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PATENT APPLICATION
Docket No. 22104.12R

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	US 7,233,790	)
		)
Serial No.:	90/015,063	) Art Unit
		) 3992
Filed:	June 23, 2022	)
		)
Conf. No.:	8395	)
		)
For:	DEVICE CAPABILITY BASED DISCOVERY	)
	PACKAGING AND PROVISIONING OF CONTENT	)
	FOR WIRELESS MOBILE DEVICES	)
		)
Examiner:	Matthew E. Heneghan	)
		)
Customer No.:	22913	)

AMENDMENT "B" AND RESPONSE
AFTER FINAL OFFICE ACTION IN EX PARTE REEXAMINATION
(AMENDMENT PLACES CLAIMS IN CONDITION FOR ALLOWANCE)

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

Dear Sir:

The pending application is subject to an *ex parte* Reexamination. In response to a Final Office Action, which was mailed on April 10, 2023, and in response to a Notice of Defective Paper, which was mailed on May 31, 2023, please amend the above-identified application as follows:

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

Remarks/Arguments begin on page 10 of this paper.

Certificate of Service is provided on page 15 of this paper.

AMENDMENTS TO THE CLAIMS

This listing of claims is to replace all prior versions, and listings, of claims in the pending application:

Listing of Claims:

1. (Twice Amended) 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; [and]

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

receiving a request from one of the wireless communication devices;

in response to the request, selecting a portion of the product catalog to be presented on the one wireless communication device, based in part on device capabilities of the one wireless communication device; and

presenting the selected portion of the product catalog to the one wireless communication device, such that the selected portion, as presented, provides a single description of each item of digital content in said portion, regardless of a number of implementations that are available for each said item.

2. (Original) 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.

3. (Original) A method as recited in claim 2, wherein said selecting a portion of the product catalog comprises:

in response to the request, determining the identity of the wireless device used by the subscriber, wherein each implementation of the plurality of items of digital content has been previously associated in the server system with at least one device identity, according to corresponding device capabilities supported by the implementation; and

selecting the portion of the product catalog to be presented to the subscriber based on the identity of the wireless device used by the subscriber.

4. (Original) 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.

5. (Original) A method as recited in claim 4, further comprising associating each of the items of digital content in the server system with a plurality of different provisioning models, each of the provisioning models corresponding to a different set of device capabilities, each provisioning model including a provisioning protocol and a corresponding set of provisioning attributes and descriptors for provisioning digital content in wireless devices.

6. (Original) A method as recited in claim 5, further comprising:

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

identifying device capabilities of the wireless device used by the subscriber;

selecting one of a plurality of provisioning models associated with the requested item in the server system, based on the device capabilities of the wireless device used by the subscriber;

packaging the requested item according to the selected provisioning model; and

provisioning the requested item in the wireless device used by the subscriber according to the selected provisioning model.

7. (Original) A method as recited in claim 6, wherein:

said packaging the requested item comprises creating a provisioning descriptor for the requested item according to the selected provisioning model, and associating the provisioning descriptor with the requested item; and

said provisioning the requested item in the wireless device comprises sending the packaged requested item to the wireless device used by the subscriber according to a provisioning protocol associated with the selected provisioning model.

8. (Twice Amended) A system that provides access to digital content for use on wireless communication devices, said 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 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; [and]

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

receive a request from one of the wireless communication devices;

in response to the request, select a portion of the product catalog to be presented on the one wireless communication device, based in part on device capabilities of the one wireless communication device; and

present the selected portion of the product catalog to the one wireless communication device, such that the selected portion, as presented, provides a single description of each item of digital content in said portion, regardless of a number of implementations that are available for each said item.

9. (Original) 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.

10. (Original) A system as recited in claim 9, wherein selection of said portion of the product catalog comprises:

in response to the request, determining the identity of the wireless device used by the subscriber, wherein each implementation of the plurality of items of digital content has been previously associated in the server system with at least one device identity, according to corresponding device capabilities supported by the implementation; and

selecting the portion of the product catalog to be presented to the subscriber based on the identity of the wireless device used by the subscriber.

