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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/953,350	11/23/2010	Shane Pollack	219-00001	3329

148705 7590 08/09/2019

Lynch LLP
4470 W Sunset Blvd #90096
Los Angeles, CA 90027

EXAMINER
SALOMON, PHENUEL S

ART UNIT	PAPER NUMBER
2171	

NOTIFICATION DATE	DELIVERY MODE
08/09/2019	ELECTRONIC

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

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

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

patents@lynchllp.com

Snap Inc. - EX1017, Page 0001
IPR2023-00848 (Snap Inc. v. PlayVuu, Inc.)

Notice of Abandonment	Application No.	Applicant(s)
	12/953,350	Pollack, Shane
	Examiner	Art Unit
	PHENUEL S SALOMON	2171

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

This application is abandoned in view of:

1. ☑ Applicant's failure to timely file a proper reply to the Office letter mailed on 04 February 2019.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of:(1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) if this is utility or plant application, a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. Note that RCEs are not permitted in design applications.)
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☑ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $ _____ is insufficient. A balance of $ _____ is due.
   The issue fee required by 37CFR 1.18 is $ _____ . The publication fee, if required by 37 CFR 1.18(d), is $ _____ .
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record or other party authorized under 37 CFR 1.33 (b). See 37 CFR 1.138(b).

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☑ The reason(s) below:

The examiner contacted applicant's representative Connor Lynch on 8/6/2019 and confirmed that no response has been sent subsequent to the office action mailed 2/4/2019.

/PHENUEL S SALOMON/
Primary Examiner, Art Unit 2171

Petitions to revive under 37 CFR 1.137, or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/953,350	11/23/2010	Shane Pollack	219-00001	3329

148705 7590 03/13/2019

Lynch LLP
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Los Angeles, CA 90027

EXAMINER	
SALOMON, PHENUEL S	

ART UNIT	PAPER NUMBER
2171	

NOTIFICATION DATE	DELIVERY MODE
03/13/2019	ELECTRONIC

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

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

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

patents@lynchllp.com

Applicant-Initiated Interview Summary	**Application No.** 12/953,350	**Applicant(s)** Pollack, Shane	
	Examiner PHENUEL S SALOMON	**Art Unit** 2171	**AIA (FITF) Status** No

All participants (applicant, applicants representative, PTO personnel):

(1) PHENUEL S. SALOMON.

(2) Sean Lynch.

(3) Connor Lynch.

(4) _____.

Date of Interview: 07 March 2019.

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

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

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

Claim(s) discussed: 30 and 41.

Identification of prior art discussed: Gentile (US 20100027961), White (US 20080219509), Dery (20090118849).

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

We discussed differences between the cited prior arts vs the claimed invention.

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

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

☐ Attachment

/PHENUEL S SALOMON/ Primary Examiner, Art Unit 2171	

Summary of Record of Interview Requirements

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

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

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

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

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

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

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

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

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

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

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

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

Examiner to Check for Accuracy

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/953,350	11/23/2010	Shane Pollack	071487-8001.US01

CONFIRMATION NO. 3329

148705
Lynch LLP
4470 W Sunset Blvd #90096
Los Angeles, CA 90027

POA ACCEPTANCE LETTER

OC000000106095542

Date Mailed: 02/25/2019

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/15/2019.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/yteferra/

Snap Inc. - EX1017, Page 0006

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OPAP AKIMA-15
FEB 15 2019
PATENT & TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/953,350	11/23/2010	Shane Pollack	071487-8001.US01	3329

7590 02/04/2019

Shane Pollack - PlayVuu, Inc.
38760 N Spur Cross Road
Cave Creek, AZ 85331

EXAMINER	
SALOMON, PHENUEL S	

ART UNIT	PAPER NUMBER
2171	

MAIL DATE	DELIVERY MODE
02/04/2019	PAPER

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

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

Office Action Summary	Application No. 12/953,350	Applicant(s) Pollack, Shane	
	Examiner PHENUEL S SALOMON	Art Unit 2171	AIA Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☑ Responsive to communication(s) filed on 1/8/2019.

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

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

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

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

Disposition of Claims*

5) ☑ Claim(s) 30-38,41,43,45-48 and 50-54 is/are pending in the application.

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

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 30-38,41,43,45-48 and 50-54 is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

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

4) ☐ Other: _____.

Notice of Pre-AIA or AIA Status

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

DETAILED ACTION

2. This action is in response to the rce filed on 01/08/2019. Claims 1-29, 39-40, 42, 44, 49 are canceled, and claims 30-38, 41, 43, 45-48 and 50-54 are pending and have been considered below.

3. The rejection of claims 30-38, 40-41, 43, 45-48 and 50-54 under 35 U.S.C. § 101 are moot pursuant to amendments.

4. Objections to Claims 30 and 50 are moot pursuant to amendments.

Objection

5. This set of claims is objected to because of the following informalities: "Applicant omits claims 1-29. The status of Claims 1-29 needs to be defined. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of 35 U.S.C. 112(b):

> (b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 30 recites the limitation "...the media content and user video.." in line 25. There is insufficient antecedent basis for this limitation in the claim. It is not clear whether the user video is the same user video or a totally new user video.

Claim Rejections - 35 USC § 103

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

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

8. Claims 30-32, 34, and 50-51 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of White et al. (US 2008/0219509).

Claim 30. Gentile discloses a method of creating video content using a mobile device, the method comprising the steps:

requesting a listing of media content from a server ([0139], [0140])

displaying a first graphical listing of the listing of media content stored in a content database on the server computer ([0050], [0139]);

prompting a user to select a media content from the first graphical listing ([0141]);

receiving user selection of media content from the first graphical listing (*selection of available washed scene*) ([0071]);

presenting the user with a record button (figs. 14-16);

initiating a video recording session to create a user video, the video recording session initiating upon a user interaction with the record button ([0153]);

generating a composite of the media content and the user video by layering the media content and the user video and by processing the media content and user video to ([0074],[0101],[0104]):

selectively make portions of the media content transparent to reveal portions of the user video; and/or selectively make portions of the user video transparent to reveal portions of the media content ([0083]); and

displaying, in real-time or near real-time the composite as the user video is captured by the video capture device ([0072]-[0075], [0078]-[0079],[0058]).

Gentile does not explicitly disclose tracking a motion of an object captured in the user video;

generating, a graphical element that follows the motion of the object captured in the user video; incorporating the graphical element into the media content.

However White discloses tracking a motion of an object captured in the user video;

generating, a graphical element that follows the motion of the object captured in the user video; incorporating the graphical element into the media content ([0058], [0061], [0040], [0069]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to enhance object in media modification.

Claim 31. Gentile and White disclose the method of claim 30, Gentile further discloses comprising:

sending to a server computer, the user video; and generating and storing a streamable file based on the composite of the media content and the user video ([0125]).

Claim 32 Gentile and White disclose the method of claim 30, Gentile further discloses wherein the media content includes any of a pre-recorded video or an image ([0050]).

Claim 34. Gentile and White disclose the method of claim 30, Gentile further discloses wherein the composite is generated by applying a chroma key process ([0059],[0163]).

As per claims 50-51, see the above rejections of claims 30-32, and34, since they are re-combination of the above independent and dependent claims. Furthermore, para. [0129],[0134]-[0135] of Gentile may as well apply to claim 51.

9. Claim 33 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of White et al. (US 2008/0219509) and further in view of Lerman (US 2006/0259588).

Claim 33. Gentile and White disclose the method of claim 30, but did not explicitly disclose further comprising: requesting a listing of styles from a server computer; displaying a second graphical listing of the listing of styles that can be applied to the displayed composite, each style of the listing of styles being associated with one or more visual modifications that are applied to the displayed composite;

receiving a user selection of a style from the second graphical listing; and displaying an updated composite using the one or more visual modifications of the style, wherein the visual modifications of the style include at least one of: a filtering, an exposure adjustment, a color adjustment, and a speed adjustment.

However, Lerman discloses requesting a listing of styles from a server computer; displaying a second graphical listing of the listing of styles that can be applied to the displayed composite, each style of the listing of styles being associated with one or more visual modifications that are applied to the displayed composite;

receiving a user selection of a style from the second graphical listing; and displaying an updated composite using the one or more visual modifications of the style, wherein the visual modifications of the style include at least one of: a filtering, an exposure adjustment, a color adjustment, and a speed adjustment ([0064]-[0074]).Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a more realistic and/or immersive media modification.

10. Claim 35, 37, 38, 41, 43, 46, 47, 52 and 54 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of White et al. (US 2008/0219509) and further in view of Dery et al. (U.S. 2009/0118849).

Claim 35. Gentile and White disclose the method of claim 30, but fail to explicitly disclose further comprising:

displaying a third graphical listing including a plurality of pre-recorded audio compositions: receiving a user selection of a pre-recorded audio composition from the third graphical listing; receiving a user request to initiate a recording; and in response to receiving the user request to initiate the recording, causing an audio capture device of the wireless mobile device to record audio by the user while causing an audio output device of the wireless mobile device to playback the selected pre-recorded audio composition.

However, Dery discloses causing displaying a third graphical listing including a plurality of pre-recorded audio composition ([0079], [0084]); receiving a user selection of a pre-recorded audio composition from the third graphical listing ([0081]);

receiving a user request to initiate a recording; and in response to receiving the user request to initiate the recording, causing an audio capture device of the wireless mobile device to record audio by the user while causing an audio output device of the wireless mobile device to playback the selected pre-recorded audio composition ([0074],[0084]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to facilitate average user to easily compose, edit, record, reproduce, and transfer files.

Claim 37. Gentile White and Derv disclose the method of claim 35, Derv further discloses comprising: synchronizing the pre-recorded audio composition with the audio recording by the user ([0087]-[0088]). One would have been motivated to do so in order to facilitate average user to easily compose, edit, record, reproduce, and transfer files.

Claim 38. Gentile White and Derv disclose the method of claim 35, Derv further discloses comprising: synchronizing, the pre-recorded audio composition, the audio recording by the user, and the composite of the media content and user video ([0087]-[0088]). One would have been motivated to do so in order to facilitate average user to easily compose, edit, record, reproduce, and transfer files.

Claims 52 and 54 contain subject matter similar to the above claims and are rejected along the same rationale.

Claim 41 see the teaching of Gentile in claim 30. However, Dery discloses request a listing of pre-recorded audio content from a server computer ([0084]) display, via the display device, a second graphical listing including a plurality of pre-recorded audio content stored in the content database ([0079], [0084]); prompt a user to select a pre-recorded audio content from the first graphical listing ([0079],[0084]); receive, via the input device, a user selection of a particular pre-recorded audio from the second graphical listing ([0081]);
initiate playback, via the audio output device, of the particular pre-recorded audio; and in response to a user request to initiate recording, record the composite video and the user audio as the particular pre-recoded audio is played back via the audio output device ([0074],[0084]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to facilitate average user to easily compose, edit, record, reproduce, and transfer files.

Claim 43. Gentile White and Dery disclose the client device of claim 41, White further discloses wherein the composite video further includes a graphical element, the graphical element representative of a motion of an object captured in the user video, the trailing light graphical element generated by the content creation server by:

processing the user video to track the motion of the object captured in the user video:

generating the graphical element that tracks the motion of the object captured in the user video; and processing the pre-recorded video to incorporate the graphical element. ([0058], [0061], [0040], [0069]). One would have been motivated to do so in order to enhance object in media modification.

Claim 46. Gentile White and Dery disclose the client device of claim 41, Gentile further discloses wherein the input device and display device are components of an integrated touch screen display device ([0058]).

Claim 47. Gentile White and Dery disclose the client device of claim 41, Gentile further discloses wherein the composite is generated by applying a chroma key process ([0059],[0163]).

11. Claims 36, and 53 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of White et al. (US 2008/0219509) and further in view of Murray (US 20090307207).

Claim 36. Gentile and White disclose the method of claim 35, but fail to explicitly disclose further comprising:

displaying a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective:

receiving an entry by the user of one or more keywords in response to the lyric generation prompt: automatically generating original song lyrics based on the selected specific pre-recorded audio composition and the entered one or more keywords; and displaying the original song lyrics in the composite of the media content and the user video.

However, Murray discloses displaying a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective ([0046],[0068])

receiving an entry by the user of one or more keywords in response to the lyric generation prompt: ([0046],[0068]); automatically generating original song lyrics based on the selected specific pre-recorded audio composition and the entered one or more keywords ([0068]).

Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a user-friendly method of creating multimedia.

Gentile further displaying the original song lyrics in the composite of the particular media content and the user video ([0072]-[0075], [0078]-[0079],[0058]).

Claim 53 contains subject matter similar to the above claim and is rejected along the same rationale.

12. Claim 45 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of White et al. (US 2008/0219509) in view of Dery et al. (U.S. 2009/0118849) and further in view of Lerman (US 2006/0259588).

Claim 45. Gentile White and Dery disclose the client device of claim 41, fail to explicitly disclose wherein the memory has further instructions stored thereon, which when executed by the processor, cause the client device to further:

display, by the server computer, at the display of the wireless mobile device, of a third graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite; receiving, by the server computer, via the computer network, a user selection of a particular style from the second graphical listing; and
in response to receiving the user selection of the particular style, causing automatically the display, by the server computer, at the display of the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment.

However, Lerman discloses display, by the server computer, at the display of the wireless mobile device, of a third graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite; receiving, by the server computer, via the computer network, a user selection of a particular style from the second graphical listing; and

in response to receiving the user selection of the particular style, causing automatically the display, by the server computer, at the display of the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of **filtering**, exposure adjustment, color adjustment, and speed adjustment ([0064]-[0074]).Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a more realistic and/or immersive media modification.

13. Claim 48 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of White et al. (US 2008/0219509) in view of Dery et al. (U.S. 2009/0118849)) and further in view of Murray (US 20090307207).

Claim 48. Gentile White and Dery disclose the client device of claim 35, but fail to explicitly disclose wherein the memory has further instructions stored thereon, which when executed by the processor, cause the client device to further:

display via the display device, a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective:

receiving, by the server computer via the network, an entry by the user of one or more keywords in response to the lyric generation prompt: automatically generating, by the server computer, original song lyrics based on the selected specific pre-recorded audio composition and the

entered one or more keywords; and causing display, by the server computer, at the display of the wireless mobile device, of the original song lyrics in the composite of the particular media content and the user video.

However, Murray discloses display via the display device, a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective ([0046],[0068])

receiving, by the server computer via the network, an entry by the user of one or more keywords in response to the lyric generation prompt ([0046],[0068]); automatically generating, by the server computer, original song lyrics based on the selected specific pre-recorded audio composition and the entered one or more keywords ([0068]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a user-friendly method of creating multimedia.

Gentile further discloses causing display, by the server computer, at the display of the wireless mobile device, of the original song lyrics in the composite of the particular media content and the user video ([0072]-[0075], [0078]-[0079],[0058]).

Response to Arguments

14. Applicant's arguments filed on 01/08/2019 have been fully considered but they are moot in light of new ground of rejection(s).

Conclusion

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M. (Alternate Friday Off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdullah Al Kawsar can be reached on (571) 270-3169. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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

/PHENUEL S SALOMON/
Primary Examiner, Art Unit 2171

Notice of References Cited	Application/Control No. 12/953,350	Applicant(s)/Patent Under Reexamination Pollack, Shane	
	Examiner PHENUEL S SALOMON	Art Unit 2171	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20080219509-A1	09-2008	White; Marvin S.	A63B24/0003	382/107
*	B	US-6774908-B2	08-2004	Bates; Daniel Louis	G06K9/32	345/589
*	C	US-20040212630-A1	10-2004	Hobgood, Andrew W.	G06F3/011	345/633
	D					
	E					
	F					
	G					
	H					
	I					
	J					
	K					
	L					
	M					

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Doc Code: PA..
Document Description: Power of Attorney

PTO/AIA/82A (07-13)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

Application Number	12953350
Filing Date	2010-11-23
First Named Inventor	Shane Pollack
Title	Creating and Disseminating of User Generated Media Over a Network
Art Unit	2171
Examiner Name	Phenuel S. Salomon
Attorney Docket Number	219-00001

SIGNATURE of Applicant or Patent Practitioner

Signature	/Sean Lynch/	Date (Optional)	2019-02-15
Name	Sean Lynch	Registration Number	75248
Title (if Applicant is a juristic entity)			
Applicant Name (if Applicant is a juristic entity)			

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.

☑ *Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Doc Code: PA..
Document Description: Power of Attorney

PTO/AIA/82B (07-13)
Approved for use through 11/30/2014. OMB 0651-0051
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POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

Application Number	Filing Date

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)

☐ I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above: 148705

OR

☐ I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

Please recognize or change the correspondence address for the application identified in the attached transmittal letter or the boxes above to:

☐ The address associated with the above-mentioned Customer Number

OR

☐ The address associated with Customer Number: 148705

OR

Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

MySongToYou, Inc.

☐ Inventor or Joint Inventor (title not required below)

☐ Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)

☐ Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)

☐ Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

Signature		Date (Optional)	
Name	Shane Pollack		
Title			

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.

☐ Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Electronic Acknowledgement Receipt

EFS ID:	35169791
Application Number:	12953350
International Application Number:	
Confirmation Number:	3329
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Correspondence Address:	Shane Pollack - PlayVuu, Inc. - 38760 N Spur Cross Road - Cave Creek AZ 85331 US 4803638330 shane@playvuu.com
Filer:	Sean M. Lynch/Heather Castro
Filer Authorized By:	Sean M. Lynch
Attorney Docket Number:	071487-8001.US01
Receipt Date:	15-FEB-2019
Filing Date:	23-NOV-2010
Time Stamp:	16:46:27
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	POA_219-00001_signed.pdf	240335 d023b33ec512f393d02784e7cec407b602173dd0	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	240335		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/953,350	11/23/2010	Shane Pollack	071487-8001.US01	3329

7590 02/04/2019

Shane Pollack - PlayVuu, Inc.
38760 N Spur Cross Road
Cave Creek, AZ 85331

EXAMINER	
SALOMON, PHENUEL S	

ART UNIT	PAPER NUMBER
2171	

MAIL DATE	DELIVERY MODE
02/04/2019	PAPER

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

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

Office Action Summary	Application No. 12/953,350	Applicant(s) Pollack, Shane	
	Examiner PHENUEL S SALOMON	Art Unit 2171	AIA Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☑ Responsive to communication(s) filed on 1/8/2019.

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

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

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

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

Disposition of Claims*

5) ☑ Claim(s) 30-38,41,43,45-48 and 50-54 is/are pending in the application.

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

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 30-38,41,43,45-48 and 50-54 is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

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

4) ☐ Other: _____.

Notice of Pre-AIA or AIA Status

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

DETAILED ACTION

2. This action is in response to the rce filed on 01/08/2019. Claims 1-29, 39-40, 42, 44, 49 are canceled, and claims 30-38, 41, 43, 45-48 and 50-54 are pending and have been considered below.

3. The rejection of claims 30-38, 40-41, 43, 45-48 and 50-54 under 35 U.S.C. § 101 are moot pursuant to amendments.

4. Objections to Claims 30 and 50 are moot pursuant to amendments.

Objection

5. This set of claims is objected to because of the following informalities: "Applicant omits claims 1-29. The status of Claims 1-29 needs to be defined. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of 35 U.S.C. 112(b):

> (b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 30 recites the limitation "...the media content and user video.." in line 25. There is insufficient antecedent basis for this limitation in the claim. It is not clear whether the user video is the same user video or a totally new user video.

Claim Rejections - 35 USC § 103

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

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

8. Claims 30-32, 34, and 50-51 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of White et al. (US 2008/0219509).

Claim 30. Gentile discloses a method of creating video content using a mobile device, the method comprising the steps:

requesting a listing of media content from a server ([0139], [0140])

displaying a first graphical listing of the listing of media content stored in a content database on the server computer ([0050], [0139]);

prompting a user to select a media content from the first graphical listing ([0141]);

receiving user selection of media content from the first graphical listing (*selection of available washed scene*) ([0071]);

presenting the user with a record button (figs. 14-16);

initiating a video recording session to create a user video, the video recording session initiating upon a user interaction with the record button ([0153]);

generating a composite of the media content and the user video by layering the media content and the user video and by processing the media content and user video to ([0074],[0101],[0104]):

selectively make portions of the media content transparent to reveal portions of the user video; and/or selectively make portions of the user video transparent to reveal portions of the media content ([0083]); and

displaying, in real-time or near real-time the composite as the user video is captured by the video capture device ([0072]-[0075], [0078]-[0079],[0058]).

Gentile does not explicitly disclose tracking a motion of an object captured in the user video;

generating, a graphical element that follows the motion of the object captured in the user video; incorporating the graphical element into the media content.

However White discloses tracking a motion of an object captured in the user video;

generating, a graphical element that follows the motion of the object captured in the user video; incorporating the graphical element into the media content ([0058], [0061], [0040], [0069]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to enhance object in media modification.

Claim 31. Gentile and White disclose the method of claim 30, Gentile further discloses comprising:

sending to a server computer, the user video; and generating and storing a streamable file based on the composite of the media content and the user video ([0125]).

Claim 32 Gentile and White disclose the method of claim 30, Gentile further discloses wherein the media content includes any of a pre-recorded video or an image ([0050]).

Claim 34. Gentile and White disclose the method of claim 30, Gentile further discloses wherein the composite is generated by applying a chroma key process ([0059],[0163]).

As per claims 50-51, see the above rejections of claims 30-32, and34, since they are re-combination of the above independent and dependent claims. Furthermore, para. [0129],[0134]-[0135] of Gentile may as well apply to claim 51.

9. Claim 33 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of White et al. (US 2008/0219509) and further in view of Lerman (US 2006/0259588).

Claim 33. Gentile and White disclose the method of claim 30, but did not explicitly disclose further comprising: requesting a listing of styles from a server computer; displaying a second graphical listing of the listing of styles that can be applied to the displayed composite, each style of the listing of styles being associated with one or more visual modifications that are applied to the displayed composite;

receiving a user selection of a style from the second graphical listing; and displaying an updated composite using the one or more visual modifications of the style, wherein the visual modifications of the style include at least one of: a filtering, an exposure adjustment, a color adjustment, and a speed adjustment.

However, Lerman discloses requesting a listing of styles from a server computer; displaying a second graphical listing of the listing of styles that can be applied to the displayed composite, each style of the listing of styles being associated with one or more visual modifications that are applied to the displayed composite;

receiving a user selection of a style from the second graphical listing; and displaying an updated composite using the one or more visual modifications of the style, wherein the visual modifications of the style include at least one of: a filtering, an exposure adjustment, a color adjustment, and a speed adjustment ([0064]-[0074]).Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a more realistic and/or immersive media modification.

10. Claim 35, 37, 38, 41, 43, 46, 47, 52 and 54 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of White et al. (US 2008/0219509) and further in view of Dery et al. (U.S. 2009/0118849).

Claim 35. Gentile and White disclose the method of claim 30, but fail to explicitly disclose further comprising:

displaying a third graphical listing including a plurality of pre-recorded audio compositions: receiving a user selection of a pre-recorded audio composition from the third graphical listing; receiving a user request to initiate a recording; and in response to receiving the user request to initiate the recording, causing an audio capture device of the wireless mobile device to record audio by the user while causing an audio output device of the wireless mobile device to playback the selected pre-recorded audio composition.

However, Dery discloses causing displaying a third graphical listing including a plurality of pre-recorded audio composition ([0079], [0084]); receiving a user selection of a pre-recorded audio composition from the third graphical listing ([0081]);

receiving a user request to initiate a recording; and in response to receiving the user request to initiate the recording, causing an audio capture device of the wireless mobile device to record audio by the user while causing an audio output device of the wireless mobile device to playback the selected pre-recorded audio composition ([0074],[0084]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to facilitate average user to easily compose, edit, record, reproduce, and transfer files.

Claim 37. Gentile White and Derv disclose the method of claim 35, Derv further discloses comprising: synchronizing the pre-recorded audio composition with the audio recording by the user ([0087]-[0088]). One would have been motivated to do so in order to facilitate average user to easily compose, edit, record, reproduce, and transfer files.

Claim 38. Gentile White and Derv disclose the method of claim 35, Derv further discloses comprising: synchronizing, the pre-recorded audio composition, the audio recording by the user, and the composite of the media content and user video ([0087]-[0088]). One would have been motivated to do so in order to facilitate average user to easily compose, edit, record, reproduce, and transfer files.

Claims 52 and 54 contain subject matter similar to the above claims and are rejected along the same rationale.

Claim 41 see the teaching of Gentile in claim 30. However, Dery discloses request a listing of pre-recorded audio content from a server computer ([0084]) display, via the display device, a second graphical listing including a plurality of pre-recorded audio content stored in the content database ([0079], [0084]); prompt a user to select a pre-recorded audio content from the first graphical listing ([0079],[0084]); receive, via the input device, a user selection of a particular pre-recorded audio from the second graphical listing ([0081]);
initiate playback, via the audio output device, of the particular pre-recorded audio; and in response to a user request to initiate recording, record the composite video and the user audio as the particular pre-recoded audio is played back via the audio output device ([0074],[0084]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to facilitate average user to easily compose, edit, record, reproduce, and transfer files.

Claim 43. Gentile White and Dery disclose the client device of claim 41, White further discloses wherein the composite video further includes a graphical element, the graphical element representative of a motion of an object captured in the user video, the trailing light graphical element generated by the content creation server by:

processing the user video to track the motion of the object captured in the user video:

generating the graphical element that tracks the motion of the object captured in the user video; and processing the pre-recorded video to incorporate the graphical element. ([0058], [0061], [0040], [0069]). One would have been motivated to do so in order to enhance object in media modification.

Claim 46. Gentile White and Dery disclose the client device of claim 41, Gentile further discloses wherein the input device and display device are components of an integrated touch screen display device ([0058]).

Claim 47. Gentile White and Dery disclose the client device of claim 41, Gentile further discloses wherein the composite is generated by applying a chroma key process ([0059],[0163]).

11. Claims 36, and 53 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of White et al. (US 2008/0219509) and further in view of Murray (US 20090307207).

Claim 36. Gentile and White disclose the method of claim 35, but fail to explicitly disclose further comprising:

displaying a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective:

receiving an entry by the user of one or more keywords in response to the lyric generation prompt: automatically generating original song lyrics based on the selected specific pre-recorded audio composition and the entered one or more keywords; and displaying the original song lyrics in the composite of the media content and the user video.

However, Murray discloses displaying a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective ([0046],[0068])

receiving an entry by the user of one or more keywords in response to the lyric generation prompt: ([0046],[0068]); automatically generating original song lyrics based on the selected specific pre-recorded audio composition and the entered one or more keywords ([0068]).

Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a user-friendly method of creating multimedia.

Gentile further displaying the original song lyrics in the composite of the particular media content and the user video ([0072]-[0075], [0078]-[0079],[0058]).

Claim 53 contains subject matter similar to the above claim and is rejected along the same rationale.

12. Claim 45 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of White et al. (US 2008/0219509) in view of Dery et al. (U.S. 2009/0118849) and further in view of Lerman (US 2006/0259588).

Claim 45. Gentile White and Dery disclose the client device of claim 41, fail to explicitly disclose wherein the memory has further instructions stored thereon, which when executed by the processor, cause the client device to further:

display, by the server computer, at the display of the wireless mobile device, of a third graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite; receiving, by the server computer, via the computer network, a user selection of a particular style from the second graphical listing; and

in response to receiving the user selection of the particular style, causing automatically the display, by the server computer, at the display of the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment.

However, Lerman discloses display, by the server computer, at the display of the wireless mobile device, of a third graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite; receiving, by the server computer, via the computer network, a user selection of a particular style from the second graphical listing; and

in response to receiving the user selection of the particular style, causing automatically the display, by the server computer, at the display of the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of **filtering**, exposure adjustment, color adjustment, and speed adjustment ([0064]-[0074]).Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a more realistic and/or immersive media modification.

13. Claim 48 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of White et al. (US 2008/0219509) in view of Dery et al. (U.S. 2009/0118849)) and further in view of Murray (US 20090307207).

Claim 48. Gentile White and Dery disclose the client device of claim 35, but fail to explicitly disclose wherein the memory has further instructions stored thereon, which when executed by the processor, cause the client device to further:

display via the display device, a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective:

receiving, by the server computer via the network, an entry by the user of one or more keywords in response to the lyric generation prompt: automatically generating, by the server computer, original song lyrics based on the selected specific pre-recorded audio composition and the

entered one or more keywords; and causing display, by the server computer, at the display of the wireless mobile device, of the original song lyrics in the composite of the particular media content and the user video.

However, Murray discloses display via the display device, a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective ([0046],[0068])

receiving, by the server computer via the network, an entry by the user of one or more keywords in response to the lyric generation prompt ([0046],[0068]); automatically generating, by the server computer, original song lyrics based on the selected specific pre-recorded audio composition and the entered one or more keywords ([0068]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a user-friendly method of creating multimedia.

Gentile further discloses causing display, by the server computer, at the display of the wireless mobile device, of the original song lyrics in the composite of the particular media content and the user video ([0072]-[0075], [0078]-[0079],[0058]).

Response to Arguments

14. Applicant's arguments filed on 01/08/2019 have been fully considered but they are moot in light of new ground of rejection(s).

Conclusion

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M. (Alternate Friday Off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdullah Al Kawsar can be reached on (571) 270-3169. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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

/PHENUEL S SALOMON/
Primary Examiner, Art Unit 2171

Notice of References Cited	Application/Control No. 12/953,350	Applicant(s)/Patent Under Reexamination Pollack, Shane	
	Examiner PHENUEL S SALOMON	Art Unit 2171	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20080219509-A1	09-2008	White; Marvin S.	A63B24/0003	382/107
*	B	US-6774908-B2	08-2004	Bates; Daniel Louis	G06K9/32	345/589
*	C	US-20040212630-A1	10-2004	Hobgood, Andrew W.	G06F3/011	345/633
	D					
	E					
	F					
	G					
	H					
	I					
	J					
	K					
	L					
	M					

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12/953,350	Pollack, Shane
	Examiner	Art Unit
	PHENUEL S SALOMON	2171

CPC - Searched*		
Symbol	**Date**	**Examiner**
G06F3/0481 with limited text	5/12/2016	pss
G06F3/0481 with limited text	9/5/2016	pss
G06F3/0481 with limited text	5/25/2017	pss
G06F3/0481 with limited text	12/5/2017	pss
G06F3/0481 with limited text	8/2/2018	pss
G06F3/0481 with limited text	02/03/2019	pss

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

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**
715	716-723	2/4/2013	pss

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

Search Notes		
Search Notes	**Date**	**Examiner**
uspat, us_pgpub, epo, jpo, usocr	2/4/2013	pss
EAST search	5/12/2016	pss
EAST search	9/4/2016	pss
EAST search	5/25/2017	pss
EAST search	12/5/2017	pss
EAST search	8/2/2018	pss
EAST search	02/03/2019	pss

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12/953,350	Pollack, Shane
	Examiner	Art Unit
	PHENUEL S SALOMON	2171

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12/953,350	Pollack, Shane
	Examiner	Art Unit
	PHENUEL S SALOMON	2171

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

CLAIMS

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

CLAIM		DATE								
Final	Original	02/05/2013	05/12/2016	09/05/2016	05/27/2017	12/23/2017	08/04/2018	02/03/2019		
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	37				✓	✓	✓	✓		
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	41				✓	✓	✓	✓		
	42				✓	-	-	-		

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12/953,350	Pollack, Shane
	Examiner	**Art Unit**
	PHENUEL S SALOMON	2171

CLAIM		DATE								
Final	Original	02/05/2013	05/12/2016	09/05/2016	05/27/2017	12/23/2017	08/04/2018	02/03/2019		
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	44				✓	-	-	-		
	45				✓	✓	✓	✓		
	46				✓	✓	✓	✓		
	47				✓	✓	✓	✓		
	48				✓	✓	✓	✓		
	49				✓	-	-	-		
	50					✓	✓	✓		
	51					✓	✓	✓		
	52					✓	÷	✓		
	53					✓	÷	✓		
	54					✓	÷	✓		

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L5	50	(("20040056882") or ("7124366") or ("6469711") or ("20010040592") or ("20110025818") or ("7886229") or ("20080126937") or ("7770115") or ("20080109724") or ("20050265580") or ("7274803") or ("7877706") or ("9042454") or ("20070146372") or ("20080212942") or ("20160027188") or ("20080170622") or ("20080219509") or ("20080170748") or ("20040155962") or ("9881382") or ("9177387") or ("7675520") or ("20110096144") or ("7823058") or ("20040125148") or ("20130058532") or ("7804506") or ("6774908") or ("20090324079") or ("8422783") or ("8972861") or ("20030237091") or ("20040071441") or ("8645832") or ("20040066395") or ("20040212630") or ("8379098") or ("20060253781") or ("7082572") or ("20130073981") or ("20110261213") or ("7138963") or ("8307273") or ("20040125133") or ("20040125121") or ("6628303") or ("20040227768") or ("20030146915") or ("20100138745")).PN.	US-PGPUB; USPAT	OR	OFF	2019/02/03 18:53
L6	9	5 and tracking object	US-PGPUB; USPAT	ADJ	ON	2019/02/03 18:53

EAST Search History (Interference)

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2/ 3/ 2019 8:29:21 PM
C:\ Users\ psalomon\ Documents\ EAST\ Workspaces\ 12953350 - Creating and Disseminating of User Generated Media over a Network.wsp

Snap Inc. - EX1017, Page 0048

Doc code: RCEX
Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-14)
Approved for use through 07/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	12953350	Filing Date	2010-11-23	Docket Number (if applicable)	219-00001	Art Unit	2171
First Named Inventor	Shane Pollack			Examiner Name	Phenuel S. Salomon		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, to any international application that does not comply with the requirements of 35 U.S.C. 371, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV.

SUBMISSION REQUIRED UNDER 37 CFR 1.114

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

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

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

☒ Enclosed

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

MISCELLANEOUS

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

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No [ ]

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

X Patent Practitioner Signature

Applicant Signature

PTO/SB/30EFS (07-14)
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Signature of Registered U.S. Patent Practitioner			
Signature	/Sean Lynch/	Date (YYYY-MM-DD)	2019-01-08
Name	Sean Lynch	Registration Number	75248

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

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

Privacy Act Statement

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

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

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

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	12953350
Filing Date:	23-Nov-2010
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Filer:	Sean M. Lynch/Heather Castro
Attorney Docket Number:	071487-8001.US01

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

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

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 2 months with $0 paid	2252	1	300	300
Miscellaneous:				
RCE- 2ND AND SUBSEQUENT REQUEST	2820	1	950	950
		Total in USD ($)		**1250**

Electronic Acknowledgement Receipt

EFS ID:	34798734
Application Number:	12953350
International Application Number:	
Confirmation Number:	3329
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Correspondence Address:	Shane Pollack - PlayVuu, Inc. - 38760 N Spur Cross Road - Cave Creek AZ 85331 US 4803638330 shane@playvuu.com
Filer:	Sean M. Lynch/Heather Castro
Filer Authorized By:	Sean M. Lynch
Attorney Docket Number:	071487-8001.US01
Receipt Date:	08-JAN-2019
Filing Date:	23-NOV-2010
Time Stamp:	23:32:28
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		OAR-219-00001-07.pdf	101391 7a103709c3819208efce26aef4ebf097bd36a29d	yes	15
	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	11	
	Applicant Arguments/Remarks Made in an Amendment		12	15	
Warnings:					
Information:					
2	Request for Continued Examination (RCE)	RCE_OAR_219-00001-07.pdf	1349833 c8dad125139e21ae4c2ac84049aec5af39d51ca4	no	3
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32539 ca19d0e77a06febf36e775a24aed792ba10c33d	no	2
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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Appl. No.:	12/953,350
Inventor:	Shane Pollack
Applicant:	Shane Pollack
Filing Date:	11/23/2010
Art Unit:	2171
Examiner:	Phenuel S Salomon
Attorney Docket No.:	219-00001
Title	Creating and Disseminating of User Generated Media Over a Network

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P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO FINAL OFFICE ACTION

Sir:

This paper responds to the Office Action dated August 8, 2018. Please enter the amendments shown herein.

- Claim amendments begin on page 2.
- Remarks begin on page 12.

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AMENDMENTS TO THE CLAIMS

This listing of claims represents the current version of claims before the Office:

30. (Currently amended) A method ~~performed by a server computer in communication, via a computer network, with a wireless mobile device~~of creating video content using a mobile device, the method comprising ~~the steps of~~:

requesting a listing of media content from a server computer;

~~displaying causing display, by the server computer, at a display of the wireless mobile device, of~~ a first graphical listing ~~of a plurality~~ of ~~the listing of~~ media content stored in a content database ~~accessible to~~ on the server computer;

prompting a user to select a media content from the first graphical listing;

~~receiving the, by the server computer, via the computer network, a~~ user's selection of ~~the a particular~~ media content from the first graphical listing;

presenting the user with a record button;

initiating a video recording session to create a user video, the video recording session initiating upon a user interaction with the record button;~~receiving, by the server computer, user video captured by a video capture device of the wireless mobile device;~~

~~processing, the by the server computer, the received user video to track~~tracking a motion of an object captured in the user video;

generating~~, by the server computer,~~ a graphical element ~~in the form of a trailing light~~ that ~~tracks~~ follows the motion of the object captured in the user video;

incorporating the graphical element into ~~processing, by the server computer,~~ the ~~particular~~ media content ~~to incorporate the generated graphical element~~;

generating~~, by the server computer,~~ a composite of the ~~particular~~ media content and the user video ~~captured~~ by layering the ~~particular~~ media content and the user video and by processing the ~~particular~~ media content and user video to:

selectively make portions of the ~~particular~~ media content transparent to reveal portions of the user video; and/or

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selectively make portions of the user video transparent to reveal portions of the particular media content; and

causing automatically the display, at the display of the wireless mobile device, of displaying, in real-time or near real-time, the composite as the user video is captured by the video capture device.

31. (Currently amended) The method of claim 30, further comprising:

sendingreceiving, by the to a server computer, via the computer network, the user video; and

generating and storing a streamable file based on the composite of the particular media content and the user video.

32. (Currently amended) The method of claim 30, wherein the particular media content includes any of a pre-recorded video or an image.

33. (Currently amended) The method of claim 30, further comprising:

requesting a listing of styles from a server computer;

displayingcausing display, by the server computer, at the display of the wireless mobile device, of a second graphical listing of the listing a plurality of styles that can be applied to the displayed composite, each style of the listing of styles being of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;

receiving, by the server computer, via the computer network, a user selection of a particular style from the second graphical listing; and

in response to receiving the user selection of the particular style, causing automatically the display, by the server computer, at the display of the wireless mobile device, ofdisplaying an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include at least one of: a filtering, an exposure adjustment, a color adjustment, and a speed

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adjustment any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment.

34. (Previously presented) The method of claim 30, wherein the composite is generated by applying a chroma key process.

35. (Currently amended) The method of claim 30, further comprising:

causing display, by the server computer, at the display of the wireless mobile device, of displaying a third graphical listing including a plurality of pre-recorded audio compositions;

receiving, by the server computer, via the computer network, a user selection of a particular pre-recorded audio composition from the third graphical listing;

receiving, by the input device, a user request to initiate a recording; and

in response to receiving the user request to initiate the recording, causing an audio capture device of the wireless mobile device to record audio by the user while causing an audio output device of the wireless mobile device to playback the selected pre-recorded audio composition.

36. (Currently amended) The method of claim 35, further comprising:

causing display, by the server computer, at the display of the wireless mobile device, of displaying a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective;

receiving, by the server computer via the network, an entry by the user of one or more keywords in response to the lyric generation prompt;

automatically generating, by the server computer, original song lyrics based on the selected specific pre-recorded audio composition and the entered one or more keywords; and

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causing display, by the server computer, at the display of the wireless mobile device, of displaying the original song lyrics in the composite of the particular media content and the user video.

37. (Currently amended) The method of claim 35, further comprising:
synchronizing, by the server computer, the particular pre-recorded audio composition with the audio recording by the user.

38. (Currently amended) The method of claim 35, further comprising:
synchronizing, by the server computer, the particular pre-recorded audio composition, the audio recording by the user, and the composite of the particular media content and user video.

39. (Cancelled)

40. (Cancelled)

41. (Currently amended) A client device for creating media content comprising:
a network device for communication communicating with a content creation server;
an input device for receiving user inputs;
a display device for outputting video;
a video capture device;
an audio output device;
an audio capture device;
a processor communicatively coupled to the network device, display device, video capture device, audio output device, and audio capture device; and
a memory communicatively coupled to the processor, the memory having instructions stored thereon, which when executed by the processor, cause the mobile device to:
request a listing of media content from a server computer;
capture a user video using the video capture device;

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process the user video to track the motion of the object captured in the user video;

generate a graphical element that tracks the motion of an object captured in the user video;

display, via the display device, the user video as the user video is captured by the video capture device;

display, via the display device, a first graphical listing of a plurality of pre-recorded video content stored in a content database accessible to the client device via the content creation server;

prompt the user to select a media content from the first graphical listing;

receive, via the input device, a user selection of a ~~particular~~ pre-recorded video from the first graphical listing;

process the pre-recorded video to incorporate the graphical element;

display, via the display device, a composite video that utilizes the ~~particular~~ pre-recorded video as a background to the user video as the user video is captured by the video capture device;

~~wherein the composite video is generated by the content creation server and received by the client device via the network device, and~~ wherein the composite video includes portions of the user video selectively made transparent to reveal portions of the ~~particular~~ pre-recorded video;

wherein the composite video further includes the graphical element, the graphical element representative of a motion of an object captured in the user video;

request a listing of pre-recorded audio content from a server computer;

display, via the display device, a second graphical listing including a plurality of pre-recorded audio content stored in the content database;

prompt a user to select a pre-recorded audio content from the first graphical listing;

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receive, via the input device, a user selection of a particular pre-recorded audio from the second graphical listing;

initiate playback, via the audio output device, of the particular pre-recorded audio; and

in response to a user request to initiate recording, record the composite video and the user audio as the particular pre-recoded audio is played back via the audio output device.

42. (Cancelled)

43. (Currently amended) The client device of claim 41, wherein the composite video further includes a trailing light graphical element, the trailing light graphical element representative of a motion of an object captured in the user video, the trailing light graphical element generated by the content creation server by:

processing the user video to track the motion of the object captured in the user video;

generating the trailing light graphical element that tracks the motion of the object captured in the user video; and

processing the particular pre-recorded video to incorporate the generated trailing light graphical element.

44. (Cancelled)

45. (Currently amended) The client device of claim 41, wherein the memory has further instructions stored thereon, which when executed by the processor, cause the client device to further:

display, via the display device, a third graphical listing of a plurality of styles that can be applied to the composite video, each of the plurality of styles associated with visual modifications that are applied to the composite video;

receive, via the input device, a user selection of a particular style from the third graphical listing; and

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in response to receiving the user selection of the ~~particular~~ style, display an updated composite video, ~~the updated composite video generate by the content creation server using the visual modifications of the particular style,~~ wherein the visual modifications of the ~~particular~~ style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment.

46. (Previously presented) The method client device of claim 41, wherein the input device and display device are components of an integrated touch screen display device.

47. (Previously presented) The client device of claim 41, wherein the composite is generated by applying a chroma key process.

48. (Previously presented) The client device of claim 41, wherein the memory has further instructions stored thereon, which when executed by the processor, cause the client device to further:

display, via the display device, a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective;

receiving, via the input device, an entry by the user of one or more keywords in response to the lyric generation prompt; and

display, via the display device, original song lyrics in the composite video, the original song lyrics generated by the content creation server based on the particular pre-recorded audio and on the one or more keywords entered by the user in response to the lyric generation prompt.

49. (Cancelled)

50. (Currently amended) A method ~~performed by a video creation server in communication, via a computer network, with a wireless mobile device~~ of creating video content using a mobile device, the method comprising:

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requesting a listing of pre-recorded video content from a server computer;

displayingcausing display, by the video creation server, at a display of the wireless mobile device, of a graphical listing of a plurality of the listing of pre-recorded video content stored in a content database accessible toon the video creation server;

prompting a user to select a pre-recorded video from the first graphical listing;

receiving the user's , by the video creation server, via the computer network, from the wireless mobile device, a user selection of the a particular pre-recorded video from the graphical listing; and

in response to the user's user selection, using the providing, by the video creation server, via the computer network, the selected particular pre-recorded video to utilize as a background while recording during capture of a user video by a video capture device at the wireless mobile device by:

receiving, by the by the video creation server, via the computer network, from the wireless mobile device, the user video;

tracking, by the video creation server, motion of an object in the received user video;

generating, by the video creation server, a graphical element that follows the motion of the object captured in the user videorepresenting representative of the tracked motion the graphical element including a trailing light;

generating, by the video creation server, a composite of the particular pre-recorded video, the user video, and the generated graphical element by:

processing the particular pre-recorded video to incorporate the generated graphical element; and

processing the user video to selectively making make portions of the user video transparent to reveal portions of the particular pre-recorded video; and

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causing display, by the video creation server, at the wireless mobile device, of displaying the composite in real-time or near real-time as the user video is captured.

51. (Currently amended) The method of claim 50, further comprising:

sending, to a receiving, by the video creation server, via the computer network, from the wireless mobile device, a user request to publish the composite over the computer network;

in response to receiving the request, placing, by the video creation server, a download request into a queue to encode the particular pre-recorded video, the user video, and the generated graphical element into a streamable file; and

upon completion of the encoding, storing, by the video creation server, the streamable file at a media server; and

wherein the media server is configured to provide access to the streamable file to other users via other wireless mobile devices.

52. (Currently amended) The method of claim 50, further comprising:

requesting a listing of pre-recorded audio compositions from the server computer;

displaying causing display, by the video creation server, at the display of the wireless mobile device, of a second graphical listing including a plurality of the listing of pre-recorded audio compositions stored in the content database;

receiving, by the video creation server, via the computer network, a user selection of a particular pre-recorded audio composition from the second graphical listing;

receiving, by the input device, a user request to initiate a recording; and

in response to receiving the user request to initiate the recording, causing an audio capture device of the wireless mobile device to record audio by the user while causing an audio output device of the wireless mobile device to playback the selected pre-recorded audio composition.

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53. (Currently amended) The method of claim 52, further comprising:

displayingcausing display, by the video creation server, at the display of the wireless mobile device, of a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective;

receiving, by the video creation server, via the computer network, an entry by the user of one or more keywords in response to the lyric generation prompt;

automatically generating, by the video creation server, original song lyrics based on the selected specific pre-recorded audio composition and the entered one or more keywords; and

displayingcausing display, by the server computer, at the display of the wireless mobile device, of the original song lyrics in the composite of the particular pre-recorded video and the user video.

54. (Currently amended) The method of claim 52, further comprising:

synchronizing, by the video creation server, the particular pre-recorded audio composition, the user audio, and the composite of the particular pre-recorded video and the user video.

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REMARKS/ARGUMENTS

Claim Objections

The Office objected to claims 30 and 50 for including informalities. Applicant thanks the Office for identifying these issues, which have been amended by this response.

35 USC § 112

The Office rejected claim 30 for reciting the limitation "…graphical element in **the** form.." in line 13 without proper antecedent basis. This issue is corrected by this response.

35 USC § 103

The Office rejected claims 30–32, 34, 40 and 50–51 under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) Crawford et al. (US 2011/0053688). The Applicant respectfully disagrees with this rejection, especially in light of amendments presented by this response.

Claim 30

In its rejection, the Office asserts that Gentile et al. combined with Crawford et al. teaches all of the limitations of independent claim 30. But the Office's interpretation of the cited references fails to accurately account for each and every limitation presented in amended claim 30.

In the Office Action, the Office acknowledged that Gentile et al. fails to teach tracking the motion of an object in a user-recorded video and also fails to teach generating a graphical element that tracks the motion of that object. To teach these features, the Office relied on Crawford et al., stating the reference teaches the (now amended) limitation of "processing, the by the server computer, the received user video to track motion of an object captured in the user video." But Crawford et al. fails to teach the concept of tracking an object in a user-recorded video as required by amended claim 30, and thus its combination with Gentile et al. is inapposite.

Although the Office sees Crawford et al. as teaching the inclusion of a "graphical element," the reference is directed to video games and augmented reality games, where

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a “graphical element” is created that tracks the movement of a virtual (i.e., game) object that is rendered by a game engine. This is very different from teaching the tracking of an object in a user-recorded video because tracking a game-rendered object requires no image processing to determine the location of that object. Game objects—either in a video game or augmented reality game—are computationally rendered and their locations are always known by the computer running the game, thereby trivializing the task of determining object location for tracking.

This deficiency in Crawford et al. renders its combination with Gentile et al. inappropriate. Amended claim 30 requires tracking an object in a user-recorded video—a task requiring image processing above and beyond anything that would be contemplated in a video game or augmented reality game where object location is always known by a game engine. In short, amended claim 30 recites a solution to a completely different problem than Crawford et al. answers. Because amended claim 30 requires tracking an object that is captured in a user-recorded video, there is little sense in combining Crawford et al. with Gentile et al. because Gentile et al. never once considers a user-recorded video to be part of a video game or augmented reality game, and Crawford et al. similarly fails to contemplate tracking an object that is not rendered by a game engine. The combination of these references is therefore inappropriate, and because neither reference, either alone or in combination, teaches every limitation of amended claim 30, the Applicant respectfully requests withdrawal of this rejection.

Amended claim 30 also requires, among other limitations: generating a graphical element that follows the motion of the tracked object from a user-recorded video; incorporating the graphical element into the media content; and compositing the media content with the user-recorded video. Despite the Office’s assertions, Gentile et al. fails to teach generating a graphical element, incorporating that generated graphical element into selected media content, and then compositing the media content with a user-recorded video. Gentile et al. fails to teach these limitations because it fails to consider the combination of three elements (a graphical element, media content, and a user-recorded video) into a final composite, instead focusing on different ways two elements

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(media content and user-generated content) can be combined together into a composite.

Gentile et al. teaches the combination of, *at most*, two items: (1) user-generated content with (2) media content. User-generated content, according to Gentile et al. can be a user image from a video recorder as described in Gentile et al. in paragraph 70. A type of "media content" is described in Gentile et al. in paragraphs 50, 90–101, and 139, and it refers to "washed content" or "background clips." Despite a reference in paragraph 51 of incorporating a user image into a background clip, this is just a combination of user-generated content (the user image) with media content (a background clip). At no time does Gentile et al. consider the addition of a third piece—the graphical element—as required by amended claim 30. Moreover, extending Gentile to incorporate the graphical element is nontrivial, and would not be obvious, because the graphical element tracks the motion of an object in the user-generated content; the graphical element is different in kind from media content and user-generated content.

In light of the arguments presented above, and in view of the amendments presented by this response, the Applicant respectfully requests withdrawal of this rejection. All claims depending from independent claim 30 are therefore also allowable.

Claim 41

The Office rejected claims 35, 37, 38, 41, 46, 47, 52 and 54 under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of Crawford et al. (US 2011/0053688) and further in view of Dery et al. (U.S. 2009/0118849)

Independent claim 41 is amended by this response to include limitations related to the combination of a graphical element, media content, and user-recorded video that are similarly present in amended claim 30. All of the arguments presented above with respect to claim 30 are reasserted here, and the Applicant respectfully requests withdrawal of this rejection. All claims depending from independent claim 41 are therefore also allowable.

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Claim 50

The Office rejected claims 50 on the same grounds as it rejected claims 30–32, 34, and 40. Independent claim 50 includes similar limitations present in amended claim 30 with regard to the combination of a graphical element, media content, and a user-recorded video. Thus, all of the arguments presented above with respect to claim 30 are reasserted here, and the Applicant respectfully requests withdrawal of this rejection. All claims depending from independent claim 50 are therefore also allowable.

