----------|------------|-------|--------------------------|----------------|-------------|-------|-------|------------------------|----------------|-------|-------|--------|-------|-------|--------------|---------------------------|----------------|-------|-----------------|------|-----|-------|-------|-------|-------|-------|-------------------------------|---------|---------|-------|---------|---------------------------------------------------|--|-------|
| containing a description of the items of digital content wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content; | <p>“content server 3 . . . generates and sends catalog data for content to the relay server 2 in order to market the content to a wider audience.” Ex. 1004 (Senoh), ¶[0043]. “[T]he relay server 2 is a server computer accessible from the network and storing a compiled catalog of plural catalog data entries.” <i>Id.</i>, ¶[0044]. “A sample catalog compiling plural catalog data entries is shown in FIG. 4.” <i>Id.</i>, ¶[0045].</p> <p><b>Fig.4</b></p> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th></th></tr><tr><td>PREVIEW</td><td><div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div></td><td><div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div></td><td>0.0.0</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>1999.12.31</td><td>0.0.0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HANAKO UENO</td><td>0.0.0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0.0.0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0.0.0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL ( GOLF TOURNAMENT )</td><td>NEW YEAR'S EVE</td><td>0.0.0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0.0.0</td></tr><tr><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>abc@del</td><td>ghi@jkl</td><td>0.0.0</td></tr><tr><td>WARNING</td><td colspan="2">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td><td>0.0.0</td></tr></table> <p>CATALOG</p> <p>Ex. 1004 (Senoh), FIG. 4.</p> <p>Senoh does not explicitly teach that the product catalog <i>includes, in association with each item of digital content, a reference to each implementation of said item of digital content</i>. But, this feature would have been obvious over the combined teachings of Senoh and Li. As explained in connection with <i>Limitation [L4iii]</i>, above, it would have been obvious to store</p> | CONTENT NAME                                                         | CONTENT 1 | CONTENT 2 |  | PREVIEW | <div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div> | <div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div> | 0.0.0 | CONTENT RECORDING DATE | 2000.6.17 | 1999.12.31 | 0.0.0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HANAKO UENO | 0.0.0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0.0.0 | GENRE | SPORTS | EVENT | 0.0.0 | CONTENT TYPE | FINAL ( GOLF TOURNAMENT ) | NEW YEAR'S EVE | 0.0.0 | DUPLICATION FEE | \$10 | \$5 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | CONTACT ADDRESS FOR THE BUYER | abc@del | ghi@jkl | 0.0.0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  | 0.0.0 |
| CONTENT NAME                                                                                                                                                                                                         | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | CONTENT 2                                                            |           |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| PREVIEW                                                                                                                                                                                                              | <div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div> | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT RECORDING DATE                                                                                                                                                                                               | 2000.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1999.12.31                                                           | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WHO RECORDED THE CONTENT                                                                                                                                                                                             | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | HANAKO UENO                                                          | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| TITLE                                                                                                                                                                                                                | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | COUNTDOWN 2000                                                       | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| GENRE                                                                                                                                                                                                                | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EVENT                                                                | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT TYPE                                                                                                                                                                                                         | FINAL ( GOLF TOURNAMENT )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | NEW YEAR'S EVE                                                       | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| DUPLICATION FEE                                                                                                                                                                                                      | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | \$5                                                                  | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| 0.0.0                                                                                                                                                                                                                | 0.0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.0.0                                                                | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTACT ADDRESS FOR THE BUYER                                                                                                                                                                                        | abc@del                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | ghi@jkl                                                              | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WARNING                                                                                                                                                                                                              | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                      | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |

| Claim                         | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                               |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |                |                 |      |     |                               |         |         |         |                                                   |  |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-----------|-----------|---------|-----------------------------------------------|-----------------------------------------------|------------------------|-----------|------------|--------------------------|----------------|-------------|-------|------------------------|----------------|-------|--------|-------|--------------|-----------------------|----------------|-----------------|------|-----|-------------------------------|---------|---------|---------|---------------------------------------------------|--|
|                               | <p>multiple implementations (formats) of Senoh's catalog content at Senoh's relay server in data structures such as Li's InfoPyramids based on Li's teachings. In doing so, a POSITA would have understood that <i>a reference to each implementation of said item of digital content</i> was needed to identify the specific InfoPyramid for a specific item of information. More specifically, a POSITA would have understood that there needed to be a reference from the content items—e.g., Senoh's previews—and the InfoPyramid that defines various implementations of that content item stored at the relay server. Ex. 1002 (Reddy Decl.), ¶¶200-202, 222. Such a reference is needed to tie the items (previews) in the catalog to the InfoPyramid including the implementations and without such a reference the system would not be able to correlate items to InfoPyramids. Ex. 1002 (Reddy Decl.), ¶¶202, 222.</p> <p>As Li explains, a “multimedia document,” includes “a number of content items <math>A_i</math>, denoted as reference numeral 120, where <math>i=1, 2, \dots, n</math>,” Ex. 1007 (Li), 4:10-13. The POSITA would have observed that Li's multimedia documents are a generic way to represent Senoh's product catalog. Ex. 1002 (Reddy), ¶200, 222. This can be seen in the illustration below:</p> <div><p>The diagram shows a large rectangle labeled "MULTIMEDIA DOCUMENT W" with reference numeral 100. Inside this rectangle are five smaller rectangles, each labeled "CONTENT ITEM A<sub>i</sub>" with reference numeral 120. The items are arranged in two rows: three in the top row and two in the bottom row.</p></div> <p><b>Fig. 4</b></p> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th></tr><tr><td>PREVIEW</td><td>PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)</td><td>PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK)</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2003.6.17</td><td>1995.12.31</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HAMANO UENO</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td></tr><tr><td>CONTENT TYPE</td><td>FINAL GOLF TOURNAMENT</td><td>NEW YEAR'S EVE</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>ADDRESS</td><td>ADDRESS</td></tr><tr><td>WARNING</td><td colspan="2">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td></tr></table> <p>CATALOG</p> | CONTENT NAME                                  | CONTENT 1 | CONTENT 2 | PREVIEW | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK) | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) | CONTENT RECORDING DATE | 2003.6.17 | 1995.12.31 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HAMANO UENO | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | GENRE | SPORTS | EVENT | CONTENT TYPE | FINAL GOLF TOURNAMENT | NEW YEAR'S EVE | DUPLICATION FEE | \$10 | \$5 | CONTACT ADDRESS FOR THE BUYER | ADDRESS | ADDRESS | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  |
| CONTENT NAME                  | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | CONTENT 2                                     |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |                |                 |      |     |                               |         |         |         |                                                   |  |
| PREVIEW                       | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |                |                 |      |     |                               |         |         |         |                                                   |  |
| CONTENT RECORDING DATE        | 2003.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1995.12.31                                    |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |                |                 |      |     |                               |         |         |         |                                                   |  |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | HAMANO UENO                                   |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |                |                 |      |     |                               |         |         |         |                                                   |  |
| TITLE                         | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | COUNTDOWN 2000                                |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |                |                 |      |     |                               |         |         |         |                                                   |  |
| GENRE                         | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | EVENT                                         |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |                |                 |      |     |                               |         |         |         |                                                   |  |
| CONTENT TYPE                  | FINAL GOLF TOURNAMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | NEW YEAR'S EVE                                |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |                |                 |      |     |                               |         |         |         |                                                   |  |
| DUPLICATION FEE               | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | \$5                                           |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |                |                 |      |     |                               |         |         |         |                                                   |  |
| CONTACT ADDRESS FOR THE BUYER | ADDRESS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | ADDRESS                                       |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |                |                 |      |     |                               |         |         |         |                                                   |  |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                               |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |                |                 |      |     |                               |         |         |         |                                                   |  |

Ex. 1007 (Li), FIG. 1; Ex. 1004 (Senoh), FIG. 4. Here, different fields such as the preview of “Content 1” maybe one content item  $A_i$  and the preview of “Content 2” may be another item of content  $A_i$  in Li's FIG. 1. Ex. 1002 (Reddy Decl.), ¶¶202, 222. Additionally, the text

Ex. 1007 (Li), FIG. 1; Ex. 1004 (Senoh), FIG. 4. Here, different fields such as the preview of “Content 1” maybe one content item  $A_i$  and the preview of “Content 2” may be another item of content  $A_i$  in Li's FIG. 1. Ex. 1002 (Reddy Decl.), ¶¶202, 222. Additionally, the text

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>information for a particular item of content may represent another content item <math>A_i</math> and so on. Ex. 1002 (Reddy Decl.), ¶¶199, 202, 222. According to Li's teachings, each item of content <math>A_i</math> is transcoded into a number of different representations and stored in the InfoPyramid data structure as illustrated below in FIG. 2:</p> <p style="text-align: center;"><b>FIG. 2</b></p> <p style="text-align: center;">Ex. 1007 (Li), FIG. 2.</p> <p>When a document (e.g., Senoh's product catalog) includes multiple items of information with multiple components, each of the items can be represented in its own InfoPyramid (280), as indicated in Li's FIG. 3:</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|       | <div data-bbox="251 892 284 1008"><p>FIG. 3</p></div> <div data-bbox="316 577 998 997"></div> <div data-bbox="1006 1102 1047 1375"><p>Ex. 1007 (Li), FIG. 3.</p></div> <div data-bbox="1079 189 1412 1375"><p>Thus, a document such as Senoh's product catalog includes a number of content items (e.g., text, video previews) that each provide a <i>product catalog</i> which includes <i>in association with each item of content</i> (e.g., "Content 1's" preview) <i>a reference to each implementation of said item of content</i>—i.e., a reference to the particular InfoPyramid that includes the "multiple representations of a multimedia item . . . organized into a pyramid-like data structure, as illustrated in FIG. 2." Ex. 1007 (Li), 4:58-61. These different implementations are further described by Li as follows: "The cells of the pyramid correspond to different representations of the objects using different modalities such as, for example, video 281, image 282, audio 283 and text 284, and fidelities such as in the range of full-resolution</p></div> |

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

|      | Claim                                                                      | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                                                            | <p>(bottom of the pyramid) to low-resolution (top of the pyramid). A specific version of a multimedia item can be referred to by one of the cells.” Ex. 1007 (Li), 4:61-67. The POSITA would have understood that in implementing Senoh’s product catalog using Li’s InfoPyramids, each item of information—e.g., preview of Content 1 or a preview of Content 2—would be associated with multiple implementations of that item as defined in the InfoPyramid and that the process of selecting which, if any, implementation is to be provided to the user terminal required use of a <i>reference to</i> the specific InfoPyramid—i.e., to <i>each implementation of said item of content</i> to allow selection of the appropriate item of content for the end user terminal. Ex. 1002 (Reddy Decl.), ¶¶202, 217, 222.</p> <p>It would have been obvious to use Li’s InfoPyramid techniques to provide items of content and implementations of items of content to Senoh’s relay server for the product catalog for the reasons discussed above in connection with <i>Limitation [IAii]</i> and in doing so, the POSITA would have been led to link information items (e.g., content items) with InfoPyramids as taught by Li to enable the system to operate properly. Ex. 1002 (Reddy Decl.), ¶¶217, 222.</p> |
| [2C] | receiving a request from a wireless device used by one of the subscribers; | <p>The combination of Senoh and Li render the step of <i>receiving a request from a wireless device used by one of the subscribers</i> obvious.</p> <p>Senoh teaches that a user accesses a catalog including “plurality catalog data entries.” Ex. 1004 (Senoh), ¶¶[0045]. This catalog is stored on the relay server. Ex. 1004 (Senoh), ¶¶[0043]-[0044]. The catalog “can be posted to a common bulletin board (electronic bulletin board) accessible from the network,” which allows “users to “select desired content by accessing the bulletin board on the relay server 2 and viewing the catalog.” <i>Id.</i>, ¶¶[0045]. A POSITA would have understood that in order to view content stored at the relay server, the client device—i.e., the claimed <i>wireless device</i> would need to request that information and that the request would need to be received by the relay server. Ex. 1002 (Reddy Decl.), ¶¶224-226. Based on this request, the catalog data from the electronic bulletin board would be provided to the client device according to the teachings of Senoh.</p> <p>Li also describes <i>receiving a request</i> from a client device for content stored on a server. As Li explains, “[a]s is well known, a Web user (client) makes a request from his client device</p>              |

|      | Claim                                                                                                                                                                                            | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                                                                                                                                                                                  | <p>for some particular Web document(s) or other multimedia content which may contain video, images, graphics, text, audio. The request is sent to a Web server which satisfies the request by returning the requested document to the client.” Ex. 1007 (Li), 4:5-10. A POSITA would have understood that the request discussed by Li would have been used in the context of Senoh to request the product catalog from the relay server. Ex. 1002 (Reddy Decl.), ¶226.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| [2D] | <p>in response to the request, selecting a portion of the product catalog to be presented to the subscriber, based on device capabilities of the wireless device used by the subscriber; and</p> | <p>Therefore, both Senoh and Li teach a step of <i>receiving a request from a wireless device used by one of the subscribers</i> and it would have been obvious to use such a request to receive product catalog data in connection with a combined system according to Senoh and Li.</p> <p>The combination of Senoh and Li renders obvious <i>in response to the request, selecting a portion of the product catalog to be presented to the subscriber, based on the capabilities of the wireless device used by the subscriber</i>.</p> <p>As explained above in connection with <i>Limitation [2Aii]</i>, it would have been obvious to use the Li’s techniques in combination with Senoh’s product catalog to ensure that properly formatted video and audio data are served from Senoh’s relay server to user terminals viewing the product catalog previews. In the combined system, a request is made from a client device/user terminal to view the product catalog. According to Li’s teachings, the user device capabilities can be provided to the server in various ways:</p> <p style="padding-left: 40px;">The client device profile can be obtained by a number of mechanisms. For example, the User-Agent fields in the HTTP (hyper text transport protocol) request header contain information about the browser and often the operating system. Also, Windows-CE devices specify the screen size, color depth and processor.</p> <p>Ex. 1007 (Li), 6:30-35.</p> <p>Li also explains that information that cannot be viewed on the client is excluded from being served to the client. For example, Li explains “the versions from the InfoPyramids that <u>do not meet client capabilities 320 are filtered out</u>. For example, <u>all versions that are in video modality can be filtered out if the device is not capable of displaying video</u>. Similarly, all</p> |