11. (Original) A system as recited in claim 10, wherein said storage facility further contains code which, when executed by the processor, causes the processing system to:

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

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

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

12. (Original) A system as recited in claim 11, wherein said storage facility further contains code which, when executed by the processor, causes the processing system to:

associate each of the items of digital content in the server system with a plurality of different provisioning models, each of the provisioning models corresponding to a different set of device capabilities, each of the provisioning models including a provisioning protocol and a corresponding set of provisioning attributes and descriptors for provisioning digital content in wireless devices.

13. (Original) A system as recited in claim 12, wherein said storage facility further contains code which, when executed by the processor, causes the processing system to:

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

identify device capabilities of the wireless device used by the subscriber;

select one of a plurality of provisioning models associated with the requested item in the server system, based on the device capabilities of the wireless device used by the subscriber;

package the requested item according to the selected provisioning model; and

provision the requested item in the wireless device used by the subscriber according to the selected provisioning model.

14. (Original) A system as recited in claim 13, wherein packaging the requested item comprises creating a provisioning descriptor for the requested item according to the selected provisioning model, and associating the provisioning descriptor with the requested item; and
wherein provisioning the requested item in the wireless device comprises sending the packaged requested item to the wireless device used by the subscriber according to a provisioning protocol associated with the selected provisioning model.

REMARKS

The Final Office Action for the pending *ex parte* Reexamination was mailed on April 10, 2023. A Notice of Defective Paper was mailed on May 31, 2023. The Final Office Action considered claims 1, 2, 4, 8, and 9. Claims 3, 5, 6, 7, 10, 11, 12, 13, and 14 were not considered. Claims 2, 4, and 9 were confirmed. Claims 1 and 8 were rejected.

By this paper, claims 1 and 8 are amended. No claims have been added or canceled.

Status Regarding Claim Amendments

As indicated above, the present application includes pending claims 1-14, with claims 1, 2, 8, and 9 being independent claims. With this amendment, Applicant has amended independent claims 1 and 8, as described below. Support for the amendments can be found throughout US 7,233,790. Specific passages of support from the '790 patent publication are referenced below. These amendments are designed to place the application in a condition for allowance.

Claim 1

Claim 1 was amended in lines 1, 3, 6, 9, 10, 11, and 18 to include the term "digital" as it relates to the "content" that is being used by the devices. Support for "digital content" can be found, for example, in col. 3 ln. 45-50.

Previously, claim 1 was amended to substitute the phrase "content consuming devices" for "wireless communication devices" and to remove the limitations related to the "wireless services subscribers." By this paper, the claims have been reverted back to using the phrases "wireless communication devices" and "wireless services subscribers."

Claim 1 was amended to recite a "server system" in lines 3 and 8. Support for this amendment can be found, for example, in col. 3 ln. 65-67.

Claim 1 was amended to recite receiving "and storing" the different implementations in ln 5. Support for this amendment can be found, for example, in col. 11 ln. 56-58.

In claim 1, the term "maintaining" was changed to "maintain" in line 8 to ensure proper grammar.

In claim 1, the term "including" was changed to "includes" in line 9 to also ensure proper grammar.

Claim 1 was amended to include the following limitation in ln. 13: "receiving a request from one of the wireless communication devices." Support for this amendment can be found, for example, in col. 12 ln. 9-13.

Claim 1 was amended to include the following limitation in ln. 14-16: "in response to the request, selecting a portion of the product catalog to be presented on the one wireless communication device, based in part on device capabilities of the one wireless communication device." Support for these amendments can be found, for example, in col. 9 ln. 13-18 as well as col 9 ln. 37-62.

Claim 1 was amended to include the following limitation in ln. 17-20: "presenting the selected portion of the product catalog to the one wireless communication device, such that the selected portion, as presented, provides a single description of each item of digital content in said portion, regardless of a number of implementations that are available for each said item." Support for this amendment can be found, for example, in col. 9 ln. 49-56.