Request for Allowance

Claims 30–38, 41, 43, 45–48, 50–54 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,
Lynch LLP

Date: January 8, 2019

By _/Sean Lynch/_____
Sean Lynch
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Snap Inc. - EX1017, Page 0071

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Shane Pollack - PlayVuu, Inc.
38760 N Spur Cross Road
Cave Creek AZ 85331

In re Application of :
SHANE POLLACK :
Application No.: 12/953,350 :
Filed: November 23, 2010 :
Attorney Docket No.: 071487-8001.US01 :

DECISION ON REQUEST TO WITHDRAWAL AS ATTORNEY/AGENT OF RECORD

This is a decision in response to the Request To Withdraw As Attorney Or Agent And Change Of Correspondence Address Under 37 CFR §1.36, filed September 13, 2018.

The request is **DISMISSED AS MOOT**.

The request filed by EFS on September 13, 2018 is **dismissed as moot** because an e-petition Requesting Withdraw As Attorney Or Agent And Change Of Correspondence Address Under 37 CFR §1.36 was also filed by EFS and **auto-granted** on September 28, 2018.

Any questions concerning this decision may be directed to the undersigned at (571) 272-3213.

/Cheryl Gibson-Baylor/
Cheryl Gibson-Baylor
Petitions Paralegal Specialist
Office of Petitions

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Shane Pollack - PlayVuu, Inc.
38760 N Spur Cross Road
Cave Creek AZ 85331

In re Application of :
SHANE POLLACK :
Application No.: 12/953,350 :
Filed: November 23, 2010 :
Attorney Docket No.: 071487-8001.US01 :

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Any questions concerning this decision may be directed to the undersigned at (571) 272-3213.

/Cheryl Gibson-Baylor/
Cheryl Gibson-Baylor
Petitions Paralegal Specialist
Office of Petitions

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/953,350	11/23/2010	Shane Pollack	071487-8001.US01

CONFIRMATION NO. 3329

POWER OF ATTORNEY NOTICE

22918
PERKINS COIE LLP - PAO General
P.O. BOX 1247
SEATTLE, WA 98111-1247

OC000000102704684

Date Mailed: 10/01/2018

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/28/2018.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

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Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12953350
Filing Date	23-Nov-2010
First Named Inventor	Shane Pollack
Art Unit	2171
Examiner Name	PHENUEL SALOMON
Attorney Docket Number	071487-8001.US01
Title	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 22918

The reason(s) for this request are those described in 37 CFR:

11.116(b)(5)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71(for applications filed before September 16, 2012) or the applicant (for applications filed on or after September 16, 2012):

Name	Shane Pollack - PlayVuu, Inc.
Address	38760 N Spur Cross Road
City	Cave Creek
State	AZ
Postal Code	85331
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
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Name	Brian R. Coleman
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Decision Date : September 28, 2018

In re Application of :

Shane Pollack

Application No : 12953350

Filed : 23-Nov-2010

Attorney Docket No : 071487-8001.US01

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 28, 2018

The request is **APPROVED.**

The request was signed by Brian R. Coleman (registration no. 39145) on behalf of all attorneys/agents associated with Customer Number 22918 . All attorneys/agents associated with Cusotmer Number 22918 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71(for applications filed before September 16, 2012) or the applicant (for applications filed on or after September 16, 2012), with correspondence address:

Name	Shane Pollack - PlayVuu, Inc.
Name2	
Address 1	38760 N Spur Cross Road
Address 2	
City	Cave Creek
State	AZ
Postal Code	85331
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 (for applications filed before September 16, 2012) or the applicant (for applications filed on or after September 16, 2012)of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Electronic Acknowledgement Receipt

EFS ID:	33870418
Application Number:	12953350
International Application Number:	
Confirmation Number:	3329
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Customer Number:	22918
Filer:	Brian R. Coleman/Kim Lampkins
Filer Authorized By:	Brian R. Coleman
Attorney Docket Number:	071487-8001.US01
Receipt Date:	28-SEP-2018
Filing Date:	23-NOV-2010
Time Stamp:	18:39:23
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Petition automatically granted by EFS	petition-request.pdf	34838 a0c380cea98b1c79e92074f9c8cf8d8291855487	no	2

Warnings:

Information:	
Total Files Size (in bytes):	34838

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

Doc Code: PET.POA.WDRW
Document Description: Petition to withdraw attorney or agent (SB83)

PTO/AIA/83 (04-13)
Approved for use through 11/30/2014. OMB 0651-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	12/953,350 (Conf. #3329)
Filing Date	2010-11-23
First Named Inventor	Shane Pollack
Art Unit	2171
Examiner Name	SALOMON, PHENUEL S
Practitioner Docket Number	071487-8001.US01

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

Please withdraw me as attorney or agent for the above-identified patent application, and

- ☐ all the practitioners of record;
- ☐ the practitioners (with registration numbers) of record listed on the attached paper(s); or
- ☑ the practitioners of record associated with Customer Number: 22918

NOTE: The immediately preceding box should only be marked when the practitioners were appointed using the listed Customer Number.

The reason(s) for this request are those described in 37 CFR:

☐ 11.116(a)(1)	☐ 11.116(a)(2)	☐ 11.116(a)(3)
☐ 11.116(b)(1)	☐ 11.116(b)(2)	☐ 11.116(b)(3)
☐ 11.116(b)(4)	☑ 11.116(b)(5)	☐ 11.116(b)(6)

☐ 11. 116(b)(7) Please explain below:

Certifications

Check each box below that is factually correct. WARNING: If a box is left unchecked, the request will likely not be approved.

1. ☑ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment.
2. ☑ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled.
3. ☑ I/We have notified the client of any responses that may be due and the time frame within which the client must respond.

Please provide an explanation, if necessary:

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

PTO/AIA/83 (04-13)
Approved for use through 11/30/2014. OMB 0651-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Complete the following section only when the correspondence address will change. *Changes of address will only be accepted to an applicant.*

Change the correspondence address and direct all future correspondence to:

A. ☐ The address of the applicant associated with Customer Number: _____

OR

B. ☑ Applicant Shane Pollack - PlayVuu, Inc.

Address 38760 N Spur Cross Road			
City Cave Creek	State AZ	Zip 85331	Country US
Telephone (480) 363-8330	Email shane@playvuu.com		

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature /brian r. coleman/

Name Brian R. Coleman - PERKINS COIE LLP Registration No. 39,145

Address P.O. BOX 1247			
City SEATTLE	State WA	Zip 98111-1247	Country US

Date 09-13-2018 Telephone No. (650) 838-4441

NOTE: Withdrawal is effective when approved rather than when received.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

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

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

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

Electronic Acknowledgement Receipt

EFS ID:	33718790
Application Number:	12953350
International Application Number:	
Confirmation Number:	3329
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Customer Number:	22918
Filer:	Brian R. Coleman/Kim Lampkins
Filer Authorized By:	Brian R. Coleman
Attorney Docket Number:	071487-8001.US01
Receipt Date:	13-SEP-2018
Filing Date:	23-NOV-2010
Time Stamp:	19:59:43
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Petition to withdraw attorney or agent (SB83)	8001US01_141156649_1.pdf	1108208 db72fb32d9df794992bf5aaca73a44aeadfed369	no	3

Warnings:

Information:	
Total Files Size (in bytes):	1108208

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

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New International Application Filed with the USPTO as a Receiving Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/953,350	11/23/2010	Shane Pollack	071487-8001.US01	3329

22918 7590 08/08/2018
PERKINS COIE LLP - PAO General
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER
SALOMON, PHENUEL S

ART UNIT	PAPER NUMBER
2171	

NOTIFICATION DATE	DELIVERY MODE
08/08/2018	ELECTRONIC

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

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

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

patentprocurement@perkinscoie.com

Office Action Summary	Application No. 12/953,350	Applicant(s) POLLACK, SHANE	
	Examiner PHENUEL SALOMON	Art Unit 2171	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *4/2/2018*.

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

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

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

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

Disposition of Claims*

5)☒ Claim(s) *30-38,40,41,43,45-48 and 50-54* is/are pending in the application.

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

6)☐ Claim(s) _____ is/are allowed.

7)☐ Claim(s) *30-38,40,41,43,45-48 and 50-54* is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date *1/2018*.

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

4) ☐ Other: _____.

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

DETAILED ACTION

2. This action is in response to the amendment filed on 04/02/2018. Claims 1-29, 39, 42, 44, 49 are canceled, and claims 30-38, 40-41, 43, 45-48 and 50-54 are pending and have been considered below.

3. The rejection of claims 30-38, 40-41, 43, 45-48 and 50-54 under 35 U.S.C. § 101 are moot pursuant to amendments.

Objection

4. Claims 30 and 50 are objected to because of the following informalities: "processing, **the** by the server computer…" (claim 30, line 11) and "…receiving, **by the** by the video creation server…" (claim 50, line 13). Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of 35 U.S.C. 112(b):

> (b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 30 recites the limitation "…graphical element in **the** form.." in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

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

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

8. Claims 30-32, 34, 40 and 50-51 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) Crawford et al. (US 2011/0053688).

Claim 30. Gentile discloses a method performed by a server computer in communication, via a computer network, with a wireless mobile device, the method comprising:

causing display, by the server computer, at a display of the wireless mobile device, of a first graphical listing of a plurality of media content stored in a content database accessible to the server computer ([0050], [0139]);

receiving, by the server computer, via the computer network, a user selection of a particular media content from the first graphical listing (*selection of available washed scene*) ([0071]);

receiving, by the server computer, user video captured by a video capture device of the wireless mobile device ([0044]);

processing, by the server computer, the particular media content to incorporate the generated graphical element ([0079]);

generating, by the server computer, a composite of the particular media content and the user video captured by layering the particular media content and the user video and by processing the particular media content and user video to ([0074],[0101],[0104]):

selectively make portions of the particular media content transparent to reveal portions of the user video; and/or selectively make portions of the user video transparent to reveal portions of the particular media content ([0083]); and

causing automatically the display, at the display of the wireless mobile device, of the composite as the user video is captured by the video capture device ([0072]-[0075], [0078]-[0079],[0058]).

Gentile does not explicitly disclose processing, the by the server computer, the received user video to track motion of an object captured in the user video;

generating, by the server computer, a graphical element in the form of a trailing light that tracks the motion of the object captured in the user video;

However Crawford discloses processing, the by the server computer, the received user video to track motion of an object captured in the user video ([0054]);

generating, by the server computer, a graphical element in the form of a trailing light (*trail of flames or sparks*) that tracks the motion of the object captured in the user video ([0054]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to enhance object in media modification.

Claim 31. Gentile and Crawford disclose the method of claim 30, Gentile further discloses comprising:

receiving, by the server computer, via the computer network, the user video; and generating and storing a streamable file based on the composite of the particular media content and the user video ([0125]).

Claim 32 Gentile and Crawford disclose the method of claim 30, Gentile further discloses wherein the particular media content includes any of a pre-recorded video or an image ([0050]).

Claim 34. Gentile and Crawford disclose the method of claim 30, Gentile further discloses wherein the composite is generated by applying a chroma key process ([0059],[0163]).

Claim 40. Gentile and Crawford disclose the method of claim 30, Gentile further discloses wherein the wireless mobile device includes an integrated touch screen display and the video capture device ([0058]).

As per claims 50-51, see the above rejections of claims 30-32, 34, and 40 since they are re-combination of the above independent and dependent claims. Furthermore, para. [0129],[0134]-[0135] of Gentile may as well apply to claim 51.

9. Claim 33 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of Crawford et al. (US 2011/0053688) and further in view of Lerman (US 2006/0259588).

Claim 33. Gentile and Crawford disclose the method of claim 30, but did not explicitly disclose further comprising: causing display, by the server computer, at the display of the wireless mobile device, of a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;

receiving, by the server computer, via the computer network, a user selection of a particular style from the second graphical listing; and in response to receiving the user selection of the particular style, causing automatically the display, by the server computer, at the display of the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment

However, Lerman discloses causing display, by the server computer, at the display of the wireless mobile device, of a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;

receiving, by the server computer, via the computer network, a user selection of a particular style from the second graphical listing; and in response to receiving the user selection of the particular style, causing automatically the display, by the server computer, at the display of

the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of **filtering**, exposure adjustment, color adjustment, and speed adjustment ([0064]-[0074]).Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a more realistic and/or immersive media modification.

10. Claim 35, 37, 38, 41, 46, 47, 52 and 54 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of Crawford et al. (US 2011/0053688) and further in view of Dery et al. (U.S. 2009/0118849).

Claim 35. Gentile and Crawford disclose the method of claim 30, but fail to explicitly disclose further comprising:

a third graphical listing including a plurality of pre-recorded audio compositions: receiving, by the server computer, via the computer network, a user selection of a particular pre-recorded audio composition from the third graphical listing;

receiving, by the input device, a user request to initiate a recording; and in response to receiving the user request to initiate the recording, causing an audio capture device of the wireless mobile device to record audio by the user while causing an audio output device of the wireless mobile device to playback the selected pre-recorded audio composition.

However, Dery discloses causing display, by the server computer, at the display of the wireless mobile device, of a third graphical listing including a plurality of pre-recorded audio compositions([0079], [0084]); receiving, by the server computer, via the computer network, a user selection of a particular pre-recorded audio composition from the third graphical listing ([0081]);

receiving, by the input device, a user request to initiate a recording; and in response to receiving the user request to initiate the recording, causing an audio capture device of the wireless mobile device to record audio by the user while causing an audio output device of the wireless mobile device to playback the selected pre-recorded audio composition ([0074],[0084]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to facilitate average user to easily compose, edit, record, reproduce, and transfer files.

Claim 37. Gentile Crawford and Derv disclose the method of claim 35, Derv further discloses comprising: synchronizing, by the server computer, the particular pre-recorded audio composition with the audio recording by the user ([0087]-[0088]). One would have been motivated to do so in order to facilitate average user to easily compose, edit, record, reproduce, and transfer files.

Claim 38. Gentile Crawford and Derv disclose the method of claim 35, Derv further discloses comprising: synchronizing, by the server computer, the particular pre-recorded audio composition, the audio recording by the user, and the composite of the particular media content

and user video ([0087]-[0088]). One would have been motivated to do so in order to facilitate average user to easily compose, edit, record, reproduce, and transfer files.

Claims 52 and 54 contain subject matter similar to the above claims and are rejected along the same rationale.

Claim 41 see the teaching of Gentile in claim 30. However, Dery discloses display, via the display device, a second graphical listing including a plurality of pre-recorded audio content stored in the content database ([0079], [0084]); receive, via the input device, a user selection of a particular pre-recorded audio from the second graphical listing ([0081]);
initiate playback, via the audio output device, of the particular pre-recorded audio; and in response to a user request to initiate recording, record the composite video and the user audio as the particular pre-recoded audio is played back via the audio output device ([0074],[0084]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to facilitate average user to easily compose, edit, record, reproduce, and transfer files.

Claim 46. Gentile and Dery disclose the client device of claim 41, Gentile further discloses wherein the input device and display device are components of an integrated touch screen display device ([0058]).

Claim 47. Gentile and Dery disclose the client device of claim 41, Gentile further discloses wherein the composite is generated by applying a chroma key process ([0059],[0163]).

11. Claims 36, and 53 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of Crawford et al. (US 2011/0053688) and further in view of Murray (US 20090307207).

Claim 36. Gentile and Crawford disclose the method of claim 35, but fail to explicitly disclose further comprising:

a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective: receiving, by the server computer via the network, an entry by the user of one or more keywords in response to the lyric generation prompt: automatically generating, by the server computer, original song lyrics based on the selected specific pre-recorded audio composition and the entered one or more keywords; and causing display, by the server computer, at the display of the wireless mobile device, of the original song lyrics in the composite of the particular media content and the user video.

However, Murray discloses a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective([0046],[0068])

receiving, by the server computer via the network, an entry by the user of one or more keywords in response to the lyric generation prompt ([0046],[0068]); automatically generating, by the server computer, original song lyrics based on the selected specific pre-recorded audio composition and the entered one or more keywords ([0068]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a user-friendly method of creating multimedia.

Gentile further discloses causing display, by the server computer, at the display of the wireless mobile device, of the original song lyrics in the composite of the particular media content and the user video ([0072]-[0075], [0078]-[0079],[0058]).

Claim 53 contains subject matter similar to the above claim and is rejected along the same rationale.

12. Claim 43 is are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of Dery et al. (U.S. 2009/0118849) and further in view of Crawford et al. (US 2011/0053688).

Claim 43. Gentile and Dery disclose the client device of claim 41, fail to explicitly disclose wherein the composite video further includes a trailing light graphical element, the trailing light graphical element representative of a motion of an object captured in the user video, the trailing light graphical element generated by the content creation server by:

processing the user video to track the motion of the object captured in the user video:

generating the trailing light graphical element that tracks the motion of the object captured in the user video; and processing the particular pre-recorded video to incorporate the generated trailing light graphical element.

However Crawford discloses wherein the composite video further includes a trailing light graphical element, the trailing light graphical element representative of a motion of an object captured in the user video, the trailing light graphical element generated by the content creation server ([0054]) by:

processing the user video to track the motion of the object captured in the user video:

generating the trailing light (*trail of flames or sparks*)graphical element that tracks the motion of the object captured in the user video; and processing the particular pre-recorded video to incorporate the generated trailing light graphical element ([0054]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to enhance object in media modification.

13. Claim 45 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of Dery et al. (U.S. 2009/0118849) and further in view of Lerman (US 2006/0259588).

Claim 45. Gentile and Dery disclose the client device of claim 41, fail to explicitly disclose wherein the memory has further instructions stored thereon, which when executed by the processor, cause the client device to further:

display, by the server computer, at the display of the wireless mobile device, of a third graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite; receiving, by the server computer, via the computer network, a user selection of a particular style from the second graphical listing; and

in response to receiving the user selection of the particular style, causing automatically the display, by the server computer, at the display of the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment.

However, Lerman discloses display, by the server computer, at the display of the wireless mobile device, of a third graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite; receiving, by the server computer, via the computer network, a user selection of a particular style from the second graphical listing; and in response to receiving the user selection of the particular style, causing automatically the display, by the server computer, at the display of the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of **filtering**, exposure adjustment, color adjustment, and speed adjustment ([0064]-[0074]).Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was

made to include this feature in Gentile. One would have been motivated to do so in order to provide a more realistic and/or immersive media modification.

14. Claim 48 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of Dery et al. (U.S. 2009/0118849)) and further in view of Murray (US 20090307207).

Claim 48. Gentile and Dery disclose the client device of claim 35, but fail to explicitly disclose wherein the memory has further instructions stored thereon, which when executed by the processor, cause the client device to further:

display via the display device, a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective:

receiving, by the server computer via the network, an entry by the user of one or more keywords in response to the lyric generation prompt: automatically generating, by the server computer, original song lyrics based on the selected specific pre-recorded audio composition and the entered one or more keywords; and causing display, by the server computer, at the display of the wireless mobile device, of the original song lyrics in the composite of the particular media content and the user video.

However, Murray discloses display via the display device, a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive

an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective([0046],[0068])

receiving, by the server computer via the network, an entry by the user of one or more keywords in response to the lyric generation prompt ([0046],[0068]); automatically generating, by the server computer, original song lyrics based on the selected specific pre-recorded audio composition and the entered one or more keywords ([0068]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a user-friendly method of creating multimedia.

Gentile further discloses causing display, by the server computer, at the display of the wireless mobile device, of the original song lyrics in the composite of the particular media content and the user video ([0072]-[0075], [0078]-[0079],[0058]).

Response to Arguments

15. Applicant's arguments filed on 4/02/2018 have been fully considered but they are moot in light of new ground of rejection(s).

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M. (Alternate Friday Off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdullah Al Kawsar can be reached on (571) 270-3169. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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

/Phenuel S. Salomon/
Primary Examiner, Art Unit 2171

Notice of References Cited	Application/Control No. 12/953,350	Applicant(s)/Patent Under Reexamination POLLACK, SHANE	
	Examiner PHENUEL SALOMON	Art Unit 2171	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2011/0021257 A1	01-2011	Lundback; Niklas	A63D15/20	463/2
*	B	US-2011/0053688 A1	03-2011	Crawford; David W.	A63D5/04	463/31
*	C	US-2011/0285855 A1	11-2011	OTA; Makoto	G01S3/7864	348/169
*	D	US-2014/0160117 A1	06-2014	Nehmadi; Youval	G06F3/0304	345/419
*	E	US-2015/0042832 A1	02-2015	Warnberg; Ryan Harrison	H04N5/2621	348/218.1
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

PTO/SB/08a (01-10)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12/953,350
	Filing Date	Nov 23, 2010
	First Named Inventor	Shane Pollack
	Art Unit	2171
	Examiner Name	Phenuel S. Salomon
	Attorney Docket Number	071487-8001.US01

U.S. PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	8332429	B2	2012-12-11	Poirier, Hervé et al.	
	2	8577169	B2	2013-11-05	Andrus, Jeremy C., et al.	
	3	8587687	B2	2013-11-19	Miyata, Akira	
	4	9087269	B2	2015-07-21	Chinen, Troy et al.	
	5	9374517	B2	2016-06-21	Glasgow, Dane	
	6	9385324	B2	2016-07-05	Wu, Yun Z., et al.	
	7	9641760	B2	2017-05-02	Lascolea, James et al.	

U.S. PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	20150365600	A1	2015-12-17	Pollack, Shane et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2]	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[5]

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1	Final Office Action mailed September 21, 2017 for U.S. Patent Application Number 14/740,222 of Pollack, S., et al. filed June 15, 2015.	
	2	International Search Report and Written Opinion mailed February 28, 2012, for International Application Number PCT/US2011/043891, 8 pages.	

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /P.S.S/

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
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	Art Unit	2171
	Examiner Name	Phenuel S. Salomon
	Attorney Docket Number	071487-8001.US01

	3	Non-Final Office Action mailed January 31, 2017 for U.S. Patent Application Number 14/740,222 of Pollack, S. et al. filed June 15, 2016.	
	4	Restriction Requirement mailed September 16, 2016 for U.S. Patent Application Number 14/740,222 of Pollack, S. et al. filed June 15, 2016.	

EXAMINER SIGNATURE			
Examiner Signature	/PHENUEL S SALOMON/	Date Considered	08/04/2018

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.
[4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /P.S.S/

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12953350	POLLACK, SHANE
	Examiner	Art Unit
	PHENUEL SALOMON	2171

CPC- SEARCHED		
Symbol	Date	Examiner
G06F3/0481 with limited text	5/12/2016	pss
G06F3/0481 with limited text	9/5/2016	pss
G06F3/0481 with limited text	5/25/2017	pss
G06F3/0481 with limited text	12/5/2017	pss
G06F3/0481 with limited text	8/2/2018	pss

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
715	716-723	2/4/2013	pss

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

SEARCH NOTES		
Search Notes	Date	Examiner
uspat, us_pgpub, epo, jpo, usocr	2/4/2013	pss
EAST search	5/12/2016	pss
EAST search	9/4/2016	pss
EAST search	5/25/2017	pss
EAST search	12/5/2017	pss
EAST search	8/2/2018	pss

INTERFERENCE SEARCH

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12953350	POLLACK, SHANE
	Examiner	**Art Unit**
	PHENUEL SALOMON	2171

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

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

CLAIM		DATE								
Final	Original	02/05/2013	05/12/2016	09/05/2016	05/27/2017	12/23/2017	08/04/2018			
	1	✓	✓	✓	-	-	-			
	2	✓	✓	✓	-	-	-			
	3	✓	✓	✓	-	-	-			
	4	✓	✓	✓	-	-	-			
	5	✓	✓	✓	-	-	-			
	6	✓	✓	✓	-	-	-			
	7	✓	✓	✓	-	-	-			
	8	✓	✓	✓	-	-	-			
	9	✓	✓	✓	-	-	-			
	10	✓	✓	✓	-	-	-			
	11	✓	✓	✓	-	-	-			
	12	✓	✓	✓	-	-	-			
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	27	✓	-	-	-	-	-			
	28		✓	✓	-	-	-			
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	30				✓	✓	✓			
	31				✓	✓	✓			
	32				✓	✓	✓			
	33				✓	✓	✓			
	34				✓	✓	✓			
	35				✓	✓	÷			
	36				✓	✓	÷			

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12953350	POLLACK, SHANE
	Examiner	**Art Unit**
	PHENUEL SALOMON	2171

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

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

CLAIM		DATE								
Final	Original	02/05/2013	05/12/2016	09/05/2016	05/27/2017	12/23/2017	08/04/2018			
	37				✓	✓	÷			
	38				✓	✓	÷			
	39				✓	-	-			
	40				✓	✓	✓			
	41				✓	✓	÷			
	42				✓	-	-			
	43				✓	✓	÷			
	44				✓	-	-			
	45				✓	✓	÷			
	46				✓	✓	÷			
	47				✓	✓	÷			
	48				✓	✓	÷			
	49				✓	-	-			
	50					✓	✓			
	51					✓	✓			
	52					✓	÷			
	53					✓	÷			
	54					✓	÷			

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	8	(US-20150365600-$ | US-8332429-$ | US-8577169-$ | US-8587687-$ | US-9087269-$ | US-9374517-$ | US-9385324-$ | US-9641760-$).DID.	US-PGPUB; USPAT	ADJ	ON	2018/08/02 14:20
L2	50	(("20050265580") or ("7877706") or ("20080170748") or ("20090041298") or ("20040056882") or ("8711224") or ("20060192852") or ("7124366") or ("20050185823") or ("20010040592") or ("6469711") or ("7447331") or ("9256355") or ("20060047704") or ("20030237091") or ("20100035631") or ("20130120244") or ("8549418") or ("20110262002") or ("20100277411") or ("20070146372") or ("9898675") or ("7675520") or ("20090040301") or ("8451333") or ("8452051") or ("8351651") or ("20120022924") or ("8117544") or ("20110302293") or ("20110150271") or ("20140344408") or ("20130286212") or ("20120177254") or ("20050257137") or ("8954887") or ("20140247346") or ("7324069") or ("20160253068") or ("20130129155") or ("9232353") or ("20040105570") or ("20130257724") or ("20110055049") or ("20170131781") or ("9386283") or ("20060090134") or ("8374423") or ("20130073981") or ("20170308156")).PN.	US-PGPUB; USPAT	OR	OFF	2018/08/02 15:29
L3	0	2 and trailing light	US-PGPUB; USPAT	ADJ	ON	2018/08/02 15:29
L5	0	2 and light trail	US-PGPUB; USPAT	ADJ	ON	2018/08/02 15:32
L6	0	2 and light trail with tracking motion	US-PGPUB; USPAT	ADJ	ON	2018/08/02 15:33
L7	0	tracking motion with light trail	US-PGPUB; USPAT	ADJ	ON	2018/08/02 15:34
L8	195	light trail	US-PGPUB; USPAT	ADJ	ON	2018/08/02 15:34
L9	7	8 and track$4 motion	US-PGPUB; USPAT	ADJ	ON	2018/08/02 15:34
L10	96	8 and motion	US-PGPUB; USPAT	ADJ	ON	2018/08/02 15:48

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L11	50	(("20040056882") or ("7124366") or ("20060192852") or ("20010040592") or ("6469711") or ("7259747") or ("20060047704") or ("20090041298") or ("7644364") or ("20070089152") or ("8711224") or ("20050265580") or ("20100277411") or ("20130073981") or ("9898675") or ("20030146915") or ("20110096144") or ("20040125148") or ("7823058") or ("20040125133") or ("20040227768") or ("20060253781") or ("20110107369") or ("20040125121") or ("20020186221") or ("20070146372") or ("8549418") or ("8645832") or ("8452051") or ("7432940") or ("7082572") or ("7675520") or ("8307273") or ("20100037273") or ("8351651") or ("8972861") or ("20150023651") or ("7834846") or ("20110181606") or ("20100050083") or ("9171390") or ("8451333") or ("20070074115") or ("20090040301") or ("20170092325") or ("20130120244") or ("7739599") or ("20090129740") or ("20090251460") or ("8913878")).PN.	US-PGPUB; USPAT	OR	OFF	2018/08/02 16:30
L12	0	11 and trailing light	US-PGPUB; USPAT	ADJ	ON	2018/08/02 16:30
L13	20	11 and special effect	US-PGPUB; USPAT	ADJ	ON	2018/08/02 16:31
L14	8	13 and trail	US-PGPUB; USPAT	ADJ	ON	2018/08/02 16:31
L15	12	13 and light	US-PGPUB; USPAT	ADJ	ON	2018/08/02 16:33
L16	50	(("7259747") or ("20030146915") or ("7432940") or ("7124366") or ("20040056882") or ("9171390") or ("6469711") or ("20020186221") or ("20010040592") or ("20080062123") or ("8300042") or ("20110181606") or ("7834846") or ("6504552") or ("20080295035") or ("6215485") or ("20060047704") or ("8711224") or ("20090041298") or ("20060214935") or ("7518611") or ("20110053688") or ("8292733") or ("8451333") or ("8616971") or ("20110022202") or ("20150023651") or ("20110021257") or ("8913878") or ("20100050083") or ("20080219509") or ("9711179") or ("20090040301") or ("20060055700") or ("20170092325") or ("8992315") or ("20040227768") or ("20100201692") or ("20130113807") or ("20100194763") or ("8542238") or ("20130286212") or ("8253747") or ("20130058532") or ("20050265580") or ("20050231512") or ("6686970") or ("7823058") or ("9386283") or ("20040125148")).PN.	US-PGPUB; USPAT	OR	OFF	2018/08/02 16:44
L17	0	16 and light trail	US-	ADJ	ON	2018/08/02

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			PGPUB; USPAT			16:44
L18	0	16 and trailing light	US-PGPUB; USPAT	ADJ	ON	2018/08/02 16:44
L19	0	16 and tracking motion with light trail	US-PGPUB; USPAT	ADJ	ON	2018/08/02 16:45
L20	0	16 and tracking motion with trailing light	US-PGPUB; USPAT	ADJ	ON	2018/08/02 16:45
L21	0	16 and tracking motion	US-PGPUB; USPAT	ADJ	ON	2018/08/02 16:46
L22	28	16 and special effect	US-PGPUB; USPAT	ADJ	ON	2018/08/02 16:46

EAST Search History (Interference)

< This search history is empty>

8/ 2/ 2018 6:25:33 PM
C:\ Users\ psalomon\ Documents\ EAST\ Workspaces\ 12953350 - Creating and Disseminating of User Generated Media over a Network.wsp

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UNITED STATES PATENT AND TRADEMARK OFFICE

USPTO Automated Interview Request (AIR)

Jul 17 2018

This paper requesting to schedule and/or conduct an interview is appropriate because:

This submission is requested to be accepted as an authorization for this interview to communicate via the internet. Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with the undersigned concerning scheduling of the interview via video conference, instant messaging, or electronic mail, and to conduct the interview in accordance with office practice including video conferencing.

Name(s):
Marcus Assefa

S-signature:
/Marcus Assefa/

Registration Number:
72190

U.S. Application Number:
12953350

Confirmation Number:
3329

E-mail Address:
MAssefa@perkinscoie.com

Phone Number:
6508384498

Proposed Time of Interview:
7-27-2018 12:30 PM ET

Alternative Proposed Time(s) of Interview:
7-27-2018 1:00 PM ET
Alternative Proposed Time(s) of Interview:
7-27-2018 1:30 PM ET
Prefered Interview Type:
Telephonic

I am the applicant or applicant's representative for this application.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/953,350	11/23/2010	Shane Pollack	071487-8001.US01	3329

22918 7590 04/05/2018
PERKINS COIE LLP - PAO General
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER
SALOMON, PHENUEL S

ART UNIT	PAPER NUMBER
2171	

NOTIFICATION DATE	DELIVERY MODE
04/05/2018	ELECTRONIC

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

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

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

patentprocurement@perkinscoie.com

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	12/953,350	POLLACK, SHANE	
	Examiner	Art Unit	
	PHENUEL SALOMON	2171	

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

(1) *PHENUEL SALOMON*. (3)_____.

(2) *Marcus Assefa* . (4)_____.

Date of Interview: *27 March 2018*.

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

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

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

Claim(s) discussed: *30 and 50*.

Identification of prior art discussed: *Pollack - AAPA (instant application)*.

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

We discussed rejections of certain features of claim 50 based on Applicant Admitted Prior Art. As per 35 USC 101 judicial exception, Examiner made some recommendations to Applicant .

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

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

☐ Attachment

/PHENUEL SALOMON/ Primary Examiner, Art Unit 2171	

Summary of Record of Interview Requirements

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

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

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

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

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

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

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

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

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

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

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

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

Examiner to Check for Accuracy

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

Docket No.: 071487-8001.US01
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shane Pollack

Application No.: 12/953,350 | Confirmation No.: 3329

Filed: November 23, 2010 | Art Unit: 2171

For: CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK | Examiner: P. S. Salomon

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION UNDER 37 C.F.R.§ 1.111

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

INTRODUCTORY COMMENTS

In response to the Non-Final Office Action mailed on January 2, 2018, please amend the above-identified U.S. patent 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 14 of this paper.

AMENDMENTS TO THE CLAIMS

1-29. (Cancelled)

30. (Currently amended) A method performed by a server computer in communication, via a computer network, with a wireless mobile device, the method comprising:

causing display, by the server computer, at a display of the wireless mobile device, of a first graphical listing of a plurality of media content stored in a content database accessible to the server computer;

receiving, by the server computer, via the computer network, a user selection of a particular media content from the first graphical listing;

~~in response to receiving the user selection of the particular media content:~~

receiving, by the server computer, user video captured by a video capture device of the wireless mobile device;

processing, the by the server computer, the received user video to track motion of an object captured in the user video;

generating, by the server computer, a graphical element in the form of a trailing light that tracks the motion of the object captured in the user video;

processing, by the server computer, the particular media content to incorporate the generated graphical element;

generating, by the server computer, a composite of the particular media content and [[a]] the user video captured by ~~a video capture device of the wireless mobile device~~ layering the particular media content and the user video and by processing the particular media content and user video to:

selectively make portions of the particular media content transparent to reveal portions of the user video; and/or

selectively make portions of the user video transparent to reveal portions of the particular media content; and

causing automatically the display, at the display of the wireless mobile device, of the composite as the user video is captured by the video capture device~~;~~

~~wherein the composite includes:~~

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~~portions of the particular media content selectively made transparent to reveal portions of the user video; and/or~~

~~portions of the user video selectively made transparent to reveal portions of the particular media content;~~

~~causing display, by the server computer, at the display of the wireless mobile device, of a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;~~

~~receiving, by the server computer, via the computer network, a user selection of a particular style from the second graphical listing; and~~

~~in response to receiving the user selection of the particular style, causing automatically the display, by the server computer, at the display of the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment~~.

31. (Previously presented) The method of claim 30, further comprising:

receiving, by the server computer, via the computer network, the user video; and

generating and storing a streamable file based on the composite of the particular media content and the user video.

32. (Previously presented) The method of claim 30, wherein the particular media content includes any of a pre-recorded video or an image.

33. (Currently amended) The method of claim 30, ~~wherein the composite includes a display of the particular media content as a background to the user video~~ further comprising:

causing display, by the server computer, at the display of the wireless mobile device, of a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;

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receiving, by the server computer, via the computer network, a user selection of a particular style from the second graphical listing; and

in response to receiving the user selection of the particular style, causing automatically the display, by the server computer, at the display of the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment.

34. (Previously presented) The method of claim 30, wherein the composite is generated by applying a chroma key process.

35. (Currently amended) The method of claim 30, further comprising:

~~causing display, by the server computer, at the display of the wireless mobile device, of a modified composite of the particular media content and the user video based on a detected motion in the user video~~

causing display, by the server computer, at the display of the wireless mobile device, of a third graphical listing including a plurality of pre-recorded audio compositions;

receiving, by the server computer, via the computer network, a user selection of a particular pre-recorded audio composition from the third graphical listing;

receiving, by the input device, a user request to initiate a recording; and

in response to receiving the user request to initiate the recording, causing an audio capture device of the wireless mobile device to record audio by the user while causing an audio output device of the wireless mobile device to playback the selected pre-recorded audio composition.

36. (Currently amended) The method of claim 35, ~~wherein the modified composite includes trailing light based on the detected motion, the trailing light incorporated into the particular media content~~ further comprising:

causing display, by the server computer, at the display of the wireless mobile device, of a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more

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keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective;

receiving, by the server computer via the network, an entry by the user of one or more keywords in response to the lyric generation prompt;

automatically generating, by the server computer, original song lyrics based on the selected specific pre-recorded audio composition and the entered one or more keywords; and

causing display, by the server computer, at the display of the wireless mobile device, of the original song lyrics in the composite of the particular media content and the user video.

37. (Currently amended) The method of claim [[30]]35, ~~wherein causing display of the composite of the particular media content and the user video includes:~~

~~tracking the motion of an object in the user video; and~~

~~adjusting display of the particular media content in the composite based on the tracked motion of the object in the user video~~ further comprising:

synchronizing, by the server computer, the particular pre-recorded audio composition with the audio recording by the user.

38. (Currently amended) The method of claim [[30]]35, ~~wherein causing display of the composite of the particular media content and the user video includes:~~

~~tracking a change in speed of a field of view in the user video; and~~

~~adjusting display of the particular media content in the composite based on the tracked change in speed of the field of view of the user video~~ further comprising:

synchronizing, by the server computer, the particular pre-recorded audio composition, the audio recording by the user, and the composite of the particular media content and user video.

39. (Cancelled)

40. (Previously presented) The method of claim 30, wherein the display of the wireless mobile device is an integrated touch screen display.

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41. (Currently amended) A ~~method performed by a client device in communication, via a computer network, with a server device, the client device including a display, an input device, and a video capture device, the method~~ client device comprising:

a network device for communication with a content creation server;

an input device for receiving user inputs;

a display device for outputting video;

a video capture device;

an audio output device;

an audio capture device;

a processor communicatively coupled to the network device, display device, video capture device, audio output device, and audio capture device; and

a memory communicatively coupled to the processor, the memory having instructions stored thereon, which when executed by the processor, cause the mobile device to:

~~capturing, by the video capture device of the client device,~~ capture a user video using the video capture device;

~~displaying~~ display, ~~by~~ via the display ~~of the client~~ device, the user video as the user video is captured by the video capture device;

~~displaying~~ display, ~~by~~ via the display ~~of the client~~ device, a first graphical listing of a plurality of ~~media content~~ pre-recorded video content stored in a content database accessible to the client device via the content creation server ~~device~~;

~~receiving~~ receive, ~~by~~ via the input device ~~of the client device~~, a user selection of a particular ~~media content~~ pre-recorded video from the first graphical listing;

~~displaying~~ display, ~~by~~ via the display ~~of the client~~ device, a composite video that utilizes [[of]] the particular ~~media content~~ pre-recorded video as a background to [[and]] the user video as the user video is captured by the ~~video capture device~~ video capture device;

wherein the composite video is generated by the content creation server and received by the client device via the network device, and wherein the composite video includes~~:~~

~~portions of the particular media content selectively made transparent to reveal portions of the user video; and/or~~ portions of the user video selectively made transparent to reveal portions of the particular ~~media content~~ pre-recorded video;

display, via the display device, a second graphical listing including a plurality of pre-recorded audio content stored in the content database;

receive, via the input device, a user selection of a particular pre-recorded audio from the second graphical listing;

initiate playback, via the audio output device, of the particular pre-recorded audio; and

in response to a user request to initiate recording, record the composite video and the user audio as the particular pre-recoded audio is played back via the audio output device

~~displaying, by the display of the client device, a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;~~

~~receiving, by the input device of the client device, a user selection of a particular style from the second graphical listing; and~~

~~in response to the receiving the user selection of the particular style, displaying, by the display, an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the selected particular style include any one or more of filtering, exposure adjustment, color adjustment, or speed adjustment~~.

42. (Cancelled)

43. (Currently amended) The ~~method~~ client device of claim 41, wherein the composite ~~is generated by any of the server computer or the client device~~ video further includes

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a trailing light graphical element, the trailing light graphical element representative of a motion of an object captured in the user video, the trailing light graphical element generated by the content creation server by:

processing the user video to track the motion of the object captured in the user video;

generating the trailing light graphical element that tracks the motion of the object captured in the user video; and

processing the particular pre-recorded video to incorporate the generated trailing light graphical element.

44. (Cancelled)

45. (Currently amended) The ~~method~~ client device of claim 41, wherein ~~the particular media content includes any of a pre-recorded video or an image~~ the memory has further instructions stored thereon, which when executed by the processor, cause the client device to further:

display, via the display device, a third graphical listing of a plurality of styles that can be applied to the composite video, each of the plurality of styles associated with visual modifications that are applied to the composite video;

receive, via the input device, a user selection of a particular style from the third graphical listing; and

in response to receiving the user selection of the particular style, display an updated composite video, the updated composite video generate by the content creation server using the visual modifications of the particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment.

46. (Currently amended) The ~~method~~ client device of claim 41, wherein the ~~composite includes a display of the particular media content as a background to the user video~~ input device and display device are components of an integrated touch screen display device.

47. (Currently amended) The ~~method~~ client device of claim 41, wherein the composite is generated by applying a chroma key process.

48. (Currently amended) The ~~method~~ client device of claim 41, wherein ~~displaying the composite of the particular media content and the user video includes~~ the memory has further instructions stored thereon, which when executed by the processor, cause the client device to further:

~~tracking the motion of an object in the user video capture; and~~

~~adjusting display of the particular media content in the composite based on the tracked motion of the object in the user video capture~~

display, via the display device, a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective;

receiving, via the input device, an entry by the user of one or more keywords in response to the lyric generation prompt; and

display, via the display device, original song lyrics in the composite video, the original song lyrics generated by the content creation server based on the particular pre-recorded audio and on the one or more keywords entered by the user in response to the lyric generation prompt.

49. (Cancelled)

50. (Currently amended) A method performed by a video creation server in communication, via a computer network, with a wireless mobile device, the method comprising:

causing display, by the video creation server, at a display of the wireless mobile device, of a graphical listing of a plurality of pre-recorded video content stored in a content database accessible to the video creation server;

receiving, by the video creation server, via the computer network, from the wireless mobile device, a user selection of a particular pre-recorded video from the graphical listing; and

in response to the user selection, providing, by the video creation server, via the computer network, the selected particular pre-recorded video to utilize as a

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background during capture of a user video by a video capture device at the wireless mobile device by:

receiving, by the by the video creation server, via the computer network, from the wireless mobile device, the user video;

tracking, by the video creation server, motion of an object in the received user video;

generating, by the video creation server, a graphical element ~~representing~~ representative of the tracked motion ~~based on the tracked motion~~, the graphical element including a trailing light;

generating ~~compositing~~, by the video creation server, a composite of the particular pre-recorded video, ~~with~~ the user video, and ~~with~~ the generated graphical element by:

processing the particular pre-recorded video to incorporate the generated graphical element; and

processing the user video to selectively making portions of the user video transparent to reveal portions of the particular pre-recorded video; and

causing display, by the video creation server, at the wireless mobile device, of the composite in real-time or near real-time as the user video is captured~~;~~

~~receiving, by the video creation server, via the computer network, from the wireless mobile device, a user request to publish the composite over the computer network;~~

~~in response to receiving the request, placing, by the video creation server, a download request into a queue to encode the particular pre-recorded video, the user video, and the generated graphical element into a streamable file; and~~

~~upon completion of the encoding, storing, by the video creation server, the streamable file at a media server;~~

~~wherein the media server is configured to provide access to the streamable file to other users via other wireless mobile devices~~.

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51. (Currently amended) The method of claim 50, ~~wherein the graphical element representing the tracked motion is a trailing light~~ further comprising:

receiving, by the video creation server, via the computer network, from the wireless mobile device, a user request to publish the composite over the computer network;

in response to receiving the request, placing, by the video creation server, a download request into a queue to encode the particular pre-recorded video, the user video, and the generated graphical element into a streamable file; and

upon completion of the encoding, storing, by the video creation server, the streamable file at a media server;

wherein the media server is configured to provide access to the streamable file to other users via other wireless mobile devices.

52. (Currently amended) The method of claim 50, ~~wherein compositing the particular pre-recorded video with the user video, and with the generated graphical element includes:~~

~~incorporating the generated graphical element into the pre-recorded video; and~~

~~selectively making portions of particular pre-recorded video transparent to reveal portions of the user video and/or selectively making portions of the user video transparent to reveal portions of the particular pre-recorded video~~ further comprising:

causing display, by the video creation server, at the display of the wireless mobile device, of a second graphical listing including a plurality of pre-recorded audio compositions stored in the content database;

receiving, by the video creation server, via the computer network, a user selection of a particular pre-recorded audio composition from the second graphical listing;

receiving, by the input device, a user request to initiate a recording; and

in response to receiving the user request to initiate the recording, causing an audio capture device of the wireless mobile device to record audio by the user while causing an audio output device of the wireless mobile device to playback the selected pre-recorded audio composition.

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53. (Currently amended) [[A]] The method ~~performed by a server computer in communication, via a computer network, with a wireless mobile device~~ of claim 52, ~~the method~~ further comprising:

causing display, by the video creation server, at the display of the wireless mobile device, of a lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective;

receiving, by the video creation server, via the computer network, an entry by the user of one or more keywords in response to the lyric generation prompt;

automatically generating, by the video creation server, original song lyrics based on the selected specific pre-recorded audio composition and the entered one or more keywords; and

causing display, by the server computer, at the display of the wireless mobile device, of the original song lyrics in the composite of the particular pre-recorded video and the user video

~~providing, by the video creation server, a pre-recorded video to utilize as a background during the recording of a user video by a camera at the wireless mobile device, the pre-recorded video one or a plurality of pre-recorded video hosted in a content database accessible to the video creation server;~~

~~tracking, by the video creation server, motion in the user video by measuring a motion of an object in the user video or a change ins speed of the field of view of the camera;~~

~~generating, by the video creation server, a graphical representation of the tracked motion;~~

~~incorporating, by the video creation server, the graphical representation of the tracked motion into the pre-recorded video; and~~

~~receiving, by the video creation server, via the computer network, from the wireless mobile device, a user request to publish a composite of the pre-recorded video and the user video;~~

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~~in response to receiving the request, placing, by the video creation server, a request into a queue to encode the pre-recorded video, the user video, and the generated graphical representation of the tracked motion into a streamable file; and~~

~~upon completion of the encoding, storing, by the video creation server, the streamable file at a media server;~~

~~wherein the media server is configured to provide access to the streamable file to other users via other wireless mobile devices~~.

54. (Currently amended) The method of claim [[53]]52, ~~wherein the graphical representation of the tracked motion is a trailing light~~ further comprising:

synchronizing, by the video creation server, the particular pre-recorded audio composition, the user audio, and the composite of the particular pre-recorded video and the user video.

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REMARKS

Claims 30-38, 40-41, 43, 45-48 and 50-54 were pending prior to entry of the above amendments. In view of the above amendment, reconsideration of the present application is respectfully requested.

Summary of Office Action

Rejections Under 35 U.S.C. §101

Claims 30-38, 40-41, 43, 45-48 and 50-54 stand rejected under 35 U.S.C. 101 because the claims are directed to an abstract idea.

Rejections Under 35 U.S.C. §103

Claims 30-35 and 40 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Publication No. 2010/0027961 to Gentile et al. ("Gentile") in view of U.S. Publication No. 2010/0027961 to Lerman ("Lerman").

Claims 36-38 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Gentile in view of Lerman and further in view of U.S. Publication No. 2012/0017150 to Pollack ("Pollack" – alleged Applicant Admitted Prior Art (AAPA)).

Summary of Amendments

Claims 30-38, 40-41, 43, 45-48 and 50-54 were pending prior to entry of the above amendments. Claims 1-29, 39, 42, 44, and 49 were previously cancelled. In this response, claims 30-33, 35-38, 41, 43, 45-48, and 50-54 are amended. Support for the amendments can be found at least at paragraphs [0099]-[0102] and [0123] in the Specification as-filed and at FIGS. 7, 8, and 20in the Drawings as-filed. No new matter has been added. Accordingly following entry of the above amendments, claims 30-38, 40-41, 43, 45-48 and 50-54 will be pending in this application.

Interview Summary

A telephonic interview was conducted between Examiner Salomon and Applicant's representative, the undersigned counsel, on March 27, 2018. Applicant wishes to thank Examiner Salomon for taking the time to discuss the application.

During the interview, the rejections under 35 USC 101 and 35 USC 103 were discussed. Specifically, with regard to the rejections under 35 USC 103, Applicant's representative presented arguments that the alleged AAPA at par. [0123] in Applicant's specification does not disclose "generating…a graphical element representing the tracked motion [of an object in the received user video]," for example, as recited in previously presented claim 50. Examiner Salomon suggested amending to clarify that the recited "graphical element" refers to the "trailing light" recited at par. [0123] in Applicant's specification. With regard to the rejections under 35 USC 103, Applicant's representative presented arguments that the claims are not directed at the abstract idea alleged in the office action. No formal agreement was reached with regard to rejections under section 101 or 103.

The undersigned Applicant's representative has summarized the content of the interviews to the best of his recollection. Any inaccuracies are unintentional. If the Examiner notes any such inaccuracies, the Examiner is encouraged to contact the undersigned Applicant's representative to discuss.

Discussion

Reconsideration, withdrawal of the rejections, and allowance of claims 30-38, 40-41, 43, 45-48 and 50-54 is respectfully requested.

Rejections Under 35 U.S.C. §101

In the Office Action, the Examiner rejects currently pending claims 30-38, 40, 41, 43, 45-48, and 50-54 under 35 U.S.C. 101 as allegedly being directed at ineligible subject matter, namely, an abstract idea. Specifically, the Examiner alleges that the claims are directed at the abstract idea of, "generating media content over a network.". Office Action, pg. 3. This, according to the Examiner, is similar to "collecting, displaying, and manipulating data," which has been found by various courts to be an abstract idea. Id., citing *Intellectual ventures LLC v. Capital One Financial Corp.* (Fed. Cir. 2017). Further, the Examiner contends that the claims do not include any limitations that amount to significantly more than the alleged abstract idea. Id. Applicant respectfully disagrees and traverses the rejections.

The USPTO has provided guidelines for reviewing the patent eligibility of claims. (See, e.g., the 2014 Interim Guidance On Patent Subject Matter Eligibility (December 2014), the July 2015 and May 2016 updates, and various memoranda regarding recent subject matter eligibility court rulings (collectively the "USPTO Guidance"). In accordance with the Supreme Court's decision in *Alice*, the USPTO Guidance lays out a two-part framework for determining if a claim is ineligible for patent protection. First, one must determine if the claims, despite being directed to a statutory category, are directed to a judicial exception (e.g., an abstract idea). Second, if it can be determined that the claims as a whole are directed at an abstract idea, one must determine if the claim includes any element or combination of elements so as to amount to significantly more than the abstract idea itself. The Applicant respectfully submits that the present claims, as amended, are directed to patent eligible subject matter in view of the USPTO Guidance for at least the reasons discussed below.

A. The Claims are not Directed at an Abstract Idea

In applying the first part of the two part framework, the Examiner contends that the claims are "essentially directed to collection of input data, compositing and displaying the said

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data," Office Action, pg. 3. Applicant respectfully disagrees with the Examiner's characterization of the claims and submits that the claims are not directed to an abstract idea.