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>versions that are color images can be filtered out for a device that has only a black and white or gray-level screen.” Ex. 1007 (Li), 6:49-56; <i>see also id.</i>, 10:62-65 (“Before we start the resource allocation process, we remove from consideration all the versions of items that a client is not capable of handling.”). Then, the appropriate version of the content to send in response to the request is chosen from the versions that are not filtered out. <i>Id.</i>, 6:64-67 (“Then, in step 470, the resources allocated for each InfoPyramid are used to select the appropriate version 374, which has not been previously filtered out in step 420, to render the customized multimedia document 370.”). In this way, a <i>portion of the product catalog</i> is selected <b><i>based on the device capabilities of the wireless device used by the subscriber</i></b>. <i>See</i> Ex. 1002 (Reddy Decl.), ¶¶228-230.</p> <p>Thus, in the combined Senoh-Li system, in response to the request—i.e., request for the product catalog from a client device—a portion of the product catalog is selected from the relay server to be presented to the subscriber on their terminal. There are two phases to the selection of the portion of the product catalog to convey for each item of information—including video preview: (1) filtering out content that cannot be displayed by the client device, and (2) identifying the correct item from the InfoPyramids that have not been filtered out based on the resource allocation process. These processes are performed <b><i>based on the device capabilities of the wireless device used by the subscriber</i></b> provided from the client device as described above. <i>See also</i> Ex. 1007 (Li), 6:42-44 (“The content adaptation process 350 uses the client profile 310 to select from among the InfoPyramids 280 the versions 374 that best satisfy the particular client profile.”); Ex. 1002 (Reddy Decl.), ¶¶229-230. And, only <b><i>a portion of the product catalog</i></b> is selected because the preview content is only provided in one format (if at all)—and content that is not supported or not deemed optimal for a particular device according to the received profile, are not presented to the subscriber. Ex. 1002 (Reddy Decl.), ¶¶229-230.</p> |
| [2E]  | <p>presenting the selected portion of the product catalog to the subscriber via a wireless network, such that the selected portion, as presented to the subscriber, provides <b><i>only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item</i></b>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

|             | <b>Claim</b>                                                                                                                                       | <b>Prior Art Disclosures</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             | provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item. | <p>A subscriber using the cellular phone described by Senoh to view the product catalog including video previews, Ex. 1004, ¶¶[0044], [0060], [0074], in which the techniques of Li are used to select a preview in the appropriate format for viewing on the user terminal would be presented with <i>the selected portion of the product catalog via a wireless network</i>. Ex. 1002 (Reddy Decl.), ¶[232-233; Ex. 1004 (Senoh), ¶[0045] (“The catalog can be posted to a common bulletin board (electronic bulletin board) accessible from the network.”); Ex. 1007 (Li), 4:8-10 (“The request is sent to a Web server which satisfies the request by <u>returning the requested document to the client.</u>”). A POSITA would have understood that the product catalog from Senoh would have been presented to a subscriber using a mobile device via a wireless network because web-accessible pages such as Senoh’s bulletin board were presented in response to requests made from clients over a network. Ex. 1002 (Reddy Decl.), ¶[232-233.</p> <p>Based on the combined teachings of Senoh and Li, the <i>selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations</i>. This is because Senoh’s catalog would have been presented in an optimal format for the particular end-user device as selected from the Li InfoPyramids. Ex. 1007 (Li), 6:49-67 (explaining that “versions from the InfoPyramids 280 that do not meet client capabilities 320 are filtered out” and “resources allocated for each InfoPyramid are used to <u>select the appropriate version 347, which has not been previously filtered out in step 420, to render the customized multimedia document 370</u>”). Thus, the customized multimedia document, such as Senoh’s product catalog will only include a <i>portion of the product catalog, which provides only a single description of each item of digital content regardless of how many implementations of each item of information</i>. Ex. 1002 (Reddy Decl.), ¶233. For instance, while Li’s InfoPyramids may include several different implementations of a particular preview of a video in Senoh’s catalog, only one description of the item including preview and any associated text is ultimately provided to the subscriber. <i>Id.</i></p> |
| <b>[4P]</b> | A method as recited in claim 2, further comprising:                                                                                                | See claim 2, above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|             | <b>Claim</b>                                                                                                            | <b>Prior Art Disclosures</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>[4A]</b> | receiving from the subscriber a request for one of the items of digital content in said portion of the product catalog; | <p>Senoh discloses or renders obvious a step of <i>receiving from the subscriber a request for one of the items of digital content in said portion of the product catalog</i>.</p> <p>Specifically, Senoh explains that a user can select an item of digital content from the catalog and request that it be delivered to their device. For instance, Senoh teaches:</p> <p style="padding-left: 40px;">A sample catalog compiling plural catalog data entries is shown in FIG. 4. The catalog can be posted to a common bulletin board (electronic bulletin board) accessible from the network. Users can then select desired content by accessing the bulletin board on the relay server 2 and viewing the catalog. It should be further noted that the content ID is also contained in the preview data extracted from the content.</p> <p>Ex. 1004 (Senoh), ¶[0045].</p> <p>The user terminal 1 is described next. The user terminal 1 is the terminal or computer whereby a user views the bulletin board 25 containing the catalog data, views previews of content from the catalog data on the bulletin board 25, and views or listens to the content. <u>If there is content that the user wishes to purchase, the user sends a purchase request to the content provider (marketer or copyright holder of the content on the content server 3). This request contains the e-mail address or other information specifying the content provider or other party marketing the content. When the content server 3 receives such a purchase request, it sends a request for credit card information, electronic money, or other payment method to the user terminal 1. The content server 3 also requests the format supported by the user terminal 1 for viewing the content.</u></p> |

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

|      | Claim                                                                                                                                                        | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                                                                                                                                              | <p><i>Id.</i>, ¶[0057]. Therefore, Senoh teaches and renders obvious <i>receiving from the subscriber a request for one of the items of digital content in said portion of the product catalog</i>. Ex. 1002 (Reddy Decl.), ¶¶237-238.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| [4B] | <p>selecting an implementation of the requested item of digital content, based on device capabilities of the wireless device used by the subscriber; and</p> | <p>Senoh discloses and renders obvious a step of <i>selecting an implementation of the requested item of digital content, based on device capabilities of the wireless device used by the subscriber</i>.</p> <p>After the user provides a request for an item of content, “[t]he content server . . . requests the format supported by the user terminal 1 for viewing the content.” Ex. 1004 (Senoh), ¶[0057]. Content is provided from the content server to the relay server, and then from the relay server to the user terminal. <i>Id.</i>, ¶[0058]-[0059]. The implementation of the content—i.e., the format—provided by the relay server 2 is selected based on the device capabilities (i.e., the “format supported by the user terminal 1 for viewing the content”) of the wireless device used by the subscriber. Specifically, Senoh teaches:</p> <p style="padding-left: 40px;">If the format of the content sent to the relay server 2 differs from the format required by the user terminal 1, the relay server 2 converts the received format to the format viewable by the user terminal 1, and then transmits the content to the user terminal 1. The term “viewable” means that the user terminal 1 supports the format in which the content will be reproduced, or can display the content at the performance of the output display (the display performance of the monitor) of the user terminal 1.</p> <p>Ex. 1004 (Senoh), ¶[0059]. Therefore, a POSITA would have understood that Senoh teaches that an implementation of the content from content server is selected based on device capabilities (i.e., required format) for the wireless device. Ex. 1002 (Reddy Decl.), ¶[240]. For example, Senoh explains that content may be provided from content server in a format for HDTV, but may be downsampled to meet the requirements for a wireless device:</p> <p style="padding-left: 40px;">While the format specification includes the encoding method, resolution, and other parameters, a process for converting content</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>in MPEG-2 main profile, high level format (such as HDTV format) to content in MPEG-4 simple profile, level 0 format (such as Quarter Common Intermediate Format (QCIF)) is used by way of example. <u>This conversion process enables the user to view content using a cellular phone or other user terminal 1 on which content cannot be viewed in the normal TV format.</u></p> <p style="text-align: center;">* * * * *</p> <p>The copyright holder produces MPEG-2 main profile, high level AV data conforming to the HDTV format, and sends this data to the content server 3. The content ID appending unit 32 of the content server 3 generates content in first format by adding content ID as a digital watermark encrypted using a public key encryption scheme to the AV data. <u>The content server 3 sends content in this first format to the relay server 2.</u></p> <p style="text-align: center;">* * * * *</p> <p>The format converter 27 then downsamples the MPEG-2 main profile, high level format AV data obtained by the ID separation unit 26 to MPEG-4 simple profile, level 0 format AV data. Using the procedure described above for adding a digital watermark, the ID appending unit 28 of the relay server 2 then adds the extracted content ID to the converted AV data to output data formatted to the second format specification. <u>The ID appending unit 28 sends the reformatted content to the user terminal 1 (FIG. 1).</u></p> |
| [4C]  | <p>Ex. 1004 (Senoh), ¶¶[0060]-[0061], [0064].</p> <p>Senoh discloses and renders obvious a step of <i>downloading the selected implementation of the item of digital content to the</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

*the item of digital content to the wireless device used by the subscriber.*

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

|             | <b>Claim</b>                            | <b>Prior Art Disclosures</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             | wireless device used by the subscriber. | Specifically, Senoh teaches that in response to the request for content from the end-user, the relay server downloads the implementation selected based on the format requirements of the device to the wireless device (i.e., cellular phone) used by the subscriber. <i>See, e.g.</i> , Ex. 1004 (Senoh), ¶¶[0058] (“If the format of the content received from the content server 3 is the same as format specified by the user, <u>the relay server 2 simply sends the content directly to the user terminal 1.</u> ”), [0059] (“If the format of the content sent to the relay server 2 differs from the format required by the user terminal 1, the relay server 2 converts the received format to the format viewable by the user terminal 1, and <u>then transmits the content to the user terminal 1.</u> ”), [0060] (“This conversion process enables the user to view content using a cellular phone or other user terminal 1 on which content cannot be viewed in the normal TV format.”), [0073] (“The <u>content can then be sent to the user terminal 1</u> so that the user can enjoy viewing the content while simultaneously appropriately protecting the copyright of the content owner.”); <i>see also</i> Ex. 1002 (Reddy Decl.), ¶242. |
| <b>[8P]</b> | A system comprising:                    | The preamble is not a limitation of the claim. However, even if the preamble is interpreted as being a limitation of the claim, Senoh discloses a system, such as the content distribution system shown in FIG. 2. <i>See, e.g.</i> , Ex. 1004 (Senoh), ¶¶[0002] (“This invention relates to controlling an electronic distribution system for distributing digital multimedia content, including audio and video, by way of a network.”), [0010] (“An object of this invention is therefore to provide an electronic distribution system . . .”), [0030] (“The configuration of this content distribution system is described in greater detail below with reference to FIG. 2.”).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