Claim 8

Claim 8 was amended to include the following limitation in ln. 1-2: "that provides access to digital content for use on wireless communication devices, said system..." Support for the amendment can be found, for example, in col. 3 ln 45-57 as well as col. 4 ln. 23-25.

Previously, claim 8 was amended to replace the phrase "download manager" with "application server" in ln 4. By this paper, the claim language has been reverted back to using the phrase "download manager."

Claim 8 was amended in lines 5, 8, 9, 10, 11, 12, and 19 to include the term "digital" as it relates to the "content" that is being used by the devices. Support for "digital content" can be found, for example, in col. 3 ln. 45-50.

Previously, claim 8 was amended to substitute the phrase "content consuming devices" for "wireless communication devices" and to remove the phrase "wireless telecommunications

subscribers." By this paper, the claim language has been reverted back to using the phrase "wireless communication devices" and "wireless telecommunications subscribers."

Claim 8 was amended to recite receiving "and storing" the different implementations in ln 7. Support for this amendment can be found, for example, in col. 11 ln. 56-58.

In claim 8, the term "including" was changed to "includes" in line 11 to also ensure proper grammar.

Claim 8 was amended to include the following limitation in ln. 13: "receive a request from one of the wireless communication devices." Support for this amendment can be found, for example, in col. 12 ln. 9-13.

Claim 8 was amended to include the following limitation in ln. 14-16: "in response to the request, select a portion of the product catalog to be presented on the one wireless communication device, based in part on device capabilities of the one wireless communication device." Support for these amendments can be found, for example, in col. 9 ln. 13-18 as well as col. 9 ln. 37-62.

Claim 8 was further amended to include the following limitation in ln. 17-20: "present the selected portion of the product catalog to the one wireless communication device, such that the selected portion, as presented, provides a single description of each item of digital content in said portion, regardless of a number of implementations that are available for each said item." Support for this amendment can be found, for example, in col. 9 ln. 49-56.

Introductory Discussion Of The Claims

Independent claims 1 and 8 are directed to embodiments that provide access to digital content for use on wireless communication devices. Claim 1, for example, is focused on a method that includes receiving and storing (e.g., in a server system) multiple items of digital content that are accessible by the wireless communication devices, which are used by wireless services subscribers. This action includes receiving and storing multiple different implementations of at least one of the items of digital content, where each implementation corresponds to a different set of device capabilities.

The method includes operating the server system to maintain a product catalog. This catalog includes a description of the items of digital content. The product catalog includes, in association with each item of digital content, a reference to each implementation.

The method also includes an action of receiving a request from one of the wireless communication devices. In response, a portion of the product catalog is selected to be presented on the one wireless communication device. This selection is based in part on the device capabilities of the one wireless communication device.

The method then involves presenting the selected portion of the product catalog to the one wireless communication device. As a result, the selected portion, as presented, provides a single description of each item of digital content in the portion, regardless of the number of implementations that are available for each item.

35 U.S.C. §305 Rejections

Claims 1 and 8 were rejected under 35 U.S.C. §305 as enlarging the scope of the claims of the patent being reexamined. Pages 4-5 of the Office state the following: "Claims 1 and 8 no longer encompass a method (in the case of claim 1) or a system (in the case of claim 8) in which 'a plurality of items of ... content to be made available in wireless communication ... devices used by a plurality of wireless subscribers,' as recited in the claims of the '790 patent." "They are therefore impermissibly enlarging in scope."

By this paper, claims 1 and 8 have been amended to reincorporate the limitations related to the "wireless communication devices" and the "wireless services subscribers," as originally presented in the '790 patent. In view of these amendments, Applicant respectfully submits that the claims are now in accordance with 35 U.S.C. 305. Consequently, Applicant submits that these rejections are now moot and should be withdrawn.

Allowable Subject Matter

Claims 2, 4, and 9 were confirmed. The Office indicated that claims 1 and 8 would be patentable if rewritten or amended to overcome the rejections under 35 U.S.C. 305. As discussed

above and in view of the current amendments, Applicant submits that claims 1 and 8 are now in a state for immediate allowance.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 5th day of June 2023.

Respectfully submitted,

/Levi S. Brown/

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