As noted by the Federal Circuit in *Enfish*, the initial inquiry (i.e., the first part of the two-part framework) "is a meaningful one." Enfish, LLC. v. Microsoft Corp., Slip Op. at 10 (Fed. Cir. May 12, 2016). Thus, the "directed to" inquiry cannot simply ask whether the claims involve a patent-ineligible concept because nearly every claim involving physical products or actions involves a patent-ineligible concept simply by taking place in the physical world. Rather, the "directed to" inquiry applies a "filter to claims…based on whether '**their character as a whole is directed to excluded subject matter**.' " (emphasis added.) In fact, the Federal Circuit noted in *Enfish* that "the first step of the Alice inquiry … asks whether the focus of the claims is on the specific asserted improvement in computer capabilities … or, instead, on a process that qualifies as an 'abstract idea' for which computers are invoked merely as a tool." Id.

Applicant respectfully submits that characterizing the claims as merely reciting collecting, compositing, and displaying data ignores the character of the claims as a whole and therefore does not satisfy the first part of the *Alice* inquiry. For example, claim 50, as amended, recites the following:

> 50. (Currently amended) A method performed by a video creation server in communication, via a computer network, with a wireless mobile device, the method comprising:
> causing display, by the video creation server, at a display of the wireless mobile device, of a graphical listing of a plurality of pre-recorded video content stored in a content database accessible to the video creation server;
> receiving, by the video creation server, via the computer network, from the wireless mobile device, a user selection of a particular pre-recorded video from the graphical listing; and
> in response to the user selection, **providing, by the video creation server, via the computer network, the selected particular pre-recorded video to utilize as a background during capture of a user video by a video capture device at the wireless mobile device** by:
> receiving, by the by the video creation server, via the computer network, from the wireless mobile device, the user video;
> **tracking, by the video creation server, motion of an object in the received user video;**
> **generating, by the video creation server, a graphical element representative of the tracked motion, the graphical element including a trailing light**;

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> **generating, by the video creation server, a composite of the particular pre-recorded video, the user video, and the generated graphical element by:**
> **processing the particular pre-recorded video to incorporate the generated graphical element; and**
> **processing the user video to selectively making portions of the user video transparent to reveal portions of the particular pre-recorded video**; and
> causing display, by the video creation server, at the wireless mobile device, **of the composite in real-time or near real-time as the user video is captured**.

(Emphasis added)

In *Enfish*, the Federal Circuit noted that "the first step of the Alice inquiry … asks whether the focus of the claims is on the specific asserted improvement in computer capabilities … or, instead, on a process that qualifies as an 'abstract idea' for which computers are invoked merely as a tool." *Enfish* at 10. The portions of claim 50 (particularly, but not exclusively highlighted above in bold) clarify that the present invention at least represents a specific improvement to video capture and compositing technology. Specifically, at least the above highlighted (in bold) portions of claim 50 clarify that the invention provides real-time (or near real-time) feedback to a user of what the composite video (including a user-selected pre-recorded video and a user video captured at a mobile device) will look like by generating and displaying the composite to the user "**in real-time or near real-time as the user video is captured**" at the mobile device. Stated differently, when a user selects a particular pre-recorded video, that user is provided with the "**selected particular pre-recorded video to utilize as a background during capture of [the] user video.**" The invention therefore allows users with little technical expertise related to video capture or editing to use their personal mobile devices to capture video and easily create composite videos without having to perform post-production edits after the video has already been captured.

Further, video creation through capture and compositing is necessarily rooted in technology. Video capture and compositing does not exist in the abstract outside of the technology utilized to capture and composite videos and cannot be performed mentally. The USPTO Guidance provides several examples of claim analysis under the *Alice*. Example 2 includes analysis of a claim directed at an e-commerce outsourcing system and generating

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composite web pages that was found eligible in *DDR Holdings, LLC v. Hotels.com et al.*, 113 USPQ2d 1097 (Fed. Cir. 2014). The claim at issue in *DDR Holdings* recited a system directed to automatically generating and transmitting a web page in response to activation of a link using data identified with a source web page having certain visually perceptible elements. As explained in the example analysis, when using the claimed system, "a customer who clicks on an advertising link is not transported from the host web page to the merchant's web page, but instead is re-directed to **a composite web page that combines product information associated with the selected item and visually perceptible elements of the host web page**." USPTO Examples: Abstract Ideas, January 27, 2015, pg. 4 (emphasis added). The Court in *DDR Holdings* reasoned that the claimed invention differed from other claims found by the courts to recite abstract ideas in that it does not "merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet. Instead, **the claimed solution is necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks**." *DDR Holdings* at 20.

Claims covering re-detecting a user to "**a composite web page that combines product information associated with the selected item and visually perceptible elements of the host web page**," could arguably be characterized as being merely directed to "collection of input data, compositing and displaying the said data," as the Examiner has concluded with regard to Applicant's claims. However, the Court in *DDR Holdings* made a meaningful initial inquiry and considered the character of the claims as a whole to conclude that the claims were not directed at an abstract idea, but were instead directed at a specific improvement in e-commerce web technology.

As in *Enfish*, the focus of the claims in the present application is on improvements video capture and compositing technology. Further, as in *DDR Holdings*, the claims in the present application are necessarily rooted in video capture and compositing technology. Accordingly, the claims are not directed to the abstract idea alleged by the examiner and as such are not directed to ineligible subject matter. No further analysis is necessary.

B. The Claims Recite Significantly More than an Abstract Idea

Assuming *arguendo* that the claims are directed at the alleged abstract idea of "generating media content over a network" or "collecting, displaying, and manipulating data,"

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which Applicant does not concede, Applicant respectfully maintains that the claims nevertheless recite patent eligible subject matter because they recite limitations that amount to significantly more than the abstract idea alleged by the Examiner for at least the following reasons.

Claim limitations that go beyond what is well-understood, routine and conventional in the field may well amount to significantly more than an abstract idea. See 2014 Interim Guidance at 20-22 (citing *Mayo Collaborative Serv. v. Prometheus Labs.*, Inc., 566 U.S. 66, 132 S. Ct. 1289, 1299 (2012)). As the May 2016 Update to the Interim Guidance clarifies, a single limitation that meets this criterion can be enough to amount to significantly more than an abstract idea. See May 2016 Update to the Interim Guidance, pg. 5. Whether additional elements in a claim are well-understood, routine and conventional should be readily apparent to an examiner. Id., pg. 4. However, a rejection on this basis should explain why the courts have recognized, or those in the relevant field of art would recognize, those claim limitations as being well-understood, routine, conventional activities. Id.

In the Office Action, the Examiner contends that certain limitations in the previously presented claims such as "displaying a graphical listing", and "applying styles to the displayed composite" are merely a generic computer implementation that [do] not amount to significantly more," but does not provide any additional analysis or consideration of the actual limitations of each of the previously presented independent claims. For example, previously presented independent claim 30 recites in par the following:

> in response to receiving the user selection of the particular media content:
> **generating**, by the server computer, **a composite of the particular media content and a user video captured by a video capture device of the wireless mobile device**; and
> causing automatically the display, at the **display of the wireless mobile device, of the composite as the user video is captured by the video capture device**;
> wherein the composite includes:
> **portions of the particular media content selectively made transparent to reveal portions of the user video; and/or portions of the user video selectively made transparent to reveal portions of the particular media content**

Claim 30, as previously presented, in part, emphasis added.

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The Examiner does not provide any meaningful analysis under the second part of the two-part Alice framework and does not provide any sort of reasoned basis for why actual elements (e.g., at least those above highlighted in bold) are generic computer implementations or are well understood routine and conventional in the field. Applicant respectfully submits that at least the above highlighted (in bold) elements of claim 30 recite limitations that go beyond what was well understood routine or conventional in the field at the time of filing.

Nevertheless, to move prosecution forward, Applicant has amended the independent claims to clarify certain features. For example, claim 30, as amended, now recites the following:

30. (Currently amended) A method performed by a server computer in communication, via a computer network, with a wireless mobile device, the method comprising:

causing display, by the server computer, at a display of the wireless mobile device, of a first graphical listing of a plurality of media content stored in a content database accessible to the server computer;

receiving, by the server computer, via the computer network, a user selection of a particular media content from the first graphical listing;

receiving, by the server computer, user video captured by a video capture device of the wireless mobile device;

processing, the by the server computer, the received user video to track motion of an object captured in the user video;

generating, by the server computer, a graphical element in the form of a trailing light that tracks the motion of the object captured in the user video;

processing, by the server computer, the particular media content to incorporate the generated graphical element;

generating, by the server computer, a composite of the particular media content and the user video captured by layering the particular media content and the user video and by processing the particular media content and user video to:

selectively make portions of the particular media content transparent to reveal portions of the user video; and/or

selectively make portions of the user video transparent to reveal portions of the particular media content; and

causing automatically the display, at the display of the wireless mobile device, of the composite as the user video is captured by the video capture device.

Claim 30, as amended, emphasis added.

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Applicant respectfully submits that at least the above highlighted (in bold) portions of claim 30, as amended recite limitations that, considered individually or as an ordered combination, go beyond what is well understood routine and conventional in the field.

In *Bascom*, the Federal Circuit noted that "[t]he inventive concept inquiry requires more than recognizing each claim element, by itself, was known in the art." *Bascom Global Internet Services, Inc. v. AT&T Mobility LLC* (Fed. Cir. June 27, 2016), slip op. at 15. Moreover, "an inventive concept can be found in the non-conventional and non-generic **arrangement** of known, conventional pieces." Id. The Court in Bascom found such an inventive concept in the non-generic arrangement of otherwise known, conventional elements. Id. at 16. Specifically, the claim at issue in *Bascom* concerned an internet-based content filtering system that included a remote ISP server configured to associate a network account with a content filtering scheme and execute the content filtering scheme in response to a request from client computers under the network account. The Court reasoned that even if "filtering content on the Internet" could be described as routine or conventional, an inventive concept resided in the patent's "installation of a filtering tool at a specific location, remote from the end-users, with customizable filtering features specific to each end user." Id. at 15.

A similar rationale can be applied to Applicant's claims. Even assuming *arguendo* that any one or more of the above highlighted (in bold) "processing" or "generating" steps, when viewed individually, can be characterized as well understood, routine, or conventional (which Applicant does not concede), they nevertheless recite an inventive concept, when viewed in combination, that represents substantially more than the alleged abstract idea. For example, Applicant respectfully submits that it is not (and was not at the time of filing) well understood, routine, or conventional to perform the above highlighted (in bold) steps to generate a composite video at a remote server based on user video captured at a mobile device in communication with the remote server and then to display the generated composite video at the mobile device **as the user video is captured at the mobile device**.

Accordingly, at least because the independent claims recite limitations that are not well-understood, routine or conventional in the field, the claims recites limitations that amount to significantly more than the alleged abstract idea of "generating media content over a network" or "collecting, displaying, and manipulating data."

For at least the reasons described above, the claims recite patent eligible subject matter. Reconsideration, withdrawal of the rejections under 101, and allowance of the claims is

respectfully requested.

Rejections Under 35 U.S.C. § 103

Independent Claims 30 and 50

In the Office Action, the Examiner rejects independent claims 30 and 50 under 35 U.S.C. §103(a) as being allegedly unpatentable over Gentile in view Lerman. Applicant respectfully disagrees and traverses the rejections.

Applicant respectfully submits that Gentile and Lerman, considered individually or in combination, do not teach or fairly suggest all of the elements of independent claims 30 or 50 as amended. For example, independent claim 30, as amended, now recites the following:

30. (Currently amended) A method performed by a server computer in communication, via a computer network, with a wireless mobile device, the method comprising:

causing display, by the server computer, at a display of the wireless mobile device, of a first graphical listing of a plurality of media content stored in a content database accessible to the server computer;

receiving, by the server computer, via the computer network, a user selection of a particular media content from the first graphical listing;

receiving, by the server computer, user video captured by a video capture device of the wireless mobile device;

processing, the by the server computer, the received user video to track motion of an object captured in the user video;

generating, by the server computer, a graphical element in the form of a trailing light that tracks the motion of the object captured in the user video;

processing, by the server computer, the particular media content to incorporate the generated graphical element;

generating, by the server computer, a composite of the particular media content and the user video captured by layering the particular media content and the user video and by processing the particular media content and user video to:

selectively make portions of the particular media content transparent to reveal portions of the user video; and/or

selectively make portions of the user video transparent to reveal portions of the particular media content; and

causing automatically the display, at the display of the wireless mobile device, of the composite as the user video is captured by the video capture device.

Claim 30, as amended, emphasis added.

The above highlighted (in bold) elements of claim 30, as amended are based on previous presented dependent claims 36-38. With regard to the previously presented dependent claims 36-38, the Examiner concedes that Gentile and Lerman do not disclose, for example, "tracking the motion of an object in the user video; and adjusting display of the particular media content in the composite based on the tracked motion of the object in the user video," as recited in previously presented claim 37 or "wherein the modified composite includes trailing light based on the detected motion, the trailing light incorporated into the particular media content," as recited in previously presented claim 36. Instead, the Examiner contends that alleged AAPA in paragraph [0123] of Applicant's Specification discloses these features. Applicant respectfully disagrees and traverses these rejections.

Applicant respectfully submits that the Examiner has improperly construed certain features as AAPA. For example, with regard to claim 36, the Examiner states that Pollack (i.e., the specification of the current application) discloses "wherein the modified composite includes trailing light based on the detected motion, the trailing light incorporated into the particular media content," pointing specifically to paragraph [0123] in Pollack. Applicant respectfully disagrees with the Examiner's interpretation of Pollack. The relevant portion of paragraph [0123] in Pollack actually states the following:

> In another embodiment, user movement can be detected by measuring an object or a change in speed in the camera's field of view, as well known in the prior art. **The motion can be represented by a trailing light and thus incorporated into a pre-recorded video recording**.
>
> Pollack, par. [0123], in part.

Applicant concedes, based on the above language that "user movement can be detected by measuring an object or a change in speed in the camera's field of view," is in the prior art because the first sentence of the above passage ends with the express phrase "as is well known in the prior art." However, Applicant does not concede that, based on the above language, the motion being "represented by a trailing light and thus incorporated into a pre-recorded video" constitutes AAPA. The second sentence of the above passage describing this feature makes no such express assertion that the feature is prior art.

Applicant addressed this issue with the Examiner's application of AAPA in Applicant's previously filed response to the Final Office Action of June 1, 2017. In the current Office Action, the Examiner addressed Applicant's previously submitted remarks on the issue stating the following:

> In response, Examiner respectfully disagrees and submits that Pollack discloses "user movement can be detected by measuring an object or a change in speed in the camera's field of view, as well known in the prior art" where further applicant claims that the same movement or motion is represented by a trailing light. **If the motion or movement is well known in the prior art; therefore, trailing light is also well known since it is just a qualifying term or statement**.
>
> Office Action, pg. 11, emphasis added.

Applicant respectfully disagrees with the Examiner's conclusion here. The Examiner provides no basis for why the recitation of an additional step (of representing motion with a trailing light and incorporating that trailing light into a pre-recorded video) **after** the identified AAPA is also prior art. The Examiner fails to consider this additional step by merely concluding that it is "qualifying term or statement." Further, Applicant is not clear what is meant by a "qualifying term or statement," in this context. If the Examiner intends to maintain the rejections under 103 on the basis of the alleged AAPA, Applicant respectfully requests that the Examiner point to authority (in statute or the MPEP) as a basis for the concluding that the disclosure in Applicant Specification that "**motion can be represented by a trailing light and thus incorporated into a pre-recorded video recording**," is merely "qualifying term or statement" and therefore within the prior art described in the preceding sentence.

Accordingly, because Gentile, Lerman, and the alleged AAPA of Pollack, considered individually or in combination, do not disclose or suggest all of the features of independent claim 30, the claim is allowable over the cited references. Independent claim 50 recites similar features and is therefore allowable over the art of record for at least the same reasons discussed above with respect to claim 30. Reconsideration, withdrawal of the rejections, and allowance of claims 30 and 50 is respectfully requested.

Independent Claim 41

In the Office Action, the Examiner rejects independent claim 41 under 35 U.S.C. §103(a) as being allegedly unpatentable over Gentile in view Lerman. Applicant respectfully disagrees and traverses the rejections.

Applicant respectfully submits that Gentile and Lerman, considered individually or in combination, do not teach or fairly suggest all of the elements of independent claim 41 as amended. For example, independent claim 41, as amended, now recites the following:

41. (Currently amended) A client device comprising:
a network device for communication with a content creation server;
an input device for receiving user inputs;
a display device for outputting video;
a video capture device;
an audio output device;
an audio capture device;
a processor communicatively coupled to the network device, display device, video capture device, audio output device, and audio capture device; and
a memory communicatively coupled to the processor, the memory having instructions stored thereon, which when executed by the processor, cause the mobile device to:
capture a user video using the video capture device;
display, via the display device, the user video as the user video is captured by the video capture device;
display, via the display device, a first graphical listing of a plurality of pre-recorded video content stored in a content database accessible to the client device via the content creation server;
receive, via the input device, a user selection of a particular pre-recorded video from the first graphical listing;
display, via the display device, a composite video that utilizes the particular pre-recorded video as a background to the user video as the user video is captured by the video capture device;
wherein the composite video is generated by the content creation server and received by the client device via the network device, and wherein the composite video includes portions of the user video selectively made transparent to reveal portions of the particular pre-recorded video;
display, via the display device, a second graphical listing including a plurality of pre-recorded audio content stored in the content database;
receive, via the input device, a user selection of a particular pre-recorded audio from the second graphical listing;
initiate playback, via the audio output device, of the particular pre-recorded audio; and

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in response to a user request to initiate recording, record the composite video and the user audio as the particular pre-recoded audio is played back via the audio output device.

Claim 41, as amended, emphasis added.

Applicant respectfully submits that the combination of Gentile and Lerman, considered individually or in combination do not disclose or fairly suggest at least the above highlighted (in bold) elements of claim 41, as amended. In particular, the cited references do not teach or suggest "record[ing] **the composite video and the user audio as the particular pre-recoded audio** [selected by the user] **is played back via the audio output device.**

Accordingly, because Gentile and Lerman, considered individually or in combination, do not disclose or suggest all of the features of independent claim 41, the claim is allowable over the cited references. Reconsideration, withdrawal of the rejection, and allowance of claim 41 is respectfully requested.

Independent Claim 53

In the Office Action, the Examiner rejects previous independent claim 53 under U.S.C. §103(a) as being allegedly unpatentable over Gentile in view Lerman. Applicant respectfully submits that claim 53 is amended herein to depend from claim 50 and is therefore allowable over the cited references for at least the same reasons discussed above with respect to claim 50. Reconsideration, withdrawal of the rejections, and allowance of claim 53 is respectfully requested.

Dependent claims:

The dependent claims include at least all of the elements of the independent claims discussed above and are therefore allowable over the cited references for at least the same reasons. In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

Reservation of Rights

For the sake of conciseness and clarity, Applicants may not have addressed every assertion or rejection made in the Office Action, particularly where Applicants have presented amendments or arguments that Applicants believe render such assertions/rejections moot. Therefore, Applicants' silence regarding any such assertions or rejections does not constitute an admission or acquiescence regarding such assertions/rejections or a waiver of any argument relating to such assertions/rejections. Applicants reserve the right to challenge at a later time any rejection or any factual or legal assertion made by the Office in relation to the present application. Applicants do not admit that any of the references cited in the Office Action are prior art. Applicants reserve the right to swear behind any cited reference at a later date, to the extent permitted by law.

CONCLUSION

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

Please charge any underpayment or credit any overpayment to our Deposit Account No. 50-0665, under Order No. **071487-8001.US01** from which the undersigned is authorized to draw.

Dated: April 2, 2018

Respectfully submitted,

By: /Marcus Assefa/
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Electronic Acknowledgement Receipt

EFS ID:	32226189
Application Number:	12953350
International Application Number:	
Confirmation Number:	3329
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Customer Number:	22918
Filer:	Marcus Assefa/Eileen Welply
Filer Authorized By:	Marcus Assefa
Attorney Docket Number:	071487-8001.US01
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Time Stamp:	19:41:22
Application Type:	Utility under 35 USC 111(a)

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Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		ResponseToNFOA.pdf	149858 5b40c8244469d2c5cb107560aba6b31773e0c8c3	yes	28

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	13
	Applicant Arguments/Remarks Made in an Amendment	14	28
Warnings:			
Information:			
	Total Files Size (in bytes):	149858	

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New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/953,350	Filing Date 11/23/2010	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

AMENDMENT **04/02/2018**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 21	Minus	** 27	= 0	X $50 =	0
Independent (37 CFR 1.16(h))	* 3	Minus	***4	= 0	X $230 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

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

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

LIE
HALLEY MASSEY

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

PTO/SB/08a (01-10)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12/953,350
	Filing Date	Nov 23, 2010
	First Named Inventor	Shane Pollack
	Art Unit	2171
	Examiner Name	Phenuel S. Salomon
	Attorney Docket Number	071487-8001.US01

U.S. PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	8332429	B2	2012-12-11	Poirier, Hervé et al.	
	2	8577169	B2	2013-11-05	Andrus, Jeremy C., et al.	
	3	8587687	B2	2013-11-19	Miyata, Akira	
	4	9087269	B2	2015-07-21	Chinen, Troy et al.	
	5	9374517	B2	2016-06-21	Glasgow, Dane	
	6	9385324	B2	2016-07-05	Wu, Yun Z., et al.	
	7	9641760	B2	2017-05-02	Lascolea, James et al.	

U.S. PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	20150365600	A1	2015-12-17	Pollack, Shane et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2]	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[5]

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1	Final Office Action mailed September 21, 2017 for U.S. Patent Application Number 14/740,222 of Pollack, S., et al. filed June 15, 2015.	
	2	International Search Report and Written Opinion mailed February 28, 2012, for International Application Number PCT/US2011/043891, 8 pages.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12/953,350
	Filing Date	Nov 23, 2010
	First Named Inventor	Shane Pollack
	Art Unit	2171
	Examiner Name	Phenuel S. Salomon
	Attorney Docket Number	071487-8001.US01

	3	Non-Final Office Action mailed January 31, 2017 for U.S. Patent Application Number 14/740,222 of Pollack, S. et al. filed June 15, 2016.	
	4	Restriction Requirement mailed September 16, 2016 for U.S. Patent Application Number 14/740,222 of Pollack, S. et al. filed June 15, 2016.	

EXAMINER SIGNATURE			
Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.
[4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

PTO/SB/08a (01-10)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12/953,350
	Filing Date	Nov 23, 2010
	First Named Inventor	Shane Pollack
	Art Unit	2171
	Examiner Name	Phenuel S. Salomon
	Attorney Docket Number	071487-8001.US01

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e) (1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e) (2).

☐ See attached certification statement.

☒ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ None

SIGNATURE

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

Signature	/Marcus Assefa/	Date (YYYY-MM-DD)	2018-01-19
Name/Print	Marcus Assefa	Registration Number	72,190

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	FOR FURTHER ACTION	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
714878001W01		
International application No.	International filing date *(day/month/year)*	(Earliest) Priority Date *(day/month/year)*
PCT/US2011/043891	13 JULY 2011 (13.07.2011)	15 JULY 2010 (15.07.2010)

Applicant

MYSONGTOYOU, INC. et al

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
   a. With regard to the language, the international search was carried out on the basis of:
      ☒ the international application in the language in which it was filed
      ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).
   c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.
2. ☐ **Certain claims were found unsearchable** (See Box No. II)
3. ☐ **Unity of invention is lacking** (See Box No. III)
4. With regard to the title,
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established by this Authority to read as follows:
5. With regard to the abstract,
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6. With regard to the drawings,
   a. the figure of the drawings to be published with the abstract is Figure No. 2
      ☒ as suggested by the applicant.
      ☐ as selected by this Authority, because the applicant failed to suggest a figure.
      ☐ as selected by this Authority, because this figure better characterizes the invention.
   b. ☐ none of the figure is to be published with the abstract.

Snap Inc. - EX1017, Page 0152

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2011/043891

A. CLASSIFICATION OF SUBJECT MATTER

G06Q 50/00(2006.01)i

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

G06Q 50/00; G06F 15/16; H04N 7/18; G10H 1/00; G04B 13/00; A63H 5/00; G10H 7/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models
Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) & Keywords: (audio or video), edit, play, pre-recorded

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2004-0011187 A1 (KYU JIN PARK) 22 January 2004 See abstract and claim 1.	1-27
A	US 2010-0138480 A1 (BENEDETTO D'ANDREA) 03 June 2010 See abstract and paragraphs [0017]-[0037].	1-27
A	US 2008-0053293 A1 (ALAIN GEORGES et al.) 06 March 2008 See abstract and claim 1.	1-27
A	JP 09-050278 A (YAMAHA CORP.) 18 February 1997 See abstract and claims 1-2.	1-27

☐ Further documents are listed in the continuation of Box C. ☒ See patent family annex.

* Special categories of cited documents:
"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier application or patent but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed
"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents,such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
28 FEBRUARY 2012 (28.02.2012)	**28 FEBRUARY 2012 (28.02.2012)**

Name and mailing address of the ISA/KR	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 189 Cheongsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	LEE, CHUNG KEUN Telephone No. 82-42-481-5667

Form PCT/ISA/210 (second sheet) (July 2009)

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.
PCT/US2011/043891

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2004-0011187 A1	22.01.2004	AU 2001-62772 A1	24.12.2001
		KR 10-0500314 B1	11.07.2005
		KR 10-2001-0111126 A	17.12.2001
		WO 01-97123 A1	20.12.2001
US 2010-0138480 A1	03.06.2010	WO 2010-065321 A2	10.06.2010
		WO 2010-065321 A3	10.06.2010
US 2008-0053293 A1	06.03.2008	AU 2003-265472 A1	10.08.2004
		EP 1326228 A1	09.07.2003
		EP 1735848 A2	27.12.2006
		JP 04413144 B2	27.11.2009
		JP 2006-513448 A	20.04.2006
		JP 2008-501125 A	17.01.2008
		JP 2011-028276 A	10.02.2011
		US 2003-0131715 A1	17.07.2003
		US 2004-0089131 A1	13.05.2004
		US 2004-0089132 A1	13.05.2004
		US 2004-0089133 A1	13.05.2004
		US 2004-0089134 A1	13.05.2004
		US 2004-0089135 A1	13.05.2004
		US 2004-0089136 A1	13.05.2004
		US 2004-0089137 A1	13.05.2004
		US 2004-0089138 A1	13.05.2004
		US 2004-0089139 A1	13.05.2004
		US 2004-0089140 A1	13.05.2004
		US 2004-0089141 A1	13.05.2004
		US 2004-0089142 A1	13.05.2004
		US 2007-0051229 A1	08.03.2007
		US 2007-0186752 A1	16.08.2007
		US 2008-0156178 A1	03.07.2008
		US 2010-0031804 A1	11.02.2010
		US 2011-0192271 A1	11.08.2011
		US 6815600 B2	09.11.2004
		US 6897368 B2	24.05.2005
		US 6916978 B2	12.07.2005
		US 6958441 B2	25.10.2005
		US 6960714 B2	01.11.2005
		US 6972363 B2	06.12.2005
		US 6977335 B2	20.12.2005
		US 6979767 B2	27.12.2005
		US 7015389 B2	21.03.2006
		US 7022906 B2	04.04.2006
		US 7026534 B2	11.04.2006
		US 7102069 B2	05.09.2006
		US 7169996 B2	30.01.2007
		US 7655855 B2	02.02.2010
		US 7807916 B2	05.10.2010
		US 7928310 B2	19.04.2011

Snap Inc. - EX1017, Page 0154

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.
PCT/US2011/043891

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
		US 7943842 B2	17.05.2011
		WO 2004-064036 A1	29.07.2004
		WO 2006-022606 A2	02.03.2006
		WO 2006-022606 A3	02.03.2006
JP 09-050278 A	18.02.1997	JP 03303617 B2	10.05.2002
		US 05736663A A	07.04.1998

Snap Inc. - EX1017, Page 0155

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
FU YENYUN

PERKINS COIE LLP P.O. BOX 1208 SEATTLE WA 98111-1208 USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)*	**28 FEBRUARY 2012 (28.02.2012)**
Applicant's or agent's file reference 714878001W01	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2011/043891	**13 JULY 2011 (13.07.2011)**	15 JULY 2010 (15.07.2010)

International Patent Classification (IPC) or both national classification and IPC

G06Q 50/00(2006.01)i

Applicant

MYSONGTOYOU, INC. et al

1. This opinion contains indications relating to the following items:

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 189 Cheongsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	28 FEBRUARY 2012 (28.02.2012)	LEE, CHUNG KEUN Telephone No.82-42-481-5667

Form PCT/ISA/237 (cover sheet) (July 2011)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2011/043891

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of :

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

   a. a sequence listing filed or furnished
      ☐ on paper
      ☐ in electronic form

   b. time of filing or furnishing
      ☐ contained in the international application as filed.
      ☐ filed together with the international application in electronic form.
      ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additioanl copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Snap Inc. - EX1017, Page 0157

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2011/043891

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-27	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-27	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-27	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 2004-0011187 A1 (KYU JIN PARK) 22 January 2004
D2: US 2010-0138480 A1 (BENEDETTO D`ANDREA) 03 June 2010
D3: US 2008-0053293 A1 (ALAIN GEORGES et al.) 06 March 2008
D4: JP 09-050278 A (YAMAHA CORP.) 18 February 1997

1. Novelty and Inventive Step

1.1 Concerning Claims 1-8

1.1.1 Independent Claim 1

D1-D4 do not teach nor fairly suggest the feature of claim 1, 'recording an audio recording generated by the user, wherein the specific composition is playing during the recording of the audio recording'. Accordingly, it would not have been obvious to a person skilled in the art to apply the knowledge of D1-D4 in order to create the method according to the invention claimed in claim 1. Therefore, the subject matter of claim 1 meets the requirements of PCT Article 33(2) and (3).

1.1.2 Dependent Claims 2-8

Since claims 2-8 are dependent on claim 1, they also meet the criteria of novelty and inventive step set forth in PCT Article 33(2) and (3).

1.2 Concerning Claims 9-25

1.2.1 Independent Claim 9

The subject matter of claim 9 differs from these prior art documents in a part of 'presenting the user with a plurality of pre-recorded video recordings' and 'recording the video recording, wherein the audio content are playing during the recording of the video recording'. And it is not obvious to a skilled person in the art by the documents, taken alone or in combination. Therefore, claim 9 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

(Continued on Supplemental Box)

Snap Inc. - EX1017, Page 0158

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of:

Box V

1.2.2 Dependent Claims 10-25

Since claims 10-25 are dependent on claim 9, they also meet the criteria of novelty and inventive step set forth in PCT Article 33(2) and (3).

1.3 Concerning Claim 26

The subject matter of claim 26 differs from those of D1-D4 in that a client device of claim 26 records the audio recording while playing the specific composition to create the audio media and for recording the video recording while playing the specific pre-recorded video recording to create the video media. And said difference would not have been obvious to a person skilled in the art. Therefore, the subject matter of claim 26 meets the requirements of PCT Article 33(2) and 33(3).

1.4 Concerning Claim 27

Claim 27 satisfies the criteria set out in PCT Article 33(2) and (3), because the prior art documents do not disclose nor suggest a first recording engine to record an audio recording while the composition is playing and a second recording engine to record a video recording while the pre-recorded video recording is playing.

2. Industrial Applicability

Claims 1-27 have industrial applicability and meet the requirement of PCT Article 33(4).

Snap Inc. - EX1017, Page 0159

Electronic Patent Application Fee Transmittal

Application Number:	12953350
Filing Date:	23-Nov-2010
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Filer:	Marcus Assefa
Attorney Docket Number:	071487-8001.US01

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

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

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
SUBMISSION- INFORMATION DISCLOSURE STMT	2806	1	120	120
		Total in USD ($)		**120**

Electronic Acknowledgement Receipt

EFS ID:	31606636
Application Number:	12953350
International Application Number:	
Confirmation Number:	3329
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Customer Number:	22918
Filer:	Marcus Assefa
Filer Authorized By:	
Attorney Docket Number:	071487-8001.US01
Receipt Date:	25-JAN-2018
Filing Date:	23-NOV-2010
Time Stamp:	15:19:13
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$120
RAM confirmation Number	012618INTEFSW15201000
Deposit Account	
Authorized User	

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

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	071487-8001-US01_SIDS.pdf	161764 bf20d8b3400433780cb75d3959be6b82363b26a0	no	3
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
2	Non Patent Literature	NPL_FOA_09-21-2017_071487-8002-US01_14740220.pdf	521439 d563dbb2598bfa0d4624742e6853b616901a24e8	no	13
Warnings:					
Information:					
3	Non Patent Literature	NPL_ISR-WrOp_28FEBRUARY2012_PCT_US2011_043891_071487-8001WO01.pdf	6924081 5ef1341672cd07b3c5e6f0b8e609979f2b7fcd5b	no	8
Warnings:					
Information:					
4	Non Patent Literature	NPL_NFOA_31JANUARY2017_071487-8002US01_14740222.pdf	458192 b5515cab9af6e1be8485142e68b73120abd080b1	no	12
Warnings:					
Information:					
5	Non Patent Literature	NPL_RESTRICTION_REQUIREMENT_16SEPTEMBER2016_071487-8002US01_14740222.pdf	234970 22e568611a5ed349de6b98549f7cb7b13a56ec2f	no	6
Warnings:					
Information:					
6	Fee Worksheet (SB06)	fee-info.pdf	30605 53eff1048193c03657f8acf9d647091a196fd2f5	no	2
Warnings:					

Information:	
Total Files Size (in bytes):	8331051

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/953,350	11/23/2010	Shane Pollack	071487-8001.US01	3329

22918 7590 01/02/2018
PERKINS COIE LLP - PAO General
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER
SALOMON, PHENUEL S

ART UNIT	PAPER NUMBER
2171	

NOTIFICATION DATE	DELIVERY MODE
01/02/2018	ELECTRONIC

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

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

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

patentprocurement@perkinscoie.com

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	12/953,350	POLLACK, SHANE	
	Examiner	Art Unit	
	PHENUEL SALOMON	2171	

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

(1) *PHENUEL SALOMON*. (3)_____.

(2) *Marcus Assefa*. (4)_____.

Date of Interview: *11 August 2017*.

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

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

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

Claim(s) discussed: *1*.

Identification of prior art discussed: *Gentile (US 2010/0027961), Samra (US 2002/0271668), Pollack (US 2012/0017150)*.

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

We substantially discussed the 112 and 103 rejections. We discussed applicant arguments and proposed amendments..

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

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

☐ Attachment

/PHENUEL SALOMON/ Primary Examiner, Art Unit 2171	

Summary of Record of Interview Requirements

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

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

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

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

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

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

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

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

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

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

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

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

Examiner to Check for Accuracy

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

Office Action Summary	Application No. 12/953,350	Applicant(s) POLLACK, SHANE	
	Examiner PHENUEL SALOMON	Art Unit 2171	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *10/02/2017*.

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

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

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

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

Disposition of Claims*

5)☒ Claim(s) *30-38, 40-41, 43, 45-48 and 50-54* is/are pending in the application.

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

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *30-38,40,41,43,45-48 and 50-54* is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

3) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. *20170811* .

4) ☐ Other: _____.

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

DETAILED ACTION

2. This action is in response to the amendment filed on 02/09/2017. Claims 1-29, 39, 42, 44, 49 are canceled, claims 50-54 are newly added and claims 30-38, 40-41, 43, 45-48 and 50-54 are pending and have been considered below.

3. Objection to Claims 30, 31, 33, 35,37,38,41, 46 and 48 are moot in light of amendments.

4. The rejection of Claim 1 under 35 U.S.C. 112(b) is moot pin light of amendment.

5. The rejections of Claims 30-49 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement are moot in light of amendments.

Claim Rejections - 35 U.S.C. § 101

6. 35 U.S.C. § 101 reads as follows:

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

7. Claims 30-38, 40-41, 43, 45-48 and 50-54 are rejected under 35 U.S.C. 101 because the claims are directed to an abstract idea; and because the claim(s) as a whole, considering all claim elements both individually and in combination, do not amount to significantly more than an abstract idea.

As an initial matter, claims 1-14 fall under the four categories of subject matter eligible for patent protection: process, machines, manufactures, and compositions of matter. Claims falling under the subject matter categories may be ineligible for patent protection if they encompass laws of nature, physical phenomena, or abstract ideas (judicially recognized exceptions). Exemplary claim 30 is directed to the abstract idea of generating media content over a network. This is similar to other ideas found to be abstract by various courts, such as Collecting, displaying, and manipulating data (Ventures v. Capital One). As in Ventures v. Capital One, the claimed invention is directed towards Collecting (receiving user selection), displaying and manipulating data (generating and displaying composite data). The Examiner notes that the claim is essentially directed to collection of input data, compositing and displaying the said data.
The second part of the Mayo test asks whether or not the claim recites additional elements that amount to significantly more when considered both individually and as an ordered combination, than the judicial exception (i.e. abstract idea). Claim 30 does appear to recite additional elements that would be analyzed under the second part of the Mayo test. The limitation "displaying graphical listing", and "applying styles to the displayed composite". This is merely a generic computer implementation that does not amount to significantly more. All of the claimed steps are directed towards the abstract idea described above. The claim does recite that the method is computer-implemented. However, this is merely a generic computer implementation that does not amount to significantly more. Looking at the limitations as an ordered combination adds nothing that is not already present when looking at the elements taken individually. There is no indication that the combination of elements improves the functioning of a computer or improves

another technology. Their collective functions merely provide conventional computer implementations.

With respect to the dependent claims, the claims do not provide any additional elements that when considered individually or as an ordered combination, amount to significantly more than the abstract idea identified. The recites additional elements of claim 31 – generating and storing streamable file; claim 32 – pre-recordeed video…; claim 33 – using media as a background; claim 34 – applying a Chroma key; claim 35 – displaying composite based on detected motion; claim 36 – applying trailing light to composite; are either part of the abstract idea, recite generic functions/components that are common to computer systems or provide mere extra-solution activity.

Accordingly, claims 37-38, 40-41, 43, 45-48 and 50-54 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a judicial exception of an abstract idea without significantly more.

Claim Rejections - 35 USC § 103

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

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

9. Claims 30-35, and 40, are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of Lerman (US 2006/0259588).

Claim 30. Gentile discloses a method performed by a server computer in communication, via a computer network, with a wireless mobile device, the method comprising:

causing display, by the server computer, at a display of the wireless mobile device, of a first graphical listing of a plurality of media content stored in a content database accessible to the server computer ([0050], [0139]);

receiving, by the server computer, via the computer network, a user selection of a particular media content from the first graphical listing (*selection of available washed scene*) ([0071]);

in response to receiving the user selection of the particular media content: generating, by the server computer, a composite of the particular media content and a user video captured by a video capture device of the wireless mobile device (*in certain embodiments, the prerecorded washed scene is combined with the real-time feed to provide the participant with real-time feedback on what the final scene will look like*) ([0074])

causing automatically the display, at the display of the wireless mobile device, of the composite as the user video is captured by the video capture device([0072]-[0075], ([0078]-[0079]), [0058]); wherein the composite includes:

portions of the particular media content selectively made transparent to reveal portions of the user video; and/or portions of the user video selectively made transparent to reveal portions of the particular media content ([0083]);

Gentile teaching of [0114] and fig. 4b can read on the claimed features: "causing display, by the server computer, at the display of the wireless mobile device, of a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;

receiving, by the server computer, via the computer network, a user selection of a particular style from the second graphical listing; and

in response to receiving the user selection of the particular style, causing automatically the display, by the server computer, at the display of the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment" since it allows customization and/ or alteration of other elements affecting the interactive experience.

However, in the alternative, Lerman discloses causing display, by the server computer, at the display of the wireless mobile device, of a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite; receiving, by the server computer, via the computer network, a user selection of a particular style from the second graphical listing; and

in response to receiving the user selection of the particular style, causing automatically the display, by the server computer, at the display of the wireless mobile device, of an updated

composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of **filtering**, exposure adjustment, color adjustment, and speed adjustment ([0064]-[0074]).Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a more realistic and/or immersive media modification.

Claim 31. Gentile and Lerman disclose the method of claim 30, Gentile further discloses comprising:

receiving, by the server computer, via the computer network, the user video; and

generating and storing a streamable file based on the composite of the particular media content and the user video ([0125]).

Claim 32 Gentile and Lerman disclose the method of claim 30, Gentile further discloses wherein the particular media content includes any of a pre-recorded video or an image ([0050]).

Claim 33. Gentile and Lerman disclose the method of claim 30, Gentile further discloses wherein the composite includes a display of the particular media content as a background to the user video (0127]).

Claim 34. Gentile and Lerman disclose the method of claim 30, Gentile further discloses wherein the composite is generated by applying a chroma key process ([0059],[0163]).

Claim 35. Gentile and Lerman disclose the method of claim 30, Gentile further discloses comprising:

causing display, by the server computer, at the display of the wireless mobile device, of a modified composite of the particular media content and the user video based on a detected motion in the user video ([0098]).

Claim 40. Gentile and Samra disclose the method of claim 30, Gentile further discloses wherein the wireless mobile device includes an integrated touch screen display and the video capture device ([0058]).

10. Claims 36-38 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of Lerman (US 2006/0259588) and further in view of Applicant Admitted Prior Art (AAPA) Pollack (US 2012/0017150).

Claim 36. Gentile and Lerman disclose the method of claim 35, but fail to explicitly disclose wherein the modified composite includes trailing light based on the detected motion, the trailing light incorporated into the particular media content.

However, AAPA discloses wherein the modified composite includes trailing light based on the detected motion, the trailing light incorporated into the particular media content ([0123]).

Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the

time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a user-friendly method of facilitating media compositing.

Claim 37 Gentile and Lerman disclose the method of claim 30, but fail to explicitly disclose wherein causing display of the composite of the particular media content and a video capture by the user includes: tracking the motion of an object in the video capture by the user; and adjusting display of the particular media content in the composite based on the tracked motion of the object in the video capture by the user.

However, AAPA discloses wherein causing display of the composite of the particular media content and a video capture by the user includes: tracking the motion of an object in the video capture by the user; and

adjusting display of the particular media content in the composite based on the tracked motion of the object in the video capture by the user ([0123]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a user-friendly method of facilitating media compositing.

Claim 38. Gentile and Lerman disclose the method of claim 30, but fail to explicitly disclose wherein causing display of the composite of the particular media content and a video capture by the user includes: tracking a change in speed of a field of view in the video capture by the user; and adjusting display of the particular media content in the composite based on the tracked change in speed of the field of view of the video capture.

However, AAPA discloses wherein causing display of the composite of the particular media content and a video capture by the user includes: tracking a change in speed of a field of view in the video capture by the user; and adjusting display of the particular media content in the composite based on the tracked change in speed of the field of view of the video capture ([0123]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a user-friendly method of facilitating media compositing.

Claims 41, 43, 45-48 disclose similar features of the above claims and are rejected along the same rationale.

As per claims 50-54, see the above rejections of claims 30-38 since they are re-combination of the above independent and dependent claims.

Response to Arguments

11. Applicant's arguments filed on 2/09/2017 have been fully considered but they are moot in light of new ground of rejection(s).

As per 36-38, applicant argues that Examiner has improperly construed certain features as AAPA.

In response, Examiner respectfully disagrees and submits that Pollack discloses "user movement can be detected by measuring an object or a change in speed in the camera's field of view, as well known in the prior art" where further applicant claims that the same movement or motion is represented by a trailing light. If the motion or movement is well known in the prior art; therefore, trailing light is also well known since it is just a qualifying term or statement.

Conclusion

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M. (Alternate Friday Off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdullah Al Kawsar can be reached on (571) 270-3169. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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

/Phenuel S. Salomon/
Primary Examiner, Art Unit 2171

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	12/953,350	POLLACK, SHANE	
	Examiner	Art Unit	
	PHENUEL SALOMON	2171	

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

(1) *PHENUEL SALOMON*. (3)_____.

(2) *Marcus Assefa*. (4)_____.

Date of Interview: *11 August 2017*.

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

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

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

Claim(s) discussed: *1*.

Identification of prior art discussed: *Gentile (US 2010/0027961), Samra (US 2002/0271668), Pollack (US 2012/0017150)*.

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

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☐ Attachment

/PHENUEL SALOMON/ Primary Examiner, Art Unit 2171	

Summary of Record of Interview Requirements

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

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

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

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

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

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

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

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

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

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

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

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

Examiner to Check for Accuracy

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

Notice of References Cited	Application/Control No. 12/953,350	Applicant(s)/Patent Under Reexamination POLLACK, SHANE	
	Examiner PHENUEL SALOMON	Art Unit 2171	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2006/0259588 A1	11-2006	Lerman; David Ross	G06F17/30017	709/219
*	B	US-8,423,913 B1	04-2013	Hogan; Kevin A.	G06F17/3089	715/234
*	C	US-8,805,164 B2	08-2014	Shore; Michael W.	G11B27/034	386/278
*	D	US-2004/0218100 A1	11-2004	Staker, Allan Robert	H04N5/272	348/592
*	E	US-2003/0001846 A1	01-2003	Davis, Marc E.	G11B27/031	345/474
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12953350	POLLACK, SHANE
	Examiner	Art Unit
	PHENUEL SALOMON	2171

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

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

CLAIM		DATE								
Final	Original	02/05/2013	05/12/2016	09/05/2016	05/27/2017	12/23/2017				
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	36				✓	✓				

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12953350	POLLACK, SHANE
	Examiner	Art Unit
	PHENUEL SALOMON	2171

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

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

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	52					✓				
	53					✓				
	54					✓				

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S92	24	media modification with (style or effect)	US-PGPUB; USPAT	ADJ	ON	2017/12/20 15:41
S93	7	media modification with (filtering or ((exposure or color or speed) adjustment))	US-PGPUB; USPAT	ADJ	ON	2017/12/20 15:42
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S96	42	S94 and modification	US-PGPUB; USPAT	ADJ	ON	2017/12/21 13:44
S97	42	S96 and style	US-PGPUB; USPAT	ADJ	ON	2017/12/21 13:45
S98	13	S97 and adjustment	US-PGPUB; USPAT	ADJ	ON	2017/12/21 13:45
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S101	0	S100 and trailing light	US-PGPUB; USPAT	ADJ	ON	2017/12/22 11:12
S102	115	((creat$4 or publish$4 or generat$4) multimedia) with ((user or participant or attendee) (input or selection or choice or desire or request))	US-PGPUB; USPAT; USOCR	ADJ	ON	2017/12/22 11:12
S103	0	S102 and trailing light	US-PGPUB; USPAT	ADJ	ON	2017/12/22 11:12
S104	184	special effect with superimpos$4	US-PGPUB; USPAT; USOCR	ADJ	ON	2017/12/22 11:13
S105	0	S104 and trailing light	US-PGPUB; USPAT	ADJ	ON	2017/12/22 11:13
S106	0	media compositing and trailing light	US-PGPUB; USPAT	ADJ	ON	2017/12/22 11:13
S107	0	video compositing and trailing light	US-PGPUB; USPAT	ADJ	ON	2017/12/22 11:14
S108	90	trailing light	US-PGPUB; USPAT	ADJ	ON	2017/12/22 11:14
S109	59	S108 and (style or effect)	US-PGPUB; USPAT	ADJ	ON	2017/12/22 11:15
S110	0	S108 and video editing	US-PGPUB; USPAT	ADJ	ON	2017/12/22 11:15
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S115	7	S114 and listing	US-PGPUB; USPAT	ADJ	ON	2017/12/22 21:30
S116	83	video edit$4 with (filtering or ((exposure or color or speed) adjustment))	US-PGPUB; USPAT	ADJ	ON	2017/12/23 10:50
S117	41	S116 and composit$4	US-PGPUB; USPAT	ADJ	ON	2017/12/23 10:50
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S121	11	trailing light with motion	US-PGPUB; USPAT	ADJ	ON	2017/12/23 13:26
S122	10	S121 and video	US-PGPUB; USPAT	ADJ	ON	2017/12/23 13:26
S123	50	(("7877706") or ("20080170748") or ("8295687") or ("20060192852") or ("8170396") or ("20080253735") or ("8837911") or ("20130163962") or ("8233772") or ("20110225523") or ("20160154563") or ("9838744") or ("20110137753") or ("20100306701") or ("20080212942") or ("20080170622") or ("6661431") or ("7512886") or ("8938677") or ("20050265580") or ("20100050082") or ("20050047629") or ("8665374") or ("6154207") or ("20060047704") or ("5826102") or ("20050226502") or ("5493638") or ("7657060") or ("5422674") or ("20110169867") or ("20130073981") or ("20030185296") or ("7194701") or ("5659793") or ("20040095396") or ("20090328109") or ("7823058") or ("9171390") or ("20080212685") or ("7886229") or ("20080063274") or ("9430923") or ("8307273") or ("7450758") or ("8427503") or ("20030237091") or ("20110052144") or ("20170180806") or ("8730165")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/12/23 13:36
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S125	50	S123 and motion	US-PGPUB; USPAT	ADJ	ON	2017/12/23 13:36
S126	21	S125 and graphical element	US-PGPUB; USPAT	ADJ	ON	2017/12/23 13:37
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("20130272683") or ("20100058427") or ("20070157071") or ("20110087490") or ("20110225331") or ("7007275") or ("20090113409") or ("20090116695") or ("6973498") or ("20080055880") or ("8805846") or ("20020188664") or ("20110119058") or ("20090231459") or ("20020138852") or ("20120113118") or ("20040166917") or ("20060244818") or ("20070067448") or ("20100325207") or ("20090319574") or ("7996316") or ("20140237492") or ("8046301") or ("20140237497") or ("8356317") or ("20160165281") or ("20050171863") or ("20110116769") or ("20110154197") or ("6578070") or ("9076483") or ("20060023782") or ("9319640") or ("7263475") or ("20120331109")).PN. or (("8839232") or ("20090070473") or ("20090066789") or ("20090066788") or ("9369410") or ("20130195314") or ("20160164923") or ("20130347036") or ("6940653") or ("20170200475") or ("8734872") or ("20090299823") or ("9740921") or ("8687945") or ("20090165140") or ("20050093836") or ("20060184637") or ("7801971") or ("20080163379") or ("7420472") or ("6748323") or ("8690325") or ("20100169056") or ("20050093839") or ("8365078") or ("20100005500") or ("20060184295") or ("7602978") or ("7460726") or ("7630522") or ("20070081075") or ("8839117") or ("20070250899") or ("8723891") or ("20050246763") or ("20150054947") or ("9754447") or ("7143010") or ("20070106419") or ("6470349") or ("8819178") or ("7528846") or ("20100058397") or ("20080065904") or ("20050229227") or ("7092369") or ("20150163548") or ("20070035388") or ("20090199242") or ("8095568") or ("20060004925") or ("7065646") or ("20050088407") or ("7606925") or ("20020056136") or ("20090070477") or ("6025846") or ("7188341") or ("20150082414") or ("20110087776") or ("9495712") or ("7412605") or ("8001051") or ("8441476") or ("20100111492") or ("20070168332") or ("9564004") or ("20050149364") or ("20170310500") or ("8514267") or ("20100125882") or ("9609260") or ("20050129233") or ("20130345927") or ("8214828") or ("20020091575") or ("8779268") or ("20100225811") or ("9648346") or ("8780198") or ("20140180883") or ("20110280640") or ("9277878") or ("20060026293") or ("9293017") or ("20040249856") or ("9299231") or ("20010046262") or ("20080307948") or ("6959424") or ("8788496") or ("7958077") or ("20110182352") or ("20120167742") or

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		("20120242625") or ("6683605") or ("20110043630") or ("20100332300") or ("20090245055") or ("7333150") or ("20070009179") or ("20170212871") or ("8647268") or ("8311277") or ("9501836") or ("20090240737") or ("20120237183") or ("7930261") or ("6785671") or ("9177337") or ("8417968") or ("20060247983") or ("7539875") or ("7958373") or ("9253447") or ("20140297378") or ("20160352658") or ("7051200") or ("8719325") or ("7925204") or ("20080028023") or ("8943402") or ("20110055281") or ("20130188008") or ("20110087960") or ("6620205") or ("7502498")).PN. or (("20150379818") or ("6185585") or ("7953277") or ("7548238") or ("8396941") or ("20070236502") or ("6925599") or ("8051169") or ("9483237") or ("7134076") or ("7426297") or ("6587822") or ("20110230987") or ("7574452") or ("5978834") or ("20060195600") or ("7237125") or ("8667483")).PN.				
S128	50	(("20030185296") or ("20080212685") or ("20110071792") or ("20050132305") or ("8401869") or ("20070050828") or ("8924234") or ("20130201273") or ("7657060") or ("7450758") or ("20140331248") or ("20080063274") or ("20050226502") or ("7930391") or ("20110197130") or ("20060192852") or ("20070297577") or ("20090012806") or ("20040024720") or ("7217224") or ("20070112714") or ("20050239601") or ("20110234819") or ("8271901") or ("20080120561") or ("20060222360") or ("5684714") or ("7787763") or ("20080282199") or ("7050079") or ("7685083") or ("7012627") or ("20030142126") or ("6748425") or ("7827492") or ("20090037975") or ("6040871") or ("20040252123") or ("6732148") or ("6772393") or ("7421659") or ("7237002") or ("6594664") or ("20070038641") or ("7865545") or ("6636889") or ("9213090") or ("7337146") or ("20080133913") or ("7710452")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/12/23 13:43
S129	0	S128 and trailing light	US-PGPUB; USPAT	ADJ	ON	2017/12/23 13:44
S130	50	(("20080247727") or ("8624895") or ("20060158461") or ("20100010893") or ("8591332") or ("6469723") or ("6395969") or ("20070121011") or ("6556205") or ("8213774") or ("8577204") or ("6501476") or ("7764286") or ("20070103558") or ("20090167192") or ("20020146232") or ("6700579") or ("20080112683") or ("20030033424") or ("7526178") or ("6529200") or ("20030001827") or ("20030085899") or ("6791552") or ("20020116716") or ("8990693") or ("4979021") or ("20110311199") or	US-PGPUB; USPAT; USOCR	OR	OFF	2017/12/23 14:04

		("9159190") or ("20140057726") or ("20060192852") or ("20080092047") or ("7852348") or ("20070126757") or ("20080062196") or ("9613490") or ("7769270") or ("20160012673") or ("20050025454") or ("7512886") or ("20100050083") or ("9420672") or ("9032297") or ("20020049847") or ("6782539") or ("20030185296") or ("20110057582") or ("20060204214") or ("7930391") or ("20150023651")).PN.				
S131	0	S130 and trailing light effect	US-PGPUB; USPAT	ADJ	ON	2017/12/23 14:05
S132	48	S130 and effect	US-PGPUB; USPAT	ADJ	ON	2017/12/23 14:05
S133	1	S132 and trailing light	US-PGPUB; USPAT	ADJ	ON	2017/12/23 14:05
S134	0	trailing light special effect	US-PGPUB; USPAT	ADJ	ON	2017/12/23 14:09
S135	0	trailing light after effect	US-PGPUB; USPAT	ADJ	ON	2017/12/23 14:09
S136	0	trailing light effect	US-PGPUB; USPAT	ADJ	ON	2017/12/23 14:09
S137	0	trail light effect	US-PGPUB; USPAT	ADJ	ON	2017/12/23 14:10
S138	0	S130 and light trail effect	US-PGPUB; USPAT	ADJ	ON	2017/12/23 14:11
S139	0	trailblaze$4 effect	US-PGPUB; USPAT	ADJ	ON	2017/12/23 14:11
S140	0	light streak effect	US-PGPUB; USPAT	ADJ	ON	2017/12/23 14:13
S141	0	trailing light animation	US-PGPUB; USPAT	ADJ	ON	2017/12/23 14:14

EAST Search History (Interference)

< This search history is empty>

12/ 23/ 2017 6:25:41 PM
C:\ Users\ psalomon\ Documents\ EAST\ Workspaces\ 12953350 - Creating and Disseminating of User Generated Media over a Network.wsp

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12953350	POLLACK, SHANE
	Examiner	Art Unit
	PHENUEL SALOMON	2171

CPC- SEARCHED		
Symbol	Date	Examiner
G06F3/0481 with limited text	5/12/2016	pss
G06F3/0481 with limited text	9/5/2016	pss
G06F3/0481 with limited text	5/25/2017	pss
G06F3/0481 with limited text	12/5/2017	pss

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
715	716-723	2/4/2013	pss

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

SEARCH NOTES		
Search Notes	Date	Examiner
uspat, us_pgpub, epo, jpo, usocr	2/4/2013	pss
EAST search	5/12/2016	pss
EAST search	9/4/2016	pss
EAST search	5/25/2017	pss
EAST search	12/5/2017	pss

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

Doc code: RCEX
Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-14)
Approved for use through 07/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	12/953,350	Filing Date	2010-11-23	Docket Number (if applicable)	071487-8001.US01	Art Unit	2171
First Named Inventor	Shane Pollack			Examiner Name	Phenuel S. Salomon		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, to any international application that does not comply with the requirements of 35 U.S.C. 371, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV.