|             | Claim                                                                              | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             |                                                                                    | <p><b>Fig.2</b></p> <p>The diagram illustrates a network interface system (FIG. 2) for content distribution. It consists of three main components: Content Server 3, Relay Server 2, and User Terminal 1. Content Server 3 includes a Content ID Generating Unit (31) and a Content ID Appending Unit (32). Relay Server 2 includes an ID Table (22), an ID Extraction Unit (21), a Verification Unit (23), a Catalog Data Storage Unit (24), a Bulletin Unit (25), an ID Separation Unit (26), a Format Converter (27), and an ID Appending Unit (28). User Terminal 1 includes a Playback Unit (14), a Redorder (13), a Verification Unit (12), and an ID Extraction Unit (11). A Copyright Holder Terminal (20) is also shown. The system is designed to handle content in different formats (first and second) and to manage copyright information. The flow of data is as follows: Content Server 3 sends data to Relay Server 2, which then sends it to User Terminal 1. The Copyright Holder Terminal (20) is connected to the system to manage copyright information.</p> |
| <b>[8A]</b> | a network interface through which to communicate over a communication network; and | <p>Ex. 1004 (Senoh), FIG. 2; see also Ex. 1002 (Reddy Decl.), ¶244.</p> <p>Senoh discloses or renders obvious a <b>network interface through which to communicate over a communication network</b>. Specifically, Senoh teaches that “[c]ontent distribution system 10 has a user terminal 1, relay server 2, and content server 3. The user terminal 1, relay server 2, and content server 3 are each connected to a communication network 4, such as the Internet through which they can communicate with each other.” Ex. 1004 (Senoh), ¶[0029]. A POSITA would have understood that the interface between hardware connected to the network and the network itself is a network interface, and therefore would have appreciated that there is a network interface in each of the relay server, content server, and user terminal that allows data to be communicated from these systems over the network such as the Internet. Ex. 1002 (Reddy Decl.), ¶¶108, 245.</p>                                                                                                        |
| <b>[8B]</b> | a download manager to                                                              | <p>Senoh discloses and renders obvious a <b>download manager</b>. As used in the ’790 Patent, the term “download manager” refers to an application server in the server system with the capabilities described below in <i>Limitations 8Bi-8Biii</i>. See Ex. 1001, 3:66-4:1 (“The server system includes an application server referred to herein as a ‘download manager.’”).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

|       | Claim                                                                                                                                                                                   | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       |                                                                                                                                                                                         | <p>In Senoh, the claimed “download manager” is the relay server. <i>See, e.g., Ex. 1004 (Senoh), FIGS. 1 &amp; 2; ¶¶[0029]</i> (“The relay server 2 converts the content received from the content server 3 in the first format to a second format specification, and sends the reformatted content to the user terminal. 1.”), [0043]-[0045] (describing catalog provided by relay server), [0046] (describing relay server). As explained in further detail below, a POSITA would have understood Senoh’s relay server functionality to constitute a download manager, and that the capabilities required by <i>Limitations 8Bi-8Biii</i> would have been obvious over Senoh in view of Li. Ex. 1002 (Reddy Decl.), ¶109, 246.</p> |
| [8Bi] | <p>receive and store a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless telecommunications subscribers,</p> | <p>Senoh discloses and renders obvious a download manager to <i>receive and store a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless telecommunications subscribers</i>.</p> <p>Senoh teaches <i>receiving and storing a plurality of items of content</i> in the relay server in because Senoh’s relay server receives previews of the content made available from copyright holders using Senoh’s system. An example of content stored in the relay server (2) disclosed in Senoh is provided in Figure 4 (below).</p>                                                                                                                                 |

| Claim                         | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                               |           |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
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|                               | <div>Fig.4</div> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th>0 0 0</th></tr><tr><td>PREVIEW</td><td>PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)</td><td>PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK)</td><td>0 0 0</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>1999.12.31</td><td>0 0 0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HANAKO UENO</td><td>0 0 0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0 0 0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0 0 0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL (GOLF TOURNAMENT)</td><td>NEW YEAR'S EVE</td><td>0 0 0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0 0 0</td></tr><tr><td>0 0 0</td><td>0 0 0</td><td>0 0 0</td><td>0 0 0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>abc@def</td><td>ghi@jkl</td><td>0 0 0</td></tr><tr><td>WARNING</td><td colspan="3">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td></tr></table> <div>CATALOG</div> <p>Ex. 1004 (Senoh), FIG. 4 (showing previews displayed in product catalog). This figure shows “[a] sample catalog compiling plural catalog entries,” from which users can “select desired content by accessing [a] bulletin board on the relay server 2 and viewing the catalog.” <i>Id.</i>, ¶[0045]. Thus, the relay server stores “a compiled catalog of plural catalog data entries.” <i>Id.</i>, ¶[0044]. Content stored at relay server includes previews of audio or video data: “If the content contains video, the relay server 2 preferably enables the content highlights to be previewed. If the content is audio (music), a selection of a particular length could be provided as a preview.” Ex. 1004 (Senoh), ¶[0044]; <i>see also id.</i>, FIG. 4. Here, a first item of content is “Preview of Content 1” and a second item of content is “Preview of Content 2,” and thus are a <i>plurality of items of content</i> which are to be made available to user terminals including <i>wireless communication devices used by a plurality of wireless services subscribers</i>. Ex. 1002 (Reddy Decl.), ¶¶76-77, 189, 247.</p> <p>These <i>plurality of items of content</i> are provided from Senoh’s content server 3 and are <i>received</i> by, and <i>stored</i> in, the relay server. <i>See</i> Ex. 1004 (Senoh), ¶[0043] (“The content server 3 then generates and sends catalog data for the content to the relay server 2 in order to market the content to a wider audience. The catalog data could contain previews of content</p> | CONTENT NAME                                  | CONTENT 1 | CONTENT 2 | 0 0 0 | PREVIEW | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK) | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) | 0 0 0 | CONTENT RECORDING DATE | 2000.6.17 | 1999.12.31 | 0 0 0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HANAKO UENO | 0 0 0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0 0 0 | GENRE | SPORTS | EVENT | 0 0 0 | CONTENT TYPE | FINAL (GOLF TOURNAMENT) | NEW YEAR'S EVE | 0 0 0 | DUPLICATION FEE | \$10 | \$5 | 0 0 0 | 0 0 0 | 0 0 0 | 0 0 0 | 0 0 0 | CONTACT ADDRESS FOR THE BUYER | abc@def | ghi@jkl | 0 0 0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  |  |
| CONTENT NAME                  | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | CONTENT 2                                     | 0 0 0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| PREVIEW                       | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) | 0 0 0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| CONTENT RECORDING DATE        | 2000.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 1999.12.31                                    | 0 0 0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | HANAKO UENO                                   | 0 0 0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| TITLE                         | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | COUNTDOWN 2000                                | 0 0 0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| GENRE                         | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | EVENT                                         | 0 0 0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| CONTENT TYPE                  | FINAL (GOLF TOURNAMENT)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | NEW YEAR'S EVE                                | 0 0 0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| DUPLICATION FEE               | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | \$5                                           | 0 0 0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| 0 0 0                         | 0 0 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 0 0 0                                         | 0 0 0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| CONTACT ADDRESS FOR THE BUYER | abc@def                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | ghi@jkl                                       | 0 0 0     |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                               |           |           |       |         |                                               |                                               |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |  |

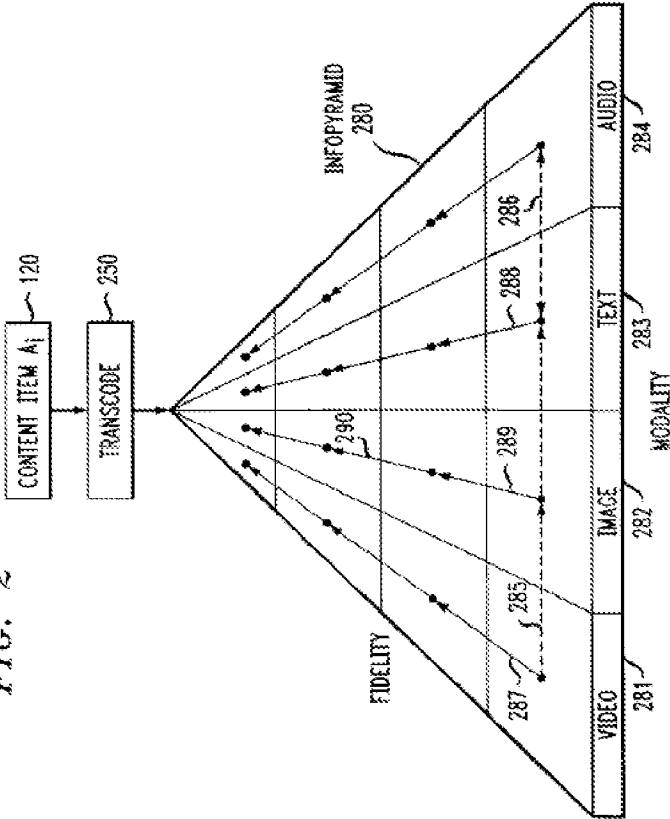
Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

|        | Claim                                                                                                                                                                                                                          | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        |                                                                                                                                                                                                                                | <p>highlights . . . .”), ¶[0044] (“[T]he relay server 2 is a server computer accessible from the network and storing a compiled product catalog of plural catalog data entries.”). These different previews associated with the difference catalog entries (e.g., as shown in FIG. 4) are <i>received and stored in</i> relay server and constitute <i>items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers</i>. Ex. 1002 (Reddy Decl.), ¶¶78 (citing Ex. 1011, 2:5-7 and explaining that wireless services for cellular phones were provided as a subscription service using, for example, Subscriber Identity Modules in cellular phones), 189, 247.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| [8Bii] | <p>including receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities; and</p> | <p>This limitation would have been obvious over Senoh in view of Li. While Senoh describes how items of content (e.g., video and audio previews) are received at the relay server, Senoh does not disclose a mechanism for ensuring that the content displays or is otherwise reproduced in a manner that is appropriate for the specific user terminal capabilities based on the terminal that is requesting to view the content. Ex. 1002 (Reddy Decl.), ¶¶79, 190, 248. In connection with the catalog previews, Senoh does not disclose <i>receiving a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of content corresponds to a different set of device capabilities</i>. A POSITA would have thus looked to a technique to ensure that the user terminals received previews in a format that could be viewed by the terminal. Ex. 1002 (Reddy Decl.), ¶191, 248.</p> <p>Li provides a technique that can accomplish this result and present content in the manner best suited for a particular user terminal. Specifically, Li teaches a method and apparatus for adapting multimedia content for diverse client devices including personal digital assistants (PDAs) and “smart cellular phones.” Ex. 1007 (Li), 1:18-21, 1:31-36. The multimedia content is adapted “to optimally match the capabilities of the client device requesting it.” <i>Id.</i>, 2:19-21. Each content item is “transcoded into multiple resolution and modality versions so that they can be rendered on different devices.” <i>Id.</i>, 2:24-26. “For example, a video item is transcoded into a selected set of images so that it can be rendered on a device not capable of displaying video.” <i>Id.</i> Li’s invention “permits the transcoded versions of the content items to be generated prior to any requests. Thus, the invention can handle media items such as video and audio which are difficult to handle in conventional proxies. This off-line transcoding also leads to lower response latencies than proxies.” Ex. 1007 (Li), 3:4-10. The content adaptation</p> |