SUBMISSION REQUIRED UNDER 37 CFR 1.114

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

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

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

☒ Enclosed

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

MISCELLANEOUS

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

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 500665

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

Applicant Signature

PTO/SB/30EFS (07-14)
Approved for use through 07/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/Marcus Assefa/	Date (YYYY-MM-DD)	2017-10-02
Name	Marcus Assefa	Registration Number	72190

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

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

Privacy Act Statement

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

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

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

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	12953350
Filing Date:	23-Nov-2010
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Filer:	Marcus Assefa/Christine Ortt
Attorney Docket Number:	071487-8001.US01

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

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

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 1 month with $0 paid	2251	1	100	100
Miscellaneous:				
RCE- 2ND AND SUBSEQUENT REQUEST	2820	1	850	850
		Total in USD ($)		**950**

Electronic Acknowledgement Receipt

EFS ID:	30544844
Application Number:	12953350
International Application Number:	
Confirmation Number:	3329
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Customer Number:	22918
Filer:	Marcus Assefa/Christine Ortt
Filer Authorized By:	Marcus Assefa
Attorney Docket Number:	071487-8001.US01
Receipt Date:	02-OCT-2017
Filing Date:	23-NOV-2010
Time Stamp:	20:00:54
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$950
RAM confirmation Number	100317INTEFSW20014100
Deposit Account	500665
Authorized User	Christine Ortt

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

37 CFR 1.17 (Patent application and reexamination processing fees)

37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		2017-10-02_Response_071487-8001US01.pdf	1009950 0ae7ec961011c2e01bf7eca938f8cf205d6a354d	yes	28
	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	8	
	Applicant Arguments/Remarks Made in an Amendment		9	28	
Warnings:					
Information:					
2	Request for Continued Examination (RCE)	RCE_071487-8001US01.pdf	1349869 8233dd52d2d1fc57269a99e167a9650af53c6f4f	no	3
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32676 6bcb43be90ab7b645199c5f1f0645a3dbfa30ac0	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	2392495		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

Docket No.: 071487-8001.US01
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shane Pollack

Application No.: 12/953,350 | Confirmation No.: 3329

Filed: November 23, 2010 | Art Unit: 2171

For: CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK | Examiner: P. S. Salomon

RESPONSE TO FINAL OFFICE ACTION WITH REQUEST FOR CONTINUED EXAMINATION

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

INTRODUCTORY COMMENTS

In response to the Final Office Action dated June 1, 2017, please enter the following amendment and consider the remarks in connection with the accompanying request for continued Examination:

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

Remarks/Arguments begin on page 9 of this paper.

Snap Inc. - EX1017, Page 0218

AMENDMENTS TO THE CLAIMS

1-29. (Cancelled)

30. (Currently amended) A method performed by a server computer in communication, via a computer network, with a wireless mobile device, the method comprising:

causing display, by the server computer, ~~via~~ at a display of the wireless mobile device, of a first graphical listing of a plurality of media content stored in a content database accessible to the server computer;

receiving, by the server computer, via the computer network, a user selection of a particular media content from the first graphical listing;

in response to ~~the user's~~ receiving the user selection of the particular media content[[,]]:

generating, by the server computer, a composite of the particular media content and a user video captured by a video capture device of the wireless mobile device; and

causing automatically the display, ~~via~~ at the display of the ~~client~~ wireless mobile device, of [[a]] the composite ~~of the particular media content and a video capture by the user,~~ as the user video is captured ~~via a~~ by the video ~~input~~ capture device ~~associated with the client within the wireless mobile device~~;

wherein the composite includes:

portions of the particular media content selectively made transparent to reveal portions of the user video ~~capture~~; and/or

portions of the user video ~~capture~~ selectively made transparent to reveal portions of the particular media content;

~~wherein the composite is generated and displayed as the video is captured via the video input device without additional input by the user;~~

causing display, by the server computer, ~~via~~ at the display of the wireless mobile device, of a second graphical listing of a plurality of styles that can be applied to the

displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;

receiving, by the server computer, via the computer network, a user selection of a particular style from the second graphical listing; and

in response to ~~the user's~~ receiving the user selection of the particular style, causing automatically the display, by the server computer, at the display of ~~via~~ the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment.

31. (Currently amended) The method of claim 30, further comprising:

receiving, by the server computer, via the computer network, the user video ~~capture by the user~~; and

generating and storing a streamable file based on the composite of the particular media content and the user video ~~capture by the user~~.

32. (Previously presented) The method of claim 30, wherein the particular media content includes any of a pre-recorded video or an image.

33. (Currently amended) The method of claim 30, wherein the composite includes a display of the particular media content as a background to the user video ~~capture by the user~~.

34. (Previously presented) The method of claim 30, wherein the composite is generated by applying a chroma key process.

35. (Currently amended) The method of claim 30, further comprising:

causing display, by the server computer, ~~via~~ at the display of the wireless mobile device, of a modified composite of the particular media content and the user video ~~capture by the user~~ based on a detected motion in the user video ~~capture by the user~~.

36. (Previously presented) The method of claim 35, wherein the modified composite includes trailing light based on the detected motion, the trailing light incorporated into the particular media content.

37. (Currently amended) The method of claim 30, wherein causing display of the composite of the particular media content and [[a]] the user video ~~capture by the user~~ includes:

tracking the motion of an object in the user video ~~capture by the user~~; and

adjusting display of the particular media content in the composite based on the tracked motion of the object in the user video ~~capture by the user~~.

38. (Currently amended) The method of claim 30, wherein causing display of the composite of the particular media content and [[a]] the user video ~~capture by the user~~ includes:

tracking a change in speed of a field of view in the user video ~~capture by the user~~; and

adjusting display of the particular media content in the composite based on the tracked change in speed of the field of view of the user video ~~capture~~.

39. (Cancelled)

40. (Currently amended) The method of claim 30, wherein the display of the wireless mobile device ~~includes~~ is an integrated touch screen display ~~and the video capture device~~.

41. (Currently amended) A method performed by a client device in communication, via a computer network, with a server device, the client device including a display, an input device, and a video ~~input~~ capture device, the method comprising:

capturing ~~receiving~~, ~~via~~ by the video capture device of the client device, a user video ~~capture by the user~~;

displaying, ~~via~~ by the display of the client device, the ~~received~~ user video ~~capture~~;

displaying, ~~via~~ by the display of the client device, a first graphical listing of a plurality of media content stored in a content database accessible to the client device via the server device;

receiving, ~~via~~ by the input device of the client device, a user selection of a particular media content from the first graphical listing; ~~and~~

displaying, ~~via~~ by the display of the client device, a composite of the particular media content and the ~~received~~ user video ~~capture~~ as the user video is captured by the video capture device;

wherein the composite includes:

portions of the particular media content selectively made transparent to reveal portions of the user video ~~capture~~; and/or

portions of the user video ~~capture~~ selectively made transparent to reveal portions of the particular media content;

~~wherein the composite is generated and displayed as the video is captured via the video input device without additional input by the user~~

displaying, by the display of the client device, a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;

receiving, by the input device of the client device, a user selection of a particular style from the second graphical listing; and

in response to the receiving the user selection of the particular style, displaying, by the display, an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the selected particular style include any one or more of filtering, exposure adjustment, color adjustment, or speed adjustment.

42. (Cancelled)

43. (Previously presented) The method of claim 41, wherein the composite is generated by any of the server computer or the client device.

44. (Cancelled)

45. (Previously presented) The method of claim 41, wherein the particular media content includes any of a pre-recorded video or an image.

46. (Currently amended) The method of claim 41, wherein the composite includes a display of the particular media content as a background to the user video ~~capture~~.

47. (Previously presented) The method of claim 41, wherein the composite is generated by applying a chroma key process.

48. (Currently amended) The method of claim 41, wherein displaying the composite of the particular media content and [[a]] the user video ~~capture~~ includes:

tracking the motion of an object in the user video capture; and

adjusting display of the particular media content in the composite based on the tracked motion of the object in the user video capture.

49. (Cancelled)

50. (New) A method performed by a video creation server in communication, via a computer network, with a wireless mobile device, the method comprising:

causing display, by the video creation server, at a display of the wireless mobile device, of a graphical listing of a plurality of pre-recorded video content stored in a content database accessible to the video creation server;

receiving, by the video creation server, via the computer network, from the wireless mobile device, a user selection of a particular pre-recorded video from the graphical listing;

in response to the user selection, providing, by the video creation server, via the computer network, the selected particular pre-recorded video to utilize as a background during capture of a user video by a video capture device at the wireless mobile device by:

receiving, by the by the video creation server, via the computer network, from the wireless mobile device, the user video;

tracking, by the video creation server, motion of an object in the received user video;

generating, by the video creation server, a graphical element representing the tracked motion based on the tracked motion;

compositing, by the video creation server, the particular pre-recorded video with the user video, and with the generated graphical element; and

causing display, by the video creation server, at the wireless mobile device, of the composite in real-time or near real-time as the user video is captured;

receiving, by the video creation server, via the computer network, from the wireless mobile device, a user request to publish the composite over the computer network;

in response to receiving the request, placing, by the video creation server, a download request into a queue to encode the particular pre-recorded video, the user video, and the generated graphical element into a streamable file; and

upon completion of the encoding, storing, by the video creation server, the streamable file at a media server;

wherein the media server is configured to provide access to the streamable file to other users via other wireless mobile devices.

51. (New) The method of claim 50, wherein the graphical element representing the tracked motion is a trailing light.

52. (New) The method of claim 50, wherein compositing the particular pre-recorded video with the user video, and with the generated graphical element includes:

incorporating the generated graphical element into the pre-recorded video; and

selectively making portions of particular pre-recorded video transparent to reveal portions of the user video and/or selectively making portions of the user video transparent to reveal portions of the particular pre-recorded video.

53. (New) A method performed by a server computer in communication, via a computer network, with a wireless mobile device, the method comprising:

providing, by the video creation server, a pre-recorded video to utilize as a background during the recording of a user video by a camera at the wireless mobile device, the pre-recorded video one or a plurality of pre-recorded video hosted in a content database accessible to the video creation server;

tracking, by the video creation server, motion in the user video by measuring a motion of an object in the user video or a change ins speed of the field of view of the camera;

generating, by the video creation server, a graphical representation of the tracked motion;

incorporating, by the video creation server, the graphical representation of the tracked motion into the pre-recorded video; and

receiving, by the video creation server, via the computer network, from the wireless mobile device, a user request to publish a composite of the pre-recorded video and the user video;

in response to receiving the request, placing, by the video creation server, a request into a queue to encode the pre-recorded video, the user video, and the generated graphical representation of the tracked motion into a streamable file; and

upon completion of the encoding, storing, by the video creation server, the streamable file at a media server;

wherein the media server is configured to provide access to the streamable file to other users via other wireless mobile devices.

54. (New) The method of claim 53, wherein the graphical representation of the tracked motion is a trailing light.

REMARKS

Claims 30-49 were pending prior to entry of the above amendments. In view of the above amendment, reconsideration of the present application is respectfully requested.

Summary of Office Action

Objection

Claims 30-31, 33, 35, 37-38, 41, 46 and 48 stand objected to because of minor informalities.

Rejections Under 35 U.S.C. § 112

Claim 1 recites the limitation "via the client wireless mobile device" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claims 30-49 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement.

Rejections Under 35 U.S.C. §103

Claims 30-35, 39-47 and 49 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Publication No. 2010/0027961 to Gentile et al. ("Gentile") in view of U.S. Publication No. 2002/0271668 to Samra ("Samra").

Claims 36-38 and 48 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Gentile in view of Samra and further in view of U.S. Publication No. 2012/0017150 to Pollack ("Pollack" – Applicant Admitted Prior Art (AAPA)).

Summary of Amendments

Claims 30-49 were pending prior to entry of the above amendments. Claims 1-29 were previously cancelled. In this response, claims 30, 31, 33, 35, 37, 38, 40, 41, 46, and 48 are amended and claims 39, 42, 44, and 49 are cancelled. (note that a claim 42 was inadvertently omitted in a last set of claim amendments - accordingly claim 42 is hereby cancelled to correct the claim numbering discrepancy). New claims 50-54 are added. Support for the amendments can be found at least at paragraphs [0046]-[0090] and [0119]-[0125] in the Specification as-filed, FIGS. 1, 2, 17, 20, and 22 in the Drawings as-filed, and provisional application no.

61/264,500 to which the present application claims priority. No new matter has been added. Accordingly following entry of the above amendments, claims 30-38, 40-41, 43, 45-48, and 50-54 will be pending in this application.

Interview Summary

An in-person interview was conducted between Examiner Salomon and Applicant's representative, Marcus Assefa on August 11, 2017 in Alexandria, VA. Applicant wishes to thank Examiner Salomon for taking the time to discuss the application.

During the interview, the rejections under 35 USC 112 and 103 were discussed. Applicant's representative presented arguments and discussed proposed amendments to the previously presented claim 30. Applicant's representative also presented proposed new claims that are substantially reflected in this response. No formal agreement was reached.

The undersigned Applicant's representative has summarized the content of the interviews to the best of his recollection. Any inaccuracies are unintentional. If the Examiner notes any such inaccuracies, the Examiner is encouraged to contact the undersigned Applicant's representative to discuss.

Discussion

Objections

In the Office Action, the Examiner objects to claims 30, 31, 33, 35, 37, 38, 41, 46 and 48 for minor informalities. Specifically, the Examiner objects to use of the phrase "video capture by the user," stating that it should be "video captured by the user." Applicant respectfully submits that the claims have been amended in this response to address the Examiner's objections. Reconsideration, withdrawal of the rejections, and allowance of claims 30, 31, 33, 35, 37, 38, 41, 46 and 48 is respectfully requested.

Rejections Under 35 U.S.C. § 112

In the Office Action, the Examiner rejects claim 30 under 35 U.S.C. 112(b) (pre-AIA second paragraph) for insufficient antecedent basis of the term "the client," for example as

recited at line 9 in claim 30. Applicant respectfully submits that claim 30 has been amended to correct any antecedent basis issues. Reconsideration and withdrawal of the rejection is respectfully requested.

In the Office Action, the Examiner rejects claims 30-49 under 35 U.S.C. 112(a), (pre-AIA first paragraph), for allegedly failing to comply with the written description requirement. Applicant respectfully disagrees and traverses the rejections.

The Examiner specifically states that independent claims 30, 41, and 49 recite features such as, "in response to the user's selection of the particular media content, causing automatically the display, via the client wireless mobile device, of a composite of the particular media content and a video capture by the user, the video captured via a video input device associated with the client within the wireless mobile device," and "wherein the composite is generated and displayed as the video is captured via the video input device without additional input by the user," and that such features do not find support in the Specification as filed. Office Action, pg. 3.

Applicant respectfully submits that the features of the claims need not be literally recited in the Specification in order to satisfy the written description requirement under 35 U.S.C. 112(a), (pre-AIA first paragraph). Rather, to satisfy the written description requirement all that is required is written description of reasonable clarity in a manner that would permit one skilled in the art to reasonably conclude that the inventor possessed the claimed invention. *See e.g.* MPEP § 2163. Further, adequate description may be made through express, implicit, or even inherent disclosures in the application including words, structures, figures, and diagrams. Id.

With respect to the features of claims, 30, 41, and 49 identified above, Applicant respectfully directs the Examiner's attention to at least FIGS. 17 and 20 in the Drawings and to paragraphs [0119]-[0125] in the Specification. For example, FIG. 17 shown below is a screen capture of an example graphical user interface for recording a video.

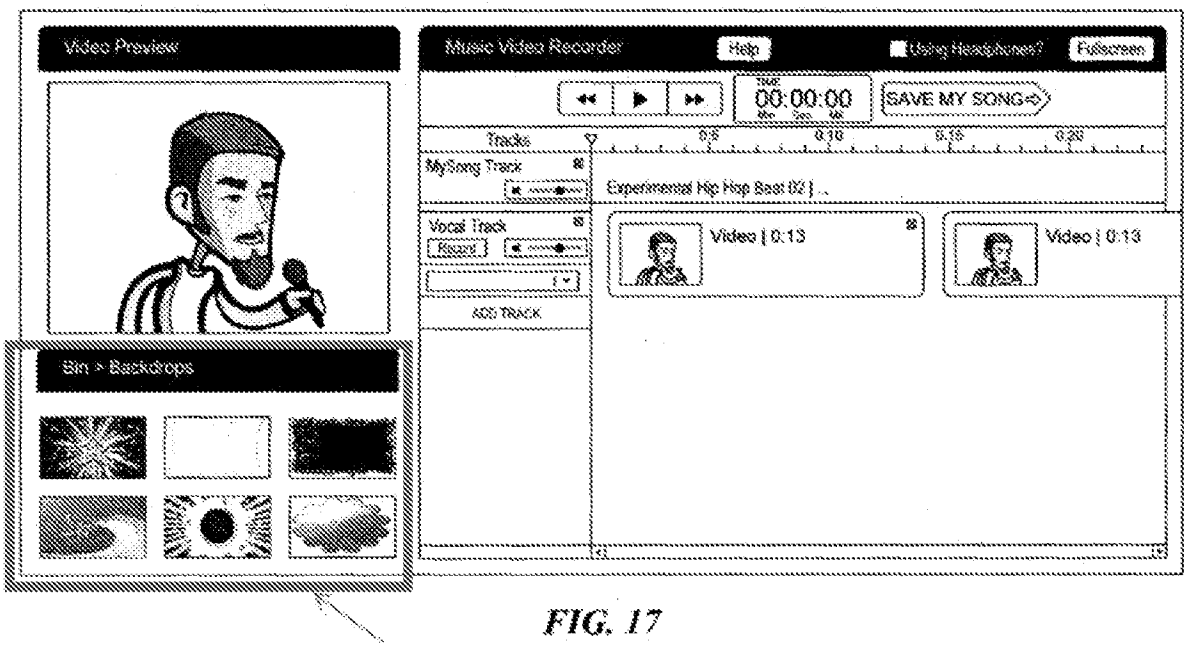


FIG. 17

The example graphical user interface shown above shows a graphical listing (highlighted by the added rectangle and arrow) of media content in the form of backgrounds that can be selected, via the user interface, by a user to apply to a captured video. As further described at paragraph [0123], "A pre-recorded video recording is provided to the user to **utilize as a background during** the video recording." (emphasis added). An example of the displayed composite including video captured by the user and a selected background is shown in FIG. 20 (highlighted by the added rectangle and arrow) below:



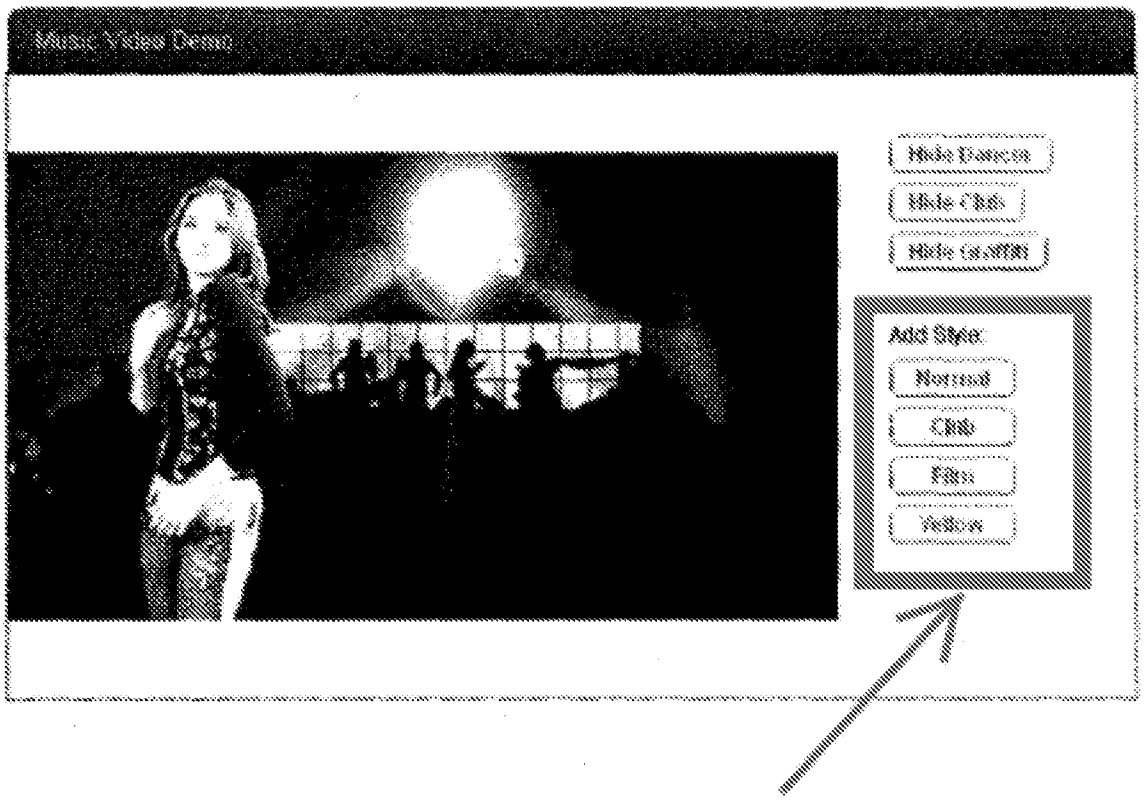
FIG. 20

In other words, the above mentioned FIGS. 17 and 20 in the Drawings and paragraphs [0119]-[0125] in the Specification disclose at least "in response to receiving the user selection of the particular media content: generating...a composite of the particular media content and a user video captured by a video capture device of the wireless mobile device; and causing automatically the display of the composite," as recited in claim 30 as amended. Further, as highlighted above in bold, paragraph [0123] specifically discloses that the selected content is provided to the user to "**utilize as a background during** the video recording." In other words, when the particular media content is selected by the user, the resulting composite is displayed at the display of the wireless mobile device "as the video is captured by the video capture device," as recited in claim 30, as amended.

The above mentioned elements of independent claim 30 as amended find further support in the language of the provisional application (application no. 61/264,500)(herein

referred to as the "Provisional Application") to which the present application claims priority. For example, page. 3 of the Provisional Application states that an embodiment of the present innovation "will supply users hundreds of different backgrounds/settings." For example, the supplied backgrounds may be recorded "live action [video], animate[d], etc." Users can then "use their web cam, be green-screened and insert themselves into all the different locals and simply (just as easy and intuitive of a process as making a song) create a [video]."

Similarly, FIG. 20 also shows the "second graphical listing of a plurality of styles that can be applied to the displayed composite," as recited, for example, in claim 30, as amended. See, for example, the below portion (highlighted by the added rectangle and arrow) of the graphical user interface depicted in FIG. 20:



As shown above, the graphical user interface depicted in FIG. 20 shows a series of user selectable buttons allowing the user to add a "style" to the composite video displayed to the left. Specifically, the graphical listing depicted in FIG. 20 allows a user to select from a set of example styles such as "normal," "club," "film," and "yellow." Further, as explained in paragraph

[0123], "modifications to the pre-recorded video recording include filtering, color correction, color saturation, speed adjustment, etc." In other words, the above mentioned FIGS. 17 and 20 in the Drawings and paragraphs [0119]-[0125] in the Specification disclose at least, "causing display, via the wireless mobile device, of a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite; receiving, via the computer network, a user selection of a particular style from the second graphical listing; and in response to receiving the user selection of the particular style, causing automatically display, via the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment," as recited in claim 30 as amended.

In the Office Action, the Examiner further states that the recited features "in response to the user's selection of the particular media content, causing automatically the display of the composited content" and " the composited content is generated and displayed as the video is captured," introduce ambiguity because they contradict each other. Office Action, pg. 4. Applicant, respectfully disagrees that the features contradict each other. As explained above, the composite is generated and displayed in response to the user's selection of a particular media content (e.g., as a background) and is process is performed as the video is captured (i.e., in real time) as opposed to being a post-production video process.

Nevertheless, to advance prosecution applicant has amended the independent claims to remove the clause reciting "wherein the composite is generated and displayed as a the video is captured via the video input device without additional input from the user." Reconsideration is respectfully requested.

Independent claim 41, as amended, recites similar subject matter to claim 30, as amended and therefore finds written description support at least at the same FIGS. and paragraphs as described above with respect to claim 30. Independent claim 49 has been cancelled in this response rendering any rejection moot. Reconsideration, withdrawal of the rejections, and allowance of independent claims 30 and 41 is respectfully requested.

Rejections Under 35 U.S.C. § 103

Independent claims 30, 41, and 49:

In the Office Action, the Examiner rejects claims independent claims 30, 41, and 49 under 35 U.S.C. §103(a) as being allegedly unpatentable over Gentile in view Samra. Applicant respectfully disagrees and traverses the rejections.

Applicant respectfully submits that Gentile and Samra, considered individually or in combination, do not teach or fairly suggest all of the elements of independent claims 30, 41, and 49. For example, independent claim 30 recites the following:

> 30. (Currently amended) A method performed by a server computer in communication, via a computer network, with a wireless mobile device, the method comprising:
>
> causing display, by the server computer, at a display of the wireless mobile device, of a first graphical listing of a plurality of media content stored in a content database accessible to the server computer;
>
> receiving, by the server computer, via the computer network, a user selection of a particular media content from the first graphical listing;
>
> in response to receiving the user selection of the particular media content:
>
> generating, by the server computer, a composite of the particular media content and a user video captured by a video capture device of the wireless mobile device; and
>
> causing automatically the display, at the display of the wireless mobile device, of the composite as the user video is captured by the video capture device;
>
> wherein the composite includes:
>
> portions of the particular media content selectively made transparent to reveal portions of the user video; and/or
>
> portions of the user video selectively made transparent to reveal portions of the particular media content;
>
> **causing display, by the server computer, at the display of the wireless mobile device, of a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;**

> **receiving, by the server computer, via the computer network, a user selection of a particular style from the second graphical listing; and**
>
> **in response to receiving the user selection of the particular style, causing automatically the display, by the server computer, at the display of the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment**.

Claim 30, as amended, emphasis added.

In the Office Action, the Examiner concedes that Gentile does not disclose elements similar to the above highlighted elements of claim 30, as amended. Office Action, pg. 5. Instead, the Examiner contends that Samra discloses these elements. Applicant respectfully disagrees.

Samra describes a system for interpolating values for parameters shared between a first instance of an image (e.g. a first frame in a video) with a second instance of an image (e.g. a second frame in a video). *See e.g.*, Samra, Abstract, and paragraphs [0042]-[0046]. For example, FIGS. 1A through 1C in Samra show a sequence of steps performed via a graphical user interface in which a user selects a first reference frame (see element 120) and a second reference frame (see element 122). As explained at paragraph [0039], the second reference frame may be a modified form of the first reference frame. Having received user selections of at least two reference frames, the process shown in the flow chart of FIG. 2 is performed. Part of this process is described below in paragraph [0045] in Samra:

> **[0045]** Returning to step 204, **if there are shared parameters with different parameter values, step 210 is executed. At step 210, the different values for each shared parameter are used to set upper and lower bounds for the interpolation.** A preferred embodiment provides linear interpolation between parameter value pairs. For example, where a first reference image has parameter value, A, and a second reference image has a parameter value, B, a linear interpolation can be achieved as C=A+(B-A)*x where C is the new parameter value and x varies from 0 to 1 based on a position in relation to either, or both of the positions of the first and second reference images. **If the pointer is over the first reference image then x=0 and C=A. If the pointer is over the second reference image then x=1 and C=B. If the pointer is midway**

between the reference images then x=0.5 and C=(A+B)/2.

Samra, paragraph [0045], emphasis added.

In other words, Samra is describing a process by which a user can linearly transition between an upper bound of a parameter as set in a first reference image and a lower bound of that same parameter as set in a second reference image, for example by transitioning the mouse pointer between the two reference images. Samra does not mention anything related to user selectable "styles" (e.g., as described above with respect to FIG. 20 in the Application) that can be applied to a composite of a selected media content and a user captured video. Therefore, Samra does not disclose at least the above highlighted (in bold) elements of independent claim 30, as amended.

Accordingly, because claim 30, as amended, includes elements not disclosed or suggested in Gentile or Samra, considered individually or in combination, the claim is allowable over the cited references. Independent claims 41, as amended, includes similar subject matter as claim 30 and is therefore allowable over the cited references for at least the same reasons discussed above with respect to claim 30. Independent claim 49 has been cancelled in this response rendering any rejection moot. Reconsideration, withdrawal of the rejections and allowance of independent claims 30 and 41 is respectfully requested.

Dependent claims 36-38 :

In the Office Action, the Examiner rejects claims 35-38 under 35 U.S.C. §103(a) as being allegedly unpatentable over Gentile in view of Samra and further in view of U.S. Publication No. 2012/0017150 to Pollack ("Pollack" – Applicant Admitted Prior Art (AAPA)). Applicant respectfully disagrees and traverses the rejections.

Applicant respectfully submits that the Examiner has improperly construed certain features as AAPA. For example, with regard to claim 36, the Examiner states that Pollack (i.e., the specification of the current application) discloses "wherein the modified composite includes trailing light based on the detected motion, the trailing light incorporated into the particular media content," pointing specifically to paragraph [0123] in Pollack. Applicant respectfully disagrees with the Examiner's interpretation of Pollack. The relevant portion of paragraph [0123] in Pollack actually states the following:

> In another embodiment, user movement can be detected by measuring an object or a change in speed in the camera's field of view, as well known in the prior art. **The motion can be represented by a trailing light and thus incorporated into a pre-recorded video recording**.
>
> Pollack, par. [0123], in part.

Applicant concedes, based on the above language that "user movement can be detected by measuring an object or a change in speed in the camera's field of view," is in the prior art because the first sentence of the above passage ends with the phrase "as well known in the prior art." However, Applicant does not concede that, based on the above language, the motion being "represented by a trailing light and thus incorporated into a pre-recorded video" constitutes AAPA. The second sentence of the above passage describing this feature makes not such express assertion that the feature is prior art. Accordingly, Gentile, Samra, and the AAPA of Pollack, considered individually or in combination do not disclose or suggest all of the features of claim 36. The cited references do not disclose or suggest all of the features of claims 37 or 38 for at least the same reasons discussed above with respect to claim 36. Reconsideration, withdrawal of the rejections and allowance of claims 36-38 is respectfully requested.

If, following the Examiner's review of this response, the Examiner concludes that any of claims 36-38 recite allowable subject matter, the Examiner is encouraged to contact Applicant's undersigned counsel to discuss the possibility of an amendment to the independent claims to incorporate this subject matter.

Remaining Dependent claims:

The dependent claims include at least all of the elements of the independent claims discussed above and are therefore allowable over the cited references for at least the same reasons. In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

New Claims 50-54:

In this response, Applicant has added new independent claims 50 and 53. The new independent claims 50 and 53 include similar subject matter to independent claims 30 and 41 (as amended) and are therefore allowable over the cited references for at least the same reasons discussed above. The new independent claims 50 and 53 further include additional features not recited in claims 30 and 41 and are therefore allowable over the cited references for other reasons. For example, new independent claim 50 recites the following:

50. (New) A method performed by a video creation server in communication, via a computer network, with a wireless mobile device, the method comprising:

causing display, by the video creation server, at a display of the wireless mobile device, of a graphical listing of a plurality of pre-recorded video content stored in a content database accessible to the video creation server;

receiving, by the video creation server, via the computer network, from the wireless mobile device, a user selection of a particular pre-recorded video from the graphical listing;

in response to the user selection, providing, by the video creation server, via the computer network, the selected particular pre-recorded video to utilize as a background during capture of a user video by a video capture device at the wireless mobile device by:

receiving, by the by the video creation server, via the computer network, from the wireless mobile device, the user video;

tracking, by the video creation server, motion of an object in the received user video;

generating, by the video creation server, a graphical element representing the tracked motion based on the tracked motion;

compositing, by the video creation server, the particular pre-recorded video with the user video, and with the generated graphical element; and

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causing display, by the video creation server, at the wireless mobile device, of the composite in real-time or near real-time as the user video is captured;

receiving, by the video creation server, via the computer network, from the wireless mobile device, a user request to publish the composite over the computer network;

in response to receiving the request, placing, by the video creation server, a download request into a queue to encode the particular pre-recorded video, the user video, and the generated graphical element into a streamable file; and

upon completion of the encoding, storing, by the video creation server, the streamable file at a media server;

wherein the media server is configured to provide access to the streamable file to other users via other wireless mobile devices.

New claim 50, emphasis added.

As shown above the new claim 50 recites "providing… a selected pre-recorded video to utilize as a background during capture of a user video," similar to as recited at paragraph [0123] in the specification as filed. New claim 50 further clarifies that this is accomplished, in part, by:

tracking, by the video creation server, motion of an object in the received user video;

generating, by the video creation server, a graphical element representing the tracked motion based on the tracked motion;

compositing, by the video creation server, the particular pre-recorded video with the user video, and with the generated graphical element;

Support for these features is also provided towards the end of paragraph [0123] which recites, "**movement can be detected** by measuring an object or a change in speed in the camera's field of view," and that this detected movement can be "**represented by a trailing light and thus incorporated into a pre-recorded video**." In other words, the "trailing light" in this context is the "**graphical element representing the tracked motion**" recited in new claim 50.

As discussed above with respect to dependent claims 36-38, the Examiner has conceded that the combination of Gentile and Samra disclose, for example, "wherein the modified composite includes trailing light based on the detected motion, the trailing light incorporated into the particular media content." Office Action pg. 8. The Examiner instead

relies on AAPA allegedly disclosed in Pollack. Again, as discussed with regard to dependent claims 36-38, Applicant disagrees with this conclusion. New claim 50 is therefore allowable over the combination of Gentile and Samra for at least reciting the following elements:

> **tracking, by the video creation server, motion of an object in the received user video;**
> **generating, by the video creation server, a graphical element representing the tracked motion based on the tracked motion;**
> **compositing, by the video creation server, the particular pre-recorded video with the user video, and with the generated graphical element**

As shown above the new claim 50 further recites a specific process performed by a video creation server for publishing the generated composite video as a streamable file for sharing with other users. Specifically, new claim 50 recites the following:

> **receiving, by the video creation server, via the computer network, from the wireless mobile device, a user request to publish the composite over the computer network;**
> **in response to receiving the request, placing, by the video creation server, a download request into a queue to encode the particular pre-recorded video, the user video, and the generated graphical element into a streamable file; and**
> **upon completion of the encoding, storing, by the video creation server, the streamable file at a media server;**
> **wherein the media server is configured to provide access to the streamable file to other users via other wireless mobile devices**

Support for these features can be found in the application as-filed at least at FIGS. 1 (illustrating an example system architecture) and 19 (illustrating an example queuing process) in the drawings and at associated paragraphs [0054]-[0061] and [0122] in the specification as-filed. Applicant respectfully submits that Gentile and Samra, considered individually or in combination, do not disclose the above highlighted process for publishing the generated composite recited in new claim 50. New claim 53 includes similar subject matter to new claim 50 and is therefore allowable over the cited references for at least the same reasons discussed above. Applicant respectfully requests allowance of new claims 50-54.

Comments on References cited in the AFCP 2.0 Decision dated July 12, 2017:

In an AFCP 2.0 Decision dated July 12, 2017 the Examiner lists several additional references as being relevant although not cited in any of the rejections noted above. Specifically, the Examiner notes the following references:

- U.S. Patent Publication no. 2008/0018665 to Behr et al. (herein "Behr")
- U.S. Patent Publication no. 2007/0216712 to Louch (herein "Louch")
- U.S. Patent Publication no. 2007/0122786 to Relan et al. (herein "Relan")
- U.S. Patent Publication no. 2007/0211055 to Stein et al. (herein "Stein")

Behr describes, in the context of a CAD application, generating a graphical representation (i.e., in a GUI) of a user-selectable drawing style that specifies multiple layers of style elements by 1) parsing the defined style to identify those layers, 2) identifying the style elements associated with the layers, and 3) displaying a representation of the style (e.g., like a color swatch) in an arrangement that indicates an order of the elements. For example, consider FIG. 5 from Behr shown below:

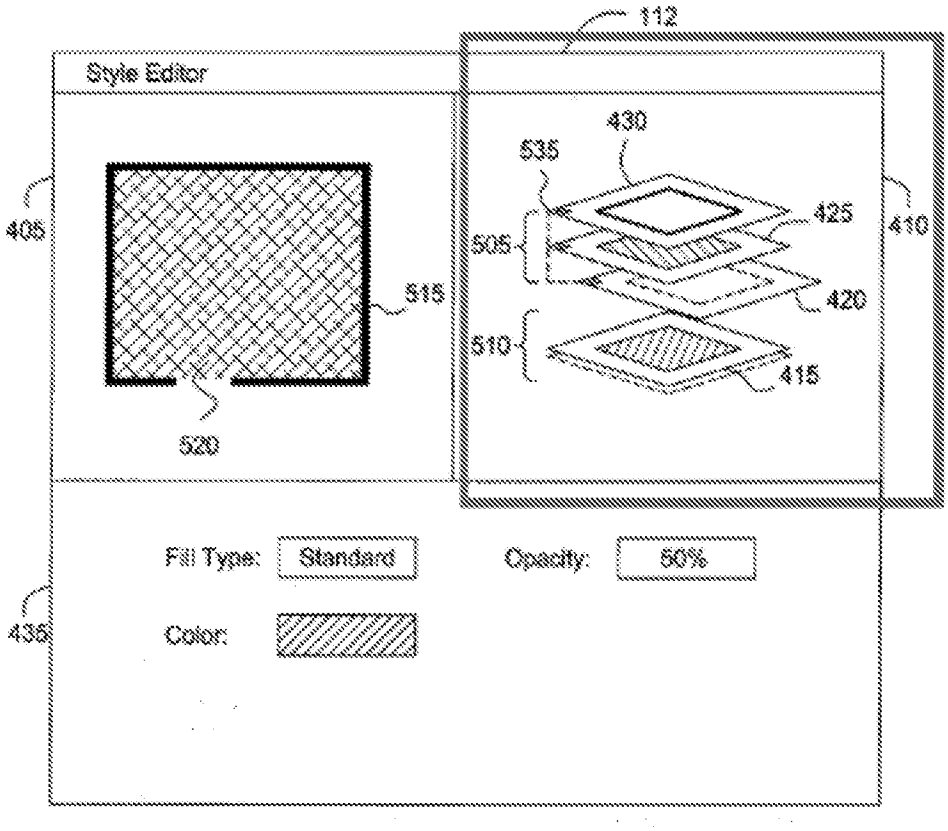


FIG. 5

Element 410 in FIG. 5 of Behr (highlighted by the added rectangle) shows the graphical representation of the layering of various elements (e.g., color, fill type, opacity) in a user-selectable drawing style in a CAD application. Applicant respectfully submits that Behr is not related to the video compositing features of the present invention and that a person having ordinary skill would have no reason or motivation to combine Behr with any of the other cited references.

Louch describes the selective altering of an image based on underlying semantic data (i.e., text data). Associated with the image. For example, consider FIG. 6 from Louch shown below:

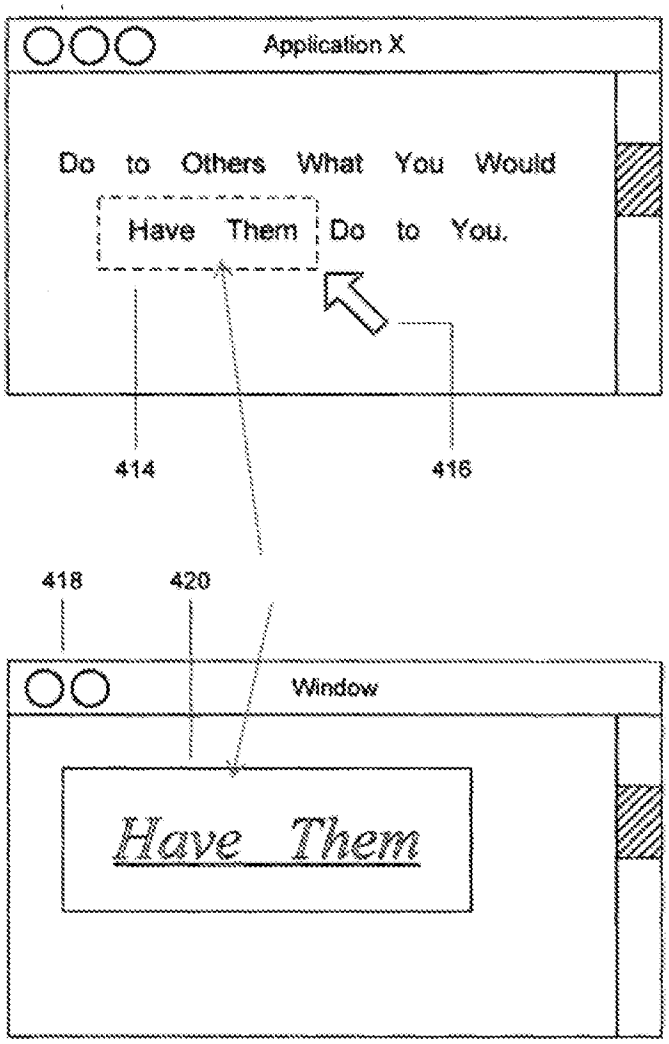


FIG. 6

In the above FIG. 6, Louch shows altering of a visual representation of the words "have them," for example in response to a user selecting or highlighting the words in a GUI. Again, Applicant respectfully submits that like Behr, Louch is not related to the video compositing features of the present invention and that a person having ordinary skill would have no reason or motivation to combine Louch with any of the other cited references.

Relan describes a video karaoke device that involves the compositing of images from multiple video sources. Assuming *arguendo* that Relan describes features regarding video compositing similar to the cited Gentile reference, Relan still does not remedy the deficiencies of

Gentile. For example, Relan does not disclose or suggest at least the following features of claim 30 as amended:

> causing display, by the server computer, at the display of the wireless mobile device, of a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;
> receiving, by the server computer, via the computer network, a user selection of a particular style from the second graphical listing; and
> in response to receiving the user selection of the particular style, causing automatically the display, by the server computer, at the display of the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment
>
> Claim 30, in part, as amended.

Stein describes a method of rendering to achieve a desired frame rate by adaptively degrading certain rendering paramters according to a defined degradation chain. For example, as explained in Stein, "visual style settings" such as "view-dependent objects," "line anti-aliasing," "lighting (on~off)," "transparency quality (high or medium to low)," and "full shadows (on~off)," can be selectively degraded to achieve a desired frame rate. Stein, par. [0033]. Applicant respectfully submits that the Stein is not related to the video compositing features of the present invention and that a person having ordinary skill would have no reason or motivation to combine Stein with any of the other cited references.

Reservation of Rights

For the sake of conciseness and clarity, Applicants may not have addressed every assertion or rejection made in the Office Action, particularly where Applicants have presented amendments or arguments that Applicants believe render such assertions/rejections moot. Therefore, Applicants' silence regarding any such assertions or rejections does not constitute an admission or acquiescence regarding such assertions/rejections or a waiver of any argument relating to such assertions/rejections. Applicants reserve the right to challenge at a later time

any rejection or any factual or legal assertion made by the Office in relation to the present application. Applicants do not admit that any of the references cited in the Office Action are prior art. Applicants reserve the right to swear behind any cited reference at a later date, to the extent permitted by law.

CONCLUSION

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

Please charge any underpayment or credit any overpayment to our Deposit Account No. 50-0665, under Order No. **071487-8001.US01** from which the undersigned is authorized to draw.

Dated: October 2, 2017

Respectfully submitted,

By: /Marcus Assefa/
Marcus Assefa
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/953,350	Filing Date 11/23/2010	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

AMENDMENT **10/02/2017**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 21	Minus	** 27	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 4	Minus	***4	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

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

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

LIE
TAMMY D. MCBETH BROWN

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

Docket No.: 071487-8001.US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shane Pollack

Application No.: 12/953,350 | Confirmation No.: 3329

Filed: November 23, 2010 | Art Unit: 2171

For: CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK | Examiner: P. S. Salomon

RESPONSE TO APPLICANT-INITIATED INTERVIEW SUMMARY

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

Sir:

The present communication responds to the Applicant-Initiated Interview Summary mailed July 12, 2017, regarding telephonic interview conducted in the above-identified application on July 7, 2017. During the July 7, 2017 interview, Examiner Phenuel Salomon and the undersigned Applicant's representative briefly discussed the status of application as a whole. The undersigned Applicant's representative opted to reconvene at a later date.

If the Examiner has any questions, he is encouraged to call the undersigned at (650) 838-4498 to discuss. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-6605, under Order No. 071487-8001.US01 from which the undersigned is authorized to draw.

Dated: July 31, 2017

Respectfully submitted,

By /Marcus Assefa/
Marcus Assefa
Registration No.: 72,190
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(650) 838-4498
(650) 838-4350 (Fax)
Attorney for Applicant

Electronic Acknowledgement Receipt

EFS ID:	29940772
Application Number:	12953350
International Application Number:	
Confirmation Number:	3329
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Customer Number:	22918
Filer:	Marcus Assefa/Eileen Welply
Filer Authorized By:	Marcus Assefa
Attorney Docket Number:	071487-8001.US01
Receipt Date:	31-JUL-2017
Filing Date:	23-NOV-2010
Time Stamp:	18:48:47
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Applicant summary of interview with examiner	ResponseToApplicantInitiatedInterviewSummary.pdf	13926 85bd4a4fd855ee826bd14a57b15ec6cfcd89fc0e	no	1

Warnings:

Information:	
Total Files Size (in bytes):	13926

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

Docket No.: 071487-8001.US01
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shane Pollack

Application No.: 12/953,350 | Confirmation No.: 3329

Filed: November 23, 2010 | Art Unit: 2171

For: CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK | Examiner: P. S. Salomon

RESPONSE TO FINAL OFFICE ACTION UNDER AFCP PROGRAM 2.0

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

INTRODUCTORY COMMENTS

In response to the Final Office Action dated June 1, 2017, please enter the following amendment and consider the remarks in connection with the accompanying request for consideration under the After Final Consideration Pilot 2.0:

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

Remarks/Arguments begin on page 7 of this paper.