Appendix C  
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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|       | <p>process “can be deployed on the server-side . . . .” <i>Id.</i>, 12:11-12. The specific item(s) of information to be served to the client device are determined based on the device capabilities. Ex. 1007 (Li), 6:3-9 (“A client device is characterized by its profile 310 which lists the capabilities 320 and resources 300 of the device. . . . A client may have a different number of capabilities 320 and resources 330.”); <i>id.</i>, 6:42-47 (“A content adaptation process 350 uses the client profile 3109 to select from among the InfoPyramids 280 the versions 374 that best satisfy the particular client profile. These selected versions are rendered into a document 370 which is an adaptation (i.e., customization) of the original multimedia document 100.”).</p> <p>A POSITA would have understood that while Senoh teaches a product catalog that includes information about multiple items of content including text and video clips that are provided from content creators, <i>see</i> Ex. 1004 (Senoh), ¶¶[0043]-[0045], FIG. 4; Ex. 1002 (Reddy Decl., ¶¶190-191, 204, 248, Senoh does not describe techniques for ensuring that the catalog can be accessed by devices with different device capabilities to ensure that the content provided from the catalog can be viewed on the client devices. Ex. 1002 (Reddy Decl.), ¶¶190-191, 204, 248. Therefore, the POSITA would have looked at prior art solutions to make the catalog as accessible to end-users as possible to achieve the goal of allowing the content to be marketed to “a wider audience” as taught by Senoh. Ex. 1004 (Senoh), ¶[0043]; Ex. 1002, ¶¶207, 248. A POSITA would have found a solution in Li and would have been led to look at Li for such a solution for several reasons.</p> <p>First, a POSITA knew that content creators wanted to have control over how the different versions of their content displayed on devices. Ex. 1002 (Reddy Decl.), ¶¶209, 250; Ex. 1008 (Britton), p.156 (“The primary advantages of static transcoding are quality of presentation and performance.[] Each page is constructed by a human designer, generally working with tools that show how the application will look or sound and thus allowing the presentation to be hand-tailored for each environment.”). To provide content creators the ability to control the appearance of different implementations of their content, the POSITA would have seen a benefit to having the content server maintain different, preformatted implementations of the previews, and provide those to Senoh’s relay server to market the content to a wider audience. Ex. 1002 (Reddy Decl.), ¶¶209, 250; Ex. 1004 (Senoh), ¶[0044] (catalog for marketing to wider audience).</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|       | <p>Second, a POSITA knew that latency in viewing content on the Web affected the user experience. Ex. 1002 (Reddy Decl.), ¶¶210, 250. Thus, using the same transcoding processes that Senoh uses for purchased full-length content would have been unattractive for Senoh's previews. Ex. 1002 (Reddy Decl.), ¶¶210, 250. A POSITA would have understood from Senoh that content in the catalog originated from different content creators/copyright holders. Ex. 1002 (Reddy Decl.), ¶¶210, 250. Specifically, Senoh explains that the copyright holder and content server computers could be the same machines, Ex. 1004 (Senoh), ¶[0032], that each copyright holder receives a unique ID, <i>id.</i>, ¶[0034], and that the relay server stores a catalog with content from multiple copyright holders, <i>id.</i>, ¶[0054], FIG. 5; Ex. 1002 (Reddy Decl.), ¶¶210, 250. Therefore, to implement a system where the content server maintains the previews until requested would have caused the content to be fetched when the catalog data was requested, sent to the relay server, transcoded at the relay server, and sent to the user terminal, from each of the content servers that provided catalog content. This would have added latency to the system, resulting in a potentially frustrating user experience that could lead to the perception that the service was poor quality. Ex. 1002 (Reddy Decl.), ¶¶210, 250. Therefore, transcoding the preview content in advance like Agharam does would have been seen as a way to reduce latency for resource intensive audio and video content like Senoh's previews. <i>Id.</i> And, while users might be willing to wait for content to be transcoded after they pay for it and await its delivery, users may be less tolerant of delays while viewing a number of different previews in the catalog while browsing for something they may want to buy. <i>Id.</i> Thus, the POSITA would have been led to look to Kenner for a solution to the problem of ensuring content was delivered to devices in a format they could properly view. <i>Id.</i></p> <p>Third, storing multiple implementations of an item of content (previews) is one of a finite number of predictable solutions available to the POSITA for enabling content to be tailored to the user terminals requesting Senoh's previews. Ex. 1002 (Reddy Decl.), ¶¶211, 250. Indeed, besides receiving and storing different implementations of items of content, one implementation could be received and transcoded at the relay server; implementations may be transcoded on the fly from a single implementation, or, contrary to Senoh's teachings, the catalog content could be kept at content servers and either transcoded there statically or</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|       | <p data-bbox="248 189 354 1381">dynamically. <i>Id.</i> These solutions all had predictable results as the concepts of “static” transcoding and “dynamic” transcoding were discussed in the literature and had known implications. <i>See, e.g.</i>, Ex. 1008, pp.154-157.</p> <p data-bbox="394 189 573 1381">The POSITA would have seen that Li teaches a way of transcoding content into numerous different formats to create what Li calls “InfoPyramids.” Ex. 1007 (Li), 2:40-47, 5:66-6:2 (“As shown in FIG 2, the content items 120 of a multimedia document 100 are transcoded (250) into multiple modality and fidelity versions to generate a set of InfoPyramids 280.”); Ex. 1002 (Reddy Decl.), ¶¶192-195, 248.</p> <div data-bbox="630 378 1315 1192"><p data-bbox="630 940 662 1071"><i>FIG. 2</i></p><p>The diagram illustrates the process of transcoding content items. At the top, a box labeled 'CONTENT ITEM A<sub>i</sub>' (120) has an arrow pointing down to a box labeled 'TRANSCODE' (250). From the bottom of the 'TRANSCODE' box, multiple lines radiate outwards to a large, multi-layered pyramid structure. The pyramid is divided into two main sections: 'FIDELITY' on the left and 'MODALITY' on the right. The 'FIDELITY' section is further divided into three horizontal layers, labeled 287, 285, and 289 from top to bottom. The 'MODALITY' section is divided into three horizontal layers, labeled 281, 282, and 283 from top to bottom. The layers are labeled 'VIDEO' (281), 'IMAGE' (282), and 'TEXT' (283) from top to bottom. The top layer (281) is labeled 'AUDIO' (284). The entire pyramid structure is labeled 'INFOPYRAMID' (280). The lines from the 'TRANSCODE' box connect to various points within the pyramid, representing the transcoding of content items into different modalities and fidelities.</p></div> <p data-bbox="1328 241 1401 1381">Ex. 1007 (Li), FIG. 2. Therefore, Li teaches transcoding content items into <i>a plurality of different implementations of at least one of the items of content, where each</i></p> |

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|       | <p><i>implementation of any given item of content corresponds to a different set of device capabilities.</i> Ex. 1002 (Reddy Decl.), ¶¶195, 248. As taught in Li, based on the client device capabilities and resources provided in a client device profile, an appropriate implementation of the item of content can be selected for the device, e.g., “all versions that are in video modality can be filtered out if the device is not capable of displaying video” and “all versions that are color images can be filtered out for a device that has only a black and white or gray-level screen.” Ex. 1007 (Li), 6:52-56. The POSITA would have looked to Li to improve Senoh’s catalog display techniques because Li provides a way to optimize the delivery of multimedia content to user devices. Ex. 1002 (Reddy Decl.), ¶¶197, 207, 248, 250.</p> <p>It would have been obvious to transcode preview content in Senoh’s content servers to create InfoPyramids using techniques taught in Li so that InfoPyramids could be provided to relay servers to enable selection of the best way to present content to a particular user terminal based on a device’s capabilities and resources as taught in Li to address the known problem that different devices had different display capabilities and not all content was properly formatted for all devices. Ex. 1002 (Reddy), ¶205, 212, 248, 250. A POSITA would have found the inclusion of Li’s known technique would have improved Senoh’s catalog system in the same way that improved Li’s system for allowing various devices to view content tailored to the device. <i>Id.</i>, ¶212, 248, 250. And, applying the Li techniques to content for Senoh’s catalog would allow for consumers of video content to browse the catalog for content using a variety of devices thus accomplishing the intended goal of Senoh’s product catalog—i.e., “to market the content to a wider audience.” Ex. 1004 (Senoh), ¶[0043].</p> <p>Moreover, applying Li’s technique for adapting content to a variety of user terminals including “PDAs” and “smart cellular phones,” Ex. 1007 (Li), 1:31-36, would have merely applied Li’s known technique for transcoding various types of content such as Senoh’s text and video and audio clips into different fidelity and/or modalities to allow as many users to view the content as possible from their mobile devices, <i>id.</i>, 4:58-67; Ex. 1002 (Reddy Decl.), ¶¶214, 250. Applying Li to Senoh’s catalog technique would have improved Senoh in the same way as it improved the prior art discussed in Li. Ex. (Reddy Decl.) 1002, ¶¶215, 250. At the very least, applying Li’s techniques on the data to be served to the relay</p> |

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

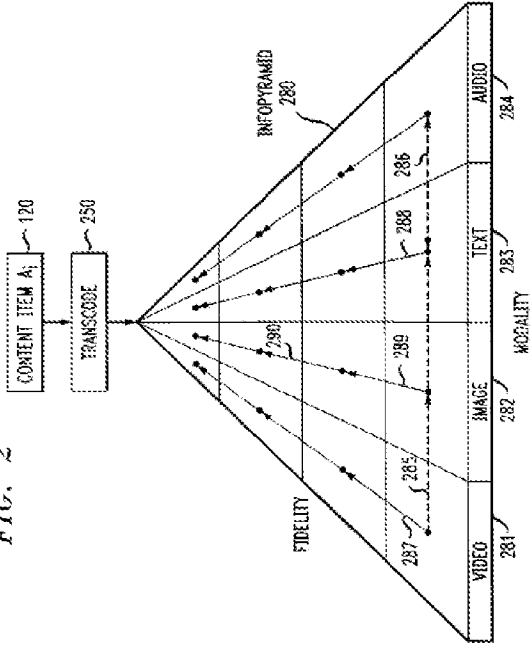
|         | Claim                                                                                                                                                                                                                    | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         |                                                                                                                                                                                                                          | <p>server from Senoh's content servers for use in Senoh's catalogs would have improved upon Senoh in a predictable manner—by allowing catalog content to be tailored for many different types of devices so that the content could be marketed to wider audiences. Ex. 1002 (Reddy Decl.), ¶¶215, 250. The POSITA would have reasonably expected to succeed in combining Senoh and Li because Li's transcoding techniques were known and predictable and combining them with Senoh would have merely combined the known transcoding techniques with known and Internet-based technologies to provide Senoh's product catalog to user devices. Ex. 1002 (Reddy Decl.), ¶216, 250.</p>                                                                                                                                                                                          |
| [8Biii] | <p>maintain a product catalog containing a description of the items of content, the product catalog including, in association with each item of content, a reference to each implementation of said item of content.</p> | <p>Senoh teaches a download manager to <i>maintain a product catalog containing a description of the items of content</i>. Senoh, however, does not explicitly teach that the product catalog includes <i>in association with each item of content, a reference to each implementation of said item of content</i>. This latter aspect of the claim would have been obvious over Senoh in view of Li.</p> <p>Senoh explains that “content server 3 . . . generates and sends catalog data for content to the relay server 2 in order to market the content to a wider audience.” Ex. 1004 (Senoh), ¶[0043]. “[T]he relay server 2 is a server computer accessible from the network and storing a compiled catalog of plural catalog data entries.” <i>Id.</i>, ¶[0044]. “A sample catalog compiling plural catalog data entries is shown in FIG. 4.” <i>Id.</i>, ¶[0045].</p> |

| Claim                         | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                      |           |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
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|                               | <div>Fig.4</div> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th>0 0 0</th></tr><tr><td>PREVIEW</td><td><div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div></td><td><div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div></td><td>0 0 0</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>1999.12.31</td><td>0 0 0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HANAKO UENO</td><td>0 0 0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0 0 0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0 0 0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL (GOLF TOURNAMENT)</td><td>NEW YEAR'S EVE</td><td>0 0 0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0 0 0</td></tr><tr><td>0 0 0</td><td>0 0 0</td><td>0 0 0</td><td>0 0 0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>abc@del</td><td>ghi@jkl</td><td>0 0 0</td></tr><tr><td>WARNING</td><td colspan="2">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td><td>0 0 0</td></tr></table> <div>CATALOG</div> <div>Ex. 1004 (Senoh), FIG. 4.</div> <p>Senoh does not explicitly teach that the product catalog <i>includes, in association with each item of digital content, a reference to each implementation of said item of digital content</i>. But, this feature would have been obvious over the combined teachings of Senoh and Li. As explained in connection with <i>Limitation [IAiii]</i>, above, it would have been obvious to store multiple implementations (formats) of Senoh's catalog content at Senoh's relay server in data structures such as Li's InfoPyramids based on Li's teachings. In doing so, a POSITA would have understood that <i>a reference to each implementation of said item of digital content</i> was needed to identify the specific InfoPyramid for a specific item of information. More specifically, a POSITA would have understood that there needed to be a reference from the content items—e.g., Senoh's previews—and the InfoPyramid that defines various</p> | CONTENT NAME                                                         | CONTENT 1 | CONTENT 2 | 0 0 0 | PREVIEW | <div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div> | <div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div> | 0 0 0 | CONTENT RECORDING DATE | 2000.6.17 | 1999.12.31 | 0 0 0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HANAKO UENO | 0 0 0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0 0 0 | GENRE | SPORTS | EVENT | 0 0 0 | CONTENT TYPE | FINAL (GOLF TOURNAMENT) | NEW YEAR'S EVE | 0 0 0 | DUPLICATION FEE | \$10 | \$5 | 0 0 0 | 0 0 0 | 0 0 0 | 0 0 0 | 0 0 0 | CONTACT ADDRESS FOR THE BUYER | abc@del | ghi@jkl | 0 0 0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  | 0 0 0 |
| CONTENT NAME                  | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | CONTENT 2                                                            | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| PREVIEW                       | <div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div> | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT RECORDING DATE        | 2000.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1999.12.31                                                           | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | HANAKO UENO                                                          | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| TITLE                         | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | COUNTDOWN 2000                                                       | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| GENRE                         | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | EVENT                                                                | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT TYPE                  | FINAL (GOLF TOURNAMENT)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | NEW YEAR'S EVE                                                       | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| DUPLICATION FEE               | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | \$5                                                                  | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| 0 0 0                         | 0 0 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0 0 0                                                                | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTACT ADDRESS FOR THE BUYER | abc@del                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | ghi@jkl                                                              | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                      | 0 0 0     |           |       |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |

Ex. 1004 (Senoh), FIG. 4.