Do Not Enter
/pss/
7/8/2017

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L59	50	(("8589779") or ("20080222520") or ("8533313") or ("20110270959") or ("20100179981") or ("8849821") or ("20070106721") or ("20070079383") or ("8769437") or ("8839306") or ("20090158206") or ("20110126252") or ("20100305843") or ("20090150797") or ("7433922") or ("20090164928") or ("20040172481") or ("20090058822") or ("20030204558") or ("7956848") or ("9430448") or ("9418171") or ("20090164653") or ("7076523") or ("20050282563") or ("9313245") or ("20100005119") or ("8316084") or ("8477143") or ("20090178006") or ("8370872") or ("20100005139") or ("20100005498") or ("20060218191") or ("8560565") or ("9389822") or ("20060253874") or ("8620893") or ("20100005068") or ("20090178010") or ("20080177825") or ("20100005067") or ("20090012959") or ("20090204885") or ("20100005397") or ("8893015") or ("20100005380") or ("20100153867") or ("8261307") or ("20100005066")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/07/08 11:56
L60	3	composite media content and captured video	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L61	1	composite media content with captured video	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L62	0	composite media content near3 captured video	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L63	3	composite media content and captured video	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L64	0	L59 and composite media content and captured video	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L65	0	L59 and composite media content	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L66	0	L59 and composite captured video and media content	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L67	1	L59 and composite content	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L68	0	L59 and (composite content with visual	US-	ADJ	ON	2017/07/08

		modification)	PGPUB; USPAT			11:56
L69	0	L59 and (media content with visual modification)	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L70	0	L59 and visual modification	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L71	13	composit$5 media content and captured video	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L72	0	media content and captured video integration	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L73	38	media content and video integration	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L74	26	chroma key compositing and video recording	US-PGPUB; USPAT; USOCR	ADJ	ON	2017/07/08 11:56
L75	50	(("5099337") or ("5144454") or ("20110051914") or ("20100183280") or ("RE40688") or ("8334888") or ("6072537") or ("20050207726") or ("7565059") or ("8320743") or ("6744974") or ("20030103076") or ("8482635") or ("20040218901") or ("20100171848") or ("20090263100") or ("20030049591") or ("20020007718") or ("7823056") or ("20030001846") or ("6859609") or ("20040012613") or ("20070122786") or ("20030218626") or ("20090313547") or ("7596598") or ("5703995") or ("20070094328") or ("6535269") or ("20020051119") or ("5879246") or ("5609534") or ("20090092234") or ("20050066279") or ("6661496") or ("7987232") or ("20070098368") or ("4688105") or ("20050042591") or ("20030164924") or ("8285111") or ("6072933") or ("20100052934") or ("7574474") or ("20040223747") or ("20090313553") or ("20030056220") or ("20050123886") or ("7324166") or ("20090118849")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/07/08 11:56
L76	50	(("RE40688") or ("7528890") or ("20040218100") or ("20090041422") or ("20090040385") or ("6072933") or ("20090237565") or ("20090237566") or ("7649571") or ("7646434") or ("5151793") or ("20060136979") or ("5986717") or ("5162904") or ("5170246") or ("20040109014") or ("5194952") or ("4357624") or ("6650824") or ("8698840") or ("20100066762") or ("20070098368") or ("20100035682") or ("20070216811") or ("6445816") or ("4258385") or ("8363164") or ("20100027961") or ("8824861") or ("5801785") or ("20030202776") or ("20090169179") or ("20070065143") or	US-PGPUB; USPAT; USOCR	OR	OFF	2017/07/08 11:56

		("20070064120") or ("20070064126") or ("20040018000") or ("20070064125") or ("7272296") or ("6865336") or ("20040223737") or ("20040165863") or ("7859551") or ("20020171764") or ("20100031149") or ("6072537") or ("5621535") or ("6553140") or ("5508812") or ("20050232599") or ("20030051255")).PN.				
L77	0	L74 and L76	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L78	0	L74 and L75	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L79	6	L75 and compositing	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L80	1	L75 and compositing frame	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L81	50	(("8015302") or ("20090144786") or ("20030049591") or ("8189030") or ("20090259940") or ("20100053302") or ("20090164034") or ("20090164902") or ("8763030") or ("20090228492") or ("8893171") or ("20080295130") or ("20050055730") or ("20050060755") or ("20050086696") or ("20050060756") or ("20050055717") or ("20020100052") or ("20080292265") or ("8458754") or ("20020147979") or ("20090070842") or ("6671732") or ("20090092234") or ("7836475") or ("8055688") or ("20080155617") or ("20080120546") or ("20090150406") or ("8966557") or ("6330593") or ("8005345") or ("6154773") or ("20080317439") or ("20070127887") or ("8682145") or ("20020092021") or ("8819719") or ("8806320") or ("20080219638") or ("20120284744") or ("9202208") or ("8520817") or ("20090074164") or ("20110066944") or ("20110067066") or ("20110064385") or ("20110064386") or ("20110137976") or ("20110135283")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/07/08 11:56
L82	4	L81 and compositing	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L83	50	(("8819719") or ("20100027961") or ("8824861") or ("20100035682") or ("20100031149") or ("7383344") or ("20040160992") or ("20080198878") or ("20080228777") or ("20080198264") or ("20090276812") or ("8174620") or ("20090115905") or ("8885099") or ("8473990") or ("8160421") or ("8339418") or ("20080030621") or ("20060136979") or ("6583793") or ("8294823") or ("20080145032") or ("7982751") or ("7573497") or ("20080211959") or ("20050005305") or ("8269886") or ("20010040592") or ("6469711") or	US-PGPUB; USPAT; USOCR	OR	OFF	2017/07/08 11:56

		("20110148936") or ("6621509") or ("20040071441") or ("20040066395") or ("20040056882") or ("8542255") or ("8310408") or ("20090274219") or ("6628303") or ("20070137988") or ("9020048") or ("7124366") or ("20090276813") or ("20060064719") or ("8443409") or ("6538676") or ("20090254828") or ("20080155478") or ("6331852") or ("20030007567") or ("20080019662")).PN.				
L84	7	L83 and video input device	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L85	18	L83 and video captured	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L86	37	L83 and composite	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L87	50	(("6897880") or ("20020171668") or ("20030231204") or ("6986107") or ("20060020897") or ("8108779") or ("20080018665") or ("6633300") or ("6317142") or ("20040089139") or ("20040089134") or ("7126609") or ("7391422") or ("7995071") or ("7602396") or ("6972363") or ("20070013711") or ("6960714") or ("5999190") or ("7516158") or ("7865532") or ("20050234884") or ("20090217160") or ("20080192062") or ("20070211055") or ("5832481") or ("5596691") or ("5566330") or ("20070192718") or ("7949955") or ("5752018") or ("7170519") or ("8294715") or ("20070216712") or ("20030193502") or ("20070120857") or ("20040089133") or ("7694234") or ("20040089138") or ("20070033542") or ("8989358") or ("20040089140") or ("20100235736") or ("20070033544") or ("7693341") or ("8031962") or ("20090051779") or ("8139122") or ("20060075360") or ("20100188415")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/07/08 11:56
L88	50	L87 and (style or effect)	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L89	43	L88 and modification	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56
L90	5	L89 and ((color or speed or exposure) adjustment)	US-PGPUB; USPAT	ADJ	ON	2017/07/08 11:56

7/8/2017 12:00:34 PM
C:\Users\psalomon\Documents\EAST\Workspaces\12953350 - Creating and Disseminating of User Generated Media over a Network.wsp

AFCP 2.0 Decision	Application No.	Applicant(s)
	12/953,350	POLLACK, SHANE
	Examiner	Art Unit
	PHENUEL SALOMON	2171

This is in response to the After Final Consideration Pilot request filed 20 June 2017.

1. **Improper Request** – The AFCP 2.0 request is improper for the following reason(s) and the after final amendment submitted with the request will be treated under pre-pilot procedure.

   ☐ An AFCP 2.0 request form PTO/SB/434 (or equivalent document) was not submitted.

   ☐ A non-broadening amendment to at least one independent claim was not submitted.

   ☐ A proper AFCP 2.0 request was submitted in response to the most recent final rejection.

   ☐ Other:

2. **Proper Request**

   A. After final amendment submitted with the request will not be treated under AFCP 2.0.
   The after final amendment cannot be reviewed and a search conducted within the guidelines of the pilot program.

   ☐ The after final amendment will be treated under pre-pilot procedure.

   B. Updated search and/or completed additional consideration.
   The examiner performed an updated search and/or completed additional consideration of the after final amendment within the time authorized for the pilot program. The result(s) of the updated search and/or completed additional consideration are:

   ☐ 1. All of the rejections in the most recent final Office action are overcome and a Notice of Allowance is issued herewith.

   ☐ 2. The after final amendment would not overcome all of the rejections in the most recent final Office action. See attached interview summary for further details.

   ☐ 3. The after final amendment was reviewed, and it raises a new issue(s). See attached interview summary for further details.

   ☐ 4. The after final amendment raises new issues, but would overcome all of the rejections in the most recent final Office action. A decision on determining allowability could not be made within the guidelines of the pilot. See attached interview summary for further details, including any newly discovered prior art.

   ☒ 5. Other: The after final amendment was reviewed, and it raises new issue. See attached updated search and some pertinent prior arts (20080018665; 20070211055; 20070122786; 20020171668; 20070216712)

   Examiner Note: Please attach an interview summary when necessary as described above.

Snap Inc. - EX1017, Page 0255

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/953,350	11/23/2010	Shane Pollack	071487-8001.US01	3329

22918 7590 07/12/2017
PERKINS COIE LLP - PAO General
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER
SALOMON, PHENUEL S

ART UNIT	PAPER NUMBER
2171	

NOTIFICATION DATE	DELIVERY MODE
07/12/2017	ELECTRONIC

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

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

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

patentprocurement@perkinscoie.com

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	12/953,350	POLLACK, SHANE	
	Examiner	Art Unit	
	PHENUEL SALOMON	2171	

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

(1) *PHENUEL SALOMON*. (3)_____.

(2) *Marcus Assefa*. (4)_____.

Date of Interview: *07 July 2017*.

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

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

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

Claim(s) discussed: *1*.

Identification of prior art discussed: *Gentile (US 20100027961)*.

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

We briefly discussed status of the application as a whole and applicant opted to reconvene at a later date via a personal/telephone interview .

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

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

☐ Attachment

/PHENUEL SALOMON/ Primary Examiner, Art Unit 2171	

Summary of Record of Interview Requirements

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

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

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

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

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

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

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

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

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

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

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

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

Examiner to Check for Accuracy

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

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 12/953,350	**Applicant(s)** POLLACK, SHANE	
	Examiner PHENUEL SALOMON	**Art Unit** 2171	**AIA (First Inventor to File) Status** No

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

THE REPLY FILED 20 June 2017 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

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

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

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

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

Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

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

AMENDMENTS

3. ☒ The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because

a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);

b) ☐ They raise the issue of new matter (see NOTE below);

c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: *The limitations "wherein the composite is generated and displayed as the video is captured via the video input device without additional input by the user*

receiving, via the input device, a user selection of a particular style from the second graphical listing; and

in response to the receiving the user selection of the particular style, displaying, via the display, an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, or speed adjustment" would required further search and/or consideration

As per Applicant arguments, Examiner refers applicant to the last final office action. (See 37 CFR 1.116 and 41.33(a)).

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

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

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

7. ☒ For purposes of appeal, the proposed amendment(s): (a) ☒ will not be entered, or (b) ☐ will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

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

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

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

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

REQUEST FOR RECONSIDERATION/OTHER

12. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

_____.

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

14. ☒ Other: PTOL-2323 Paper No. 20170708; PTOL-413 Paper No. 20170708.

STATUS OF CLAIMS

/PHENUEL SALOMON/
Primary Examiner, Art Unit 2171

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	12/953,350	POLLACK, SHANE	
	Examiner	Art Unit	
	PHENUEL SALOMON	2171	

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

(1) *PHENUEL SALOMON*. (3)_____.

(2) *Marcus Assefa*. (4)_____.

Date of Interview: *07 July 2017*.

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

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

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

Claim(s) discussed: *1*.

Identification of prior art discussed: *Gentile (US 20100027961)*.

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

We briefly discussed status of the application as a whole and applicant opted to reconvene at a later date via a personal/telephone interview .

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

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

☐ Attachment

/PHENUEL SALOMON/ Primary Examiner, Art Unit 2171	

Summary of Record of Interview Requirements

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

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

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

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

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

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

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

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

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

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

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

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

Examiner to Check for Accuracy

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

Doc Code: A.NE.AFCP
Document Description: After Final Consideration Pilot Program Request

PTO/SB/434 (05-13)

CERTIFICATION AND REQUEST FOR CONSIDERATION UNDER THE AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0

Practitioner Docket No.:	Application No.:	Filing Date:
071487-8001.US01	12/953,350	November 23, 2010
First Named Inventor:	**Title:**	
Shane Pollack	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK	

APPLICANT HEREBY CERTIFIES THE FOLLOWING AND REQUESTS CONSIDERATION UNDER THE AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0 (AFCP 2.0) OF THE ACCOMPANYING RESPONSE UNDER 37 CFR 1.116.

1. The above-identified application is (i) an original utility, plant, or design nonprovisional application filed under 35 U.S.C. 111(a) [a continuing application (*e.g.*, a continuation or divisional application) is filed under 35 U.S.C. 111(a) and is eligible under (i)], or (ii) an international application that has entered the national stage in compliance with 35 U.S.C. 371(c).
2. The above-identified application contains an outstanding final rejection.
3. Submitted herewith is a response under 37 CFR 1.116 to the outstanding final rejection. The response includes an amendment to at least one independent claim, and the amendment does not broaden the scope of the independent claim in any aspect.
4. This certification and request for consideration under AFCP 2.0 is the only AFCP 2.0 certification and request filed in response to the outstanding final rejection.
5. Applicant is willing and available to participate in any interview requested by the examiner concerning the present response.
6. This certification and request is being filed electronically using the Office's electronic filing system (EFS-Web).
7. Any fees that would be necessary consistent with current practice concerning responses after final rejection under 37 CFR 1.116, *e.g.*, extension of time fees, are being concurrently filed herewith. [There is no additional fee required to request consideration under AFCP 2.0.]
8. By filing this certification and request, applicant acknowledges the following:
    - Reissue applications and reexamination proceedings are not eligible to participate in AFCP 2.0.
    - The examiner will verify that the AFCP 2.0 submission is compliant, *i.e.*, that the requirements of the program have been met (see items 1 to 7 above). For compliant submissions:
        - The examiner will review the response under 37 CFR 1.116 to determine if additional search and/or consideration (i) is necessitated by the amendment and (ii) could be completed within the time allotted under AFCP 2.0. If additional search and/or consideration is required but cannot be completed within the allotted time, the examiner will process the submission consistent with current practice concerning responses after final rejection under 37 CFR 1.116, *e.g.*, by mailing an advisory action.
        - If the examiner determines that the amendment does not necessitate additional search and/or consideration, or if the examiner determines that additional search and/or consideration is required and could be completed within the allotted time, then the examiner will consider whether the amendment places the application in condition for allowance (after completing the additional search and/or consideration, if required). If the examiner determines that the amendment does not place the application in condition for allowance, then the examiner will contact the applicant and request an interview.
            - The interview will be conducted by the examiner, and if the examiner does not have negotiation authority, a primary examiner and/or supervisory patent examiner will also participate.
            - If the applicant declines the interview, or if the interview cannot be scheduled within ten (10) calendar days from the date that the examiner first contacts the applicant, then the examiner will proceed consistent with current practice concerning responses after final rejection under 37 CFR 1.116.

Signature	Date
/Marcus Assefa/	2017-06-20
Name (Print/Typed)	**Practitioner Registration No.**
Marcus Assefa	72,190

***Note**: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.*

[✓] * Total of 1 forms are submitted.

Privacy Act Statement

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

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

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

REMARKS

Claims 30-49 were pending prior to entry of the above amendments. In view of the above amendment, reconsideration of the present application is respectfully requested.

Summary of Office Action

Objection

Claims 30-31, 33, 35, 37-38, 41, 46 and 48 stand objected to because of minor informalities.

Rejections Under 35 U.S.C. § 112

Claim 1 recites the limitation "via the client wireless mobile device" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claims 30-49 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement.

Rejections Under 35 U.S.C. §103

Claims 30-35, 39-47 and 49 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Publication No. 2010/0027961 to Gentile et al. ("Gentile") in view of U.S. Publication No. 2002/0271668 to Samra ("Samra").

Claims 36-38 and 48 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Gentile in view of Samra and further in view of U.S. Publication No. 2012/0017150 to Pollack ("Pollack" – Applicant Admitted Prior Art (AAPA)).

Summary of Amendments

Claims 30-49 were pending prior to entry of the above amendments. Claims 1-29 were previously cancelled. In this response, claims 30, 31, 33, 35, 37, 38, 41, 46, 48, and 49 are amended and claim 44 is cancelled. Support for the amendments can be found at least at paragraphs [0046]-[0090] and [0119]-[0125] in the Specification as-filed and at FIGS. 1, 2, 17, 20, and 22 in the Drawings as-filed. No new matter has been added. Accordingly following entry of the above amendments, claims 30-43, and 45-49 will be pending in this application.

Discussion

Objections

In the Office Action, the Examiner objects to claims 30, 31, 33, 35, 37, 38, 41, 46 and 48 for minor informalities. Specifically, the Examiner objects to use of the phrase "video capture by the user," stating that it should be "video captured by the user." To move prosecution forward Applicant has amended the objected to claims in accordance with the Examiner's suggestion. Reconsideration, withdrawal of the rejections, and allowance of claims 30, 31, 33, 35, 37, 38, 41, 46 and 48 is respectfully requested.

Rejections Under 35 U.S.C. § 112

In the Office Action, the Examiner rejects claim 30 under 35 U.S.C. 112(b) (pre-AIA second paragraph) for insufficient antecedent basis of the term "the client," for example as recited at line 9 in claim 30. Applicant respectfully submits that claim 30 has been amended to correct any antecedent basis issues. Reconsideration and withdrawal of the rejection is respectfully requested.

In the Office Action, the Examiner rejects claims 30-49 under 35 U.S.C. 112(a), (pre-AIA first paragraph), for allegedly failing to comply with the written description requirement. Applicant respectfully disagrees and traverses the rejections.

The Examiner specifically states that independent claims 30, 41, and 49 recite features such as, "in response to the user's selection of the particular media content, causing automatically the display, via the client wireless mobile device, of a composite of the particular media content and a video capture by the user, the video captured via a video input device associated with the client within the wireless mobile device," and "wherein the composite is generated and displayed as the video is captured via the video input device without additional input by the user," and that such features do not find support in the Specification as filed. Office Action, pg. 3.

Applicant respectfully submits that the features of the claims need not be literally recited in the Specification in order to satisfy the written description requirement under 35 U.S.C. 112(a), (pre-AIA first paragraph). Rather, to satisfy the written description requirement all that is

required is written description of reasonable clarity in a manner that would permit one skilled in the art to reasonably conclude that the inventor possessed the claimed invention. *See e.g.* MPEP § 2163. Further, adequate description may be made through express, implicit, or even inherent disclosures in the application including words, structures, figures, and diagrams. Id.

With respect to the features of claim, 30, 41, and 49 identified above, Applicant respectfully directs the Examiner's attention to at least FIGS. 17 and 20 in the Drawings and to paragraphs [0119]-[0125] in the Specification. For example, FIG. 17 shown below is a screen capture of an example graphical user interface for recording a video.

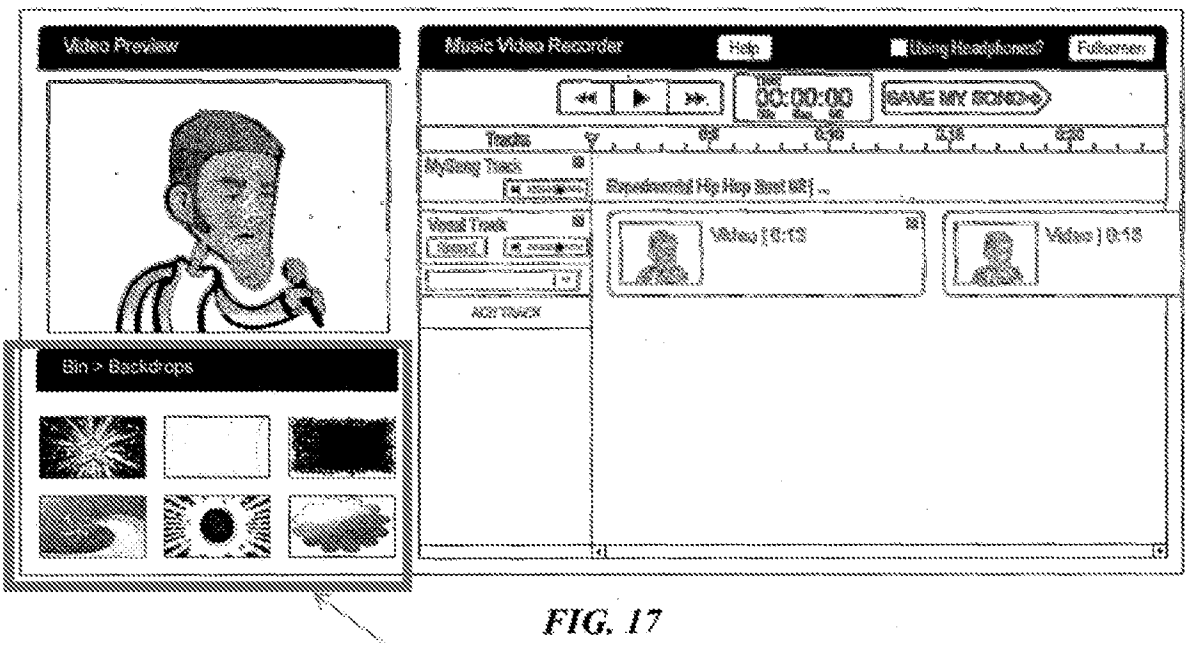


FIG. 17

The example graphical user interface shown above shows a graphical listing (highlighted by the added rectangle and arrow) of media content in the form of backgrounds that can be selected, via the user interface, by a user to apply to a captured video. As further described at paragraph [0123], "A pre-recorded video recording is provided to the user to **utilize as a background during** the video recording." (emphasis added). An example of the displayed composite including video captured by the user and a selected background is shown in FIG. 20 (highlighted by the added rectangle and arrow) below:

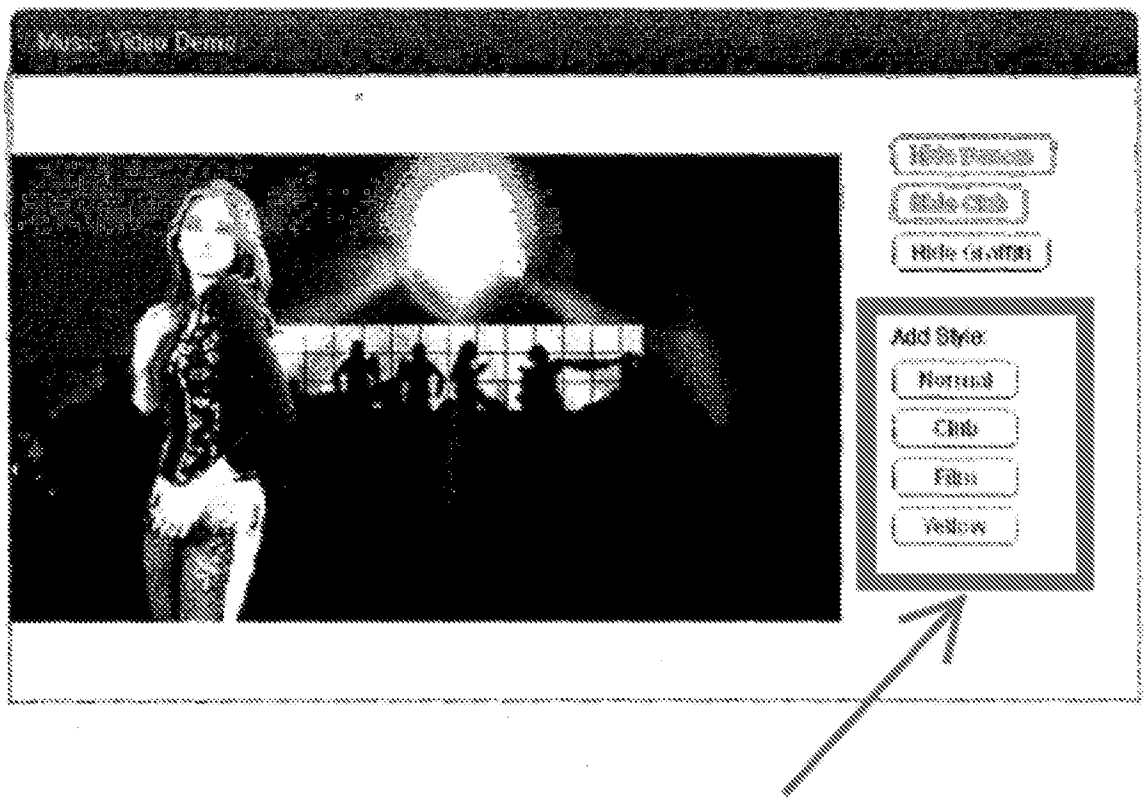


FIG. 20

In other words, the above mentioned FIGS. 17 and 20 in the Drawings and paragraphs [0119]-[0125] in the Specification disclose at least "in response to receiving the user selection of the particular media content, causing automatically the display, via the wireless mobile device, of a composite of the particular media content and a video captured by the user, the video captured by the user via a video input device associated with the wireless mobile device, " as recited in claim 30 as amended. Further, as highlighted above in bold, paragraph [0123] specifically discloses that selected content is provided to the user to "**utilize as a background during** the video recording." In other words, the "composite is generated and displayed as the video is captured via the video input," as recited in claim 30, as amended.

Similarly, FIG. 20 also shows the "second graphical listing of a plurality of styles that can be applied to the displayed composite," as recited, for example, in claim 30 as amended. See,

for example, the below portion (highlighted by the added rectangle and arrow) of the graphical user interface depicted in FIG. 20:



As shown above, the graphical user interface depicted in FIG. 20 shows a series of user selectable buttons allowing the user to add a "style" to the composite video displayed to the left. Specifically, the graphical listing depicted in FIG. 20 allows a user to select from a set of example styles such as "normal," "club," "film," and "yellow." Further, as explained in paragraph [0123], "modifications to the pre-recorded video recording include filtering, color correction, color saturation, speed adjustment, etc." In other words, the above mentioned FIGS. 17 and 20 in the Drawings and paragraphs [0119]-[0125] in the Specification disclose at least, "causing display, via the wireless mobile device, of a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite; receiving, via the computer network, a user selection of a particular style from the second graphical listing; and in response to receiving the user selection of the particular style, causing automatically display, via the

wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment," as recited in claim 30 as amended.

In the Office Action, the Examiner further states that the recited features "in response to the user's selection of the particular media content, causing automatically the display of the composited content" and " the composited content is generated and displayed as the video is captured," introduce ambiguity because they contradict each other. Office Action, pg. 4. Applicant, respectfully disagrees that the features contradict each other. As explained above, the composite is generated and displayed in response to the user's selection of a particular media content (e.g., as a background) and is process is performed as the video is captured (i.e., in real time) as opposed to being a post-production video process.

Independent claims 41 and 49, as amended, recite similar subject matter to claim 30, as amended and therefore find written description support at least at the same FIGS. and paragraphs as described above with respect to claim 30. Reconsideration, withdrawal of the rejections, and allowance of independent claims 30, 41, and 49 is respectfully requested.

Rejections Under 35 U.S.C. § 103

Independent claims 30, 41, and 49:

In the Office Action, the Examiner rejects claims independent claims 30, 41, and 49 under 35 U.S.C. §103(a) as being allegedly unpatentable over Gentile in view Samra. Applicant respectfully disagrees and traverses the rejections.

Applicant respectfully submits that Gentile and Samra, considered individually or in combination, do not teach or fairly suggest all of the elements of independent claims 30, 41, and 49. For example, independent claim 30 recites the following:

30. (Currently amended) A method performed by a server computer in communication, via a computer network, with a wireless mobile device, the method comprising:

causing display, via the wireless mobile device, of a first graphical listing of a plurality of media content stored in a content database accessible to the server computer;

receiving, via the computer network, a user selection of a particular media content from the first graphical listing;

in response to receiving the user selection of the particular media content, causing automatically the display, via the wireless mobile device, of a composite of the particular media content and a video captured by the user, the video captured by the user via a video input device associated with the wireless mobile device;

wherein the composite includes:

portions of the particular media content selectively made transparent to reveal portions of the video captured by the user; and/or

portions of the video captured by the user selectively made transparent to reveal portions of the particular media content;

wherein the composite is generated and displayed as the video is captured via the video input device;

causing display, via the wireless mobile device, of a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;

receiving, via the computer network, a user selection of a particular style from the second graphical listing; and

in response to receiving the user selection of the particular style, causing automatically display, via the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment.

Claim 30, as amended, emphasis added.

In the Office Action, the Examiner concedes that Gentile does not discloses the above highlighted elements of claim 30, as amended. Office Action, pg. 5. Instead, the Examiner contends that Samra discloses these elements. Applicant respectfully disagrees.

Samra describes a system for interpolating values for parameters shared between a first instance of an image (e.g. a first frame in a video) with a second instance of an image (e.g. a second frame in a video). *See e.g.*, Samra, Abstract, and paragraphs [0042]-[0046]. For example, FIGS. 1A through 1C in Samra show a sequence of steps performed via a graphical user interface in which a user selects a first reference frame (see element 120) and a second

reference frame (see element 122). As explained at paragraph [0039], the second reference frame may be a modified form of the first reference frame. Having received user selections of at least two reference frames, the process shown in the flow chart of FIG. 2 is performed. Part of this process is described below in paragraph [0045] in Samra:

> **[0045]** Returning to step 204, **if there are shared parameters with different parameter values, step 210 is executed. At step 210, the different values for each shared parameter are used to set upper and lower bounds for the interpolation.** A preferred embodiment provides linear interpolation between parameter value pairs. For example, where a first reference image has parameter value, A, and a second reference image has a parameter value, B, a linear interpolation can be achieved as C=A+(B-A)*x where C is the new parameter value and x varies from 0 to 1 based on a position in relation to either, or both of the positions of the first and second reference images. **If the pointer is over the first reference image then x=0 and C=A. If the pointer is over the second reference image then x=1 and C=B. If the pointer is midway between the reference images then x=0.5 and C=(A+B)/2.**

Samra, paragraph [0045], emphasis added.

In other words, Samra is describing a process by which a user can linearly transition between an upper bound of a parameter as set in a first reference image and a lower bound of that same parameter as set in a second reference image, for example by transitioning the mouse pointer between the two reference images. Samra does not mention anything related to user selectable "styles" (e.g., as described above with respect to FIG. 20 in the Application) that can be applied to a composite of a selected media content and a user captured video. Therefore, Samra does not disclose at least the above highlighted (in bold) elements of independent claim 30, as amended.

Accordingly, because claim 30, as amended, includes elements not disclosed or suggested in Gentile or Samra, considered individually or in combination, the claim is allowable over the cited references. Further, independent claims 41 and 49, as amended include similar subject matter as claim 30 and are therefore allowable over the cited references for at least the same reasons discussed above with respect to claim 30. Reconsideration, withdrawal of the references and allowance of independent claims 30, 41, and 49 is respectfully requested.

Dependent claims:

The dependent claims include at least all of the elements of the independent claims discussed above and are therefore allowable over the cited references for at least the same reasons. In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

Reservation of Rights

For the sake of conciseness and clarity, Applicants may not have addressed every assertion or rejection made in the Office Action, particularly where Applicants have presented amendments or arguments that Applicants believe render such assertions/rejections moot. Therefore, Applicants' silence regarding any such assertions or rejections does not constitute an admission or acquiescence regarding such assertions/rejections or a waiver of any argument relating to such assertions/rejections. Applicants reserve the right to challenge at a later time any rejection or any factual or legal assertion made by the Office in relation to the present application. Applicants do not admit that any of the references cited in the Office Action are prior art. Applicants reserve the right to swear behind any cited reference at a later date, to the extent permitted by law.

CONCLUSION

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

Please charge any underpayment or credit any overpayment to our Deposit Account No. 50-0665, under Order No. **071487-8001.US01** from which the undersigned is authorized to draw.

Dated: June 20, 2017

Respectfully submitted,

By: /Marcus Assefa/
Marcus Assefa
Registration No.: 72,190

PERKINS COIE LLP
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(206) 359-7198 (Fax)
Attorney/Agent for Applicant

AMENDMENTS TO THE CLAIMS

1-29. (Cancelled)

30. (Currently amended) A method performed by a server computer in communication, via a computer network, with a wireless mobile device, the method comprising:

causing display, via the wireless mobile device, of a first graphical listing of a plurality of media content stored in a content database accessible to the server computer;

receiving, via the computer network, a user selection of a particular media content from the first graphical listing;

in response to ~~the user's~~ receiving the user selection of the particular media content, causing automatically the display, via the ~~client~~ wireless mobile device, of a composite of the particular media content and a video captured by the user, the video captured by the user via a video input device associated with the ~~client within the~~ wireless mobile device;

wherein the composite includes:

portions of the particular media content selectively made transparent to reveal portions of the video captured by the user; and/or

portions of the video captured by the user selectively made transparent to reveal portions of the particular media content;

wherein the composite is generated and displayed as the video is captured via the video input device ~~without additional input by the user~~;

causing display, via the wireless mobile device, of a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;

receiving, via the computer network, a user selection of a particular style from the second graphical listing; and

in response to ~~the user's~~ receiving the user selection of the particular style, causing automatically display, via the wireless mobile device, of an updated composite

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using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment.

31. (Currently amended) The method of claim 30, further comprising:

receiving, via the computer network, the video captured by the user; and

generating and storing a streamable file based on the composite of the particular media content and the video captured by the user.

32. (Previously presented) The method of claim 30, wherein the particular media content includes any of a pre-recorded video or an image.

33. (Currently amended) The method of claim 30, wherein the composite includes a display of the particular media content as a background to the video captured by the user.

34. (Previously presented) The method of claim 30, wherein the composite is generated by applying a chroma key process.

35. (Currently amended) The method of claim 30, further comprising:

causing display, via the wireless mobile device, of a modified composite of the particular media content and the video captured by the user based on a detected motion in the video captured by the user.

36. (Previously presented) The method of claim 35, wherein the modified composite includes trailing light based on the detected motion, the trailing light incorporated into the particular media content.

37. (Currently amended) The method of claim 30, wherein causing display of the composite of the particular media content and [[a]] the video captured by the user includes:

tracking the motion of an object in the video captured by the user; and

adjusting display of the particular media content in the composite based on the tracked motion of the object in the video captured by the user.

38. (Currently amended) The method of claim 30, wherein causing display of the composite of the particular media content and [[a]] the video captured by the user includes:

tracking a change in speed of a field of view in the video captured by the user; and

adjusting display of the particular media content in the composite based on the tracked change in speed of the field of view of the video captured by the user.

39. (Previously presented) The method of claim 30, wherein the composite is generated by any of the server computer or the wireless mobile device.

40. (Previously presented) The method of claim 30, wherein the wireless mobile device includes an integrated touch screen display and the video capture device.

41. (Currently amended) A method performed by a client device in communication, via a computer network, with a server device, the client device including a display, an input device, and a video input device, the method comprising:

receiving, via the video capture device, a video captured by the user;

displaying, via the display, the received video captured by the user;

displaying, via the display, a first graphical listing of a plurality of media content stored in a content database accessible to the client device via the server device;

receiving, via the input device, a user selection of a particular media content from the first graphical listing; ~~and~~

displaying, via the display, a composite of the particular media content and the received video captured by the user;

wherein the composite includes:

portions of the particular media content selectively made transparent to reveal portions of the video captured by the user; and/or

portions of the video captured by the user selectively made transparent to reveal portions of the particular media content;

wherein the composite is generated and displayed as the video is captured via the video input device ~~without additional input by the user~~

displaying, via the display, a second graphical listing second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;

receiving, via the input device, a user selection of a particular style from the second graphical listing; and

in response to the receiving the user selection of the particular style, displaying, via the display, an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, or speed adjustment.

43. (Previously presented) The method of claim 41, wherein the composite is generated by any of the server computer or the client device.

44. (Cancelled)

45. (Previously presented) The method of claim 41, wherein the particular media content includes any of a pre-recorded video or an image.

46. (Currently amended) The method of claim 41, wherein the composite includes a display of the particular media content as a background to the video captured by the user.

47. (Previously presented) The method of claim 41, wherein the composite is generated by applying a chroma key process.

48. (Currently amended) The method of claim 41, wherein displaying the composite of the particular media content and [[a]] the video captured by the user includes:

tracking the motion of an object in the video captured by the user; and

adjusting display of the particular media content in the composite based on the tracked motion of the object in the video captured by the user.

49. (Currently amended) A non-transitory computer readable medium having instructions stored thereon, which when executed by a computer system, cause the computer system to:

cause display of a first graphical listing of a plurality of media content stored in a content database;

receive a user selection of a particular media content from the first graphical listing;

in response to ~~the user's~~ receiving the user selection of the particular media content, cause automatically the display of a composite of the particular media content and a video captured by the user, the video captured by the user via a video input device;

wherein the composite includes:

portions of the particular media content selectively made transparent to reveal portions of the video captured by the user; and/or

portions of the video captured by the user selectively made transparent to reveal portions of the particular media content;

wherein the composite is generated and displayed as the video is captured via the video input device ~~without additional input by the user~~;

cause display of a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;

receive a user selection of a particular style from the second graphical listing; and

in response to ~~the user's~~ receiving the user selection of the particular style, cause automatically display of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment.

Docket No.: 071487-8001.US01
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shane Pollack

Application No.: 12/953,350 | Confirmation No.: 3329

Filed: November 23, 2010 | Art Unit: 2171

For: CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK | Examiner: P. S. Salomon

RESPONSE TO FINAL OFFICE ACTION UNDER AFCP PROGRAM 2.0

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

INTRODUCTORY COMMENTS

In response to the Final Office Action dated June 1, 2017, please enter the following amendment and consider the remarks in connection with the accompanying request for consideration under the After Final Consideration Pilot 2.0:

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

Remarks/Arguments begin on page 7 of this paper.

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Electronic Acknowledgement Receipt

EFS ID:	29555897
Application Number:	12953350
International Application Number:	
Confirmation Number:	3329
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Customer Number:	22918
Filer:	Marcus Assefa/Eileen Welply
Filer Authorized By:	Marcus Assefa
Attorney Docket Number:	071487-8001.US01
Receipt Date:	20-JUN-2017
Filing Date:	23-NOV-2010
Time Stamp:	17:45:28
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	After Final Consideration Program Request	AFCPRequest.pdf	227498 d3e62dcc56dbdd929abf0959803cc1f9d2a1090a	no	2

Warnings:

Information:					
2		ResponseToFOAunderAFCPProgram.pdf	1127660 55a7d2e8785ebf50449e9bc86069eeb9eed3df68	yes	16

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Applicant Arguments/Remarks Made in an Amendment	7	16
Claims	2	6
Response After Final Action	1	1

Warnings:	
Information:	
Total Files Size (in bytes):	1355158

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/953,350	Filing Date 11/23/2010	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

AMENDMENT **06/20/2017**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 18	Minus	** 27	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 3	Minus	***4	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

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

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

LIE
EFREM WARREN

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/953,350	11/23/2010	Shane Pollack	071487-8001.US01	3329

22918 7590 06/01/2017

PERKINS COIE LLP - PAO General
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER	
SALOMON, PHENUEL S	

ART UNIT	PAPER NUMBER
2171	

NOTIFICATION DATE	DELIVERY MODE
06/01/2017	ELECTRONIC

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

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

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

patentprocurement@perkinscoie.com

Office Action Summary	Application No. 12/953,350	Applicant(s) POLLACK, SHANE	
	Examiner PHENUEL SALOMON	Art Unit 2171	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *2/9/2017*.

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

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

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

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

Disposition of Claims*

5)☒ Claim(s) *30-49* is/are pending in the application.

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

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *30-49* is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

3) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. *20170117*.

4) ☐ Other: _____.

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

DETAILED ACTION

2. This action is in response to the amendment filed on 02/09/2017. Claims 1-29 are canceled, and claims 30-49 are pending and have been considered below.

Objection

3. Claims 30, 31, 33, 35,37,38,41, 46 and 48 are objected to because of the following informalities: "…video capture by the user…" and should be "…video capture**d** by the user…"Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of 35 U.S.C. 112(b):

> (b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 recites the limitation "via the client wireless mobile device" in line 9. There is insufficient antecedent basis for this limitation in the claim.

6. The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

> (a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to

make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 30-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 30, 41 and 49 include feature like "in response to the user's selection of the particular media content, causing automatically the display, via the client wireless mobile device, of a composite of the particular media content and a video capture by the user, the video captured via a video input device associated with the client within the wireless mobile device" and "wherein the composite is generated and displayed as the video is captured via the video input device without additional input by the user". There does not appear to be any clearly defined support for these particular features in the specification. As such, this constitutes lack of written description.

Also, there is a certain ambiguity regarding these two limitations where one appears to contradict the other. "*in response to the user's selection of the particular media content, causing automatically the display of the composited content* and further in the claim *the composited*

content is generated and displayed as the video is captured." Applicant has to clearly define in the specification how these two processes are being done.

It is suggested that applicant provide specific references to the original disclosure when amending the claims in support of the amendments.

Claim Rejections - 35 USC § 103

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

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

9. Claims 30-35, 39-47 and 49 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of Samra (US 20020171668).

Claim 30. Gentile discloses a method performed by a server computer in communication, via a computer network, with a wireless mobile device, the method comprising:

causing display, via the wireless mobile device, of a first graphical listing of a plurality of media content stored in a content database accessible to the server computer ([0050], [0139]);

receiving, via the computer network, a user selection of a particular media content from the first graphical listing (*selection of available washed scene*) ([0071]);

in response to the user's selection of the particular media content, causing automatically the display, via the client wireless mobile device, of a composite of the particular media content and a video capture by the user, the video captured via a video input device associated with the client within the wireless mobile device ([0072]-[0075], ([0078]-[0079]), [0058]);

wherein the composite includes:

portions of the particular media content selectively made transparent to reveal portions of the video capture; and/or portions of the video capture selectively made transparent to reveal portions of the particular media content ([0083]); wherein the composite is generated and displayed as the video is captured via the video input device without additional input by the user ([0078]-[0079]);

Gentile does not explicitly disclose causing display, via the wireless mobile device, of a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;

receiving, via the computer network, a user selection of a particular style from the second graphical listing; and

in response to the user's selection of the particular style, causing automatically display, via the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment.

However, Samra discloses causing display, via the wireless mobile device, of a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite ([0016]-[0017]);

receiving, via the computer network, a user selection of a particular style from the second graphical listing ([0033]); in response to the user's selection of the particular style, causing automatically display, via the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment ([0032]-[0040]).Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a user-friendly method of manipulating parameter for visual modification.

Claim 31. Gentile and Samra disclose the method of claim 30, Gentile further discloses comprising:

receiving, via the computer network, the video capture by the user; and

generating and storing a streamable file based on the composite of the particular media content and the video capture by the user ([0125]).

Claim 32 Gentile and Samra disclose the method of claim 30, Gentile further discloses wherein the particular media content includes any of a pre-recorded video or an image ([0050]).

Claim 33. Gentile and Samra disclose the method of claim 30, Gentile further discloses wherein the composite includes a display of the particular media content as a background to the video capture by the user (0127]).

Claim 34. Gentile and Samra disclose the method of claim 30, Gentile further discloses wherein the composite is generated by applying a chroma key process ([0059],[0163]).

Claim 35. Gentile and Samra disclose the method of claim 30, Gentile further discloses comprising:

causing display, via the wireless mobile device, of a modified composite of the particular media content and the video capture by the user based on a detected motion in the video capture by the user ([0098]).

Claim 39. Gentile and Samra disclose the method of claim 30, Gentile further discloses wherein the composite is generated by any of the server computer or the wireless mobile device ([0053],[0055]).

Claim 40. Gentile and Samra disclose the method of claim 30, Gentile further discloses wherein the wireless mobile device includes an integrated touch screen display and the video capture device ([0058]).

10. Claims 36-38 and 48 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gentile et al. (U.S. 2010/0027961) in view of Samra (US 20020171668) and further in view of Applicant Admitted Prior Art (AAPA) Pollack (US 2012/0017150).

Claim 36. Gentile and Samra disclose the method of claim 35, but fail to explicitly disclose wherein the modified composite includes trailing light based on the detected motion, the trailing light incorporated into the particular media content.

However, AAPA discloses wherein the modified composite includes trailing light based on the detected motion, the trailing light incorporated into the particular media content ([0123]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a user-friendly method of facilitating media compositing.

Claim 37 Gentile and Samra disclose the method of claim 30, but fail to explicitly disclose wherein causing display of the composite of the particular media content and a video capture by the user includes: tracking the motion of an object in the video capture by the user; and adjusting display of the particular media content in the composite based on the tracked motion of the object in the video capture by the user.

However, AAPA discloses wherein causing display of the composite of the particular media content and a video capture by the user includes: tracking the motion of an object in the video capture by the user; and

adjusting display of the particular media content in the composite based on the tracked motion of the object in the video capture by the user ([0123]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a user-friendly method of facilitating media compositing.

Claim 38. Gentile and Samra disclose the method of claim 30, but fail to explicitly disclose wherein causing display of the composite of the particular media content and a video capture by the user includes: tracking a change in speed of a field of view in the video capture by the user; and adjusting display of the particular media content in the composite based on the tracked change in speed of the field of view of the video capture.

However, AAPA discloses wherein causing display of the composite of the particular media content and a video capture by the user includes: tracking a change in speed of a field of view in the video capture by the user; and adjusting display of the particular media content in the composite based on the tracked change in speed of the field of view of the video capture ([0123]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Gentile. One would have been motivated to do so in order to provide a user-friendly method of facilitating media compositing.

Claims 41-49 disclose similar features of the above claims and are rejected along the same rationale

Response to Arguments

11. Applicant's arguments filed on 2/09/2017 have been fully considered but they are moot in light of new ground of rejection(s).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699.

The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M. (Alternate Friday Off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdullah Al Kawsar can be reached on (571) 270-3169. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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

/Phenuel S. Salomon/
Primary Examiner, Art Unit 2171

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	12/953,350	POLLACK, SHANE	
	Examiner	Art Unit	
	PHENUEL SALOMON	2171	

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

(1) *PHENUEL SALOMON*.

(3) *Shane Pollack*.

(2) *Marcus Assefa*.

(4) _____.

Date of Interview: *17 January 2017*.

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

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

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

Claim(s) discussed: *1*.

Identification of prior art discussed: *Murray (US 2009/0307207)*.

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

We discussed the proposed amendment versus the cited art to Murrray.