Senoh does not explicitly teach that the product catalog *includes, in association with each item of digital content, a reference to each implementation of said item of digital content*. But, this feature would have been obvious over the combined teachings of Senoh and Li. As explained in connection with *Limitation [IAii]*, above, it would have been obvious to store multiple implementations (formats) of Senoh's catalog content at Senoh's relay server in data structures such as Li's InfoPyramids based on Li's teachings. In doing so, a POSITA would have understood that *a reference to each implementation of said item of digital content* was needed to identify the specific InfoPyramid for a specific item of information. More specifically, a POSITA would have understood that there needed to be a reference from the content items—e.g., Senoh's previews—and the InfoPyramid that defines various

| Claim                         | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                               |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                  |      |     |                               |  |  |         |                                                   |  |
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|                               | <p>implementations of that content item stored at the relay server. Ex. 1002 (Reddy Decl.), ¶¶200-202, 249. Such a reference is needed to tie the items (previews) in the catalog to the InfoPyramid including the implementations and without such a reference the system would not be able to correlate items to InfoPyramids. <i>Id.</i>, ¶¶202, 249.</p> <p>As Li explains, a “multimedia document,” includes “a number of content items <math>A_i</math>, denoted as reference numeral 120, where <math>i=1, 2, \dots, n</math>.” Ex. 1007 (Li), 4:10-13. The POSITA would have observed that Li’s multimedia documents would have provided a framework for representing Senoh’s product catalog. Ex. 1002 (Reddy), ¶200, 249. This can be seen in the illustration below:</p> <div><p>The diagram shows a large box labeled '100 MULTIMEDIA DOCUMENT W' containing several smaller boxes labeled 'CONTENT ITEM <math>A_i</math>' (120). Below this, a table labeled 'Fig. 4' shows a 'CATALOG' with columns for 'CONTENT NAME', 'CONTENT 1', and 'CONTENT 2'. The table lists various content items and their details, including a 'WARNING' row.</p><table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th></tr><tr><td>PREVIEW</td><td>PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)</td><td>PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK)</td></tr><tr><td>CONTENT REQUIRING DATE</td><td>2005.6.17</td><td>1995.12.31</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>YAMAKO JENG</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2005</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td></tr><tr><td>CONTENT TYPE</td><td>FINAL GOLF TOURNAMENT</td><td>NEW YEARS EVE</td></tr><tr><td>DUPPLICATION FEE</td><td>\$10</td><td>\$5</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td></td><td></td></tr><tr><td>WARNING</td><td colspan="2">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td></tr></table></div> <p>Ex. 1007 (Li), FIG. 1; Ex. 1004 (Senoh), FIG. 4. Here, different fields such as the preview of “Content 1” maybe one content item <math>A_i</math> and the preview of “Content 2” may be another item of content <math>A_i</math> in Li’s FIG. 1. Ex. 1002 (Reddy Decl.), ¶202, 249. Additionally, the text information for a particular item of content may represent another content item <math>A_i</math> and so on. Ex. 1002 (Reddy Decl.), ¶¶199, 202, 249. According to Li’s teachings, each item of content <math>A_i</math> is transcoded into a number of different representations and stored in the InfoPyramid data structure as illustrated below in FIG. 2:</p> | CONTENT NAME                                  | CONTENT 1 | CONTENT 2 | PREVIEW | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK) | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) | CONTENT REQUIRING DATE | 2005.6.17 | 1995.12.31 | WHO RECORDED THE CONTENT | TARO YAMASHITA | YAMAKO JENG | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2005 | GENRE | SPORTS | EVENT | CONTENT TYPE | FINAL GOLF TOURNAMENT | NEW YEARS EVE | DUPPLICATION FEE | \$10 | \$5 | CONTACT ADDRESS FOR THE BUYER |  |  | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  |
| CONTENT NAME                  | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | CONTENT 2                                     |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                  |      |     |                               |  |  |         |                                                   |  |
| PREVIEW                       | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                  |      |     |                               |  |  |         |                                                   |  |
| CONTENT REQUIRING DATE        | 2005.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 1995.12.31                                    |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                  |      |     |                               |  |  |         |                                                   |  |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | YAMAKO JENG                                   |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                  |      |     |                               |  |  |         |                                                   |  |
| TITLE                         | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | COUNTDOWN 2005                                |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                  |      |     |                               |  |  |         |                                                   |  |
| GENRE                         | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | EVENT                                         |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                  |      |     |                               |  |  |         |                                                   |  |
| CONTENT TYPE                  | FINAL GOLF TOURNAMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | NEW YEARS EVE                                 |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                  |      |     |                               |  |  |         |                                                   |  |
| DUPPLICATION FEE              | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | \$5                                           |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                  |      |     |                               |  |  |         |                                                   |  |
| CONTACT ADDRESS FOR THE BUYER |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                               |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                  |      |     |                               |  |  |         |                                                   |  |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                               |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                  |      |     |                               |  |  |         |                                                   |  |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p data-bbox="256 909 289 1014"><i>FIG. 2</i></p>  <p data-bbox="812 1098 844 1381">Ex. 1007 (Li), FIG. 2.</p> <p data-bbox="881 205 987 1381">When a document (e.g., Senoh's product catalog) includes multiple items of information with multiple components, each of the items can be represented in its own InfoPyramid (280), as indicated in Li's FIG. 3:</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <div data-bbox="251 892 284 1018"><p>FIG. 3</p></div> <div data-bbox="316 577 998 997"><pre>graph TD     100[MULTIMEDIA DOCUMENT W] --&gt; 120[CONTENT ITEM A1]     100 --&gt; 120[CONTENT ITEM A2]     120 --&gt; 220[TRANSFORM]     220 --&gt; 280[280]     220 --&gt; 282[282]     280 --&gt; 320[ADAPT CONTENT]     282 --&gt; 320     310[CLIENT PROFILE] --&gt; 320     310 --&gt; 330[CAPABILITIES]     310 --&gt; 332[RESOURCES]     320 --&gt; 324[324]     320 --&gt; 326[326]     324 --&gt; 370[CUSTOMIZED DOCUMENT]     326 --&gt; 370</pre></div> |

Ex. 1007 (Li), FIG. 3.

Thus, a document such as Senoh’s product catalog includes a number of content items (e.g., text, video previews) that each provide a *product catalog* which includes *in association with each item of content* (e.g., “Content 1’s” preview) *a reference to each implementation of said item of content*—i.e., a reference to the particular InfoPyramid that includes the “multiple representations of a multimedia item . . . organized into a pyramid-like data structure, as illustrated in FIG. 2.” Ex. 1007 (Li), 4:58-61. These different implementations are further described by Li as follows: “The cells of the pyramid correspond to different representations of the objects using different modalities such as, for example, video 281, image 282, audio 283 and text 284, and fidelities such as in the range of full-resolution

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>(bottom of the pyramid) to low-resolution (top of the pyramid). A specific version of a multimedia item can be referred to by one of the cells.” Ex. 1007 (Li), 4:61-67. The POSITA would have understood that in implementing Senoh’s product catalog using Li’s InfoPyramids, each item of information—e.g., preview of Content 1 or a preview of Content 2—would be associated with multiple implementations of that item as defined in the InfoPyramid and that the process of selecting which, if any, implementation is to be provided to the user terminal required use of a <i>reference</i> to the specific InfoPyramid—i.e., to <i>each implementation of said item of content</i> to allow selection of the appropriate item of content for the end user terminal. Ex. 1002 (Reddy Decl.), ¶¶202, 217, 249.</p> <p>It would have been obvious to use Li’s InfoPyramid techniques to provide items of content and implementations of items of content to Senoh’s relay server for the product catalog for the reasons discussed above in connection with <i>Limitation [8Bii]</i> and in doing so, the POSITA would have been led to link information items (e.g., content items) with InfoPyramids as taught by Li to enable the system to operate properly. Ex. 1002 (Reddy Decl.), ¶¶217, 249-250.</p> |
| [9P]  | <p>A system comprising:</p> <p>The preamble is not a limitation of the claim. However, even if the preamble is interpreted as being a limitation of the claim, Senoh discloses a system, such as the content distribution system shown in FIG. 2. <i>See, e.g.</i>, Ex. 1004 (Senoh), ¶¶[0002] (“This invention relates to controlling an electronic distribution system for distributing digital multimedia content, including audio and video, by way of a network.”), [0010] (“An object of this invention is therefore to provide an electronic distribution system . . .”), [0030] (“The configuration of this content distribution system is described in greater detail below with reference to FIG. 2.”).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|                                            | Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                            |       | <p><b>Fig.2</b></p> <p>RELAY SERVER 2</p> <p>CONTENT SERVER 3</p> <p>20 COPYRIGHT HOLDER TERMINAL</p> <p>10</p> <p>1 USER TERMINAL</p> <p>31 CONTENT ID GENERATING UNIT</p> <p>32 CONTENT ID APPENDING UNIT</p> <p>CATALOG DATA</p> <p>21 ID EXTRACTION UNIT</p> <p>22 ID TABLE</p> <p>23 VERIFICATION UNIT</p> <p>24 CATALOG STORAGE UNIT</p> <p>25 BULLETIN UNIT</p> <p>26 ID SEPARATION UNIT</p> <p>27 FORMAT CONVERTER</p> <p>28 ID APPENDING UNIT</p> <p>11 ID EXTRACTION UNIT</p> <p>12 VERIFICATION UNIT</p> <p>13 REDORDER</p> <p>14 PLAYBACK UNIT</p> <p>CONTENT IN THE FIRST FORMAT</p> <p>CONTENT IN THE SECOND FORMAT</p>                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>[9A]</b></p> <p>a processor; and</p> |       | <p>Ex. 1004 (Senoh), FIG. 2; <i>see also</i> Ex. 1002 (Reddy Decl.), ¶252.</p> <p>A POSITA would have understood that Senoh teaches <i>a processor</i> even though it is not explicitly mentioned. At the very least, the use of <i>a processor</i> in Senoh's system would have been obvious.</p> <p>For instance, Senoh teaches a "content distribution system 10" that includes a "user terminal 1," "relay server 2," and "content server 3." Ex. 1004 (Senoh), ¶[0029]. These entities are capable of communicating over a "communication network 4, such as the Internet . . . ." <i>Id.</i> Moreover, Senoh explains that various content may be converted from one format (e.g., MPEG-2) to another format (MPEG-4). <i>Id.</i>, ¶[0064], [0067]. Furthermore, Senoh explains that</p> <p>The processing operations of the various components of the above described content distribution system can also be written as a computer program causing a computer to execute the various</p> |

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

|      | Claim                                                                                                                                            | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                                                                                                                                  | <p>processes. Such a computer can be recorded to a CD, DVD, or other optical disc, to a floppy disk or other magnetic storage medium, or to flash memory or other semiconductor storage medium. The computer program could yet further be distributed as an electric signal via the Internet or other network.</p> <p>Ex. 1004 (Senoh), ¶[0081]. The POSITA would have understood all of these references to refer to systems with processors for executing computer-readable instructions. Ex. 1002 (Reddy Decl.), ¶253. Even if it could be argued that a processor is not disclosed to the POSITA, a POSITA would have understood how to implement the functionality described by Senoh and rendered obvious by Senoh in view of Li in a processor because processors were commonly used to execute computer-readable instructions in computer systems such as those described by Senoh. Ex. 1002 (Reddy Decl.), ¶253.</p>                                                                                                                     |
| [9B] | <p>a storage facility accessible to the processor and containing code which, when executed by the processor, causes the processing system to</p> | <p>Senoh discloses or at least renders obvious the claimed <i>storage facility accessible to the processor and containing code which, when executed by the processor, causes the processing system to</i> perform various functions.</p> <p>For instance, Senoh explains:</p> <p style="padding-left: 40px;">The processing operations of the various components of the above described content distribution system can also be written as a computer program causing a computer to execute the various processes. Such a computer can be recorded to a CD, DVD, or other optical disc, to a floppy disk or other magnetic storage medium, or to flash memory or other semiconductor storage medium. The computer program could yet further be distributed as an electric signal via the Internet or other network.</p> <p>Ex. 1004 (Senoh), ¶¶255-256.</p> <p>The POSITA would have understood that the functionality performed by, for instance the content server and the relay server would have been implemented based on computer code,</p> |

| Claim                         | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                              |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-----------|-----------|--|---------|--------------------------------------------------------------|--------------------------------------------------------------|-------|------------------------|-----------|------------|-------|--------------------------|----------------|-------------|-------|-------|------------------------|----------------|-------|-------|--------|-------|-------|--------------|-------------------------|----------------|-------|-----------------|------|-----|-------|-------|-------|-------|-------|-------------------------------|----------|---------|-------|---------|---------------------------------------------------|--|-------|
|                               | <p>and that such code would have been stored in a <i>storage facility</i> so that the computer-readable instructions could be fetched and executed by the processor to perform the functionality disclosed and rendered obvious by Senoh. Ex. 1002 (Reddy Decl.), ¶¶255-256.</p> <p>Senoh discloses or at least renders obvious code that when executed causes the processing system to <i>receive and store a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless communication subscribers</i>.</p> <p>The functionality associated with <i>receiving and storing</i> are performed <i>in a server system</i>—namely Senoh’s relay server 2. Ex. 1002 (Reddy Decl.), ¶147, 257. Senoh discloses a catalog with multiple items of content as shown in Figure 4 (below).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                              |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| [9Bi]                         | <p>receive and store a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless telecommunications subscribers,</p> <p><b>Fig.4</b></p> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th></th></tr><tr><td>PREVIEW</td><td><div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div></td><td><div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div></td><td>0.0.0</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>1999.12.31</td><td>0.0.0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HANAKO UENO</td><td>0.0.0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0.0.0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0.0.0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL (GOLF TOURNAMENT)</td><td>NEW YEAR'S EVE</td><td>0.0.0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0.0.0</td></tr><tr><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>labo@def</td><td>ghi@jkl</td><td>0.0.0</td></tr><tr><td>WARNING</td><td colspan="2">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td><td>0.0.0</td></tr></table> <p>CATALOG</p> | CONTENT NAME                                                 | CONTENT 1 | CONTENT 2 |  | PREVIEW | <div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div> | <div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div> | 0.0.0 | CONTENT RECORDING DATE | 2000.6.17 | 1999.12.31 | 0.0.0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HANAKO UENO | 0.0.0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0.0.0 | GENRE | SPORTS | EVENT | 0.0.0 | CONTENT TYPE | FINAL (GOLF TOURNAMENT) | NEW YEAR'S EVE | 0.0.0 | DUPLICATION FEE | \$10 | \$5 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | CONTACT ADDRESS FOR THE BUYER | labo@def | ghi@jkl | 0.0.0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  | 0.0.0 |
| CONTENT NAME                  | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | CONTENT 2                                                    |           |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| PREVIEW                       | <div>PREVIEW OF CONTENT 1<br/>(WITH DIGITAL WATERMARK)</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <div>PREVIEW OF CONTENT 2<br/>(WITH DIGITAL WATERMARK)</div> | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| CONTENT RECORDING DATE        | 2000.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 1999.12.31                                                   | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | HANAKO UENO                                                  | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| TITLE                         | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | COUNTDOWN 2000                                               | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| GENRE                         | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | EVENT                                                        | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| CONTENT TYPE                  | FINAL (GOLF TOURNAMENT)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | NEW YEAR'S EVE                                               | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| DUPLICATION FEE               | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | \$5                                                          | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| 0.0.0                         | 0.0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 0.0.0                                                        | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| CONTACT ADDRESS FOR THE BUYER | labo@def                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | ghi@jkl                                                      | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                              | 0.0.0     |           |  |         |                                                              |                                                              |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                         |                |       |                 |      |     |       |       |       |       |       |                               |          |         |       |         |                                                   |  |       |

|        | Claim                                                                       | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        |                                                                             | <p>Ex. 1004 (Senoh), FIG. 4. This figure shows “[a] sample catalog compiling plural catalog entries,” from which users can “select desired content by accessing [a] bulletin board on the relay server 2 and viewing the catalog.” <i>Id.</i>, ¶[0045]. The catalog data is generated by and sent from the content server 3 to the relay server 2. <i>See</i> Ex. 1004 (Senoh), ¶[0043] (“The content server 3 then generates and sends catalog data for the content to the relay server 2 in order to market the content to a wider audience.”), [0044] (“[T]he relay server 2 is a server computer accessible from the network and storing a compiled catalog of plural catalog data entries.”). This allows the relay server to store “a compiled catalog of plural catalog data entries.” <i>Id.</i>, ¶[0044]. Content stored at relay server includes previews of audio or video data. “If the content contains video, the relay server 2 preferably enables the content highlights to be previewed. If the content is audio (music), a selection of a particular length could be provided as a preview.” Ex. 1004 (Senoh), ¶[0044]; <i>see also id.</i>, FIG. 4. Here, a first item of content is “Preview of Content 1” and a second item of content is “Preview of Content 2” and thus are <i>a plurality of items of content</i> which are to be made available to user terminals including <i>wireless communication devices used by a plurality of wireless services subscribers</i>. Ex. 1002 (Reddy Decl.), ¶[76-77, 147, 257].</p> <p>These <i>plurality of items of content</i> are provided from Senoh’s content server 3 and are <i>received</i> by, and <i>stored</i> in, the relay server. <i>See</i> Ex. 1004 (Senoh), ¶[0043] (“The content server 3 then generates and sends catalog data for the content to the relay server 2 in order to market the content to a wider audience. The catalog data could contain previews of content highlights . . .”), ¶[0044] (“[T]he relay server 2 is a server computer accessible from the network and storing a compiled product catalog of plural catalog data entries.”). These different previews associated with the difference catalog entries (e.g., as shown in FIG. 4) are <i>received and stored in</i> relay server and constitute <i>items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers</i>. Ex. 1002 (Reddy Decl.), ¶[78 (citing Ex. 1011, 2:5-7 and explaining that wireless services for cellular phones were provided as a subscription service using, for example, Subscriber Identity Modules in cellular phones), 147, 257].</p> |
| [9Bii] | including receiving and storing a plurality of different implementations of | <p>This limitation would have been obvious over Senoh in view of Li. While Senoh describes how items of content (e.g., video and audio previews) are received and stored at the relay server, Senoh does not disclose a mechanism for ensuring that the content displays or is</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

| Claim                                                                                                                                                                      | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <p>at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities;</p> | <p>otherwise reproduced in a manner that is appropriate for the specific user terminal capabilities based on the terminal that is requesting to view the content. Ex. 1002 (Reddy Decl.), ¶¶79, 258. In connection with the catalog previews, Senoh does not disclose <i>receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of content corresponds to a different set of device capabilities</i> to allow wider access to Senoh’s catalog previews. A POSITA would have thus looked to a technique to ensure that the user terminals received previews in a format that could be viewed by the terminal. Ex. 1002 (Reddy Decl.), ¶¶191, 258.</p> <p>Li provides a technique that can accomplish this result and present content in the manner best suited for a particular user terminal. Specifically, Li teaches a method and apparatus for adapting multimedia content for diverse client devices including personal digital assistants (PDAs) and “smart cellular phones.” Ex. 1007 (Li), 1:18-21, 1:31-36. The multimedia content is adapted “to optimally match the capabilities of the client device requesting it.” <i>Id.</i>, 2:19-21. Each content item is “transcoded into multiple resolution and modality versions so that they can be rendered on different devices.” <i>Id.</i>, 2:24-26. “For example, a video item is transcoded into a selected set of images so that it can be rendered on a device not capable of displaying video.” <i>Id.</i> Li’s invention “permits the transcoded versions of the content items to be generated prior to any requests. Thus, the invention can handle media items such as video and audio which are difficult to handle in conventional proxies. This off-line transcoding also leads to lower response latencies than proxies.” Ex. 1007 (Li), 3:4-10. The content adaptation process “can be deployed on the server-side . . . .” <i>Id.</i>, 12:11-12. The specific item(s) of information to be served to the client device are determined based on the device capabilities. Ex. 1007 (Li), 6:3-9 (“A client device is characterized by its profile 310 which lists the capabilities 320 and resources 300 of the device. . . . A client may have a different number of capabilities 320 and resources 330.”); <i>id.</i>, 6:42-47 (“A content adaptation process 350 uses the client profile 3109 to select from among the InfoPyramids 280 the versions 374 that best satisfy the particular client profile. These selected versions are rendered into a document 370 which is an adaptation (i.e., customization) of the original multimedia document 100.”).</p> <p>A POSITA would have understood that while Senoh teaches a product catalog that includes information about multiple items of content including text and video clips that are provided</p> |

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|       | <p>from content creators, <i>see</i> Ex. 1004 (Senoh), ¶¶[0043]-[0045], FIG. 4; Ex. 1002 (Reddy Decl., ¶¶190-191, 204, 258, 263, Senoh does not describe techniques for ensuring that the catalog can be accessed by devices with different device capabilities to ensure that the content provided from the catalog can be viewed on the client devices, <i>id.</i>. Therefore, the POSITA would have looked at prior art solutions to make the catalog as accessible to end-users as possible to achieve the goal of allowing the content to be marketed to “a wider audience” as taught by Senoh. Ex. 1004 (Senoh), ¶[0043]; Ex. 1002, ¶¶207, 258, 263. A POSITA would have found a solution in Li and would have been led to look to Li for such a solution for several reasons.</p> <p>First, a POSITA knew that content creators wanted to have control over how the different versions of their content displayed on devices. Ex. 1002 (Reddy Decl.), ¶¶209, 263; Ex. 1008 (Britton), p.156 (“The primary advantages of static transcoding are quality of presentation and performance.[] Each page is constructed by a human designer, generally working with tools that show how the application will look or sound and thus allowing the presentation to be hand-tailored for each environment.”). To provide content creators the ability to control the appearance of different implementations of their content, the POSITA would have seen a benefit to having the content server maintain different, preformatted implementations of the previews, and provide those to Senoh’s relay server to market the content to a wider audience. Ex. 1002 (Reddy Decl.), ¶¶209, 263; Ex. 1004 (Senoh), ¶[0044] (catalog for marketing to wider audience).</p> <p>Second, a POSITA knew that latency in viewing content on the Web affected the user experience. Ex. 1002 (Reddy Decl.), ¶¶210, 263. Thus, using the same transcoding processes that Senoh uses for purchased full-length content would have been unattractive for Senoh’s previews. Ex. 1002 (Reddy Decl.), ¶¶210, 263. A POSITA would have understood from Senoh that content in the catalog originated from different content creators/copyright holders. Ex. 1002 (Reddy Decl.), ¶¶210, 263. Specifically, Senoh explains that the copyright holder and content server computers could be the same machines, Ex. 1004 (Senoh), ¶[0032], that each copyright holder receives a unique ID, <i>id.</i>, ¶[0034], and that the relay server stores a catalog with content from multiple copyright holders, <i>id.</i>, ¶[0054], FIG. 5; Ex. 1002 (Reddy Decl.), ¶¶210, 263. Therefore, to implement a system where the content server maintains the</p> |

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| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>previews until requested would have caused the content to be fetched when the catalog data was requested, sent to the relay server, transcoded at the relay server, and sent to the user terminal, from each of the content servers that provided catalog content. This would have added latency to the system, resulting in a potentially frustrating user experience that could lead to the perception that the service was poor quality. Ex. 1002 (Reddy Decl.), ¶¶210, 263. Therefore, transcoding the preview content in advance like Agraharam does would have been seen as a way to reduce latency for resource intensive audio and video content like Senoh's previews. <i>Id.</i> And, while users might be willing to wait for content to be transcoded after they pay for it and await its delivery, users may be less tolerant of delays while viewing a number of different previews in the catalog while browsing for something they may want to buy. <i>Id.</i> Thus, the POSITA would have been led to look to Kenner for a solution to the problem of ensuring content was delivered to devices in a format they could properly view. <i>Id.</i></p> <p>Third, storing multiple implementations of an item of content (previews) is one of a finite number of predictable solutions available to the POSITA for enabling content to be tailored to the user terminals requesting Senoh's previews. Ex. 1002 (Reddy Decl.), ¶¶211, 263. Indeed, besides receiving and storing different implementations of items of content, one implementation could be received and transcoded at the relay server; implementations may be transcoded on the fly from a single implementation, or, contrary to Senoh's teachings, the catalog content could be kept at content servers and either transcoded there statically or dynamically. <i>Id.</i> These solutions all had predictable results as the concepts of "static" transcoding and "dynamic" transcoding were discussed in the literature and had known implications. <i>See, e.g.,</i> Ex. 1008, pp.154-157.</p> <p>The POSITA would have seen that Li teaches a way of transcoding content into numerous different formats to create what Li calls "InfoPyramids." Ex. 1007 (Li), 2:40-47, 5:66-6:2 ("As shown in FIG 2, the content items 120 of a multimedia document 100 are transcoded (250) into multiple modality and fidelity versions to generate a set of InfoPyramids 280."); Ex. 1002 (Reddy Decl), ¶¶192-195, 221, 258, 263.</p> |