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

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

☐ Attachment

/PHENUEL SALOMON/ Primary Examiner, Art Unit 2171	

Summary of Record of Interview Requirements

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

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

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

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

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

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

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

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

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

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

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

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

Examiner to Check for Accuracy

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

Notice of References Cited	Application/Control No. 12/953,350	Applicant(s)/Patent Under Reexamination POLLACK, SHANE	
	Examiner PHENUEL SALOMON	Art Unit 2171	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2005/0066279 A1	03-2005	LeBarton, Jeffrey	G06T13/00	715/723
*	B	US-2003/0001846 A1	01-2003	Davis, Marc E.	G11B27/031	345/474
*	C	US-2010/0027961 A1	02-2010	Gentile; Anthony	G06T5/50	386/278
*	D	US-2003/0049591 A1	03-2003	Fechter, Aaron	G09B19/00	434/307A
*	E	US-8,805,164 B2	08-2014	Shore; Michael W.	G11B27/034	386/278
*	F	US-2007/0122786 A1	05-2007	Relan; Sandeep Kumar	G09B19/00	434/308
*	G	US-2003/0051255 A1	03-2003	Bulman, Richard L.	G06Q30/00	725/135
*	H	US-2002/0171668 A1	11-2002	Samra, Sukendeep	G06F17/241	345/619
*	I	US-2007/0211055 A1	09-2007	Stein; Matthew	G06T15/00	345/428
*	J	US-2008/0018665 A1	01-2008	Behr; Jay	G09G3/3233	345/629
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12953350	POLLACK, SHANE
	Examiner	Art Unit
	PHENUEL SALOMON	2171

CPC- SEARCHED		
Symbol	Date	Examiner
G06F3/0481 with limited text	5/12/2016	pss
G06F3/0481 with limited text	9/5/2016	pss
G06F3/0481 with limited text	5/25/2017	pss

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
715	716-723	2/4/2013	pss

SEARCH NOTES		
Search Notes	Date	Examiner
uspat, us_pgpub, epo, jpo, usocr	2/4/2013	pss
EAST search	5/12/2016	pss
EAST search	9/4/2016	pss
EAST search	5/25/2017	pss

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

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L5	50	(("8819719") or ("20100027961") or ("8824861") or ("20100035682") or ("20100031149") or ("7383344") or ("20040160992") or ("20080198878") or ("20080228777") or ("20080198264") or ("20090276812") or ("8174620") or ("20090115905") or ("8885099") or ("8473990") or ("8160421") or ("8339418") or ("20080030621") or ("20060136979") or ("6583793") or ("8294823") or ("20080145032") or ("7982751") or ("7573497") or ("20080211959") or ("20050005305") or ("8269886") or ("20010040592") or ("6469711") or ("20110148936") or ("6621509") or ("20040071441") or ("20040066395") or ("20040056882") or ("8542255") or ("8310408") or ("20090274219") or ("6628303") or ("20070137988") or ("9020048") or ("7124366") or ("20090276813") or ("20060064719") or ("8443409") or ("6538676") or ("20090254828") or ("20080155478") or ("6331852") or ("20030007567") or ("20080019662")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/05/27 17:10
L6	7	5 and video input device	US-PGPUB; USPAT	ADJ	ON	2017/05/27 17:10
L7	18	5 and video captured	US-PGPUB; USPAT	ADJ	ON	2017/05/27 17:10
L8	37	5 and composite	US-PGPUB; USPAT	ADJ	ON	2017/05/27 17:10
L9	50	(("6897880") or ("20020171668") or ("20030231204") or ("6986107") or ("20060020897") or ("8108779") or ("20080018665") or ("6633300") or ("6317142") or ("20040089139") or ("20040089134") or ("7126609") or ("7391422") or ("7995071") or ("7602396") or ("6972363") or ("20070013711") or ("6960714") or ("5999190") or ("7516158") or ("7865532") or ("20050234884") or ("20090217160") or ("20080192062") or ("20070211055") or ("5832481") or ("5596691") or ("5566330") or ("20070192718") or ("7949955") or ("5752018") or ("7170519") or ("8294715") or ("20070216712") or ("20030193502") or ("20070120857") or ("20040089133") or ("7694234") or ("20040089138") or	US-PGPUB; USPAT; USOCR	OR	OFF	2017/05/27 17:50

		("20070033542") or ("8989358") or ("20040089140") or ("20100235736") or ("20070033544") or ("7693341") or ("8031962") or ("20090051779") or ("8139122") or ("20060075360") or ("20100188415")).PN.				
L10	50	9 and (style or effect)	US-PGPUB; USPAT	ADJ	ON	2017/05/27 17:51
L11	43	10 and modification	US-PGPUB; USPAT	ADJ	ON	2017/05/27 17:51
L12	5	11 and ((color or speed or exposure) adjustment)	US-PGPUB; USPAT	ADJ	ON	2017/05/27 17:52
S60	50	(("8589779") or ("20080222520") or ("8533313") or ("20110270959") or ("20100179981") or ("8849821") or ("20070106721") or ("20070079383") or ("8769437") or ("8839306") or ("20090158206") or ("20110126252") or ("20100305843") or ("20090150797") or ("7433922") or ("20090164928") or ("20040172481") or ("20090058822") or ("20030204558") or ("7956848") or ("9430448") or ("9418171") or ("20090164653") or ("7076523") or ("20050282563") or ("9313245") or ("20100005119") or ("8316084") or ("8477143") or ("20090178006") or ("8370872") or ("20100005139") or ("20100005498") or ("20060218191") or ("8560565") or ("9389822") or ("20060253874") or ("8620893") or ("20100005068") or ("20090178010") or ("20080177825") or ("20100005067") or ("20090012959") or ("20090204885") or ("20100005397") or ("8893015") or ("20100005380") or ("20100153867") or ("8261307") or ("20100005066")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/05/25 17:31
S61	3	composite media content and captured video	US-PGPUB; USPAT	ADJ	ON	2017/05/25 17:34
S62	1	composite media content with captured video	US-PGPUB; USPAT	ADJ	ON	2017/05/25 17:34
S63	0	composite media content near3 captured video	US-PGPUB; USPAT	ADJ	ON	2017/05/25 17:34
S64	3	composite media content and captured video	US-PGPUB; USPAT	ADJ	ON	2017/05/25 17:39
S65	0	S60 and composite media content and captured video	US-PGPUB; USPAT	ADJ	ON	2017/05/25 17:39
S66	0	S60 and composite media content	US-PGPUB; USPAT	ADJ	ON	2017/05/25 17:40
S67	0	S60 and composite captured video and media content	US-PGPUB;	ADJ	ON	2017/05/25 17:41

			USPAT			
S68	1	S60 and composite content	US-PGPUB; USPAT	ADJ	ON	2017/05/25 17:41
S69	0	S60 and (composite content with visual modification)	US-PGPUB; USPAT	ADJ	ON	2017/05/25 17:46
S70	0	S60 and (media content with visual modification)	US-PGPUB; USPAT	ADJ	ON	2017/05/25 17:46
S71	0	S60 and visual modification	US-PGPUB; USPAT	ADJ	ON	2017/05/25 17:46
S72	13	composit$5 media content and captured video	US-PGPUB; USPAT	ADJ	ON	2017/05/25 18:17
S73	0	media content and captured video integration	US-PGPUB; USPAT	ADJ	ON	2017/05/25 18:26
S74	38	media content and video integration	US-PGPUB; USPAT	ADJ	ON	2017/05/25 18:26
S75	25	chroma key compositing and video recording	US-PGPUB; USPAT; USOCR	ADJ	ON	2017/05/26 11:31
S76	50	(("5099337") or ("5144454") or ("20110051914") or ("20100183280") or ("RE40688") or ("8334888") or ("6072537") or ("20050207726") or ("7565059") or ("8320743") or ("6744974") or ("20030103076") or ("8482635") or ("20040218901") or ("20100171848") or ("20090263100") or ("20030049591") or ("20020007718") or ("7823056") or ("20030001846") or ("6859609") or ("20040012613") or ("20070122786") or ("20030218626") or ("20090313547") or ("7596598") or ("5703995") or ("20070094328") or ("6535269") or ("20020051119") or ("5879246") or ("5609534") or ("20090092234") or ("20050066279") or ("6661496") or ("7987232") or ("20070098368") or ("4688105") or ("20050042591") or ("20030164924") or ("8285111") or ("6072933") or ("20100052934") or ("7574474") or ("20040223747") or ("20090313553") or ("20030056220") or ("20050123886") or ("7324166") or ("20090118849")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/05/26 11:35
S77	50	(("RE40688") or ("7528890") or ("20040218100") or ("20090041422") or ("20090040385") or ("6072933") or ("20090237565") or ("20090237566") or ("7649571") or ("7646434") or ("5151793") or ("20060136979") or ("5986717") or ("5162904") or ("5170246") or ("20040109014") or ("5194952") or ("4357624") or ("6650824") or ("8698840") or	US-PGPUB; USPAT; USOCR	OR	OFF	2017/05/26 11:36

		("20100066762") or ("20070098368") or ("20100035682") or ("20070216811") or ("6445816") or ("4258385") or ("8363164") or ("20100027961") or ("8824861") or ("5801785") or ("20030202776") or ("20090169179") or ("20070065143") or ("20070064120") or ("20070064126") or ("20040018000") or ("20070064125") or ("7272296") or ("6865336") or ("20040223737") or ("20040165863") or ("7859551") or ("20020171764") or ("20100031149") or ("6072537") or ("5621535") or ("6553140") or ("5508812") or ("20050232599") or ("20030051255")).PN.				
S78	0	S75 and S77	US-PGPUB; USPAT	ADJ	ON	2017/05/26 11:36
S79	0	S75 and S76	US-PGPUB; USPAT	ADJ	ON	2017/05/26 11:37
S80	6	S76 and compositing	US-PGPUB; USPAT	ADJ	ON	2017/05/26 11:57
S81	1	S76 and compositing frame	US-PGPUB; USPAT	ADJ	ON	2017/05/26 11:57
S82	50	(("8015302") or ("20090144786") or ("20030049591") or ("8189030") or ("20090259940") or ("20100053302") or ("20090164034") or ("20090164902") or ("8763030") or ("20090228492") or ("8893171") or ("20080295130") or ("20050055730") or ("20050060755") or ("20050086696") or ("20050060756") or ("20050055717") or ("20020100052") or ("20080292265") or ("8458754") or ("20020147979") or ("20090070842") or ("6671732") or ("20090092234") or ("7836475") or ("8055688") or ("20080155617") or ("20080120546") or ("20090150406") or ("8966557") or ("6330593") or ("8005345") or ("6154773") or ("20080317439") or ("20070127887") or ("8682145") or ("20020092021") or ("8819719") or ("8806320") or ("20080219638") or ("20120284744") or ("9202208") or ("8520817") or ("20090074164") or ("20110066944") or ("20110067066") or ("20110064385") or ("20110064386") or ("20110137976") or ("20110135283")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/05/26 12:45
S83	4	S82 and compositing	US-PGPUB; USPAT	ADJ	ON	2017/05/26 12:45

EAST Search History (Interference)

< This search history is empty>

5/ 27/ 2017 6:53:42 PM
C:\ Users\ psalomon\ Documents\ EAST\ Workspaces\ 12953350 - Creating and Disseminating of User Generated Media over a Network.wsp

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12953350	POLLACK, SHANE
	Examiner	Art Unit
	PHENUEL SALOMON	2171

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

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

CLAIM		DATE								
Final	Original	02/05/2013	05/12/2016	09/05/2016	05/27/2017					
	1	✓	✓	✓	-					
	2	✓	✓	✓	-					
	3	✓	✓	✓	-					
	4	✓	✓	✓	-					
	5	✓	✓	✓	-					
	6	✓	✓	✓	-					
	7	✓	✓	✓	-					
	8	✓	✓	✓	-					
	9	✓	✓	✓	-					
	10	✓	✓	✓	-					
	11	✓	✓	✓	-					
	12	✓	✓	✓	-					
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	14	✓	✓	✓	-					
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	23	✓	-	-	-					
	24	✓	-	-	-					
	25	✓	✓	✓	-					
	26	✓	-	-	-					
	27	✓	-	-	-					
	28		✓	✓	-					
	29		✓	✓	-					
	30				✓					
	31				✓					
	32				✓					
	33				✓					
	34				✓					
	35				✓					
	36				✓					

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12953350	POLLACK, SHANE
	Examiner	Art Unit
	PHENUEL SALOMON	2171

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

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

CLAIM		DATE								
Final	Original	02/05/2013	05/12/2016	09/05/2016	05/27/2017					
	37				✓					
	38				✓					
	39				✓					
	40				✓					
	41				✓					
	42				✓					
	43				✓					
	44				✓					
	45				✓					
	46				✓					
	47				✓					
	48				✓					
	49				✓					

Docket No.: 071487-8001.US01
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shane Pollack

Application No.: 12/953,350 | Confirmation No.: 3329

Filed: November 23, 2010 | Art Unit: 2171

For: CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK | Examiner: P. S. Salomon

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION UNDER 37 C.F.R.§ 1.111

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

INTRODUCTORY COMMENTS

In response to the Non-Final Office Action mailed on September 09, 2016, please amend the above-identified U.S. patent 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 8 of this paper.

Electronic Patent Application Fee Transmittal

Application Number:	12953350
Filing Date:	23-Nov-2010
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Filer:	Marcus Assefa/Fab Greene
Attorney Docket Number:	071487-8001.US01

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

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

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 2 months with $0 paid	2252	1	300	300
Miscellaneous:				
			Total in USD ($)	**300**

Electronic Acknowledgement Receipt

EFS ID:	28311748
Application Number:	12953350
International Application Number:	
Confirmation Number:	3329
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Customer Number:	22918
Filer:	Marcus Assefa/Fab Greene
Filer Authorized By:	Marcus Assefa
Attorney Docket Number:	071487-8001.US01
Receipt Date:	09-FEB-2017
Filing Date:	23-NOV-2010
Time Stamp:	14:02:30
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$300
RAM confirmation Number	021017INTEFSW14033001
Deposit Account	500665
Authorized User	Fabesha Greene

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

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

37 CFR 1.19 (Document supply fees)

37 CFR 1.20 (Post Issuance fees)

37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		response_nfoa_71487.pdf	98538 40cbef4e01a39778bb8dd5eef0e64c51a41dfd88	yes	12

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Applicant Arguments/Remarks Made in an Amendment	8	12
Claims	2	7
Amendment/Req. Reconsideration-After Non-Final Reject	1	1

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30877 9b66af016752fe7e23be16d5e2f14908e303810a	no	2

Warnings:

Information:

Total Files Size (in bytes):	129415

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

REMARKS

Claims 1-21, 25, 28 and 29 were pending prior to entry of the above amendments. In view of the above amendment, reconsideration of the present application is respectfully requested.

Summary of Office Action

Rejections Under 35 U.S.C. § 112

Claims 1-21, 25 and 28 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement.

Rejections Under 35 U.S.C. §103

Claims 1-3, 5, 6, 8-14, 18, and 28-29 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Dery et al. (U.S. 2009/0118849) ("Dery") in view of Murray (US 20090307207) ("Murray").

Claim 7 is rejected under 35 U.S.C. 103 (a) as being allegedly unpatentable over Dery, in view of Murray, and further in view off Gliessner et al. (US 2004/0152055) ("Gliessner").

Claim 15 is rejected under 35 U.S.C. 103 (a) as being allegedly unpatentable over Dery, in view of Murray, and further in view of Rai (US2008/0144955) ("Rai").

Claims 16-17 and 19-20 are rejected under 35 U.S.C. 103 (a) as being allegedly unpatentable over Dery, in view of Murray, and further in view of Gonsalves et al. (US 6,128,001) ("Gonsalves").

Claim 21 is rejected under 35 U.S.C. 103 (a) as being allegedly unpatentable over Dery, in view of Murray, and further in view of Iwamoto (US20090263023) ("Iwatomo").

Claims 4 and 25 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Dery et al. (U.S. 2009/0118849) in view of Murray (US 20090307207) and further in view of Elhag et al. (US 8,539,542).

Summary of Amendments

Claims 1-21, 25, 28 and 29 were pending prior to entry of the above amendments. Claims 22-24 and 26-27 were previously cancelled. In this response, Claims 1-21, 25, 28 and 29 are cancelled and new claims 30-49 are added. Support for the amendments can be found at least at paragraphs [0046]-[0090] and [0124]-[0125] in the Specification as-filed and at FIGS. 1, 2, 17, 20, and 22 in the Drawings as-filed. No new matter has been added.

Interview Summary

Telephonic interviews were conducted between Examiner Salomon and Applicant's representative, Marcus Assefa on January 17, 2017 and January 31, 2017. Applicant wishes to thank Examiner Salomon for taking the time to discuss the application.

During the interviews, the rejections under 35 USC 112 and 103 were discussed. Applicant's representative presented arguments and discussed proposed amendments to the previously presented independent claim 1. Applicant's representative also presented proposed new claims that are substantially reflected in this response. No formal agreement was reached.

The undersigned Applicant's representative has summarized the content of the interviews to the best of his recollection. Any inaccuracies are unintentional. If the Examiner notes any such inaccuracies, the Examiner is encouraged to contact the undersigned Applicant's representative to discuss.

Discussion of Rejections

Rejections Under 35 U.S.C. § 112

In the Office Action, the Examiner rejects claims 1-21, 25 and 28 under 35 U.S.C. 112, first paragraph, for allegedly failing to comply with the written description requirement. Specifically, the Examiner alleges that the recitation of a "set of custom song lyrics" in independent claims 1 and 28 (as previously presented) does not have written support in the Specification. Applicant respectfully disagrees and traverses the rejections.

Applicant respectfully submits that claims 1-21, 25, and 28 have been cancelled in this response rendering these rejections moot. Reconsideration and withdrawal of the rejections is respectfully requested.

Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejects claims 1-3, 5, 6, 8-14, 18, and 28-29 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Dery in view of Murray, claim 7 under 35 U.S.C. 103 (a) as being allegedly unpatentable over Dery, in view of Murray, and further in view off Gliessner, claim 15 under 35 U.S.C. 103 (a) as being allegedly unpatentable over Dery, in view of Murray, and further in view of Rai, claims 16-17 and 19-20 under 35 U.S.C. 103 (a) as being allegedly unpatentable over Dery, in view of Murray, and further in view of Gonsalves, claim 21 under 35 U.S.C. 103 (a) as being allegedly unpatentable over Dery, in view of Murray, and further in view of

Iwamoto, and claims 4 and 25 under 35 U.S.C. 103 (a) as being unpatentable over Dery, in view of Murray, and further in view of Elhag.

Applicant respectfully submits that claims 1-21, 25, and 28 have been cancelled in this response rendering these rejections moot. Reconsideration and withdrawal of the rejections is respectfully requested.

Further, Applicant respectfully submits that Dery, Murray, Gliessner, Rai, Gonsalves, Iwamoto, and Elhag, when consideredin individually or in combination, do not recite all of the elements of any of new claims 30-49. Consideration and allowance of new claims 30-50 is respectfully requested.

Reservation of Rights

For the sake of conciseness and clarity, Applicants may not have addressed every assertion or rejection made in the Office Action, particularly where Applicants have presented amendments or arguments that Applicants believe render such assertions/rejections moot. Therefore, Applicants' silence regarding any such assertions or rejections does not constitute an admission or acquiescence regarding such assertions/rejections or a waiver of any argument relating to such assertions/rejections. Applicants reserve the right to challenge at a later time any rejection or any factual or legal assertion made by the Office in relation to the present application. Applicants do not admit that any of the references cited in the Office Action are prior art. Applicants reserve the right to swear behind any cited reference at a later date, to the extent permitted by law.

CONCLUSION

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

Please charge any underpayment or credit any overpayment to our Deposit Account No. 50-0665, under Order No. **071487-8001.US01** from which the undersigned is authorized to draw.

Dated: Feb 9, 2017

Respectfully submitted,

By: /Marcus Assefa/
Marcus Assefa
Registration No.: 72190

PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(650) 838-4498
(206) 359-7198 (Fax)
Attorney/Agent for Applicant

AMENDMENTS TO THE CLAIMS

1-29. (Cancelled)

30. (New) A method performed by a server computer in communication, via a computer network, with a wireless mobile device, the method comprising:

causing display, via the wireless mobile device, of a first graphical listing of a plurality of media content stored in a content database accessible to the server computer;

receiving, via the computer network, a user selection of a particular media content from the first graphical listing;

in response to the user's selection of the particular media content, causing automatically the display, via the client wireless mobile device, of a composite of the particular media content and a video capture by the user, the video captured via a video input device associated with the client within the wireless mobile device;

wherein the composite includes:

portions of the particular media content selectively made transparent to reveal portions of the video capture; and/or

portions of the video capture selectively made transparent to reveal portions of the particular media content;

wherein the composite is generated and displayed as the video is captured via the video input device without additional input by the user;

causing display, via the wireless mobile device, of a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;

receiving, via the computer network, a user selection of a particular style from the second graphical listing; and

in response to the user's selection of the particular style, causing automatically display, via the wireless mobile device, of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment.

31. (New) The method of claim 30, further comprising:

receiving, via the computer network, the video capture by the user; and

generating and storing a streamable file based on the composite of the particular media content and the video capture by the user.

32. (New) The method of claim 30, wherein the particular media content includes any of a pre-recorded video or an image.

33. (New) The method of claim 30, wherein the composite includes a display of the particular media content as a background to the video capture by the user.

34. (New) The method of claim 30, wherein the composite is generated by applying a chroma key process.

35. (New) The method of claim 30, further comprising:

causing display, via the wireless mobile device, of a modified composite of the particular media content and the video capture by the user based on a detected motion in the video capture by the user.

36. (New) The method of claim 35, wherein the modified composite includes trailing light based on the detected motion, the trailing light incorporated into the particular media content.

37. (New) The method of claim 30, wherein causing display of the composite of the particular media content and a video capture by the user includes:

tracking the motion of an object in the video capture by the user; and

adjusting display of the particular media content in the composite based on the tracked motion of the object in the video capture by the user.

38. (New) The method of claim 30, wherein causing display of the composite of the particular media content and a video capture by the user includes:

tracking a change in speed of a field of view in the video capture by the user; and

adjusting display of the particular media content in the composite based on the tracked change in speed of the field of view of the video capture.

39. (New) The method of claim 30, wherein the composite is generated by any of the server computer or the wireless mobile device.

40. (New) The method of claim 30, wherein the wireless mobile device includes an integrated touch screen display and the video capture device.

41. (New) A method performed by a client device in communication, via a computer network, with a server device, the client device including a display, an input device, and a video input device, the method comprising:

receiving, via the video capture device, a video capture by the user;

displaying, via the display, the received video capture;

displaying, via the display, a graphical listing of a plurality of media content stored in a content database accessible to the client device via the server device;

receiving, via the input device, a user selection of a particular media content from the graphical listing; and

displaying, via the display, a composite of the particular media content and the received video capture;

wherein the composite includes:

portions of the particular media content selectively made transparent to reveal portions of the video capture; and/or

portions of the video capture selectively made transparent to reveal portions of the particular media content;

wherein the composite is generated and displayed as the video is captured via the video input device without additional input by the user.

43. (New) The method of claim 41, wherein the composite is generated by any of the server computer or the client device.

44. (New) The method of claim 41, further comprising:

displaying, via the display, a second graphical listing second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;

receiving, via the input device, a user selection of a particular style from the second graphical listing; and

in response to the user's selection of the particular style, displaying, via the display, an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the

particular style include any one or more of filtering, exposure adjustment, color adjustment, or speed adjustment.

45. (New) The method of claim 41, wherein the particular media content includes any of a pre-recorded video or an image.

46. (New) The method of claim 41, wherein the composite includes a display of the particular media content as a background to the video capture.

47. (New) The method of claim 41, wherein the composite is generated by applying a chroma key process.

48. (New) The method of claim 41, wherein displaying the composite of the particular media content and a video capture includes:

tracking the motion of an object in the video capture; and

adjusting display of the particular media content in the composite based on the tracked motion of the object in the video capture.

49. (New) A non-transitory computer readable medium having instructions stored thereon, which when executed by a computer system, cause the computer system to:

cause display of a first graphical listing of a plurality of media content stored in a content database;

receive a user selection of a particular media content from the first graphical listing;

in response to the user's selection of the particular media content, cause automatically the display of a composite of the particular media content and a video capture by the user, the video captured via a video input device ;

wherein the composite includes:

portions of the particular media content selectively made transparent to reveal portions of the video capture; and/or

portions of the video capture selectively made transparent to reveal portions of the particular media content;

wherein the composite is generated and displayed as the video is captured via the video input device without additional input by the user;

cause display of a second graphical listing of a plurality of styles that can be applied to the displayed composite, each of the plurality of styles associated with one or more visual modifications that are applied to the displayed composite;

receive a user selection of a particular style from the second graphical listing; and

in response to the user's selection of the particular style, cause automatically display of an updated composite using the one or more visual modifications of the selected particular style, wherein the visual modifications of the particular style include any one or more of filtering, exposure adjustment, color adjustment, and speed adjustment.

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

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/953,350	Filing Date 11/23/2010	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

AMENDMENT **02/09/2017**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 20	Minus	** 27	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 3	Minus	***4	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

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

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

LIE
MARGARET BYARS

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/953,350	11/23/2010	Shane Pollack	071487-8001.US01	3329

22918 7590 09/09/2016
PERKINS COIE LLP - PAO General
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER	
SALOMON, PHENUEL S	

ART UNIT	PAPER NUMBER
2171	

NOTIFICATION DATE	DELIVERY MODE
09/09/2016	ELECTRONIC

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

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

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

patentprocurement@perkinscoie.com

Office Action Summary	Application No. 12/953,350	Applicant(s) POLLACK, SHANE	
	Examiner PHENUEL SALOMON	Art Unit 2171	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *8/17/2016*.

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

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

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

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

Disposition of Claims*

5)☒ Claim(s) *1-21,25,28 and 29* is/are pending in the application.

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

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-21,25,28 and 29* is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

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

4) ☐ Other: _____.

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

DETAILED ACTION

2. This action is in response to the rce filed on 08/17/2016. Claims 22-24 and 26-27 are canceled, claims 1-21, 25 and 28-29 are pending and have been considered below.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

> (a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-21, 25 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1 and 28 are amended to include “set of custom song lyrics”. There does not appear to be any support for the set of custom song lyrics. The disclosure mentions “textual

input representing a set of lyrics to be sung" [0085], but no specific mention of "set of custom song lyrics". As such, this constitutes lack of written description.

It is suggested that applicant provide specific references to the original disclosure when amending the claims in support of the amendments.

Claim Rejections - 35 USC § 103

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

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

6. Claims 1-3, 5, 6, 8-14, 18, and 28-29 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Dery et al. (U.S. 2009/0118849) in view of Murray (US 20090307207).

Claim 1. Dery discloses a method comprising:

presenting, via a display associated with a client device, a ,graphical listing of plurality of pre-recoded audio compositions, the listing separated into a plurality of categories of compositions, each of the plurality of pre- recorded audio compositions including a selectable audible preview ([0079], [0084]);

receiving, via a network, a selection by the user of a specific pre-recorded audio composition from the listing of the plurality of pre-recorded audio compositions ([0081]);

editing, by a processor, the specific pre-recorded audio composition, the song lyric, and the audio recording according to received user input ([0088], fig. 16); and

generating, by a processor, a streamable file based on the specific pre-recorded audio composition, and the audio recording (*download/transmit internet*) ([0088], fig. 16).

Dery does not explicitly disclose

presenting, via the display, a lyric generation prompt, the lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective;

receiving, via the network, an entry by the user of one or more keywords in response to the lyric generation prompt;

automatically generating, by a processor, a set of custom song lyrics, based on the selected specific pre-recorded audio composition and the entered one or more keywords;

receiving, via the network, an audio recording by the user, the audio recording recorded while playing the specific pre-recorded audio composition and while displaying the song lyrics.

However, Murray discloses presenting, via the display, a lyric generation prompt, the lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective ([0046],[0068]);

receiving, via the network, an entry by the user of one or more keywords in response to the lyric generation prompt ([0046],[0068]) ;

automatically generating, by a processor, a set of custom song lyrics (i.e *take me out to the ball game*), based on the selected specific pre-recorded audio composition and the entered one or more keywords ([0068]);

receiving, via the network, an audio recording by the user, the audio recording recorded while playing the specific pre-recorded audio composition and while displaying the song lyrics ([0078]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Dery. One would have been motivated to do so in order to provide a user-friendly method of creating multimedia.

Claim 2. Dery and Murray disclose the method of claim 1, Dery further discloses wherein, generating the streamable file includes: synchronizing and encoding the specific pre-recorded audio composition and the audio recording into a streamable audio file (download/transmit to: external devices, Internet, wireless) ([0087]-[0088]).

Claim 3. Dery and Murray disclose the method of claim 2, Dery further discloses wherein, the specific composition is generated by the user ([0080]).

Claim 5. Dery and Murray disclose the method of claim 1, Dery further discloses wherein, editing further comprises at least one of the following: **applying a sound effect to the audio recording** ([0099]).

Claim 6. Dery and Murray disclose the method of claim 1, Dery further discloses comprising at least one of the following: providing the user with an option to share the streamable file with other user (*download/transmit to: external devices, Internet, wireless)* ([0088]).

Claim 8. Dery and Murray disclose the method of claim 1, Dery further discloses comprising, receiving a request from a user to add video content ([0080]-[0081], [0084]-[0085]).

Claim 9. Dery and Murray disclose the method of claim 1, Dery further discloses comprising: presenting, via the display, a ,graphical listing of the user with a plurality of pre-recorded video recordings, each of the plurality of pre-recorded video recordings including a selectable audible preview; and receiving, via the network, a selection by the user of a specific pre-recorded video recording from the listing of the plurality of pre-recorded video recordings ([0011],[0044],[0046]).

Claim 10. Dery and Murray disclose the method of claim 9, Dery further discloses generating the streamable file includes:
synchronizing and encoding the specific pre-recorded audio composition, the audio recording, and the specific pre-recorded video into a streamable audio/video file (*download/transmit to: external devices, Internet, wireless)* ([0087]-[0088]).

Claim 11. Dery and Murray disclose the method of claim 9, Dery further discloses comprising: receiving, via the network, a video recording by the user, the video recording recorded while

playing the specific pre-recorded audio composition and while displaying the song lyric ([0084]-[0085]).

Claim 12. Dery and Murray disclose the method of claim 11, Dery further discloses wherein, generating the streamable file includes synchronizing and encoding the specific pre-recorded audio composition, the audio recording, and the video recording into a streamable audio/video file ([0087]-[0088]).

Claim 13. Dery and Murray disclose the method of claim 9, Dery further wherein, editing further comprises at least one of the following: **applying a sound effect to the specific pre-recorded video** ([0099].

Claim 14. Dery and Murray disclose the method of claim 11, Dery further wherein, editing further comprises at least one of the following: **deleting the video recording** ([0099]).

Claim 18. Dery and Murray disclose the method of claim 14, Dery further wherein applying an imaging effect includes applying digital processing to the video recording ([0070], [0073], [0081],[0095]).

Claims 28 and 29 represent the system and medium respectively of claim 1 and are rejected along the same rationale.

7. Claim 7 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Dery et al. (U.S. 2009/0118849) in view of Murray (US 20090307207) and further in view of f Gliessner et al. (US 2004/0152055).

Claim 7. Dery and Murray disclose all the limitations of the method of claim 1, but fail to explicitly disclose further comprising at least one of the following: providing a comment mechanism by which a comment is received.

However, Gliessner discloses providing a comment mechanism by which a comment is received (*the speech coaching program provides recommendations, grading or similar feedback to the user to assist the user in correcting his speech to match speech from the audio track*) ([0039]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Dery. One would have been motivated to do so in order to provide a user-friendly method that will provide guidance while editing.

8. Claim 15 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Dery et al. (U.S. 2009/0118849) in view of Murray (US 20090307207) and further in view of Rai (US 2008/0144955).

Claim 15. Dery and Murray disclose all the limitations of the method of claim 9, but fail to explicitly disclose overexposing a camera aperture to capture movement of light.

However, Rai discloses overexposing a camera aperture to capture movement of light ([0053]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the

time the invention was made to include this feature in Dery. One would have been motivated to do so in order to provide a user-friendly method of editing.

9. Claims 16-17 and 19-20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Dery et al. (U.S. 2009/0118849) in view of Murray (US 20090307207) and further in view of Gonsalves et al. (US 6,128,001).

Claim 16. Dery and Murray disclose all the limitations of the method of claim 14, but fail to explicitly disclose applying chroma key compositing. However, Gonsalves discloses chroma key compositing (col. 3, lines 34-39). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Dery. One would have been motivated to do so in order to provide a user-friendly method of editing.

Claim 17. Dery and Murray disclose all the limitations of the method of claim 14, but fail to explicitly disclose wherein applying an imaging effect includes at least one of the following: fading-in the video recording. However, Gonsalves discloses fading-in the video recording (col. 3, lines 55-59). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Dery. One would have been motivated to do so in order to provide a user-friendly method of editing.

Claim 19. Dery and Murray disclose all the limitations of the method of claim 18, but fail to explicitly disclose wherein the digital processing includes color correction. However, Gonsalves

discloses digital processing includes color correction (col. 1, lines 15-20). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Dery. One would have been motivated to do so in order to provide a user-friendly method of editing.

Claim 20. Dery and Murray disclose all the limitations of the method of claim 18, but fail to explicitly disclose wherein the digital processing includes color saturation. However, Gonsalves discloses digital processing includes color saturation (col. 1, lines 15-20). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Dery. One would have been motivated to do so in order to provide a user-friendly method of editing.

10. Claim 21 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Dery et al. (U.S. 2009/0118849) in view of Murray (US 20090307207) and further in view of Iwamoto (US 20090263023).

Claim 21. Dery and Murray disclose all the limitations of the method of claim 14, but fail to explicitly disclose superimposing a pre-recorded video recording on the video recording. However, Iwamoto discloses superimposing a pre-recorded video recording on the video recording ([0116], [0124]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Dery. One would have been motivated to do so in order to provide a user-friendly method of editing.

11. Claims 4 and 25 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Dery et al. (U.S. 2009/0118849) in view of Murray (US 20090307207) and further in view of Elhag et al. (US 8,539,542).

Claim 4. Dery and Murray disclose the method of claim 1, wherein, generating the streamable file includes placing the specific pre-recorded audio composition and audio recording ([0087]-[0088]) but fails to explicitly disclose in a queue for publishing over the network along with a plurality of simultaneous requests from other users to publish.

However, Elhag discloses in a queue for publishing over the network along with a plurality of simultaneous requests from other users to publish (abstract). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Dery. One would have been motivated to do so in order to facilitate streaming in an orderly manner.

Claim 25 contains similar subject matter as claim 4 and is rejected along the same rationale.

Response to Arguments

12. Applicant's arguments filed on 8/17/2016 have been fully considered but they are moot in light of new ground of rejection(s).

Conclusion

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M. (Alternate Friday Off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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

/Phenuel S. Salomon/

Primary Examiner, Art Unit 2171

Notice of References Cited	Application/Control No. 12/953,350	Applicant(s)/Patent Under Reexamination POLLACK, SHANE	
	Examiner PHENUEL SALOMON	Art Unit 2171	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2009/0307207 A1	12-2009	Murray; Thomas J.	G06F17/30026	1/1
*	B	US-2009/0253476 A1	10-2009	Pestotnik; John A.	A63F9/183	463/9
*	C	US-2005/0020238 A1	01-2005	Eastman, Neil S.	H04H20/28	455/403
*	D	US-2008/0091571 A1	04-2008	Sater; Neil	G06Q30/0621	705/26.3
*	E	US-6,587,127 B1	07-2003	Leeke; Steven D.	G06Q20/123	715/733
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12953350	POLLACK, SHANE
	Examiner	Art Unit
	PHENUEL SALOMON	2171

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

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

CLAIM		DATE								
Final	Original	02/05/2013	05/12/2016	09/05/2016						
	1	✓	✓	✓						
	2	✓	✓	✓						
	3	✓	✓	✓						
	4	✓	✓	✓						
	5	✓	✓	✓						
	6	✓	✓	✓						
	7	✓	✓	✓						
	8	✓	✓	✓						
	9	✓	✓	✓						
	10	✓	✓	✓						
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	14	✓	✓	✓						
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	23	✓	-	-						
	24	✓	-	-						
	25	✓	✓	✓						
	26	✓	-	-						
	27	✓	-	-						
	28		✓	✓						
	29		✓	✓						

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L4	50	(("9165542") or ("8731943") or ("8637757") or ("8633368") or ("8180275") or ("8064887") or ("20110219940") or ("8015123") or ("20110196666") or ("7851689") or ("7779357") or ("7769364") or ("7752546") or ("7735012") or ("20100131464") or ("20100082768") or ("20100064218") or ("20090307207") or ("20090253476") or ("20090228279") or ("20090228493") or ("20090178544") or ("20090173215") or ("20090151546") or ("20090012849") or ("20080261564") or ("7423214") or ("20080091571") or ("20080037718") or ("7301093") or ("20070250597") or ("20070180383") or ("20060095848") or ("20060086236") or ("20060032362") or ("20050267817") or ("20050153729") or ("20050020238") or ("20040266337") or ("6816577") or ("20040199387") or ("20030159566") or ("6587127") or ("20030028380") or ("20030001881") or ("20020181671") or ("20020072982") or ("20020010584") or ("5884262") or ("5296643")).PN.	US-PGPUB; USPAT	OR	OFF	2016/09/05 10:16
L5	0	4 and lyric prompt	US-PGPUB; USPAT; USOCR	ADJ	ON	2016/09/05 10:16
L6	0	4 and keyword entry	US-PGPUB; USPAT; USOCR	ADJ	ON	2016/09/05 10:17
L7	8	4 and keyword	US-PGPUB; USPAT; USOCR	ADJ	ON	2016/09/05 10:17
L8	29	4 and lyric	US-PGPUB; USPAT; USOCR	ADJ	ON	2016/09/05 10:17
L9	7	7 and lyric	US-PGPUB; USPAT; USOCR	ADJ	ON	2016/09/05 10:17
L10	0	7 and custom song lyrics	US-PGPUB; USPAT; USOCR	ADJ	ON	2016/09/05 10:28
L11	0	8 and custom song lyrics	US-PGPUB;	ADJ	ON	2016/09/05 10:28

			USPAT; USOCR			
L12	0	4 and custom song lyrics	US-PGPUB; USPAT; USOCR	ADJ	ON	2016/09/05 10:28
L13	0	4 and custom song lyric	US-PGPUB; USPAT; USOCR	ADJ	ON	2016/09/05 10:28

9/5/2016 10:55:27 AM
C:\Users\psalomon\Documents\EAST\Workspaces\12953350 - Creating and Disseminating of User Generated Media over a Network.wsp

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12953350	POLLACK, SHANE
	Examiner	Art Unit
	PHENUEL SALOMON	2171

CPC- SEARCHED		
Symbol	Date	Examiner
G06F3/0481 with limited text	5/12/2016	pss
G06F3/0481 with limited text	9/5/2016	pss

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
715	716-723	2/4/2013	pss

SEARCH NOTES		
Search Notes	Date	Examiner
uspat, us_pgpub, epo, jpo, usocr	2/4/2013	pss
EAST search	5/12/2016	pss
EAST search	9/4/2016	pss

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

Doc code: RCEX
Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	12/953,350	Filing Date	2010-11-23	Docket Number (if applicable)	071487-8001.US01	Art Unit	2171
First Named Inventor	Shane POLLACK			Examiner Name	Phenuel S. SALOMON		

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

SUBMISSION REQUIRED UNDER 37 CFR 1.114

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

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

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

☒ Enclosed

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

MISCELLANEOUS

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

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 500665

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

Applicant Signature

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/Marcus Assefa/	Date (YYYY-MM-DD)	2016-08-17
Name	Marcus Assefa	Registration Number	72190

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

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

Privacy Act Statement

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

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

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

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Docket No.: 071487-8001.US01
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shane Pollack

Application No.: 12/953,350 | Confirmation No.: 3329

Filed: November 23, 2010 | Art Unit: 2171

For: CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK | Examiner: P. S. Salomon

AMENDMENT IN RESPONSE TO FINAL OFFICE ACTION UNDER 37 CFR 1.116

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

INTRODUCTORY COMMENTS

In response to the Final Office Action mailed on May 17, 2016, please amend the above-identified U.S. patent 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 9 of this paper.

AMENDMENTS TO THE CLAIMS

1. (Currently amended) A method comprising:

presenting, via a display associated with a client device, a graphical listing of plurality of pre-recoded audio compositions, the listing separated into a plurality of categories of compositions, each of the plurality of pre-recorded audio compositions including a selectable audible preview;

receiving, via a network, a selection by the user of a specific pre-recorded audio composition from the listing of the plurality of pre-recorded audio compositions;

presenting, via the display, a lyric generation prompt, the lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories ~~of words~~: a name, a nickname, a noun, ~~and~~ an adverb, or an adjective;

receiving, via the network, an entry by the user of one or more ~~words~~ keywords in response to the lyric generation prompt;

automatically generating, by a processor, a set of custom song ~~lyric~~ lyrics, based on the selected specific pre-recorded audio composition and the entered one or more ~~words~~ keywords;

receiving, via the network, an audio recording by the user, the audio recording recorded while playing the specific pre-recorded audio composition and while displaying the generated set of custom song ~~lyric~~ lyrics;

editing, by a processor, the specific pre-recorded audio composition, the song lyric, and the audio recording according to received user input; and

generating, by a processor, a streamable file based on the specific pre-recorded audio composition, and the audio recording.

2. (Previously presented) The method of claim 1, wherein generating the streamable file includes:

synchronizing and encoding the specific pre-recorded audio composition and the audio recording into a streamable audio file.

3. (Original) The method of claim 2, wherein, the specific composition is generated by the user.

4. (Previously presented) The method of claim 1, wherein generating the streamable file includes placing the specific pre-recorded audio composition and audio recording in a queue for publishing over the network along with a plurality of simultaneous requests from other users to publish.

5. (Previously presented) The method of claim 1, wherein, editing further comprises at least one of the following:

applying a sound effect to the audio recording;

changing a timing of the audio recording; or

deleting the audio recording.

6. (Previously presented) The method of claim 1, further comprising at least one of the following:

providing playback of the streamable file;

providing the user with an option to share the streamable file with other users.

7. (Previously presented) The method of claim 1, further comprising at least one of the following:

providing a feedback mechanism by which the user approves the streamable audio file;

providing a rating mechanism by which a rating is received;

providing a comment mechanism by which a comment is received;

8. (Previously presented) The method of claim 1, further comprising, receiving, via the network, a request from a user to add video content.

9. (Previously presented) The method of claim 1, further comprising:

presenting, via the display, a graphical listing of -a plurality of pre-recorded video recordings, each of the plurality of pre-recorded video recordings including a selectable audible preview; and

receiving, via the network, a selection by the user of a specific pre-recorded video recording from the listing of the plurality of pre-recorded video recordings.

10. (Previously presented) The method of claim 9, wherein generating the streamable file includes:

synchronizing and encoding the specific pre-recorded audio composition, the audio recording, and the specific pre-recorded video into a streamable audio/video file.

11. (Previously presented) The method of claim 9, further comprising:

receiving, via the network, a video recording by the user, the video recording recorded while playing the specific pre-recorded audio composition and while displaying the song lyric.

12. (Previously presented) The method of claim 11, wherein, generating the streamable file includes

synchronizing and encoding the specific pre-recorded audio composition, the audio recording, and the video recording into a streamable audio/video file.

13. (Previously presented) The method of claim 9, wherein, editing further comprises at least one of the following:

applying a sound effect to the specific pre-recorded video;

changing a timing of the specific pre-recorded video;

deleting the specific pre-recorded video;

deleting a section of the specific pre-recorded video.

14. (Previously presented) The method of claim 11, wherein, editing further comprises at least one of the following:

applying an imaging effect to the video recording;

changing a timing of the video recording;

deleting the video recording; or

deleting a frame of the video recording.

15. (Previously presented) The method of claim 11, wherein recording the video recording includes, overexposing a camera aperture to capture movement of light.

16. (Original) The method of claim 14, wherein applying an imaging effect includes applying chroma key compositing.

17. (Original) The method of claim 14, wherein applying an imaging effect includes at least one of the following:

fading-in the video recording;

fading-out the video recording;

18. (Original) The method of claim 14, wherein applying an imaging effect includes applying digital processing to the video recording.

19. (Original) The method of claim 18, wherein the digital processing includes color correction.

20. (Original) The method of claim 18, wherein the digital processing includes color saturation.

21. (Original) The method of claim 14, wherein applying an imaging effect includes, superimposing a pre-recorded video recording on the video recording.

22-24. (Cancelled)

25. (Previously presented) The method of claim 12, wherein generating the streamable audio/video file includes:

placing the specific pre-recorded audio composition, the audio recording, and the video recording in a queue for publishing over the network along with a plurality of simultaneous requests from other users to publish.

26-27. (Cancelled)

28. (Currently amended) A system comprising:

a network interface;

a processor; and

a memory unit having instructions stored thereon, which when executed by the processor, cause the system to:

present, via a display associated with a client device, a graphical listing of plurality of pre-recoded audio compositions, the listing separated into a plurality of categories of compositions, each of the plurality of pre-recorded audio compositions including a selectable audible preview;

receive, via the network interface, a selection by the user of a specific pre-recorded audio composition from the listing of the plurality of pre-recorded audio compositions;

present, via the display, a lyric generation prompt, the lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories ~~of words~~: a name, a nickname, a noun, ~~and~~ an adverb, or an adjective;

receive, via the network interface, an entry by the user of one or more ~~words~~ keywords in response to the lyric generation prompt;

automatically generate a set of custom song ~~lyric~~ lyrics, based on the selected specific pre-recorded audio composition and the entered one or more ~~words~~ keywords;

receive, via the network interface, an audio recording by the user, the audio recording recorded while playing the specific pre-recorded audio composition and while displaying the generated set of custom song ~~lyric~~ lyrics;

edit the specific pre-recorded audio composition, the song-lyric, and the audio recording according to received user input; and

generate a streamable file based on the specific pre-recorded audio composition and the audio recording.

29. (Currently amended) A non-transitory computer-readable medium including instructions which when executed by a processor cause the processor to perform the following:

present, via a display associated with a client device, a graphical listing of plurality of pre-recoded audio compositions, the listing separated into a

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plurality of categories of compositions, each of the plurality of pre-recorded audio compositions including a selectable audible preview;

receive, via a network interface, a selection by the user of a specific pre-recorded audio composition from the listing of the plurality of pre-recorded audio compositions;

present, via the display, a lyric generation prompt, the lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of one or more keywords in at least one of the following categories ~~of words~~: a name, a nickname, a noun, ~~and~~ an adverb, or an adjective;

receive, via the network interface, an entry by the user of one or more words in response to the lyric generation prompt;

automatically generate a song lyric, based on the selected specific pre-recorded audio composition and the entered one or more words;

receive, via the network interface, an audio recording by the user, the audio recording recorded while playing the specific pre-recorded audio composition and while displaying the song lyric;

edit the specific pre-recorded audio composition, the song–lyric, and the audio recording according to received user input; and

generate a streamable file based on the specific pre-recorded audio composition and the audio recording.

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-21, 25, 28, and 29 were pending when the present Office Action was mailed on May 17, 2016. In this response, claims 1, 28, and 29 have been amended to clarify certain features of these claims and to expedite prosecution of this application. The foregoing amendment are made without prejudice to pursuing these claims in unamended or other forms in a continuation or other application. Accordingly, following entry of the above amendments, claims 1-21, 25, 28, and 29 will pending in this Application. Support for the amendments can be found at least at FIGS. 6-8 and paragraphs [0094]-[0102] and [00122] in the Specification. No new matter has been added.

Summary of the Office Action:

In the Office Action dated February 15, 2013, claims 1-27 were rejected. More specifically, the status of the application in light of this Office Action is as follows:

- Claims 1-3, 5, 6, 8-14, 18, and 28-29 are rejected under 35 USC 102(b) as being allegedly anticipated by Dery et al. (US 2009/0118849) ("Dery").
- Claim 7 is rejected under 35 USC 103(a) as being allegedly obvious over Dery in view of Gliessner et al. (US 2004/0152055) ("Gliessner").
- Claim 15 is rejected under 35 USC 103(a) as being allegedly obvious over Dery in view of Rai (US 2008/0144955) ("Rai").
- Claims 16-17 and 19-20 are rejected under 35 USC 103(a) as being allegedly obvious over Dery in view of Gonsalves (US patent no. 6,128,001)("Gonsalves").
- Claim 21 is rejected under 35 USC 103(a) as being allegedly obvious over Dery in view of another publication of a patent application to Iwamoto (US 20090263023)("Iwamoto").
- Claims 4 and 25 are rejected under 35 USC 103(a) as being allegedly obvious over Dery in view of Elhag et al. (US patent no. 8,539,542) ("Elhag").

Discussion

Independent claims 1, 28, and 29

In the Office Action, the Examiner rejects independent claims 1, 28, and 29 under 35 U.S.C. § 102(b) as being allegedly anticipated by Dery. Applicant Respectfully disagrees and traverses the rejections.

To anticipate a claim, the reference must teach every element of the claim.[1] Applicant respectfully submits that Dery does not teach or even suggest every element of independent claims 1, 28, or 29. For example, independent claim 1 as previously presented recited in part:

> presenting, via the display, **a lyric generation prompt, the lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of at least one of the following categories of words: a name, a nickname, a noun, and adverb, or an adjective**;
> receiving, via the network, **an entry by the user of one or more words in response to the lyric generation prompt**;
> **automatically generating**, by a processor, **a song lyric, based on the selected specific pre-recorded audio composition and the entered one or more words**;
> receiving, via the network, an audio recording by the user, the audio recording recorded while playing the specific pre-recorded audio composition **and while displaying the song lyric**;

Claim 1, as previously presented, emphasis added

Conversely, Dery discloses a kiosk for use as an automated recording facility with certain karaoke features. *See e.g.* Dery, Abstract and paragraph [0007]. In the Office Action, the Examiner points to paragraphs [0085] and [0084] as disclosing the above features. Paragraphs [0084] and [0085] in Dery read as follows:

[1] *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

[0084] Next, the karaoke and foreign karaoke options will be described. In step S160 a screen as shown in FIG. 11 is displayed. When the karaoke button 69 or foreign karaoke button 71 is selected, as in step S240, a screen is displayed in which the **user can search for a song or an artist.** In step S250, a screen is displayed as in FIG. 13. In FIG. 13, a particular track preferably can be searched by either the artist's name or the song name. It is envisioned that songs could be searched in other ways (e.g., album name). If the user wants to search for a song based upon the artist's name, the user simply presses the view by artist button 87 and the track list area 95 will arrange the tracks alphabetically by the artist's name. Alternatively, if the user wishes to view the track list area 95 in the order of the songs listed alphabetically, the user presses the view by song button 91. Once the view by song button 91 is pressed, the track list area 95 automatically lists the tracks in alphabetical order based on the song name, irrespective of the artist's name. This feature allows a user great flexibility because they can search for a song if they know the song's name, but do not know the artist's name. Also, they can search for a song if they know the artist's name but they do not know the name of the song. Once the tracks are listed in the order desired by the user, the user can select a track by pressing either the search up button 91 or the search down button 93. The currently selected song appears highlighted on the screen. When the search down button 93 is pressed once, the highlighted track will move to the track below the previously highlighted track. Accordingly, when the search up button 91 is pressed, the highlighted track will become the track above the previously highlighted track. Once the user has highlighted the desired track that they would like to perform with, the user presses the record button 73 and starts to sing along with the song that they selected. If at any point the user wants to stop the recording, they simply press the stop recording button 85.

[0085] Once the user presses the record button 73 as in step S260, the process progresses to step S270 in which lyrics of the song the user selected are displayed. The lyrics are displayed on the system interface 11. Preferably, when the lyrics are displayed, several words are displayed at the same time, and when the proper time arises for the user to sing a particular word, the color of the word changes. This feature allows the singer to sing the lyrics at the proper pace and rhythm. Once the user has completed their karaoke performance, the user presses the stop recording button 85, as shown in step S310. Once the stop recording button 85 is pressed, the screen as shown in FIG. 16 is displayed on system interface 11, and the process proceeds to step S320.

Dery, paragraphs [0084] and [0085]. Emphasis added.

As highlighted in bold above, Dery merely discloses user-selectable songs for karaoke that when selected display the lyrics to such songs. Dery does not teach or suggest anything about automatically generating (i.e. creating) lyrics based on a pre-recorded composition and words entered by a user via a lyric generation prompt. Specifically, Dery does not disclose or even suggests, a **"lyric generation prompt** including a plurality of editable text fields, each of the plurality of editable text fields **configured to receive an entry by the user of at least one of the following categories of words: a name, a nickname, a noun, and adverb, or an adjective**," or "**automatically generating**...**a song lyric, based on** [a] **selected specific pre-recorded audio composition and the entered ... words**," as recited in claim 1 as previously presented.

Nevertheless to advance prosecution, Applicant has amended the independent claims to clarify the distinction between the lyric generation recited in the claims and a karaoke system as described in Dery. For example, claim 1 as amended, now recites in part:

> presenting, via the display, **a lyric generation prompt**, the lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields **configured to receive an entry by the user of one or more keywords** in at least one of the following categories: a name, a nickname, a noun, an adverb, or an adjective;
> **receiving**, via the network, an entry by the user of **one or more keywords in response to the lyric generation prompt**;
> **automatically generating,** by a processor, **a set of custom song lyrics, based on the selected specific pre-recorded audio composition and the entered one or more keywords**;
> receiving, via the network, an audio recording by the user, the audio recording recorded while playing the specific pre-recorded audio composition and while displaying the generated set of custom song lyrics;
>
> Claim 1, as amended, emphasis added.

The basic karaoke features described in Dery do not teach or even suggest, for example, a "**lyric generation prompt** including a plurality of editable text fields, each of the plurality of editable text fields configured **to receive an entry by the user of one or more keywords**," or "**automatically generating…a set of custom song lyrics, based on the selected specific pre-recorded audio composition and the entered one or more keywords**," as recited in claim 1, as amended.

Accordingly, because claim 1 recites features not disclose or even suggested in Dery, claim 1 is allowable over the cited reference. Independent claims 28 and 29 recite similar subject matter to claim 1 and are therefore allowable over Dery for at least the same reasons discussed above with respect to claim 1.

Reconsideration, withdrawal of the rejections, and allowance of independent claims 1, 28, and 29 is respectfully requested.

Dependent Claims

The pending dependent claims depend from claim 1 and are therefore allowable for at least the same reasons discussed above with respect to claim 1. Since the dependent claims are allowable for the reasons provided above, a specific discussion of the prior art associated only with rejections of the dependent claims is not necessary for the purpose of overcoming the rejections. Applicant's silence regarding the applicability of any particular reference should not be taken as agreement with, or acquiescence to, any particular rejection. Applicant respectfully requests reconsideration and withdrawal of any rejections to the dependent claims.

Conclusion

In view of the foregoing, the Applicant respectfully submits that the application is in condition for allowance. If the Examiner has any questions or believes a telephone

conference would expedite prosecution of this application, the Examiner is encouraged to contact the undersigned at (650) 838-4498.

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the applicant is not conceding that previously pending claims are not patentable over the cited references; instead, any alteration or characterizations are being made to facilitate expeditious prosecution of this application.

The applicant reserves the right to later pursue any previously pending or other broader or narrow claims that capture any subject matter supported by the present disclosure, including subject matter that might be found disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any underpayment or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 0714878001US1 from which the undersigned is authorized to draw.