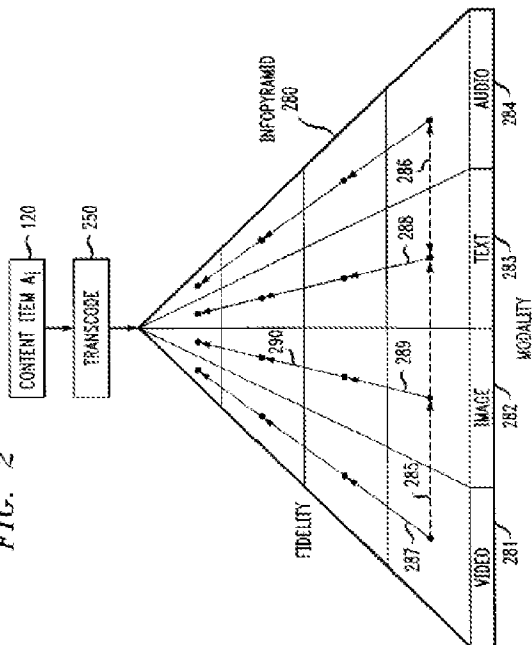
Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

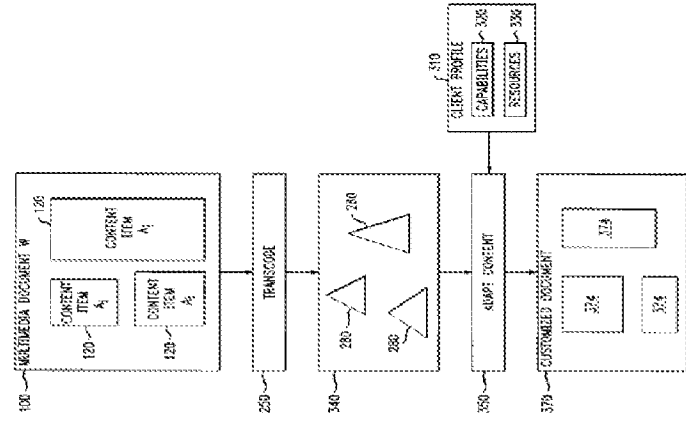
|         | Claim                                                  | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         |                                                        | <p>It would have been obvious to transcode content in Senoh's content servers to create InfoPyramids using techniques taught in Li so that InfoPyramids could be provided to relay servers to enable selection of the best way to present content to a particular user terminal based on a device's capabilities and resources as taught in Li to address the known problem that different devices had different display capabilities and not all content was properly formatted for all devices. Ex. 1002 (Reddy), ¶205, 263. A POSITA would have found the inclusion of Li's known technique would have improved Senoh's catalog system in the same way that improved Li's system for allowing various devices to view content tailored to the device. <i>Id.</i>, ¶212, 263. And, applying the Li techniques to content for Senoh's catalog would allow for consumers of video content to browse the catalog for content using a variety of devices thus accomplishing the intended goal of Senoh's product catalog—i.e., “to market the content to a wider audience.” Ex. 1004 (Senoh), ¶[0043].</p> <p>Moreover, applying Li's technique for adapting content to a variety of user terminals including “PDAs” and “smart cellular phones,” Ex. 1007 (Li), 1:31-36, would have merely applied Li's known technique for transcoding various types of content such as Senoh's text and video and audio clips into different fidelity and/or modalities to allow as many users to view the content as possible from their mobile devices, <i>id.</i>, 4:58-67; Ex. 1002 (Reddy Decl.), ¶214, 263. Applying Li to Senoh's catalog technique would have improved Senoh in the same way as it improved Li. Ex. (Reddy Decl.) 1002, ¶[215, 263. At the very least, applying Li's techniques on the data to be served to the relay server from Senoh's content servers for use in Senoh's catalogs would have improved upon Senoh in a predictable manner—by allowing catalog content to be tailored for many different types of devices so that the content could be marketed to wider audiences. Ex. 1002 (Reddy Decl.), ¶[215, 263. The POSITA would have reasonably expected to succeed in combining Senoh and Li because Li's transcoding techniques were known and predictable and combining them with Senoh would have merely combined the known transcoding techniques with known and Internet-based technologies to provide Senoh's product catalog to user devices. Ex. 1002 (Reddy Decl.), ¶[216, 263.</p> |
| [9Biii] | maintain a product catalog containing a description of | <p>Senoh discloses and renders obvious code that when executed causes a processor to <i>maintain a product catalog containing a description of items of digital content</i>. Senoh in view of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Claim                                                                                                                                                                                     | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                      |           |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|-----------|-----------|--|---------|----------------------------------------------------------------------|----------------------------------------------------------------------|-------|------------------------|-----------|------------|-------|--------------------------|----------------|-------------|-------|-------|------------------------|----------------|-------|-------|--------|-------|-------|--------------|---------------------------|----------------|-------|-----------------|------|-----|-------|-------|-------|-------|-------|-------------------------------|---------|---------|-------|---------|---------------------------------------------------|--|-------|
| the items of digital content, wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content; | <p>Kenner renders obvious code that when executes causes a processor to maintain a product catalog <i>wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content.</i></p> <p>Senoh explains that “content server 3 . . . generates and sends catalog data for content to the relay server 2 in order to market the content to a wider audience.” Ex. 1004 (Senoh), ¶[0043]. “[T]he relay server 2 is a server computer accessible from the network and storing a compiled catalog of plural catalog data entries.” <i>Id.</i>, ¶[0044]. “A sample catalog compiling plural catalog data entries is shown in FIG. 4.” <i>Id.</i>, ¶[0045].</p> <p><b>Fig.4</b></p> <table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th><th></th></tr><tr><td>PREVIEW</td><td><div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div></td><td><div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div></td><td>0.0.0</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.6.17</td><td>1999.12.31</td><td>0.0.0</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HANAKO UENO</td><td>0.0.0</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td><td>0.0.0</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td><td>0.0.0</td></tr><tr><td>CONTENT TYPE</td><td>FINAL ( GOLF TOURNAMENT )</td><td>NEW YEAR'S EVE</td><td>0.0.0</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td><td>0.0.0</td></tr><tr><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td><td>0.0.0</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td>abc@del</td><td>ghi@jkl</td><td>0.0.0</td></tr><tr><td>WARNING</td><td colspan="2">UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td><td>0.0.0</td></tr></table> <p>CATALOG</p> | CONTENT NAME                                                         | CONTENT 1 | CONTENT 2 |  | PREVIEW | <div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div> | <div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div> | 0.0.0 | CONTENT RECORDING DATE | 2000.6.17 | 1999.12.31 | 0.0.0 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HANAKO UENO | 0.0.0 | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | 0.0.0 | GENRE | SPORTS | EVENT | 0.0.0 | CONTENT TYPE | FINAL ( GOLF TOURNAMENT ) | NEW YEAR'S EVE | 0.0.0 | DUPLICATION FEE | \$10 | \$5 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | 0.0.0 | CONTACT ADDRESS FOR THE BUYER | abc@del | ghi@jkl | 0.0.0 | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  | 0.0.0 |
| CONTENT NAME                                                                                                                                                                              | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | CONTENT 2                                                            |           |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| PREVIEW                                                                                                                                                                                   | <div>PREVIEW OF<br/>CONTENT 1<br/>(WITH DIGITAL<br/>WATERMARK)</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <div>PREVIEW OF<br/>CONTENT 2<br/>(WITH DIGITAL<br/>WATERMARK)</div> | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT RECORDING DATE                                                                                                                                                                    | 2000.6.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 1999.12.31                                                           | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WHO RECORDED THE CONTENT                                                                                                                                                                  | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | HANAKO UENO                                                          | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| TITLE                                                                                                                                                                                     | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | COUNTDOWN 2000                                                       | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| GENRE                                                                                                                                                                                     | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | EVENT                                                                | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTENT TYPE                                                                                                                                                                              | FINAL ( GOLF TOURNAMENT )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | NEW YEAR'S EVE                                                       | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| DUPLICATION FEE                                                                                                                                                                           | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | \$5                                                                  | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| 0.0.0                                                                                                                                                                                     | 0.0.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0.0.0                                                                | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| CONTACT ADDRESS FOR THE BUYER                                                                                                                                                             | abc@del                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | ghi@jkl                                                              | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |
| WARNING                                                                                                                                                                                   | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                      | 0.0.0     |           |  |         |                                                                      |                                                                      |       |                        |           |            |       |                          |                |             |       |       |                        |                |       |       |        |       |       |              |                           |                |       |                 |      |     |       |       |       |       |       |                               |         |         |       |         |                                                   |  |       |

Ex. 1004 (Senoh), FIG. 4.

| Claim                         | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                               |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                 |      |     |                               |  |  |         |                                                   |  |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-----------|-----------|---------|-----------------------------------------------|-----------------------------------------------|------------------------|-----------|------------|--------------------------|----------------|-------------|-------|------------------------|----------------|-------|--------|-------|--------------|-----------------------|---------------|-----------------|------|-----|-------------------------------|--|--|---------|---------------------------------------------------|--|
|                               | <p>Senoh does not explicitly teach that the product catalog <i>includes, in association with each item of digital content, a reference to each implementation of said item of digital content</i>. But, this feature would have been obvious over the combined teachings of Senoh and Li. As explained in connection with <i>Limitation [IAii]</i>, above, it would have been obvious to store multiple implementations (formats) of Senoh’s catalog content at Senoh’s relay server in data structures such as Li’s InfoPyramids based on Li’s teachings. In doing so, a POSITA would have understood that <i>a reference to each implementation of said item of digital content</i> was needed to identify the specific InfoPyramid for a specific item of information. More specifically, a POSITA would have understood that there needed to be a reference from the content items—e.g., Senoh’s previews—and the InfoPyramid that defines various implementations of that content item stored at the relay server. Ex. 1002 (Reddy Decl.), ¶¶200-202, 259. Such a reference is needed to tie the items (previews) in the catalog to the InfoPyramid including the implementations and without such a reference the system would not be able to correlate items to InfoPyramids. Ex. 1002 (Reddy Decl.), ¶¶202, 259.</p> <p>As Li explains, a “multimedia document,” includes “a number of content items <math>A_i</math>, denoted as reference numeral 120, where <math>i=1, 2, \dots, n</math>,” Ex. 1007 (Li), 4:10-13. The POSITA would have observed that Li’s multimedia documents are a generic way to represent Senoh’s product catalog. Ex. 1002 (Reddy), ¶¶200, 259. This can be seen in the illustration below:</p> <div><p>The diagram illustrates a Multimedia Document W (100) and its associated Catalog. The Multimedia Document W (100) is shown as a large rectangle containing several smaller rectangles representing Content Items <math>A_i</math> (120). These items are arranged in a grid-like fashion, with some items labeled 'CONTENT ITEM <math>A_i</math>' and others labeled 'CONTENT ITEM <math>A_i</math>'. The Catalog is shown as a table with columns for 'CONTENT NAME', 'CONTENT 1', and 'CONTENT 2'. The table lists various content items and their corresponding implementations, including 'PREVIEW', 'CONTENT RECORDING DATE', 'WHO RECORDED THE CONTENT', 'TITLE', 'GENRE', 'CONTENT TYPE', 'DUPLICATION FEE', 'CONTACT ADDRESS FOR THE BUYER', and 'WARNING'.</p><table><tr><th>CONTENT NAME</th><th>CONTENT 1</th><th>CONTENT 2</th></tr><tr><td>PREVIEW</td><td>PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)</td><td>PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK)</td></tr><tr><td>CONTENT RECORDING DATE</td><td>2000.5.17</td><td>1993.12.31</td></tr><tr><td>WHO RECORDED THE CONTENT</td><td>TARO YAMASHITA</td><td>HIMAKO UENO</td></tr><tr><td>TITLE</td><td>BATTLE IN PEBBLE BEACH</td><td>COUNTDOWN 2000</td></tr><tr><td>GENRE</td><td>SPORTS</td><td>EVENT</td></tr><tr><td>CONTENT TYPE</td><td>FINAL GOLF TOURNAMENT</td><td>NEW YEARS EVE</td></tr><tr><td>DUPLICATION FEE</td><td>\$10</td><td>\$5</td></tr><tr><td>CONTACT ADDRESS FOR THE BUYER</td><td></td><td></td></tr><tr><td>WARNING</td><td>UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY</td><td></td></tr></table></div> | CONTENT NAME                                  | CONTENT 1 | CONTENT 2 | PREVIEW | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK) | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) | CONTENT RECORDING DATE | 2000.5.17 | 1993.12.31 | WHO RECORDED THE CONTENT | TARO YAMASHITA | HIMAKO UENO | TITLE | BATTLE IN PEBBLE BEACH | COUNTDOWN 2000 | GENRE | SPORTS | EVENT | CONTENT TYPE | FINAL GOLF TOURNAMENT | NEW YEARS EVE | DUPLICATION FEE | \$10 | \$5 | CONTACT ADDRESS FOR THE BUYER |  |  | WARNING | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY |  |
| CONTENT NAME                  | CONTENT 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | CONTENT 2                                     |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                 |      |     |                               |  |  |         |                                                   |  |
| PREVIEW                       | PREVIEW OF CONTENT 1 (WITH DIGITAL WATERMARK)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | PREVIEW OF CONTENT 2 (WITH DIGITAL WATERMARK) |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                 |      |     |                               |  |  |         |                                                   |  |
| CONTENT RECORDING DATE        | 2000.5.17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 1993.12.31                                    |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                 |      |     |                               |  |  |         |                                                   |  |
| WHO RECORDED THE CONTENT      | TARO YAMASHITA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | HIMAKO UENO                                   |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                 |      |     |                               |  |  |         |                                                   |  |
| TITLE                         | BATTLE IN PEBBLE BEACH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | COUNTDOWN 2000                                |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                 |      |     |                               |  |  |         |                                                   |  |
| GENRE                         | SPORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | EVENT                                         |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                 |      |     |                               |  |  |         |                                                   |  |
| CONTENT TYPE                  | FINAL GOLF TOURNAMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | NEW YEARS EVE                                 |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                 |      |     |                               |  |  |         |                                                   |  |
| DUPLICATION FEE               | \$10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | \$5                                           |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                 |      |     |                               |  |  |         |                                                   |  |
| CONTACT ADDRESS FOR THE BUYER |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                               |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                 |      |     |                               |  |  |         |                                                   |  |
| WARNING                       | UNAUTHORIZED ACT OF COPYING IS SUBJECT TO PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                               |           |           |         |                                               |                                               |                        |           |            |                          |                |             |       |                        |                |       |        |       |              |                       |               |                 |      |     |                               |  |  |         |                                                   |  |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p data-bbox="284 189 535 1375">Ex. 1007 (Li), FIG. 1; Ex. 1004 (Senoh), FIG. 4. Here, different fields such as the preview of “Content 1” maybe one content item <math>A_i</math> and the preview of “Content 2” may be another item of content <math>A_i</math> in Li’s FIG. 1. Ex. 1002 (Reddy Decl.), ¶¶202, 259. Additionally, the text information for a particular item of content may represent another content item <math>A_i</math> and so on. Ex. 1002 (Reddy Decl.), ¶199, 202, 259. According to Li’s teachings, each item of content <math>A_i</math> is transcoded into a number of different representations and stored in the InfoPyramid data structure as illustrated below in FIG. 2:</p> <div data-bbox="584 462 1128 1102"><p data-bbox="584 903 617 1008"><i>FIG. 2</i></p><p>The diagram illustrates the InfoPyramid data structure. At the top, a box labeled 'CONTENT ITEM <math>A_i</math>' (120) points to a 'TRANSCOBE' (250). From the bottom of the transcobe, multiple lines radiate upwards, representing different modalities and fidelity levels. The modalities are labeled on the right: VIDEO (281), IMAGE (282), TEXT (283), and AUDIO (284). The fidelity levels are indicated by dashed lines and labels: 285, 287, 288, 289, 290, 292, 293, and 294. The entire structure is labeled 'INFOPYRAMID' (260) at the top.</p></div> <p data-bbox="1136 1092 1169 1375">Ex. 1007 (Li), FIG. 2.</p> <p data-bbox="1209 189 1315 1375">When a document (e.g., Senoh’s product catalog) includes multiple items of information with multiple components, each of the items can be represented in its own InfoPyramid (280), as indicated in Li’s FIG. 3:</p> |

| Claim | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p data-bbox="251 892 284 1008">FIG. 3 303</p>  <p data-bbox="1006 1102 1047 1375">Ex. 1007 (Li), FIG. 3.</p> <p data-bbox="1079 199 1404 1375">Thus, a document such as Senoh's product catalog includes a number of content items (e.g., text, video previews) that each provide a <i>product catalog</i> which includes <i>in association with each item of content</i> (e.g., "Content 1's" preview) <i>a reference to each implementation of said item of content</i>—i.e., a reference to the particular InfoPyramid that includes the "multiple representations of a multimedia item . . . organized into a pyramid-like data structure, as illustrated in FIG. 2." Ex. 1007 (Li), 4:58-61. These different implementations are further described by Li as follows: "The cells of the pyramid correspond to different representations of the objects using different modalities such as, for example, video 281, image 282, audio 283 and text 284, and fidelities such as in the range of full-resolution</p> |

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

|        | Claim                                                                    | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        |                                                                          | <p>(bottom of the pyramid) to low-resolution (top of the pyramid). A specific version of a multimedia item can be referred to by one of the cells.” Ex. 1007 (Li), 4:61-67. The POSITA would have understood that in implementing Senoh’s product catalog using Li’s InfoPyramids, each item of information—e.g., preview of Content 1 or a preview of Content 2—would be associated with multiple implementations of that item as defined in the InfoPyramid and that the process of selecting which, if any, implementation is to be provided to the user terminal required use of a <i>reference to</i> the specific InfoPyramid—i.e., to <i>each implementation of said item of content</i> to allow selection of the appropriate item of content for the end user terminal. Ex. 1002 (Reddy Decl.), ¶¶202, 217, 259.</p> <p>It would have been obvious to use Li’s InfoPyramid techniques to provide items of content and implementations of items of content to Senoh’s relay server for the product catalog for the reasons discussed above in connection with <i>Limitation [9Bii]</i> and in doing so, the POSITA would have been led to link information items (e.g., content items) with InfoPyramids as taught by Li to enable the system to operate properly. Ex. 1002 (Reddy Decl.), ¶¶217, 259.</p>                  |
| [9Biv] | receive a request from a wireless device used by one of the subscribers; | <p>Senoh in view of Kenner renders obvious code that when executed causes a processor to <i>receive a request from a wireless device used by one of the subscribers</i>.</p> <p>Senoh teaches that a user accesses a catalog including “plurality catalog data entries.” Ex. 1004 (Senoh), ¶¶[0043]-[0044]. This catalog is stored on the relay server. Ex. 1004 (Senoh), ¶¶[0043]-[0044]. The catalog “can be posted to a common bulletin board (electronic bulletin board) accessible from the network,” which allows “users to “select desired content by accessing the bulletin board on the relay server 2 and viewing the catalog.” <i>Id.</i>, ¶¶[0045]. A POSITA would have understood that in order to view content stored at the relay server, the client device—i.e., the claimed <i>wireless device</i> would need to request that information and that the request would need to be received by the relay server. Ex. 1002 (Reddy Decl.), ¶¶224-226, 260. Based on this request, the catalog data from the electronic bulletin board would be provided to the client device according to the teachings of Senoh.</p> <p>Li also describes receiving a request from a client device for content stored on a server. As Li explains, “[a]s is well known, a Web user (client) makes a request from his client device</p> |

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

|       | Claim                                                                                                                                                                                         | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       |                                                                                                                                                                                               | <p>for some particular Web document(s) or other multimedia content which may contain video, images, graphics, text, audio. The request is sent to a Web server which satisfies the request by returning the requested document to the client.” Ex. 1007 (Li), 4:5-10. A POSITA would have understood that the request discussed by Li would have been used in the context of Senoh to request the product catalog from the relay server. Ex. 1002 (Reddy Decl.), ¶¶226, 260.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| [9Bv] | <p>in response to the request, select a portion of the product catalog to be presented to the subscriber, based on device capabilities of the wireless device used by the subscriber; and</p> | <p>Therefore, both Senoh and Li teach a step of <i>receiving a request from a wireless device used by one of the subscribers</i> and it would have been obvious to use such a request to receive product catalog data in connection with a combined system according to Senoh and Li.</p> <p>Senoh in view of Kenner renders obvious code that when executed causes a processor to <i>in response to the request, selecting a portion of the product catalog to be presented to the subscriber, based on the capabilities of the wireless device used by the subscriber</i>.</p> <p>As explained above in connection with <i>Limitation [9Bii]</i>, it would have been obvious to use the Li techniques in combination with Senoh’s product catalog to ensure that properly formatted video and audio data are served from Senoh’s relay server to user terminals viewing the product catalog previews. In the combined system, a request is made from a client device/user terminal to view the product catalog. According to Li’s teachings, the product capabilities can be provided to the server in various ways:</p> <p style="padding-left: 40px;">The client device profile can be obtained by a number of mechanisms. For example, the User-Agent fields in the HTTP (hyper text transport protocol) request header contain information about the browser and often the operating system. Also, Windows-CE devices specify the screen size, color depth and processor.</p> <p>Ex. 1007 (Li), 6:30-35.</p> <p>Li also explains that information that cannot be viewed on the client is excluded from being served to the client. For example, Li explains “the versions from the InfoPyramids <u>that do not meet client capabilities 320</u> are filtered out. For example, all versions that are in video</p> |

|                | Claim                                                                                                                                        | Prior Art Disclosures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                |                                                                                                                                              | <p>modality can be filtered out if the device is not capable of displaying video. Similarly, all versions that are color images can be filtered out for a device that has only a black and white or gray-level screen.” Ex. 1007 (Li), 6:49-56; <i>see also id.</i>, 10:62-65 (“Before we start the resource allocation process, we remove from consideration all the versions of items that a client is not capable of handling.”). Then, the appropriate version of the content to send in response to the request is chosen from the versions that are not filtered out. <i>Id.</i>, 6:64-67 (“Then, in step 470, the resources allocated for each InfoPyramid are used to select the appropriate version 374, which has not been previously filtered out in step 420, to render the customized multimedia document 370.”). In this way, a <b>portion of the product catalog</b> is selected <b>based on the device capabilities of the wireless device used by the subscriber</b>.</p> <p>Thus, in the combined Senoh-Li system, in response to the request—i.e., request for the product catalog from a client device—a portion of the product catalog is selected from the relay server to be presented to the subscriber on their terminal. There are two phases to the selection of the portion of the product catalog to convey for each item of information—including video preview: (1) filtering out content that cannot be displayed by the client device, and (2) identifying the correct item from the InfoPyramids that have not been filtered out based on the resource allocation process. These processes are performed <b>based on the device capabilities of the wireless device used by the subscriber</b> provided from the client device as described above. <i>See also</i> Ex. 1007 (Li), 6:42-44 (“The content adaptation process 350 uses the client profile 310 to select from among the InfoPyramids 280 the versions 374 that best satisfy the particular client profile.”); Ex. 1002 (Reddy Decl.), ¶¶229-230, 261. And, only <b>a portion of the product catalog</b> is selected because the preview content is only provided in one format (if at all)—and content that is not supported or not deemed optimal for a particular device according to the received profile, are not presented to the subscriber. Ex. 1002 (Reddy Decl.), ¶¶229-230, 261.</p> |
| <b>[9Bvii]</b> | cause the selected portion of the product catalog to be presented to the subscriber via a wireless telecommunications network, such that the | <p>Senoh in view of Li renders obvious code that when executed, <b>causes the selected portion of the product catalog to be presented to the subscriber via a wireless network, such that the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

Appendix C  
Request for Ex Parte Reexamination of U.S. Patent No. 7,233,790

|  | <b>Claim</b>                                                                                                                                                                                                | <b>Prior Art Disclosures</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|  | <p>selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item.</p> | <p>A subscriber using the cellular phone described by Senoh to view the product catalog including video previews, Ex. 1004, ¶¶[0044], [0060], [0074], in which the techniques of Li are used to select a preview in the appropriate format for viewing on the user terminal would be presented with <i>the selected portion of the product catalog via a wireless network</i>. Ex. 1002 (Reddy Decl.), ¶¶232-233, 262; Ex. 1004 (Senoh), ¶[0045] (“The catalog can be posted to a common bulletin board (electronic bulletin board) accessible from the network.”); Ex. 1007 (Li), 4:8-10 (“The request is sent to a Web server which satisfies the request by returning the requested document to the client.”). A POSITA would have understood that the product catalog from Senoh would have been presented to a subscriber using a mobile device via a wireless network because web-accessible pages such as Senoh’s bulletin board were presented in response to requests made from clients over a network. Ex. 1002 (Reddy Decl.), ¶¶232-233, 262.</p> <p>Based on the combined teachings of Senoh and Li, the <i>selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations</i>. This is because Senoh’s catalog would have been presented in an optimal format for the particular end-user device as selected from the Li InfoPyramids. Ex. 1007, 6:49-67 (explaining that “versions from the InfoPyramids 280 that do not meet client capabilities 320 are filtered out” and “resources allocated for each InfoPyramid are used to select the appropriate version 347, which has not been previously filtered out in step 420, to render the customized multimedia document 370”). Thus, the customized multimedia document, such as Senoh’s product catalog will only include a <i>portion of the product catalog, which provides only a single description of each item of digital content regardless of how many implementations of each item of information</i>. Ex. 1002 (Reddy Decl.), ¶233, 262. For instance, while Li’s InfoPyramids may include several different implementations of a particular preview of a video in Senoh’s catalog, only one description of the item including preview and any associated text is ultimately provided to the subscriber. <i>Id.</i></p> |