Dated: August 17, 2016

Respectfully submitted,

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Electronic Patent Application Fee Transmittal

Application Number:	12953350
Filing Date:	23-Nov-2010
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Filer:	Marcus Assefa/kathleen farrell
Attorney Docket Number:	071487-8001.US01

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

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

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Request for Continued Examination	2801	1	600	600
		Total in USD ($)		**600**

Electronic Acknowledgement Receipt

EFS ID:	26664627
Application Number:	12953350
International Application Number:	
Confirmation Number:	3329
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Customer Number:	22918
Filer:	Marcus Assefa/kathleen farrell
Filer Authorized By:	Marcus Assefa
Attorney Docket Number:	071487-8001.US01
Receipt Date:	17-AUG-2016
Filing Date:	23-NOV-2010
Time Stamp:	12:25:23
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$600
RAM confirmation Number	9262
Deposit Account	500665
Authorized User	Farrell, Kathleen
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

Charge any Additional Fees required under 37 CFR 1.19 (Document supply fees)

Charge any Additional Fees required under 37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	71487-8001US01_RCE.pdf	697619 a4f76385cded9ae5d3bb778177ded65c34b685a1	no	3
Warnings:					
Information:					
2		71487-8001US01_Response.pdf	130573 1bfc96147702528d8459314726d652726424d391	yes	14

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment Submitted/Entered with Filing of CPA/RCE	1	1
Claims	2	8
Applicant Arguments/Remarks Made in an Amendment	9	14

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30726 35385bec6c5356f11dd180cb987d965322d871ee	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	858918		

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New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/953,350	Filing Date 11/23/2010	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

AMENDMENT **08/17/2016**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 24	Minus	** 27	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 3	Minus	***4	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
TAMMY D. MCBETH BROWN

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/953,350	11/23/2010	Shane Pollack	071487-8001.US01	3329

22918 7590 05/17/2016
PERKINS COIE LLP - PAO General
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER
SALOMON, PHENUEL S

ART UNIT	PAPER NUMBER
2171	

NOTIFICATION DATE	DELIVERY MODE
05/17/2016	ELECTRONIC

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

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

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

patentprocurement@perkinscoie.com

Office Action Summary	Application No. 12/953,350	Applicant(s) POLLACK, SHANE	
	Examiner PHENUEL SALOMON	Art Unit 2171	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☒ Responsive to communication(s) filed on *8/14/2015*.

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

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

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

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

Disposition of Claims*

5)☒ Claim(s) *1-21,25,28 and 29* is/are pending in the application.

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

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-21,25,28 and 29* is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

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

4) ☐ Other: _____.

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

DETAILED ACTION

1. This action is in response to the original filing of 03/13/2012. Claims 22-24 and 26-27 are canceled, claims 28-29 are newly added and claims 1-21, 25 and 28-29 are pending and have been considered below.

2. The objections to the drawings are moot in light of amendment.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of pre-AIA 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5, 6, 8-14, 18, and 28-29 are rejected under 35 U.S.C. 102 (b) as being anticipated by Dery et al. (U.S. 2009/0118849).

Claim 1. Dery discloses a method comprising:

presenting, via a display associated with a client device, a ,graphical listing of plurality of pre-recoded audio compositions, the listing separated into a plurality of categories of

compositions, each of the plurality of pre- recorded audio compositions including a selectable audible preview ([0079], [0084]);

receiving, via a network, a selection by the user of a specific pre-recorded audio composition from the listing of the plurality of pre-recorded audio compositions ([0081]);

presenting, via the display, a lyric, generation prompt, the lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of at least one of the following categories of words: a name, a nickname, a noun, and adverb, or an adjective ([0084], [0085]);

receiving, via the network, an entry by the user of one or more words in response to the lyric ,generation prompt ([0085]);

automatically, generating, by a processor, a song lyric, based on the selected specific pre-recorded audio composition and the entered one or more words ([0085]);

receiving, via the network, an audio recording by the user, the audio recording recorded while playing the specific pre-recorded audio composition and while displaying the song lyric ([0084]-[0085]) ;

editing, by a processor, the specific pre-recorded audio composition, the song lyric, and the audio recording according to received user input ([0088], fig. 16); and

generating, by a processor, a streamable file based on the specific pre-recorded audio composition, and the audio recording (*download/transmit internet*) ([0088], fig. 16).

Claim 2. Dery discloses the method of claim 1, wherein, generating the streamable file includes: synchronizing and encoding the specific pre-recorded audio composition and the audio recording

into a streamable audio file (download/transmit to: external devices, Internet, wireless) ([0087]-[0088]).

Claim 3. Dery discloses the method of claim 2, wherein, the specific composition is generated by the user ([0080]).

Claim 5. Dery discloses the method of claim 1, wherein, editing further comprises at least one of the following: **applying a sound effect to the audio recording** ([0099]).

Claim 6. Dery discloses the method of claim 1, comprising at least one of the following: providing the user with an option to share the streamable file with other user (*download/transmit to: external devices, Internet, wireless)* ([0088]).

Claim 8. Dery discloses the method of claim 1, Edwards further discloses comprising, receiving a request from a user to add video content ([0080]-[0081], [0084]-[0085]).

Claim 9. Dery discloses the method of claim 1, further comprising:
presenting, via the display, a ,graphical listing of the user with a plurality of pre-recorded video recordings, each of the plurality of pre-recorded video recordings including a selectable audible preview; and receiving, via the network, a selection by the user of a specific pre-recorded video recording from the listing of the plurality of pre-recorded video recordings ([0011],[0044],[0046]).

Claim 10. Dery discloses the method of claim 9, generating the streamable file includes: synchronizing and encoding the specific pre-recorded audio composition, the audio recording, and the specific pre-recorded video into a streamable audio/video file (*download/transmit to: external devices, Internet, wireless)* ([0087]-[0088]).

Claim 11. Dery discloses the method of claim 9, further comprising: receiving, via the network, a video recording by the user, the video recording recorded while playing the specific pre-recorded audio composition and while displaying the song lyric ([0084]-[0085]).

Claim 12. Dery discloses the method of claim 11, wherein, generating the streamable file includes synchronizing and encoding the specific pre-recorded audio composition, the audio recording, and the video recording into a streamable audio/video file ([0087]-[0088]).

Claim 13. Dery discloses the method of claim 9, wherein, editing further comprises at least one of the following: **applying a sound effect to the specific pre-recorded video** ([0099].

Claim 14. Dery discloses the method of claim 11, wherein, editing further comprises at least one of the following: **deleting the video recording** ([0099]).

Claim 18. Dery discloses the method of claim 14, wherein applying an imaging effect includes applying digital processing to the video recording ([0070], [0073], [0081],[0095]).

Claims 28 and 29 represent the system and medium respectively of claim 1 and are rejected along the same rationale.

Claim Rejections - 35 USC § 103

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

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

6. Claim 7 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Dery et al. (U.S. 2009/0118849) in view of f Gliessner et al. (US 2004/0152055).

Claim 7. Dery discloses all the limitations of the method of claim 1, but fails to explicitly disclose further comprising at least one of the following: providing a comment mechanism by which a comment is received.

However, Gliessner discloses providing a comment mechanism by which a comment is received (*the speech coaching program provides recommendations, grading or similar feedback to the user to assist the user in correcting his speech to match speech from the audio track*) ([0039]).

Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the

time the invention was made to include this feature in Dery. One would have been motivated to do so in order to provide a user-friendly method that will provide guidance while editing.

7. Claim 15 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Dery et al. (U.S. 2009/0118849) in view of Rai (US 2008/0144955).

Claim 15. Dery discloses all the limitations of the method of claim 9, but fail to explicitly disclose overexposing a camera aperture to capture movement of light.
However, Rai discloses overexposing a camera aperture to capture movement of light ([0053]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Dery. One would have been motivated to do so in order to provide a user-friendly method of editing.

8. Claims 16-17 and 19-20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Dery et al. (U.S. 2009/0118849) in view of Gonsalves et al. (US 6,128,001).

Claim 16. Dery discloses all the limitations of the method of claim 14, but fails to explicitly disclose applying chroma key compositing. However, Gonsalves discloses chroma key compositing (col. 3, lines 34-39). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Dery. One would have been motivated to do so in order to provide a user-friendly method of editing.

Claim 17. Dery discloses all the limitations of the method of claim 14, but fails to explicitly disclose wherein applying an imaging effect includes at least one of the following: fading-in the video recording. However, Gonsalves discloses fading-in the video recording (col. 3, lines 55-59). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Dery. One would have been motivated to do so in order to provide a user-friendly method of editing.

Claim 19. Dery discloses all the limitations of the method of claim 18, but fails to explicitly disclose wherein the digital processing includes color correction. However, Gonsalves discloses digital processing includes color correction (col. 1, lines 15-20). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Dery. One would have been motivated to do so in order to provide a user-friendly method of editing.

Claim 20. Dery discloses all the limitations of the method of claim 18, but fails to explicitly disclose wherein the digital processing includes color saturation. However, Gonsalves discloses digital processing includes color saturation (col. 1, lines 15-20). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Dery. One would have been motivated to do so in order to provide a user-friendly method of editing.

9. Claim 21 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Dery et al. (U.S. 2009/0118849) in view of Iwamoto (US 20090263023).

Claim 21. Dery discloses all the limitations of the method of claim 14, but fail to explicitly disclose superimposing a pre-recorded video recording on the video recording. However, Iwamoto discloses superimposing a pre-recorded video recording on the video recording ([0116], [0124]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Dery. One would have been motivated to do so in order to provide a user-friendly method of editing.

10. Claims 4 and 25 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Dery et al. (U.S. 2009/0118849) in view of Elhag et al. (US 8,539,542).

Claim 4. Dery discloses the method of claim 1, wherein, generating the streamable file includes placing the specific pre-recorded audio composition and audio recording ([0087]-[0088]) but fails to explicitly disclose in a queue for publishing over the network along with a plurality of simultaneous requests from other users to publish.
However, Elhag discloses in a queue for publishing over the network along with a plurality of simultaneous requests from other users to publish (abstract). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Dery. One would have been motivated to do so in order to facilitate streaming in an orderly manner.

Claim 25 contains similar subject matter as claim 4 and is rejected along the same rationale.

Response to Arguments

11. Applicant's arguments filed on 8/14/2015 have been fully considered but they are moot in light of new ground of rejection(s).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M. (Alternate Friday Off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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

/Phenuel S. Salomon/

Primary Examiner, Art Unit 2171

Notice of References Cited	Application/Control No. 12/953,350	Applicant(s)/Patent Under Reexamination POLLACK, SHANE	
	Examiner PHENUEL SALOMON	Art Unit 2171	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-8,539,542 B1	09-2013	Elhag; Sam	H04N21/2665	725/105
*	B	US-2009/0209237 A1	08-2009	Six; Scirocco Michelle	G11B27/034	455/414.1
*	C	US-2011/0040828 A1	02-2011	Leblanc; Michael	G06F17/30902	709/203
	D	US-				
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12953350	POLLACK, SHANE
	Examiner	Art Unit
	PHENUEL SALOMON	2171

CPC- SEARCHED		
Symbol	Date	Examiner
G06F3/0481 with limited text	5/12/2016	pss

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
715	716-723	2/4/2013	pss

SEARCH NOTES		
Search Notes	Date	Examiner
uspat, us_pgpub, epo, jpo, usocr	2/4/2013	pss
EAST search	5/12/2016	pss

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12953350	POLLACK, SHANE
	Examiner	Art Unit
	PHENUEL SALOMON	2171

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

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

CLAIM		DATE								
Final	Original	02/05/2013	05/12/2016							
	1	✓	✓							
	2	✓	✓							
	3	✓	✓							
	4	✓	✓							
	5	✓	✓							
	6	✓	✓							
	7	✓	✓							
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	25	✓	✓							
	26	✓	-							
	27	✓	-							
	28		✓							
	29		✓							

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S44	50	(("9165542") or ("8805164") or ("8247676") or ("8153878") or ("8136041") or ("8064887") or ("20110219940") or ("8015123") or ("7965824") or ("7943842") or ("7779357") or ("7769364") or ("7735012") or ("20100095829") or ("20100082768") or ("20100064218") or ("20100031804") or ("7655855") or ("7653181") or ("20090320669") or ("20090290694") or ("20090228279") or ("20090228798") or ("20090228493") or ("7577568") or ("20090185669") or ("20090118849") or ("7512219") or ("20080307948") or ("20080261564") or ("7424098") or ("20080155637") or ("20080091571") or ("20080053293") or ("7301093") or ("20070186752") or ("20070180383") or ("7169996") or ("20060095848") or ("20060086236") or ("20050153729") or ("20040254792") or ("20040089141") or ("20030215063") or ("20030159566") or ("6606374") or ("20030049591") or ("20030028380") or ("20020044633") or ("5296643")).PN.	US-PGPUB; USPAT	OR	OFF	2016/03/28 15:31
S45	50	(("9165542") or ("8805164") or ("8731943") or ("8153878") or ("8136041") or ("8064887") or ("20110219940") or ("8015123") or ("20110196666") or ("7943842") or ("7779357") or ("7769364") or ("7735012") or ("20100095829") or ("20100082768") or ("20100064218") or ("20100031804") or ("7655855") or ("7653181") or ("20090228279") or ("20090228798") or ("20090228493") or ("20090185669") or ("20090118849") or ("20080307948") or ("20080261564") or ("20080155637") or ("20080091571") or ("20080053293") or ("7301093") or ("7279629") or ("20070186752") or ("20070180383") or ("20070065794") or ("7169996") or ("20060095848") or ("20060086236") or ("7022905") or ("20050153729") or ("20050120868") or ("6816577") or ("20040089141") or ("20030215063") or ("20030159566") or ("6606374") or ("20030049591") or ("20030028380") or ("20020181671") or ("20020044633") or ("5296643")).PN.	US-PGPUB; USPAT	OR	OFF	2016/05/09 15:11
S46	0	S45 and music driven community	US-PGPUB; USPAT; USOCR	ADJ	ON	2016/05/09 15:13

S47	0	music driven community	US-PGPUB; USPAT; USOCR	ADJ	ON	2016/05/09 15:14

5/ 12/ 2016 7:23:10 PM
C:\ Users\ psalomon\ Documents\ EAST\ Workspaces\ 12953350 - Creating and Disseminating of User Generated Media over a Network.wsp

Office of Petitions: Routing Sheet



Application No. 12/953,350

This application is being forwarded to your office for further processing. A decision has been rendered on a petition filed in this application.

- [X] **GRANTED**
- [ ] **DISMISSED**
- [ ] **DENIED**

Office of Petitions: Decision Count Sheet

Mailing Month

Application No. 12953350



For US serial numbers: enter number only, no slashes or commas. Ex: 10123456
For PCT: enter "51+single digit of year of filing+last 5 numbers", Ex. for PCT/US05/12345, enter 51512345

Deciding Official: FAISON-BALL, PATRICIA

Count (1) - Palm Credit 12/953,350

Decision: GRANT

FINANCE WORK NEEDED
☑ Select Check Box for YES



Decision Type: 502 - 37 CFR 1.137(b) - REVIVAL BASED ON UNINTENTIC



Notes:

Count (2)

Decision: n/a

FINANCE WORK NEEDED
☐ Select Check Box for YES

Decision Type: NONE

Notes:

Count (3)

Decision: n/a

FINANCE WORK NEEDED
☐ Select Check Box for YES

Decision Type: NONE

Notes:

Initials of Approving Official (if required)

If more than 3 decisions, attach 2nd count sheet & mark this box ☐

Printed on: *2/5/2016*

Office of Petitions Internal Document - Ver. 5.0

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/953,350	11/23/2010	Shane Pollack	071487-8001.US01	3329

22918 7590 02/09/2016
PERKINS COIE LLP - PAO General
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER	
SALOMON, PHENUEL S	

ART UNIT	PAPER NUMBER
2171	

NOTIFICATION DATE	DELIVERY MODE
02/09/2016	ELECTRONIC

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

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

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

patentprocurement@perkinscoie.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Shane Pollack
Application No. 12/953,350 ON PETITION
Filed: November 23, 2010
Attorney Docket No.: 0714878001US1

This is a decision on the petition filed August 14, 2015 under 37 CFR 1.137(a)[1], to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed February 15, 2013 within the shortened statutory period of three months set for reply. Accordingly, the Notice of Abandonment was mailed August 29, 2013.

As the extension of time request filed with the instant petition was filed outside of the maximum period obtainable for reply, the extension of time and fee is unnecessary and the fees will be refunded back to the credit card provided.

All other requirements having been met, this matter is being referred to Technology Center 2171 for treatment of the response filed August 14, 2015.

Telephone inquiries concerning this matter should be directed to the undersigned Attorney at (571) 272-3212.

/Patricia Faison-Ball/

Patricia Faison-Ball
ATTORNEY ADVISOR
Office of Petitions

[1] Effective December 18, 2013, a grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

Doc Code: PET.OP
Document Description: Petition for Review by the Office of Petitions

USED IN LIEU OF PTO/SB/64 (12-13)

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(a) Page 1 of 2	Docket Number (Optional) 0714878001US1

First named inventor: Shane Pollack

Application No.: 12/953,350-Conf. #3329 Art Unit: 2171

Filed: November 23, 2010 Examiner: P. S. Salomon

Title: CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact the Office of Petitions at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. **Petition fee**

[X] Small entity fee $ 850.00 (37 CFR 1.17(m)). Applicant asserts small entity status. See 37 CFR 1.27.

[ ] Undiscounted fee $ _____ (37.CFR.1.17(m)).

2. **Reply and/or fee**

A The reply and/or fee to the above-noted Office notice or action in the form of Amendment in Response to Non-Final Office Action (identify the type of reply):

[ ] has been filed previously on _____.

[X] is enclosed herewith.

B The issue fee and publication fee (if applicable) of $ _____

[ ] has been paid previously on _____.

[ ] is enclosed herewith.

Snap Inc. - EX1017, Page 0386

Doc Code: PET.OP
Document Description: Petition for Review by the Office of Petitions

USED IN LIEU OF PTO/SB/64 (12-13)

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(a)

3. **Terminal disclaimer with disclaimer fee**

[X] Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

[ ] A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. **STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(a) was unintentional. During prosecution, the patent practitioner responsible for this matter moved offices and, in error and without intention, we closed this application in our docketing system. We recently discovered our docketing error and that the application was abandoned, when the applicant inquired as to the status of the application. We are otherwise unsure why this error continued to persist from the notice of abandonment on 8/29/2013 until the recent discovery.

WARNING:

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

/Marcus Assefa/	August 13, 2015
Signature	Date
Marcus Assefa	72,190
Typed or Printed Name	Registration Number, if applicable

PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
Address

(206) 359-8000
Telephone Number

Enclosures:

[X] Fee Payment

[X] Reply

[ ] Terminal Disclaimer Form

[ ] Additional sheet(s) containing statements establishing unintentional delay

[X] Other: $700.00 Fees for Extension of Time

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PTO/SB/22 (03-13)
Approved for use through 3/31/2013. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)	Docket Number (Optional) 0714878001US1
Application Number 12/953,350-Conf. #3329	Filed November 23, 2010
For CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK	
Art Unit 2171	Examiner P. S. Salomon

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	Micro Entity Fee	
☐ One month (37 CFR 1.17(a)(1))	$200	$100	$50	$
☐ Two months (37 CFR 1.17(a)(2))	$600	$300	$150	$
☒ Three months (37 CFR 1.17(a)(3))	$1,400	$700	$350	$ 700.00
☐ Four months (37 CFR 1.17(a)(4))	$2,200	$1,100	$550	$
☐ Five months (37 CFR 1.17(a)(5))	$3,000	$1,500	$750	$

☒ Applicant asserts small entity status. See 37 CFR 1.27.

☐ Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any deficiencies in fees, or credit any overpayment, to Deposit Account Number 50-0665 .

☒ Payment made via EFS-Web.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. 37 CFR 3.73(b) statement is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration number 72,190 .

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____ .

/Marcus Assefa/ — Signature
August 13, 2015 — Date

Marcus Assefa — Typed or printed name
(206) 359-8000 — Telephone Number

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

☒ * Total of 1 forms are submitted.

Docket No.: 0714878001US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shane Pollack

Application No.: 12/953,350 | Confirmation No.: 3329

Filed: November 23, 2010 | Art Unit: 2171

For: CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK | Examiner: P. S. Salomon

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION UNDER 37 C.F.R. § 1.111

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

Madam:

INTRODUCTORY COMMENTS

Applicants herewith submit a Petition to Revive Application Unintentionally Abandoned under 37 CFR 1.137 (a). In response to the Office Action dated February 15, 2013, please amend the above-identified U.S. patent application as follows:

Amendments to the Specification begin on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Amendments to the Drawings begin on page 12 of this paper and include an attached replacement sheet .

Remarks/Arguments begin on page 13 of this paper.

AMENDMENTS TO THE SPECIFICATION

Please replace paragraph [00113] with the following amended paragraph:

[00113] After the completion of the editing, saving, and synchronization functions, the audio recorder/player queries the user for a confirmation, as shown at prompt 1402. In one embodiment, the user can either publish the audio/video content or continue the editing process. In this embodiment, all other options are disabled, except for two possible choices: continuing the modification process until the satisfaction of the user or sharing the audio content on the network.

AMENDMENTS TO THE CLAIMS

1. (Currently amended) A method ~~performed by a server enabling a user to generate audio content over a network,~~ comprising:

presenting, via a display associated with a client device, ~~the user with~~ a graphical listing of plurality of pre-recoded audio compositions, the listing separated into a plurality of categories of compositions, each of the plurality of pre-recorded audio compositions including a selectable audible preview;

receiving, via a network, a ~~request from the user to add~~ selection by the user of a specific pre-recorded audio composition from the listing of the plurality of pre-recorded audio compositions;

presenting, via the display, a lyric ~~using text submitted by the user~~ generation prompt, the lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of at least one of the following categories of words: a name, a nickname, a noun, and adverb, or an adjective;

receiving, via the network, an entry by the user of one or more words in response to the lyric generation prompt;

automatically generating, by a processor, a song lyric, based on the selected specific pre-recorded audio composition and the entered one or more words;

receiving, via the network, an audio recording ~~an audio recording generated~~ by the user, ~~wherein~~ the audio recording recorded while playing the specific pre-recorded audio composition and while displaying the song lyric~~is playing during the recording of the audio recording~~; ~~and~~

editing, by a processor, the specific pre-recorded audio composition, the song lyric, and the audio recording according to received user input; and

generating, by a processor, a streamable file based on the specific pre-recorded audio composition, and the audio recording.

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2. (Currently amended) The method of claim 1, wherein~~, the specific composition is pre-recorded~~ generating the streamable file includes:

synchronizing and encoding the specific pre-recorded audio composition and the audio recording into a streamable audio file.

3. (Original) The method of claim 2, wherein, the specific composition is generated by the user.

4. (Currently amended) The method of claim 1, wherein~~, the lyric is automatically generated using a keyword submitted by the user~~ generating the streamable file includes placing the specific pre-recorded audio composition and audio recording in a queue for publishing over the network along with a plurality of simultaneous requests from other users to publish.

5. (Currently amended) The method of claim 1, wherein, editing further comprises at least one of the following:

applying a sound effect to the audio recording;

changing a timing of the audio recording; or

deleting the audio recording.

6. (Currently amended) The method of claim 1, further comprising at least one of the following:

providing playback of the streamable ~~audio recording and the specific composition~~ file;

~~generating the audio content for publishing on the network, wherein the audio content synchronizes the audio recording and the composition;~~

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providing the user with an option to share the streamable ~~audio content~~ file with other users.

7. (Currently amended) The method of claim 1, further comprising at least one of the following:

providing a feedback mechanism by which the user approves the streamable audio file ~~content~~;

providing a rating mechanism by which a rating is received;

providing a comment mechanism by which a comment is received;

8. (Currently amended) The method of claim 1, further comprising, receiving, via the network, a request from a user to add video content.

9. (Currently amended) [[A]] The method ~~performed by a server enabling a user to generate audio and video content over a network~~ of claim 1, further comprising:

~~receiving a first request from the user to add an audio content;~~

~~receiving a second request from the user to add a video recording;~~

presenting, via the display, a graphical listing of ~~the user with~~ a plurality of pre-recorded video recordings, each of the plurality of pre-recorded video recordings including a selectable audible preview; and

receiving, via the network, a selection by the user of a specific pre-recorded video recording from the listing of the plurality of pre-recorded video recordings

~~recording the video recording, wherein the audio content are playing during the recording of the video recording; and~~

~~editing the audio content and the video content according user input~~.

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10. (Currently amended) The method of claim 9, wherein ~~the method further comprises, presenting the user with an option to generate audio content~~ generating the streamable file includes:

synchronizing and encoding the specific pre-recorded audio composition, the audio recording, and the specific pre-recorded video into a streamable audio/video file.

11. (Currently amended) The method of claim 9, ~~wherein, the audio content is pre-recorded~~ further comprising:

receiving, via the network, a video recording by the user, the video recording recorded while playing the specific pre-recorded audio composition and while displaying the song lyric.

12. (Currently amended) The method of claim 11, wherein, ~~the audio content is generated by the user~~ generating the streamable file includes

synchronizing and encoding the specific pre-recorded audio composition, the audio recording, and the video recording into a streamable audio/video file.

13. (Currently amended) The method of claim 9, wherein, editing further comprises at least one of the following:

applying a sound effect to the ~~audio recording~~ specific pre-recorded video;

changing a timing of the ~~audio recording~~ specific pre-recorded video;

deleting the ~~audio recording~~ specific pre-recorded video;

deleting a section of the ~~audio recording~~ specific pre-recorded video.

14. (Currently amended) The method of claim [[9]]11, wherein, editing further comprises at least one of the following:

applying an imaging effect to the video recording;

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changing a timing of the video recording;

deleting the video recording; or

deleting a frame of the video recording.

15. (Currently amended) The method of claim [[9]]11, wherein recording the video recording includes, overexposing a camera aperture to capture movement of light.

16. (Original) The method of claim 14, wherein applying an imaging effect includes applying chroma key compositing.

17. (Original) The method of claim 14, wherein applying an imaging effect includes at least one of the following:

fading-in the video recording;

fading-out the video recording;

18. (Original) The method of claim 14, wherein applying an imaging effect includes applying digital processing to the video recording.

19. (Original) The method of claim 18, wherein the digital processing includes color correction.

20. (Original) The method of claim 18, wherein the digital processing includes color saturation.

21. (Original) The method of claim 14, wherein applying an imaging effect includes, superimposing a pre-recorded video recording on the video recording.

22-24. (Cancelled)

25. (Currently amended) The method of claim [[22]]12, ~~further comprising, creating a queue such that generating and publishing occur simultaneously~~ wherein generating the streamable audio/video file includes:

placing the specific pre-recorded audio composition, the audio recording, and the video recording in a queue for publishing over the network along with a plurality of simultaneous requests from other users to publish.

26-27. (Cancelled)

28. (New) A system comprising:

a network interface;

a processor; and

a memory unit having instructions stored thereon, which when executed by the processor, cause the system to:

present, via a display associated with a client device, a graphical listing of plurality of pre-recoded audio compositions, the listing separated into a plurality of categories of compositions, each of the plurality of pre-recorded audio compositions including a selectable audible preview;

receive, via the network interface, a selection by the user of a specific pre-recorded audio composition from the listing of the plurality of pre-recorded audio compositions;

present, via the display, a lyric generation prompt, the lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of at least one of the following

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categories of words: a name, a nickname, a noun, and adverb, or an adjective;

receive, via the network interface, an entry by the user of one or more words in response to the lyric generation prompt;

automatically generate a song lyric, based on the selected specific pre-recorded audio composition and the entered one or more words;

receive, via the network interface, an audio recording by the user, the audio recording recorded while playing the specific pre-recorded audio composition and while displaying the song lyric;

edit the specific pre-recorded audio composition, the song-lyric, and the audio recording according to received user input; and

generate a streamable file based on the specific pre-recorded audio composition and the audio recording.

29. (New) A non-transitory computer-readable medium including instructions which when executed by a processor cause the processor to perform the following:

present, via a display associated with a client device, a graphical listing of plurality of pre-recoded audio compositions, the listing separated into a plurality of categories of compositions, each of the plurality of pre-recorded audio compositions including a selectable audible preview;

receive, via a network interface, a selection by the user of a specific pre-recorded audio composition from the listing of the plurality of pre-recorded audio compositions;

present, via the display, a lyric generation prompt, the lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of at least one of the

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following categories of words: a name, a nickname, a noun, and adverb, or an adjective;

receive, via the network interface, an entry by the user of one or more words in response to the lyric generation prompt;

automatically generate a song lyric, based on the selected specific pre-recorded audio composition and the entered one or more words;

receive, via the network interface, an audio recording by the user, the audio recording recorded while playing the specific pre-recorded audio composition and while displaying the song lyric;

edit the specific pre-recorded audio composition, the song–lyric, and the audio recording according to received user input; and

generate a streamable file based on the specific pre-recorded audio composition and the audio recording.

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawing includes changes to FIG. 14. This sheet, which include FIG. 14, replaces the original sheet including FIG.14. In Figure 14, previously omitted element 1402 has been added.

Attachment: Replacement sheet
Annotated Sheet Showing Changes

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REMARKS

In the specification, the paragraph [00113] has been amended to correct minor editorial problems.

In amended FIG. 14, the previously omitted element 1402 has been added.

Claims 1-27 were pending when the present Office Action was mailed on February 15, 2013. In this response, claims 1, 2, 4-15, and 25 have been amended to clarify certain features of these claims and to expedite prosecution of this application; the foregoing amendment are made without prejudice to pursuing these claims in unamended or other forms in a continuation or other application. Claims 22-24, and 26-27 have been canceled in this response without conceding the merits of the rejections of these claims and without prejudice to pursuing these claims in a continuation application. Claims 28 and 29 have been added in this response. Accordingly, claims 1-21, 25, 28, and 29 are currently pending. Support for the amendments can be found at least at FIGS. 6-8 and paragraphs [0094]-[0102] and [00122] in the Specification. No new matter has been added.

In the Office Action dated February 15, 2013, claims 1-27 were rejected. More specifically, the status of the application in light of this Office Action is as follows:

(A) Claims 1-6, 8-14, 18, 22 and 24-27 were rejected under 35 U.S.C. § 103(a) over the combination of U.S. Patent Application Publication No. 2010/0082768 to Edwards et al. ("Edwards") and U.S. Patent Application Publication No. 2010/0223314 to Gadel et al. ("Gadel");

(B) Claims 7 and 23 were rejected under 35 U.S.C. § 103(a) over the combination of Edwards, Gadel and U.S. Patent Application Publication No. 2004/0152055 to Gliessner et al. ("Gliessner");

(C) Claim 15 was rejected under 35 U.S.C. § 103(a) over the combination of Edwards, Gadel and U.S. Patent Application Publication No. 2008/0144955 to Rai ("Rai");

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(D) Claims 16-17, 19 and 20 were rejected under 35 U.S.C. § 103(a) over the combination of Edwards, Gadel and U.S. Patent Application No. 6,128,001 to Gonsalves et al. ("Gonsalves ");

(E) Claim 21 was rejected under 35 U.S.C. § 103(a) over the combination of Edwards, Gadel and U.S. Patent Application Publication No. 2009/0263023 to Iwamoto ("Iwamoto").

As a preliminary matter, Applicant respectfully submits that the instant response places all currently pending claims in condition for allowance and therefore requests a Notice of Allowance. If the Examiner intends to issue any communication other than a Notice of Allowance, Applicant respectfully requests an Examiner's Interview prior to any substantive action or Office Action in the instant application.

A. Regarding independent claims 1, 9, 26, and 27

The Examiner has rejected independent claims 1, 9, 26, and 27 under 35 U.S.C. § 103(a) over the combination of U.S. Patent Application Publication No. 2010/0082768 to Edwards et al. ("Edwards") and U.S. Patent Application Publication No. 2010/0223314 to Gadel et al. ("Gadel"). Applicant Respectfully disagrees and traverses the rejections.

For at least the following reasons, Edwards and Gadel, whether considered individually or in combination, fail to disclose or suggest all of the features of claims 1 and 9. For example, claim 1, as amended, recites in part:

> presenting, via the display, a lyric generation prompt, the lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of at least one of the following categories of words: a name, a nickname, a noun, and adverb, or an adjective;
>
> receiving, via the network, an entry by the user of one or more words in response to the lyric generation prompt;
>
> automatically generating, by a processor, a song lyric, based on the selected specific pre-recorded audio composition and the entered one or more words;

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receiving, via the network, an audio recording by the user, the audio recording recorded while playing the specific pre-recorded audio composition and while displaying the song lyric; [and]

editing, by a processor, the specific pre-recorded audio composition, the song lyric, and the audio recording according to received user input

(emphasis added)

Conversely, Edwards discloses software for generating multimedia presentations including downloaded "audio stems," downloaded "video segments" and downloaded lyrics information. The audio stems, video segments, and lyrics information include timing information that allow a music director to create a multimedia presentation synchronizing the three media for use to enhance a live performance. (See e.g., Edwards, Abstract and paragraphs [0014] - [0016] and [0034]-[0035]). The Examiner states in the Office Action that Edwards "does not explicitly disclose recording an audio recording generated by the user, wherein the specific composition is playing during the recording of the audio recording." (See Office Action of February 15, 2013, pg. 3). In support of the rejection under § 103(a), the Examiner introduces Gadel. Gadel discloses software that allows a user to generate a multimedia messages that involve a karaoke component. As discussed at paragraph [0039] the karaoke segment involves: 1) playing "karaoke vocals by an original vocalist synchronized with … karaoke video," 2) recording "the karaoke lyrics performed by a user via an audio input device in order to create a karaoke segment with the original video, and the original music but with the recorded voice of the user," and 3) creating and sending "a composite multimedia greeting that includes either the manipulated karaoke segments only or includes previously created multimedia greeting that were manipulated in other windows." (See Gadel paragraph [0039]). In other words, the software disclosed in Gadel allows a user to play prerecorded audio and video of lyrics perdormed by an original artist, record their singing over the prerecorded audio and video and create a multimedia greeting combining the prerecorded audio and video with the user's recorded audio.

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Edwards and Gadel, alone or in combination, do not however disclose "presenting…a lyric generation prompt, the lyric generation prompt including a plurality of editable text fields, each of the plurality of editable text fields configured to receive an entry by the user of at least one of the following categories of words: a name, a nickname, a noun, and adverb, or an adjective,"…"automatically generating…a song lyric based on [a] selected specific pre-recorded audio composition and… one or more words [entered in response to the lyric generation prompt]," or recording audio by the user "while playing the specific pre-recorded audio composition and while displaying the song lyric," as recited in claim 1, as amended.

Accordingly, claim 1 is allowable over the cited references because Edwards and Gadel, either alone or in combination, do not disclose all the elements recited in claim 1.

In this response, claim 9 has been amended to depended form claim 1, accordingly claim 9 is allowable for at least the same reasons discussed above with respect to claim 1.

In this response, claims 26 and 27 are cancelled rendering any rejections or objections moot.

Reconsideration, withdrawal of the rejections, and allowance of claims 1 and 9 is respectfully requested.

B. New Independent Claims 28 and 29

In this response, new independent claims28 and 29 have been added. Claims 28 and 29 are parallel in scope with claim 1 and are therefore allowable for at the least the same reasons discussed above with respect to claim 1. Allowance of claims 28 and 29 is respectfully requested.

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C. Regarding the Dependent Claims

The pending dependent claims depend from claim 1 and are therefore allowable for at least the same reasons discussed above with respect to claim 1. Since the dependent claims are allowable for the reasons provided above, a specific discussion of the prior art associated only with rejections of the dependent claims is not necessary for the purpose of overcoming the rejections. Applicant's silence regarding the applicability of any particular reference should not be taken as agreement with, or acquiescence to, any particular rejection. Applicant respectfully requests reconsideration and withdrawal of any rejections to the dependent claims.

D. Conclusion

In view of the foregoing, the Applicant respectfully submits that the application is in condition for allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact the undersigned at (650) 838-4498.

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the applicant is not conceding that previously pending claims are not patentable over the cited references; instead, any alteration or characterizations are being made to facilitate expeditious prosecution of this application.

The applicant reserves the right to later pursue any previously pending or other broader or narrow claims that capture any subject matter supported by the present disclosure, including subject matter that might be found disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related

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prosecution history shall not reasonably infer that the applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any underpayment or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 0714878001US1 from which the undersigned is authorized to draw.

Dated: August 13, 2015

Respectfully submitted,

By /Marcus Assefa/
Marcus Assefa
Registration No.: 72,190
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(650) 838-4498
(206) 359-7198 (Fax)
Attorney for Applicant

Attachments

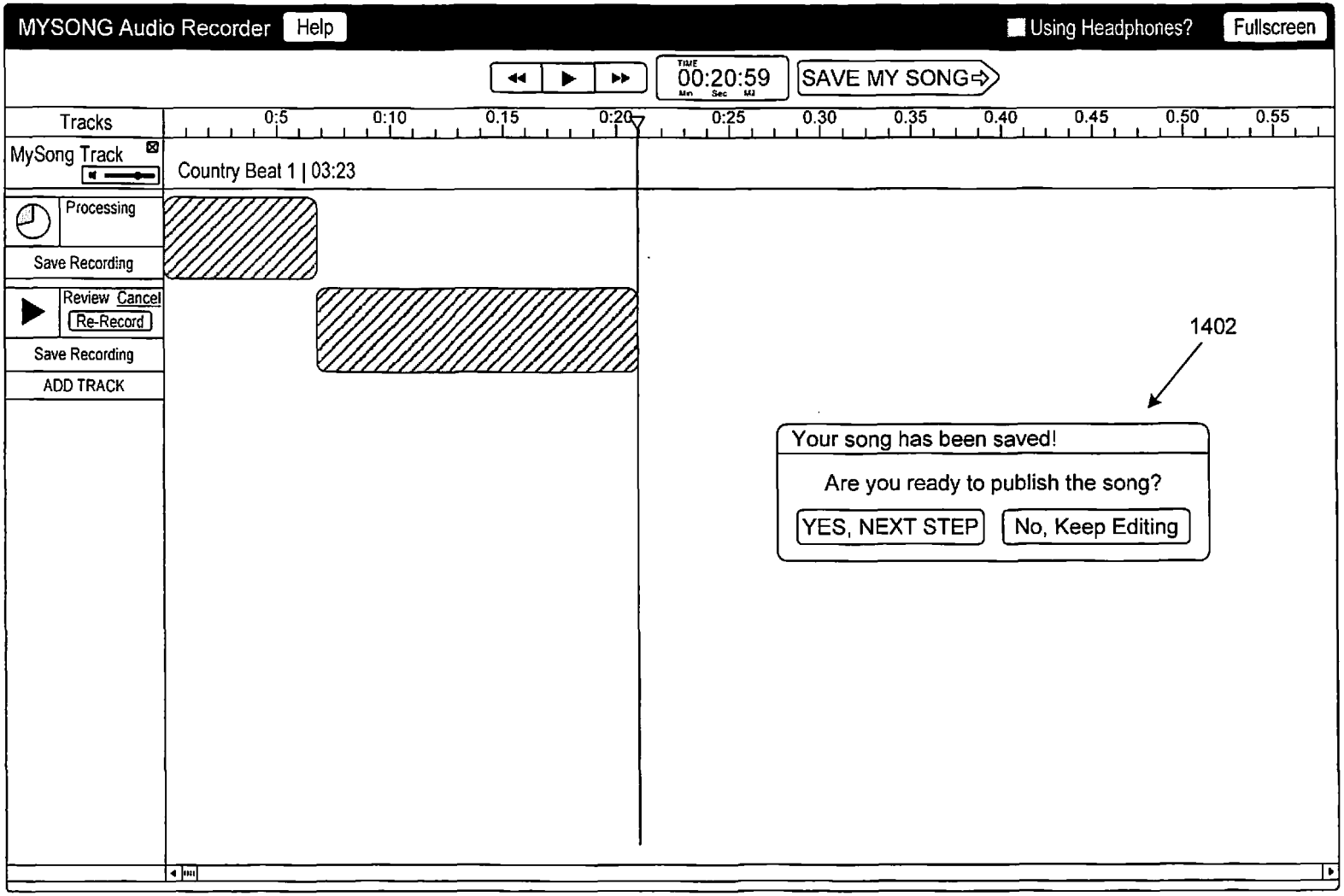


FIG. 14

REPLACEMENT SHEET

– Annotated Sheet –

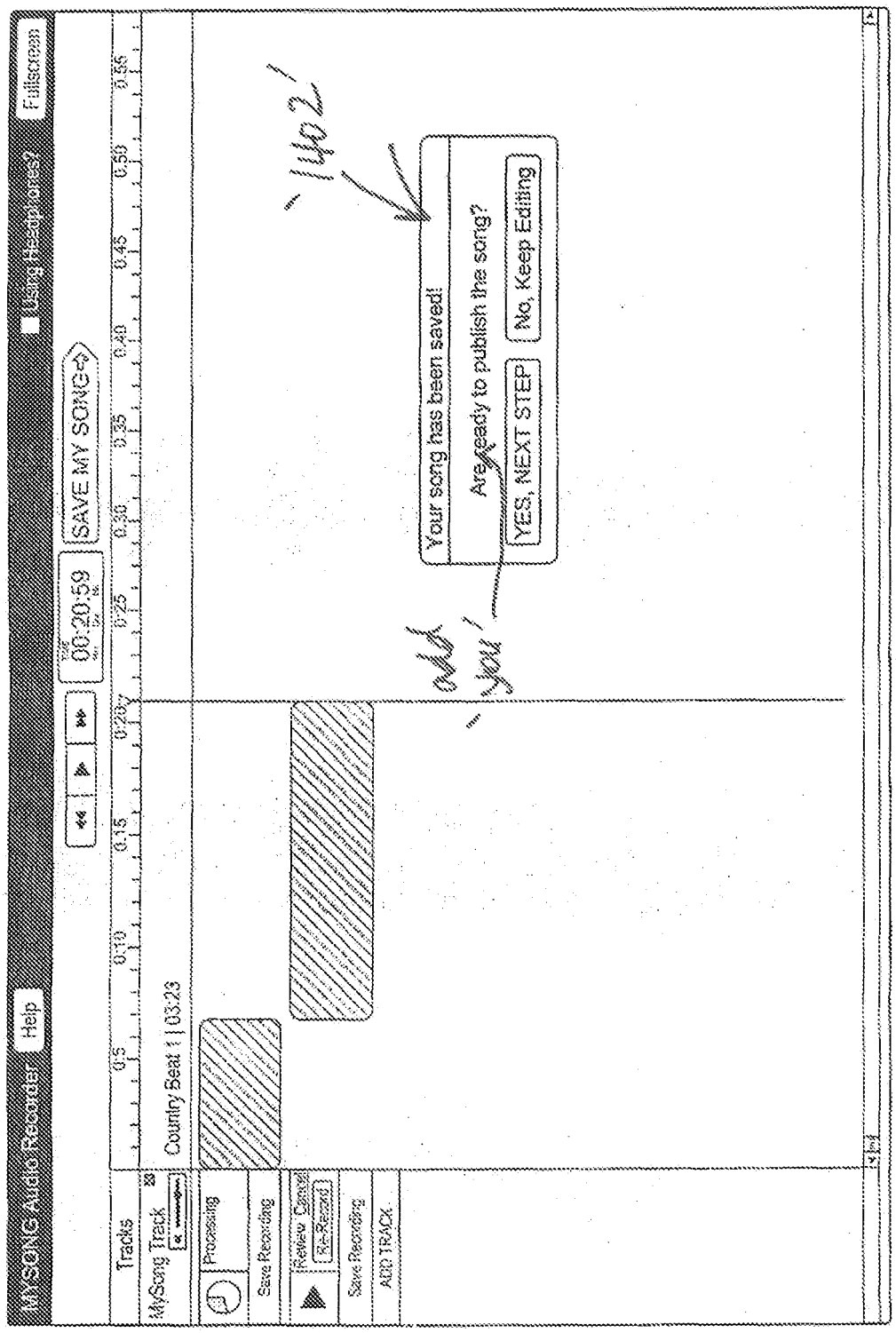


FIG. 14

Electronic Patent Application Fee Transmittal

Application Number:	12953350
Filing Date:	23-Nov-2010
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Filer:	Brian R. Coleman/JiYoung Anderson
Attorney Docket Number:	71487-8001.US01

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Pet. Revive Abandon App, Delay Pymt-Resp	2453	1	850	850
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Extension - 3 months with $0 paid	2253	1	700	700
Miscellaneous:				
			Total in USD ($)	**1550**

Electronic Acknowledgement Receipt

EFS ID:	23215202
Application Number:	12953350
International Application Number:	
Confirmation Number:	3329
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Customer Number:	22918
Filer:	Brian R. Coleman/JiYoung Anderson
Filer Authorized By:	Brian R. Coleman
Attorney Docket Number:	71487-8001.US01
Receipt Date:	14-AUG-2015
Filing Date:	23-NOV-2010
Time Stamp:	16:06:19
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$1550
RAM confirmation Number	11508
Deposit Account	
Authorized User	

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

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		PetitionToRevive-EOT-74182-8001US1.PDF	190646 fd61aa437e1b18eb0fd090a9365b5e41e24f72fa	yes	3

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Petition for review by the Office of Petitions	1	2
Extension of Time	3	3

Warnings:

Information:

2		2015-8-14-ResponsetoNFOA-71487-8001US1.PDF	352775 d3f85456438dc30fa5f2f00b7f28672d1ab3b31c	yes	20

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment/Req. Reconsideration-After Non-Final Reject	1	2
Specification	3	3
Claims	4	11
Applicant Arguments/Remarks Made in an Amendment	12	20

Warnings:

Information:

3	Fee Worksheet (SB06)	fee-info.pdf	32800 bb65df1cc07faae36cacfda52fb8b9d2fda1dede	no	2

Warnings:

Information:

Total Files Size (in bytes):	576221

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/06 (09-11)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/953,350	Filing Date 11/23/2010	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

AMENDMENT **08/14/2015**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 27	Minus	** 27	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 3	Minus	***4	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

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

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

SLIE
/SHARON M. WEST/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/953,350	11/23/2010	Shane Pollack	71487-8001.US01	3329

22918 7590 08/29/2013

PERKINS COIE LLP - PAO General
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER	
SALOMON, PHENUEL S	
ART UNIT	PAPER NUMBER
2171	

NOTIFICATION DATE	DELIVERY MODE
08/29/2013	ELECTRONIC

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

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

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

patentprocurement@perkinscoie.com

Notice of Abandonment	Application No.	Applicant(s)
	12/953,350	POLLACK, SHANE
	Examiner	Art Unit
	PHENUEL SALOMON	2171

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

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on *15 February 2013*.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

The examiner contacted applicant's representative Cindy Engleheart on 8/23/2013 and confirmed that no response has been sent subsequent to the office action mailed 2/15/2013.

/Phenuel S. Salomon/
Primary Examiner, Art Unit 2171

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/953,350	11/23/2010	Shane Pollack	71487-8001.US01	3329

22918 7590 02/15/2013

PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

EXAMINER	
SALOMON, PHENUEL S	
ART UNIT	**PAPER NUMBER**
2171	

NOTIFICATION DATE	DELIVERY MODE
02/15/2013	ELECTRONIC

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

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

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

patentprocurement@perkinscoie.com

Office Action Summary	Application No.	Applicant(s)	
	12/953,350	POLLACK, SHANE	
	Examiner	Art Unit	
	PHENUEL SALOMON	2171	

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *23 November 2010*.

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

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

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

Disposition of Claims

5)☒ Claim(s) *1-27* is/are pending in the application.

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

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-27* is/are rejected.

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

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

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

Application Papers

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

11)☒ The drawing(s) filed on *23 November 2010* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

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

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

4) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the original filing of 03/13/2012. Claims 1-20 are pending and have been considered below.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference characters that are erroneously disclosed in the description: "*Are ready to publish the song*?" in Figure 14. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) is required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance

Claim Rejections - 35 USC § 103

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

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

4. Claims 1-6, 8-14, 18, 22 and 24-27 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Edwards et al. (U.S. 2010/0082768) in view of Gadel et al. (U.S. 2010/0223314).

Claim 1. Edwards discloses a method performed by a server enabling a user to generate audio content over a network, comprising:

presenting the user with a plurality of compositions (*The service includes providing a plurality of audio stems and video segments for download and inclusion in the multimedia presentation*)([0012]);

receiving a request from the user to add a specific composition (*A user is enabled to select and download a portion of the audio stems and video segments*)([0012], [0020]);

presenting a lyric using text submitted by the user (*a user is also enabled to select lyric data for download and inclusion with the multimedia presentation*) ([0012]), (*the lyrics data can be entered (e.g., provided by a user with a keyboard or voice recognition system) locally by a user*) ([0014]).

Edwards does not explicitly disclose

recording an audio recording generated by the user, wherein the specific composition is playing during the recording of the audio recording.

However, Gadel discloses recording an audio recording generated by the user, wherein the specific composition is playing during the recording of the audio recording (*a producer may record and loop the signals received from such sources and loop them within the multimedia presentation. The vocal signals, instrument signals, and video signals may include a reference signal with timing information used for synchronization*) ([0039], [0049]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Edwards. One would have been motivated to do so in order to provide a user-friendly method that will provide for enhanced and advanced personalization of multimedia messages.

Edwards further discloses

editing the specific composition, the song lyric, and the audio recording according to user input ([0018], [0019]).

Claim 2. Edwards and Gadel disclose the method of claim 1, Edwards further discloses wherein, the specific composition is pre-recorded (*The audio stems may be arranged according to genre and may be pre-recorded*) ([0013]).

Claim 3. Edwards and Gadel disclose the method of claim 2, Edwards further discloses wherein, the specific composition is generated by the user (*A user is enabled to select and download a portion of the audio stems and video segments*) ([0012], [0020]).

Claim 4. Edwards and Gadel disclose the method of claim 1, Edwards further discloses wherein, the lyric is automatically generated using a keyword submitted by the user (*a user may select or manually enter (e.g., type using a keyboard) lyrics for inclusion with the multimedia presentation*) ([0020]).

Claim 5. Edwards and Gadel disclose the method of claim 1, Edwards further discloses wherein, editing further comprises at least one of the following: **changing a timing of the audio recording** ([0014], [0015] (*timing information for synchronization* is a way of modifying the timing).

Claim 6. Edwards and Gadel disclose the method of claim 1, Edwards further discloses comprising at least one of the following: providing playback of the audio recording and the specific composition (*loop the signals received from such sources and loop them within the multimedia presentation)* ([0020], [0014]) [looping the signals (*audio stems, vocal tracks*) with multimedia is a form of playback during presentation].

Claim 8. Edwards and Gadel disclose the method of claim 1, Edwards further discloses comprising, receiving a request from a user to add video content ([0035]).

Claim 9. Edwards discloses a method performed by a server enabling a user to generate audio and video content over a network, comprising:

receiving a first request from the user to add an audio content (*a user is enabled to select and download a portion of the audio stems and video segments*)([0012], [0020]);

receiving a second request from the user to add a video recording (*a user is enabled to select and download a portion of the audio stems and video segments*)([0012], [0020]) [a second selection consists of a video selection];

presenting the user with a plurality of pre-recorded video recordings (*The service includes providing a plurality of audio stems and video segments for download and inclusion in the multimedia presentation*)([0012]).

Edwards does not explicitly disclose

recording the video recording, wherein the audio content are playing during the recording of the video recording.

However, Gadel discloses recording the video recording, wherein the audio content are playing during the recording of the video recording (*a producer may record and loop the signals received from such sources and loop them within the multimedia presentation. The vocal signals, instrument signals, and video signals may include a reference signal with timing information used for synchronization*) ([0039], [0049]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Edwards. One would have been motivated to do so in order to provide a user-friendly method that will provide for enhanced and advanced personalization of multimedia messages.

Edwards further discloses editing the audio content and the video content according user input ([0018], [0019]).

Claim 10. Edwards and Gadel disclose the method of claim 9, Edwards further discloses wherein the method further comprises, presenting the user with an option to generate audio content ([0016]).

Claim 11. Edwards and Gadel disclose the method of claim 9, Edwards further discloses wherein, the audio content is pre-recorded (*The audio stems may be arranged according to genre and may be pre-recorded*) ([0013]).

Claim 12. Edwards and Gadel disclose the method of claim 11, Edwards further discloses wherein, the audio content is generated by the user (*A user is enabled to select and download a portion of the audio stems and video segments*)([0012], [0020]).

Claim 13. Edwards and Gadel disclose the method of claim 9, Edwards further discloses wherein, editing further comprises at least one of the following: **changing a timing of the audio recording** ([0014], [0015] (*timing information for synchronization* is a way of modifying the timing).

Claim 14. Edwards and Gadel disclose the method of claim 9, Edwards further discloses wherein, editing further comprises at least one of the following: **changing a timing of the video recording** ([0014], [0015] (*timing information for synchronization* is a way of modifying the timing).

Claim 18. Edwards and Gadel disclose the method of claim 14, Edwards further discloses wherein applying an imaging effect includes applying digital processing to the video recording ([0024]).

Claim 22. Edwards and Gadel disclose the method of claim 9, Edwards further discloses comprising at least one of the following: providing visual playback of the video recording (*Further instructions enable transport controls that may include one or more of pausing, rewinding, playing, and stopping the multimedia presentation*) ([0014]).

Claim 24. Edwards and Gadel disclose the method of claim 22, Edwards further discloses comprising, encoding the media content for streaming over a network ([0035]).

Claim 25. Edwards and Gadel disclose the method of claim 22, Edwards further discloses comprising, creating a queue such that generating and publishing occur simultaneously ([0035]).

Claim 26. Edwards discloses a system for creating synchronized audio and video media, comprising:

a network, connected to a client device, for transmitting the audio and the video media (fig. 1);

a server connected to the network, wherein the server includes at least one of the following: a host server, connected to the network, to respond to a user request to generate synchronized audio and video media ([0026]).

Edwards does not explicitly disclose

a client device for recording the audio recording while playing the specific composition to create the audio media and for recording the video recording while playing the specific pre-recorded video recording to create the video media.

However, Gadel discloses a client device for recording the audio recording while playing the specific composition to create the audio media and for recording the video recording while playing the specific pre-recorded video recording to create the video media (*a producer may record and loop the signals received from such sources and loop them within the multimedia presentation. The vocal signals, instrument signals, and video signals may include a reference signal with timing information used for synchronization*) ([0039], [0049]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Edwards. One would have been motivated to do so in order to provide a user-friendly method that will provide for enhanced and advanced personalization of multimedia messages.

Claim 27. Edwards discloses a system of generating multimedia content over a network, the system comprising:

a communications module to establish a communications session with a user device over the network; wherein, when in operation, the communications module is operable to receive user input via the user device (fig. 1);

a user database to store a composition and a pre-recorded video recording ([0026]).

Edwards does not explicitly disclose

a first recording engine to record an audio recording while the composition is playing;

a second recording engine to record a video recording while the pre-recorded video recording is playing.

However, Gadel discloses a first recording engine to record an audio recording while the composition is playing (*a producer may record and loop the signals received from such sources and loop them within the multimedia presentation. The vocal signals, instrument signals, and video signals may include a reference signal with timing information used for synchronization*) ([0039], [0049]);

a second recording engine to record a video recording while the pre-recorded video recording is playing (*a producer may record and loop the signals received from such sources and loop them within the multimedia presentation. The vocal signals, instrument signals, and video signals may include a reference signal with timing information used for synchronization*) ([0039], [0049]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Edwards. One would have been motivated to do so in order to provide a user-friendly method that will provide for enhanced and advanced personalization of multimedia messages.

Edwards further discloses

an editing module to modify the composition, the pre-recorded video recording, the audio recording and the video recording ([0018], [0019]).

5. Claims 7 and 23 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Edwards et al. (U.S. 2010/0082768) in view of Gadel et al. (U.S. 2010/0223314) and further in view of Gliessner et al. (US 2004/0152055).

Claim 7. Edwards and Gadel disclose all the limitations of the method of claim 1, but fail to explicitly disclose further comprising at least one of the following: providing a comment mechanism by which a comment is received.

However, Gliessner discloses providing a comment mechanism by which a comment is received (*the speech coaching program provides recommendations, grading or similar feedback to the user to assist the user in correcting his speech to match speech from the audio track*) ([0039]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Edwards. One would have been motivated to do so in order to provide a user-friendly method that will provide guidance while editing.

Claim 23. Edwards and Gadel disclose all the limitations of the method of claim 22, but fail to explicitly disclose further comprising at least one of the following: providing a rating mechanism by which a rating is received.

However, Gliessner discloses providing a rating mechanism by which a rating is received ([0072]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Edwards. One would have been motivated to do so in order to provide a user-friendly method that will provide guidance while editing.

6. Claim 15 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Edwards et al. (U.S. 2010/0082768) in view of Gadel et al. (U.S. 2010/0223314) and further in view of Rai (US 2008/0144955).

Claim 15. Edwards and Gadel disclose all the limitations of the method of claim 9, but fail to explicitly disclose overexposing a camera aperture to capture movement of light. However, Rai discloses overexposing a camera aperture to capture movement of light ([0053]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Edwards. One would have been motivated to do so in order to provide a user-friendly method of editing.

7. Claims 16-17 and 19-10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Edwards et al. (U.S. 2010/0082768) in view of Gadel et al. (U.S. 2010/0223314) and further in view of Gonsalves et al. (US 6,128,001).

Claim 16. Edwards and Gadel disclose all the limitations of the method of claim 14, but fail to explicitly disclose applying chroma key compositing. However, Gonsalves discloses chroma key compositing (col. 3, lines 34-39). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Edwards. One would have been motivated to do so in order to provide a user-friendly method of editing.

Claim 17. Edwards and Gadel disclose all the limitations of the method of claim 14, but fail to explicitly disclose wherein applying an imaging effect includes at least one of the following: fading-in the video recording. However, Gonsalves discloses fading-in the video recording (col. 3, lines 55-59). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Edwards. One would have been motivated to do so in order to provide a user-friendly method of editing.

Claim 19. Edwards and Gadel disclose all the limitations of the method of claim 18, but fail to explicitly disclose wherein the digital processing includes color correction. However, Gonsalves discloses digital processing includes color correction (col. 1, lines 15-20). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Edwards. One would have been motivated to do so in order to provide a user-friendly method of editing.

Claim 20. Edwards and Gadel disclose all the limitations of the method of claim 18, but fail to explicitly disclose wherein the digital processing includes color saturation. However, Gonsalves discloses digital processing includes color saturation (col. 1, lines 15-20). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Edwards. One would have been motivated to do so in order to provide a user-friendly method of editing.

8. Claim 21 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Edwards et al. (U.S. 2010/0082768) in view of Gadel et al. (U.S. 2010/0223314) and further in view of Iwamoto (US 20090263023).

Claim 21. Edwards and Gadel disclose all the limitations of the method of claim 14, but fail to explicitly disclose superimposing a pre-recorded video recording on the video recording. However, Iwamoto discloses superimposing a pre-recorded video recording on the video recording ([0116], [0124]). Therefore, it would have been an obvious suggestion to one having ordinary skill in the art at the time the invention was made to include this feature in Edwards. One would have been motivated to do so in order to provide a user-friendly method of editing.

Conclusion

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M. (Alternate Friday Off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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

/Phenuel S. Salomon/

Primary Examiner, Art Unit 2171

Notice of References Cited	Application/Control No. 12/953,350	Applicant(s)/Patent Under Reexamination POLLACK, SHANE	
	Examiner PHENUEL SALOMON	Art Unit 2171	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2010/0082768	04-2010	Edwards et al.	709/217
*	B	US-2009/0089651	04-2009	HERBERGER et al.	715/202
*	C	US-2010/0064219	03-2010	Gabrisko et al.	715/716
*	D	US-7,904,922	03-2011	Haberman et al.	725/35
*	E	US-2010/0223314	09-2010	Gadel et al.	709/200
*	F	US-2003/0019347	01-2003	Weiner et al.	84/609
*	G	US-2009/0263023	10-2009	Iwamoto, Kota	382/199
*	H	US-2004/0144955	07-2004	Chau, Chung-nin	252/301.40R
*	I	US-6,128,001	10-2000	Gonsalves et al.	345/589
*	J	US-2008/0144955	06-2008	Rai, Barinder Singh	382/254
*	K	US-2004/0152055	08-2004	Gliessner et al.	434/169
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12953350	POLLACK, SHANE
	Examiner	Art Unit
	PHENUEL SALOMON	2171

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
715	716-723	2/4/2013	pss

SEARCH NOTES		
Search Notes	Date	Examiner
uspat, us_pgpub, epo, jpo, usocr	2/4/2013	pss

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

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BIB DATA SHEET

CONFIRMATION NO. 3329

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/953,350	11/23/2010	715	2171	71487-8001.US01

APPLICANTS
Shane Pollack, Cave Creek, AZ;

**** CONTINUING DATA ***************************
This appln claims benefit of 61/364,500 07/15/2010

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **** ** SMALL ENTITY **
12/08/2010

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /PHENUEL S SALOMON/ Examiner's Signature	☐ Met after Allowance /pss/ Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		AZ	23	27	4

ADDRESS

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P.O. BOX 1208
SEATTLE, WA 98111-1208
UNITED STATES

TITLE

CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK

FILING FEE RECEIVED		
754	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	23	overexpos$4 same camera aperture	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/10 12:36
L3	3	1 and video recording	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/10 13:10
L6	145	special effect with superimpos$4	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/10 13:48
S1	4	("20020172335" | "20040051812" | "20110055026" | "7849160").pn.	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/01/17 16:13
S2	1944	(creat$4 or publish$4) multimedia	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/01/17 17:34
S3	9194	(creat$4 or publish$4) (music or video)	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/01/17 17:34
S4	30	multimedia edit$4 same ((user or participant or attendee) (input or selection or choice or desire or request))	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/04 14:43
S5	9	multimedia edit$4 with ((user or participant or attendee) (input or selection or choice or desire or request))	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/04 14:43
S6	0	S4 and lyric	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/04 14:59
S7	1952	(creat$4 or publish$4) multimedia	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/04 15:51
S8	8	S4 and S7	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/04 15:52
S9	0	S4 and song lyric	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/04 15:52

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S10	4572	715/716-723.ccls.	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/04 16:00
S11	1229	((song or audio) lyric)	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 11:49
S12	160	((creat$4 or publish$4 or generat$4) multimedia) same ((user or participant or attendee) (input or selection or choice or desire or request))	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 11:50
S13	57	((creat$4 or publish$4 or generat$4) multimedia) with ((user or participant or attendee) (input or selection or choice or desire or request))	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 11:51
S14	1	S11 and S13	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 11:51
S15	2	S11 and S12	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 11:51
S16	15	("20020124051" | "20030019347" | "20050195856" | "20040204135" | "6459776" | "7743323" | "7831900" | "7904922" | "20020087549" | "20050262530" | "20060015945" | "5659793" | "20040209631" | "20050245241" | "20020069218").PN.	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 11:56
S17	34	S11 and 715/716-723.ccls.	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 12:11
S18	9	("20110016393" | "20100064219" | "20060230910" | "7709725" | "20110015767" | "20060230909" | "8044289" | "20100322042" | "20120014673").PN.	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 12:46
S19	1	imag$4 effect and chroma key and fad$4 and color correction and color saturat$4 and superimpos$4	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 17:39
S20	1	video effect and chroma key and fad$4 and color correction and color saturat$4 and superimpos$4	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 17:40
S21	1	effect and chroma key and fad$4 and color correction and color saturat$4 and superimpos$4	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 17:40
S22	0	video edit$4 and chroma key and fad$4 and color correction and color saturat$4 and superimpos$4	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 17:41
S23	0	video edit$4 and chroma key and fad$in and color correction and color saturat$4 and superimpos$4	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 17:42
S24	1	edit$4 and chroma key and fad$in and color	US-	ADJ	ON	2013/02/05

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		correction and color saturat$4 and superimpos$4	PGPUB; USPAT; USOCR			17:42
S25	0	edit$4 with chroma key and fad$in and color correction and color saturat$4 and superimpos$4	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 17:42
S26	0	edit$4 same chroma key same fad$in same color correction same color saturat$4 same superimpos$4	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 17:43
S27	9	("20110016393" | "20100064219" | "20060230910" | "7709725" | "20110015767" | "20060230909" | "8044289" | "20100322042" | "20120014673").PN.	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 17:44
S28	0	S27 and chroma key and fad$in and color correction and color saturat$4 and superimpos$4	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 17:44
S29	1229	((song or audio) lyric)	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 17:45
S30	34	S29 and 715/716-723.ccls.	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 17:45
S31	1	S30 and chroma key and fad$in and color correction and color saturat$4 and superimpos$4	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/05 17:45
S32	1047	((audio or video) content) with (feedback or rating or comment)	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/07 17:20
S33	189	S32 and recommendation	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/07 17:21
S34	19	S33 and ((audio or video)edit$4)	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/07 17:22
S35	16	S33 and special effect	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/07 17:53
S36	97	S33 and effect	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/07 17:53
S37	1	S32 and chroma key and fad$in and color correction and color saturat$4 and superimpos$4	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/07 17:57
S38	0	avid.as. and chroma key and fad$in and color correction and color saturat$4 and superimpos$4	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/07 17:57

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S39	61	avid.as. and special effects	US-PGPUB; USPAT; USOCR	ADJ	ON	2013/02/07 17:58

2/10/2013 2:01:47 PM
C:\Users\psalomon\Documents\EAST\Workspaces\12953350 - Creating and Disseminating of User Generated Media over a Network.wsp

Snap Inc. - EX1017 Page 0439

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12953350	POLLACK, SHANE
	Examiner	Art Unit
	PHENUEL SALOMON	2171

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

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

CLAIM		DATE								
Final	Original	02/05/2013								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
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	26	✓								
	27	✓								

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/953,350	11/23/2010	Shane Pollack	71487-8001.US01

CONFIRMATION NO. 3329

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

PUBLICATION NOTICE

OC000000052076895

Title:CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK

Publication No.US-2012-0017150-A1
Publication Date:01/19/2012

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/953,350	11/23/2010	2484	754	71487-8001.US01	27	4

CONFIRMATION NO. 3329

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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

FILING RECEIPT

OC000000044853912

Date Mailed: 12/10/2010

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

Applicant(s)

Shane Pollack, Cave Creek, AZ;

Assignment For Published Patent Application

MySongToYou, Inc., Cave Creek, AZ

Power of Attorney: The patent practitioners associated with Customer Number 22918

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/364,500 07/15/2010

Foreign Applications

If Required, Foreign Filing License Granted: 12/08/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/953,350**

Projected Publication Date: 01/19/2012

Non-Publication Request: No

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

Snap Inc. - EX1017, Page 0442

Title

CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK

Preliminary Class

386

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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Snap Inc. - EX1017, Page 0444

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 12/953,350

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	82		N/A	
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	270		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	110		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	27 minus 20 =	* 7	x 26 =	182	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	4 minus 3 =	* 1	x 110 =	110			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $270 ($135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	754		TOTAL	

APPLICATION AS AMENDED - PART II

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

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

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/953,350	11/23/2010	Shane Pollack	71487-8001.US01

CONFIRMATION NO. 3329

22918
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POA ACCEPTANCE LETTER

OC000000044853909

Date Mailed: 12/10/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/23/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/tqlam/

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

PTO/SB/05 (08-08)
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UTILITY PATENT APPLICATION TRANSMITTAL

(ONLY FOR NEW NONPROVISIONAL APPLICATIONS UNDER 37 CFR 1.53(B))

Attorney Docket No.	71487-8001.US01
First Inventor	Shane Pollack
Title	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
Express Mail Label No.	

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. [ ] **Fee Transmittal Form** (e.g., PTO/SB/17)
2. [X] **Applicant claims small entity status.** See 37 CFR 1.27.
3. [X] **Specification** [*Total Pages* 46]
   Both the claims and abstract must start on a new page
   (For information on the preferred arrangement, see MPEP 608.01(a))
4. [X] **Drawing(s)** *(35 U.S.C. 113)* [*Total Sheets* 23]
5. **Oath or Declaration** [*Total Sheets* 1]
   a. [X] Newly executed (original or copy)
   b. [ ] A copy from a prior application (37 CFR 1.63(d))
   (for continuation/divisional with Box 18 completed)
   i. [ ] DELETION OF INVENTOR(S)
   Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. [X] **Application Data Sheet**. See 37 CFR 1.76
7. [ ] **CD-ROM or CD-R** in duplicate, large table or Computer Program *(Appendix)*
   [ ] Landscape Table on CD
8. **Nucleotide and/or Amino Acid Sequence Submission** *(if applicable, items a. – c. are required)*
   a. [ ] Computer Readable Form (CRF)
   b. Specification Sequence Listing on:
   i. [ ] CD-ROM or CD-R (2 copies); or ii. [ ] Paper
   c. [ ] Statements verifying identity of above copies

ADDRESS TO: **Commissioner for Patents**
P.O. Box 1450
Alexandria, VA 22313-1450

ACCOMPANYING APPLICATION PARTS

9. [ ] **Assignment Papers** (cover sheet & document(s))
   Name of Assignee
10. [X] **37 CFR 3.73(b) Statement** *(when there is an assignee)* [X] **Power of Attorney**
11. [ ] **English Translation Document** *(if applicable)*
12. [ ] **Information Disclosure Statement** (PTO/SB/08 or PTO-1449)
    [ ] Copies of citations attached
13. [ ] **Preliminary Amendment**
14. [ ] **Return Receipt Postcard** (MPEP 503)
    (Should be specifically itemized)
15. [ ] **Certified Copy of Priority Document(s)**
    (if foreign priority is claimed)
16. [ ] **Nonpublication Request** under 35 U.S.C.122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent.
17. [ ] Other:

18. If a CONTINUING APPLICATION, *check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:*
    [ ] Continuation [ ] Divisional [ ] Continuation-in-part (CIP) of prior application No.:
    Prior application information: Examiner _____ *Art Unit:* _____

19. CORRESPONDENCE ADDRESS

[X] The address associated with Customer Number: 22918 *OR* [ ] Correspondence address below

Name					
Address					
City		State		ZipNo Code	
Country		Telephone		Email	

Signature		Date	November 23, 2010
Name (Print/Type)	Yenyun Fu	Registration No. (Attorney/Agent)	59,141

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

Title of Invention	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK

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

This declaration is directed to:

[x] The attached application, or

[ ] Application No. _____ filed on _____

[ ] As amended on _____ (if applicable);

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

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

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

WARNING:

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

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Shane Pollack Date: 11/23/10

Signature:  Citizen of: US

Inventor two: _____ Date: _____

Signature: _____ Citizen of: _____

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

Application Data Sheet

Application Information

Application Type::	Regular
Subject Matter::	Utility
Suggested Group Art Unit::	N/A
CD-ROM or CD-R?::	None
Sequence submission?::	None
Computer Readable Form (CRF)?::	No
Title::	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
Attorney Docket Number::	71487-8001.US01
Request for Early Publication?::	No
Request for Non-Publication?::	No
Suggested Drawing Figure::	2
Total Drawing Sheets::	10
Small Entity?::	Yes
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	US
Status::	Full Capacity

Given Name::	Shane
Family Name::	Pollack
City of Residence::	Cave Creek
State or Province of Residence::	AZ
Country of Residence::	US
Street of mailing address::	3150 Porter Drive
City of Mailing Address::	Palo Alto
State or Province of Mailing Address::	California
Postal or Zip Code of mailing address::	94340

Correspondence Information

Correspondence Customer Number:: 22918

Representative Information

Representative Customer Number:: 22918

Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	An application claiming the benefit under 35 USC 119(e)	61/364,500	07/15/10

Assignee Information

Assignee name:: MySongToYou, Inc.

Street of mailing address::	38760 N. Spur Cross Road
City of mailing address::	Cave Creek
State or Province of mailing address::	AZ
Postal or Zip Code of mailing address::	85331

PTO/SB/80 (11-08)
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POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

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

I hereby appoint:

[X] Practitioners associated with the Customer Number: 22918

OR

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

Name	Registration Number	Name	Registration Number

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

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

[X] The address associated with Customer Number: 22918

OR

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

Assignee Name and Address:

MySongToYou, Inc.
38760 N. Spur Cross Road
Cave Creek, AZ 85331

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

SIGNATURE of Assignee of Record

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

Signature	[signature]	Date	11/23/10
Name	Shane Pollock	Telephone	480 363 8330
Title	CEO/Founder		

PTO/SB/96 (07-09)
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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Shane Pollack

Application No./Patent No.: Not Yet Assigned Filed/Issue Date: Filed Herewith

Titled: CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK AND

MySongToYou, Inc. , a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. [X] the assignee of the entire right, title, and interest in;

2. [ ] an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or

3. [ ] an assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made) the patent application/patent identified above by virtue of either:

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

OR

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

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

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

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

[ ] Additional documents in the chain of title are listed on a supplemental sheet(s).

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

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature	11-23-2010 Date
Yenyun Fu Printed or Typed Name	Attorney for Assignee Title

ASSIGNMENT BY INVENTOR

This Assignment is by Shane Pollack (the "Assignor"). The Assignor has invented one or more certain inventions (the "Invention(s)") described in a Patent application for Letters Patent of the United States entitled CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK (the "Application"), filed on_____, as U.S. Application No._____. The Assignors authorize the Assignee, identified below, or its representatives to insert the application number of the Application and the filing date when known.

MYSONGTO YOU, INC., a Delaware corporation having its principal place of business at 38760 N. Spur Cross Road, Cave Creek, Arizona 85331 ("Assignee"), desires to acquire the entire right, title and interest in and to the Invention(s) and the Application, and in and to any patents (collectively, "Patents") that may be granted for the Invention(s) in the United States or in any foreign countries.

For valuable consideration, the receipt and sufficiency of which Assignor acknowledges, Assignor hereby sells, assigns, and transfers to Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to: the Invention(s), the Application, and any Patents; any divisions, continuations, and continuations-in-part of the Application and any other application claiming priority rights from the Application; any reissues, reexaminations, or extensions of any and all Patents; the right to file foreign applications directly in the name of Assignee; and the right to claim priority rights deriving from the Application (collectively, the "Rights"). Assignor warrants that Assignor owns the Rights, and that the Rights are unencumbered. Assignor also agrees to not sign any writing or do any act conflicting with this assignment, and, without further compensation, sign all documents and do such additional acts as Assignee deems necessary or desirable to: perfect Assignee's enjoyment of the Rights; conduct proceedings regarding the Rights, including any litigation or interference proceedings; or perfect or defend title to the Rights. Assignor requests the Commissioner of Patents to issue any Patent of the United States that may be issued on the Invention(s) to Assignee. This Assignment may be executed in counterparts.

Date: 11/23/10

_____
Shane Pollack

UNITED STATES PATENT APPLICATION

FOR

CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK

INVENTOR:

SHANE POLLACK

ENTITY: SMALL

CREATING AND DISSEMINATING OF USER GENERATED CONTENT OVER A NETWORK

CLAIM OF PRIORITY

[0001] This application claims priority to U.S. Provisional Patent Application No. 61/364,500 entitled, "CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK AND FOR COLLABORATION," which was filed on July 15, 2010, the contents of which are expressly incorporated by reference herein.

BACKGROUND

[0002] Traditional models of creating and publishing music involve a sound studio where individuals, artists, or groups record musical works. The process of creating music can involve recording the song and then editing and/or mixing the song to achieve a desired result or simultaneous recording and mixing/editing on the fly. Individual tracks of instruments, vocals, sound effects, beats, sections from other pre-recorded productions, etc. are often synchronized to produce an ideal result. The intricacies of music production and the technology behind it innately create immense difficulty and challenges to aspiring artists, musicians, and songwriters. For instance, artists must express themselves in the confines of an established recording studio. As a result, the timing of the recording session, the location and environment of the recording studio must be conducive to the artist's creativity. Moreover, traveling to an established studio often entails effort, expense, and lost time, all of which may be unfavorable for the development of a burgeoning artist. The lack of technical expertise is also an obstacle which may impede the aspects of audio and video creation.

[0003] Overall, the examples herein of some prior or related systems and their associated limitations are intended to be illustrative and not exclusive. Other limitations

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of existing or prior systems will become apparent to those of skill in the art upon reading the following Detailed Description.

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BRIEF DESCRIPTION OF DRAWINGS

[0004] These and other objects, features and characteristics of the present invention will become more apparent to those skilled in the art from a study of the following detailed description in conjunction with the appended claims and drawings, all of which form a part of this specification. In the drawings:

[0005] **FIG. 1** illustrates a block diagram of client devices coupled to one another and server-side devices to facilitate generation of audio and video content over a network.

[0006] **FIG. 2** illustrates a block diagram of a system of at least one server device on the server-side to facilitate generation of audio and video content over a network. The at least one server **200** on the server-side **120** includes a user

[0007] **FIG. 3** illustrates an example user interface of a listing of pre-recorded audio content.

[0008] **FIG. 4** illustrates an example user interface of a listing of pre-recorded compositions.

[0009] **FIG. 5** illustrates an example user interface playing a composition.

[0010] **FIG. 6** illustrates an example user interface to query a user to enter lyrics.

[0011] **FIG. 7** illustrates an example user interface to query a user to enter keywords to automatically generate lyrics.

[0012] **FIG. 8** illustrates an example user interface having an audio/multimedia player/recorder capable of recording an audio recording.

[0013] **FIG. 9** illustrates an example user interface having an audio/multimedia player/recorder capable of recording, playing, editing, and saving of an audio recording.

[0014] **FIG. 10** illustrates an example user interface having an audio/multimedia player/recorder capable of processing an audio recording.

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[0015] **FIG. 11** illustrates an example user interface having an audio/multimedia player/recorder capable of recording an additional audio recording.

[0016] **FIG. 12** illustrates an example user interface having an audio/multimedia player/recorder capable of recording, playing, editing, and saving an additional audio recording.

[0017] **FIG. 13** illustrates an example user interface having an audio/multimedia player/recorder in full-screen mode.

[0018] **FIG. 14** illustrates an example user interface having an audio/multimedia player/recorder to query the user in regards to publishing the audio content.

[0019] **FIG. 15** illustrates an example user interface having an audio/multimedia player/recorder to provide aural playback of a composition.

[0020] **FIG. 16** illustrates an example user interface listing of pre-recorded audio content.

[0021] **FIG. 17** illustrates an example user interface having a video recorder/player for recording a video recording.

[0022] **FIG. 18** illustrates an example user interface for editing and/or applying an imaging effect to a video recording.

[0023] **FIG. 19** illustrates the queuing process for a video content in preparation for publishing over the network.

[0024] **FIG. 20** illustrates an example user interface for the process of chroma key compositing for a video recording.

[0025] **FIG. 21** depicts a flow diagram illustrating an example process of enabling a user to generate audio content over a network.

[0026] **FIG. 22** depicts a flow diagram illustrating an example process of enabling a user to generate audio and video content over a network.

[0027] **FIG. 23** shows a diagrammatic representation of a machine in the example form of a computer system.

[0028] The headings provided herein are for convenience only and do not necessarily affect the scope or meaning of the claimed invention.

[0029] In the drawings, the same reference numbers and any acronyms identify elements or acts with the same or similar structure or functionality for ease of understanding and convenience. To easily identify the discussion of any particular element or act, the most significant digit or digits in a reference number refer to the Figure number in which that element is first introduced (e.g., element 204 is first introduced and discussed with respect to Figure 2).

DETAILED DESCRIPTION OF THE INVENTION

[0030] The following description and drawings are illustrative and are not to be construed as limiting. Numerous specific details are described to provide a thorough understanding of the disclosure. However, in certain instances, well-known or conventional details are not described in order to avoid obscuring the description. References to one or an embodiment in the present disclosure can be, but are not necessarily, references to the same embodiment and such references mean at least one of the embodiments.

[0031] Reference in this specification to "one embodiment" or "an embodiment" means that a particular feature, structure, or characteristic described in connection with the embodiment is included in at least one embodiment of the disclosure. The appearances of the phrase, "in one embodiment" in various places in the specification are not necessarily all referring to the same embodiment, nor are separate or alternative embodiments mutually exclusive of other embodiments. Moreover, various features are described which may be exhibited by some embodiments and not by others. Similarly, various requirements are described which may be requirements for some embodiments but not other embodiments.

[0032] The terms used in this specification generally have their ordinary meanings in the art, within the context of the disclosure, and in the specific context where each term is used. Certain terms that are used to describe the disclosure are discussed below, or elsewhere in the specification, to provide additional guidance to the practitioner regarding the description of the disclosure. For convenience, certain terms may be highlighted, for example using italics and/or quotation marks. The use of highlighting has no influence on the scope and meaning of a term; the scope and meaning of a term is the same, in the same context, whether or not it is highlighted. It will be appreciated that same thing can be said in more than one way.

[0033] Consequently, alternative language and synonyms may be used for anyone or more of the terms discussed herein, nor is any special significance to be placed upon whether or not a term is elaborated or discussed herein. Synonyms for certain terms are provided. A recital of one or more synonyms does not exclude the use of other synonyms. The use of examples anywhere in this specification including examples of any terms discussed herein is illustrative only, and is not intended to further limit the scope and meaning of the disclosure or of any exemplified term. Likewise, the disclosure is not limited to various embodiments given in this specification.

[0034] Without intent to further limit the scope of the disclosure, examples of instruments, apparatus, methods and their related results according to the embodiments of the present disclosure are given below. Note that titles or subtitles may be used in the examples for convenience of a reader, which in no way should limit the scope of the disclosure. Unless otherwise defined, all technical and scientific terms used herein have the same meaning as commonly understood by one of ordinary skill in the art to which this disclosure pertains. In the case of conflict, the present document, including definitions will control.

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[0035] Embodiments of the present disclosure include systems and methods for enabling a user to generate audio content over a network.

[0036] In one aspect, the present disclosure relates to using a network for generating audio and video content over a network.

[0037] In first creating an audio content, a request is sent by a user to start the creation process. In one embodiment, a user is asked to upload a pre-recorded audio content. In another embodiment, a user does not have a final audio content and the user is then prompted to create audio content.

[0038] The user must select from a list of compositions (e.g., pre-recorded beats, rhythms, scores). The composition may be a retrieved from a library of compositions, provided (e.g., recorded) by another member on the network. In one embodiment, the process of selecting a composition allows the user to view a list of compositions and to preview the sound of each pre-recorded composition.

[0039] A feature of an embodiment enables a user to enter original lyrics for an audio content. In one embodiment, a lyric mechanism prompts the user to enter the text of the original lyrics in a query box. In another embodiment, song lyrics can be automatically generated by the lyric mechanism whereby the user provides one or more key words.

[0040] The voice recording may be audibly generated (e.g., sang) or generated by a pre-recorded song or audio content. Audio recordings can be produced by a user in the vicinity of an audio input device (e.g., microphone) that is coupled to a computing device connected to a network. The audio content can be uploaded or recorded and can be instrumental, electronic, rap, lyrical, chorus, acapella, etc. When the user is ready to record, the user can, by the click of a button (e.g., the 'record button') on the user interface, trigger a countdown to when the recording session will begin. The recording session may occur live over the network once the countdown commences. The user

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can begin the audio recording production process (e.g., sing, rap, talk, play an instrument, play music, compose, direct a band, DJ, and/or otherwise generate any form of audio content) in the vicinity of an audio input device (e.g., microphone coupled to the computing device). The user-generated and/or provided audio content can then be recorded over the network in or near real-time.

[0041] The recording session of an audio or video recording, or a combination thereof, can be initiated via the user interface, by clicking a button on the audio recorder/player for example. Before the recording session begins, playback of an audio recording or a video recording is typically stopped if playback is currently occurring. Once playback has paused/stopped, the user is provided with a countdown indicator to the initiation of the recording session. At the initiation of the recording session, the composition, prerecorded composition or video recording is playing. When the recording session has ended (e.g., by user request), the recording user has the option of previewing the recorded content. If the user recorded over a pre-recorded composition or pre-recorded video recording, the user can listen to or view the results of the audio and video synchronization.

[0042] Once the user has completed the recording process, a preview of the recording (e.g., audio or video) can be played back to the user over the network to the user. Typically, the recorded content is stored in a buffer (e.g., memory buffer) when being played for preview. The user can adjust the volume level of the recorded content based on the preview and the user can apply a special sound effect to the audio or video recorded. If and when the recording is satisfactory to the user, the recording can be permanently saved. If the user chooses to discard the recorded content, it can be deleted from memory. In some instances, the user can choose to re-record the same content until satisfactory results are obtained.

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[0043] The recording can be saved upon user request, for example, when the user determines that the recording is satisfactory. The user can make the completed product of the audio or video content accessible to other users via the network interface and provide comments and/or ratings.

[0044] In one aspect, the present disclosure relates to providing a mechanism for users to access audio content and video contents of others and in some instances, use the work of others to generate collaborative content via a service site hosted by a web-portal. Because an audio content may be the collaborative result of multiple member users over a network, the users need not be physically proximal to one another to participate in a musical collaboration session. For example, an audio or video content can be a product of one member user providing an audio content and another member user that user's audio content as a composition in his own audio content. The audio or video content can also be a product of a pre-recorded compositions and video recordings by other member users.

[0045] When a multi-media file is permanently saved upon user request, the user can determine whether the work is accessible by other users. The user can select the privacy attribute associated with the audio content and/or video content. For example, the recording user can make the recorded content publicly accessible (e.g., can be aurally played by other members) or private (e.g., only visible to the user and/or can only be played by the user).

[0046] Referring to the first figure, **FIG. 1** illustrates a block diagram of the system 100, in accordance to one embodiment. There are client devices **101, 102, 103** that serve as the interface to a user. A user may operate a computer, a server and/or any other device that is able to establish a connection with another device, to access the embodiment. For example, the client devices and content providers can be, but are not limited to, a server desktop, a desktop computer, a computer cluster, a mobile

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computing device such as a notebook, a laptop computer, a handheld computer, a mobile phone, a smart phone, a PDA, a Blackberry device, a Treo, iPhone and/or an iPad, etc. The client devices **101-103** typically include a display or another output functionality to present data exchanged between the devices to a user.

[0047] In one embodiment, an audio input device **104** is coupled to the client device **101-103**. The audio input device, such as microphone, **104** can be a component of the client device **101-103** or can be connected through wired or wireless means to capture audio or voice content for uploading to the server side **120**.

[0048] In one embodiment, an imaging device or camera **105** (e.g., video camera, web-cam, video recorder) is also connected to the client device **101-103**. The camera **105** can be an internal component of the client device **101-103** or can be attached to the client device **101-103** using a wired or wireless means to capture video for uploading to the server side **120**. In one embodiment, the camera **105** is attached to the client device **101-103** for use in the generation of video.

[0049] In one embodiment, the client devices **101-103** are coupled to a network **110**. The network, in the present example, is the internet. It is to be understood that this link **110** need not actually be the internet. Any small or large-scale network or other connection mechanism will do. So, in some embodiments, the client devices **101-103** may be directly connected to one another.

[0050] The network **110**, over which the client devices **101-103** communicate, may be a telephonic network, an open network, such as the Internet, or a private network, such as an intranet and/or the extranet. For example, the Internet can provide file transfer, remote log in, email, news, RSS, and other services through any known or convenient protocol, such as, but is not limited to the TCP/IP protocol, Open System Interconnections (OSI), FTP, UPnP, iSCSI, NSF, ISDN, PDH, RS-232, SDH, SONET, etc.

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[0051] The network **110** can be any collection of distinct networks operating wholly or partially in conjunction to provide connectivity to the client devices **101-103** and servers, and may appear as one or more networks to the serviced systems and devices. In one embodiment, communications to and from the client devices **101-103** can be achieved by an open network, such as the Internet, or a private network, such as an intranet and/or the extranet. In one embodiment, communications can be achieved by a secure communications protocol, such as secure sockets layer (SSL), or transport layer security (TLS).

[0052] In addition, communications can be achieved via one or more wireless networks, such as, but is not limited to, one or more of a Local Area Network (LAN), Wireless Local Area Network (WLAN), a Personal area network (PAN), a Campus area network (CAN), a Metropolitan area network (MAN), a Wide area network (WAN), a Wireless wide area network (WWAN), Global System for Mobile Communications (GSM), Personal Communications Service (PCS), Digital Advanced Mobile Phone Service (D-Amps), Bluetooth, Wi-Fi, Fixed Wireless Data, 2G, 2.5G, 3G networks, enhanced data rates for GSM evolution (EDGE), General packet radio service (GPRS), enhanced GPRS, messaging protocols such as, TCPIIP, SMS, MMS, extensible messaging and presence protocol (XMPP), real time messaging protocol (RTMP), instant messaging and presence protocol (IMPP), instant messaging, USSD, IRC, or any other wireless data networks or messaging protocols.

[0053] The client devices **101-103** can be coupled to the network **110** (e.g., Internet) via a dial up connection, a digital subscriber loop (DSL, ADSL), cable modem, and/or other types of connection. Thus, the client devices **101-103** can communicate with remote servers (e.g., web server, host server, mail server, instant messaging server) on the server side **120** that provides the user access to the World Wide Web via a web browser, for example.

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[0054] Next, the server side **120** functionality is depicted. The server-side **120** functionality may consist of a single hardware server, a plurality of hardware servers in the same location, or a plurality of hardware servers in different locations. There are numerous servers or programs running on the server-side **120** and these hardware servers may be capable of communication with each other.

[0055] Within the server-side, a host server **121** is depicted. The host server facilitates the generation of audio and video content over a network. The host server is used to respond to requests from a client device **101-103** for web-pages. In response, the host server **121** provides information to the client device **101-103** and all other individuals with whom the content is shared.

[0056] Also on the server-side **120** is a user database to keep track of server-side information such as usernames, passwords, XML files, statistics and project names. The user database **122** and content database **125** can store software, descriptive data, images, system information, drivers, and/or any other data item utilized by parts of the host server **121** for operation. The content database **125**, in conjunction with the user database **122**, may also store user information and user content, such as, user profile information, subscription information, audio files, and/or data related to the user content (e.g., statistical data, file attributes, timing attributes, owner of the content, etc.). The user database **122** and content database **125** may be managed by a database management system (DBMS), including but not limited to, Oracle, DB2, Microsoft Access, Microsoft SQL Server, PostgreSQL, MySQL, FileMaker, etc.

[0057] The databases **122, 125** can be implemented via object-oriented technology and/or via text files, and can be managed by a distributed database management system, an object-oriented database management system (OODBMS) (e.g., ConceptBase, FastDB Main Memory Database Management System, JDOInstruments, ObjectDB, etc.), an object-relational database management system (ORDBMS) (e.g.,

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Informix, OpenLink Virtuoso, VMDS, etc.), a file system, and/or any other convenient or known database management package.

[0058] The host server **121** is, in some embodiments, able to communicate with client devices **101-103** via the network **110**. In addition, the host server **121** is able to retrieve data from the user database **122** and the content database **125**. In some embodiments, the host server **121** is able to facilitate the generation of audio and video content, multimedia-content sharing over a network (e.g., the network **110**) among various users of the client devices **101-103**. The host server **121** can store multimedia content to be provided to other users, for example, for on-demand audio and/or video playback and recording. For example, users can listen to audio content or view video content shared by other users. Users can also, in some embodiments, record voice or audio recordings over pre-recorded compositions comprising of beats or melodies—otherwise known as generating audio content. These compositions may be provided by other users stored on the host system over a network. These recording sessions can be conducted in real-time or near real-time as the user is generating the audio or video content, for example.

[0059] In one embodiment, an audio and video processing server **126** is on the server-side **120**. This server **126** may, in fact, comprise of multiple servers, each dedicated to a particular format or file type. In one embodiment, the audio and video processing server **126** is one server and provides functionality capable of editing audio and video, such as automatically creating transitional cross-fades between edits and performing the edits or "recording" of the audio and/or video itself. Because all of the editing and storage takes place server side **120**, the audio and video processing server **126** is responsible for making these edits as instructed by the user and storing the content.

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[0060] In one embodiment, a video creation server **123** is on the server side. This server **123** is dedicated to accepting information such as media files from a remote location that is intended to be stored as video and can process a set of editing instructions on the media files. It is set-up in such a way as to automatically create a pre-determined size and type of video such that the video will be relatively high-quality and yet have a small file size. In one embodiment, the video creation server **123** encodes the video file to be streamable over a network. The video creation server **123** can create a streamable media file that can be played with HTML5, Javascript or Flash, and thus can be played on a variety of client devices **101-103** such as the iPhone or iPad. In one embodiment, this video creation server **124** creates Flash video content that is designed to be played on a Flash player and to be served by a Flash media server **124**.

[0061] In one embodiment, the Flash media server **124** is on the server side **120** and is responsible for serving Flash media to the user as he or she moves through the audio and video content creation process. Additionally the Flash media file server **124** is responsible for providing the Flash media to subsequent users once it has been published and/or shared. The Flash media server **124** is capable of retrieving and displaying the stored video. The video can be stored on the user database **122,** content database **125** or can also be stored on a large scale host server **127** which provides large scale content-caching capability and ensures content is available quickly to an end-user.

[0062] **FIG. 2** illustrates a block diagram of a system of one or many server devices on the server-side to facilitate generation of audio and video content over a network. The server(s) **200** include/s a communications module **218** or a combination of communications modules communicatively coupled to the network interface **202** to manage a one-way, two-way, and/or multi-way communication sessions over a plurality

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of communications protocols. In one embodiment, the communications module **218** receives data (e.g., audio recordings, video recordings, textual data, audio content, video content, etc.), information, commands, requests (e.g., video, and/or audio-based), and/or text-based messages over a network **110**. In one embodiment, the communications module **218** receives communications from a network **110** (e.g., Internet, wired and/or wireless network) initiated via a web-interface.

[0063] Since the communications module **218** is typically compatible with receiving and/or interpreting data originating from various communication protocols, the communications module **218** is able to establish parallel and/or serial communication sessions with users of remote client devices for data exchange (e.g., user information and/or user content).

[0064] In addition, the communications module **218** can manage log-on requests received from one or more users browsing the audio and/or video content generator. In one embodiment, the communications module **218** is able to receive and further manage/process receiving a request from a user to generate audio and/or video content. A connection is typically maintained with a user device until the user leaves the site. In one embodiment, when a user wishes to record an audio or video recording, the communications module **218** prompts the user for permission to access peripheral devices (e.g., microphone, camera, webcam, camcorder, etc.) connected to the user device.

[0065] When the communications module **218** is able to access the microphone, the audio detected by the microphone can be recorded over a network. Similarly, when the communications module **218** is able to access the imaging device (e.g., camera, webcam, camcorder), the audio detected by the microphone can be recorded over a network. The communications module **218**, can include, one or more of, or any portion

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of the one or more of the above described functions, without deviating from the spirit of the novel art of the disclosure.

[0066] One embodiment of the present disclosure includes a recording engine **206**. The recording engine **206** can be any combination of hardware components and/or software agents able to record multimedia (e.g., audio, text, image, and/or video) content for example, over a network connection (e.g., Internet). The audio-based content maybe user-generated (e.g., sang, spoken, played, etc.) content provided by the recording user. The recording engine **206**, can, for example, establish a connection with a user device through the communications module **218**. Upon detection of an audio or a video input device (e.g., microphone, camera, webcam, camcorder, transducer, sensor) coupled to the user device, the recording engine **206** can record audio and/or video input (e.g., voice, speech, sound, dialogue, music, instruments music, rhythms, song, rap, melody, theatrical performance, movie, play, an act, a skit, etc.) detected by the audio and/or video input device.

[0067] In some instances, the recording engine **206** is able to receive user inputs and react in response to user inputs. For example, the recording engine **206** detects that a user has requested a recording session (e.g., requested via an audio/multimedia player/recorder) **222** and whether the user interface is accessible. If not, the recording engine **206** can request the user for access to the input device.

[0068] Once the user requests to record an audio or a video recording, the recording engine **206** presents an indication of the initiation of the recording session. For example, the recording engine **206** can countdown to the initiation and present an indicator (e.g., visual and/or aural indicator) of the countdown status. When countdown ends, the recording engine **206** begins to record audio and/or video detected from the audio and/or video input device. In one embodiment, the recording session begins when the user generates the request without additional indication provided by the recording

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engine **206**. During a recording session, the recording engine **206** can perform simultaneous aural playback of a composition to the recording user during a recording session when the recording user has requested to record over the composition.

[0069] The recording engine **206** can also terminate the recording session. In some embodiments, the recording engine **206** is coupled to a timer module **210** to keep track of recording time, countdown time, and/or playing time, etc. The timer module **210** may be internal to the recording engine **206**. In addition, the recording session can be terminated in response to receiving a user request (e.g., by the click of a button on the user interface).

[0070] The timer module **210** can be any combination of hardware components and/or software agents able to determine relative and/or absolute time. The timer module **210**, in some embodiments, tracks the time elapsed. In addition, the timer module **210**, in some embodiments, externally couples to a time server (e.g., World Time Server, NTP time server, U.S. Time server, etc.) to keep track of time. The timer module **210** is, in some embodiments, accessible by the recording engine **206** and/or the editing module **208** to track recording time and/or playback time. In some instances, elapsed time is usually displayed during audio and video recordings.

[0071] One embodiment of the present disclosure includes a preview module **216**. The preview module **216** can be any combination of hardware components and/or software agents able to perform playback of multimedia content such as playback of recorded content and/or simultaneous playback of multiple pieces of multimedia content (e.g., audio, image, video, etc.). In some instances, the preview module **216** includes memory (e.g., volatile and/or non-volatile) and/or storage unit (e.g., magnetic disk drive, optical disk drive, etc.) for storing multimedia content (e.g., audio, video, image or the like). In one embodiment, the preview module **216** includes a memory buffer **214**. Multimedia content stored in the preview module **216** may be stored temporarily (e.g., in

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the memory buffer **214**) during preview and/or further until the user decides to save or discard the stored content. The stored content can include recorded or uploaded audio, image, and/or video content, for example.

[0072] The preview module **216** is also, in some embodiments, coupled to the audio/multimedia content repository module **212** to access multimedia content stored in the repository. The preview module **216** is, in some embodiments, able to receive, manage, and/or execute a request to preview a particular audio content, composition, or video content. A preview typically occurs after a new recording or a new upload of a composition, audio, or video recording. After the preview, the preview module **216** can discard or save the file based on user request. In some embodiments, a preview occurs for pre-recorded compositions whereby the content is previously created and was previously stored in the audio/multimedia repository module **212**.

[0073] In one embodiment, the preview module **216** provides a preview/aural playback of an audio recording after the recording session has ended. The preview module **216** also enables a recording user to preview how the synchronization of a composition and an audio recording would sound like when played together by performing simultaneous aural playback of the audio recording and the composition (e.g., beat). Similarly, the preview module **216** could further enable a recording user to preview the synchronization of audio content/recording along with a video recording/content. The preview would thus allow the recording user to decide to save or discard the recorded content and re-record. In addition, the preview allows the user to make any adjustments to the recorded content (e.g., sound or imaging effects, fade-in, fade-out, frequency, timing, etc.). For example, the recording user can change the underlying composition and/or the timing or latency adjustment (e.g., to the beat) of the audio recording for the synchronization of the composition and audio recording.

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[0074] One embodiment of the present disclosure includes a generation module **220**. The generation module **220** can be any combination of hardware components and/or software agents able to perform any additional processing procedures. For example, when a user elects to synchronize an audio and/or video recording to a composition or pre-recorded video recording, the generation module **220** generates the synchronized multimedia file from a compilation of individual audio and video files. The synchronized multi-media content can be previewed by the user and subsequently stored, for example, in the audio/multimedia repository module **212** or any other memory storage unit. Prior to synchronizing, the user can configure any settings that need to be performed in the process of editing, such as special effects or latency adjustments between the audio/video recordings. In accordance to one embodiment, the audio content may be synchronized with video content from the audio/multimedia player/recorder module. The video content may be recorded or uploaded by the same individual that provided the audio content, or it may be from a different user.

[0075] The editing module **208** is able to perform audio processing including but not limited to noise reduction, fading-in, fading out, reverberation, etc. The editing module **208** can also perform video processing including, but not limited to, geometric conversions, color correction and saturation, digital compositing, de-mosaicing, white balance, noise reduction, segmenting, auto-exposure adjustment, de-interlacing, anti-flicker correction, filtering, etc. The editing module **208** can include one or more of or any portion of the one or more of the above described functions, without deviating from the spirit of the novel art of the disclosure.

[0076] The server **200** in the example of **FIG. 2**, in accordance with one embodiment, further includes the audio/multimedia content repository module **212**. The audio/multimedia repository module **212** can be any combination of hardware modules and/or software agents able to store, playback, and/or read audio-based and other

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multimedia data and content, in a variety of formats, including, but not limited to, mp3, mp4, m4a, m4p, aac, wma, ra, wav, ogg, flac, aiff, raw, aw, DVD, CD, Blu-Ray, HD-DVD, DTS-CD, SACD, etc. The audio/multimedia repository module **212** can be, in some embodiments, accessible by the recording engine **206**, the editing module **208**, and the generation module **220**. For example, audio content (e.g., pre-recorded audio compositions, beats, synthesized audio tracks, speech, voice, music, mixes, etc.) can be stored in the audio/multimedia repository module **212** and accessed when the recording engine 206 will record an audio or a video recording. Video content (e.g., pre-recorded video recordings, images, video recordings, etc.) also can be stored in the audio/multimedia repository module **212** and accessed when an audio or video recording will be recorded by the recording engine **206**.

[0077] Audio and video content stored in the audio/multimedia repository module **212** typically include user content (e.g., user generated and/or user provided audio/video/image content). For example, audio content can include but are not limited to, rhythms, melodies, vocal expressions (e.g., voice, speech, dialogue, sing, rap, etc.), beats, music, instrumental sounds, synthetic audio content, and/or any other type of digital and/or analog representations of sound. The audio/multimedia repository module **212** may further include digital signal processors (DSPs) that support generation of digital audio/video content modification and/or implementation of audio/video effects.

[0078] One embodiment of the present disclosure includes a user interface module **204**. The user interface module **204** can be any combination of hardware components and/or software agents able to generate, modify, and/or adjust user interfaces suitable for receiving user input for querying, multimedia content recording, multimedia content exchange, multimedia content playback, collecting favorite user creations, and/or tracking favorite multimedia creation.

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[0079] In some embodiments, the user interface module **204** generates, provides or presents a user interface, for a user to access additional functions and/or services such as audio/video browsing, audio/video sorting, and audio/video organizing, etc. Examples of user interfaces provided by the user interface module **214** and services accessible via the user interfaces can be visualized with further reference to the example screenshots in **FIGS. 3-18** and **FIG. 20**.

[0080] In one embodiment, the user interface module **204** identifies user requests and displays a listing of audio content, compositions, beats, and/or video content. The user request can be generated by an action indicating whether the user wishes to browse through audio content, compositions, beats, and/or video content, for example, via clicking on an associated tab. The user interfaces showing listings of audio content, compositions, and beats are illustrated with further reference to **FIGS. 3-5**, respectively. The user interface module **204**, in some instances, provides additional information associated with each audio content, composition, and beat in the browsing interface. Additional information can include creator, category, name, genre, and title information, etc.

[0081] The user interface module **204**, in some embodiments presents a page view for the selected listing, with further reference to **FIG. 3-4**, and detects selection of an audio content, a composition, a beat, and/or video through the listing entries, with further reference to **FIG. 5**. The page view allows the user to further view detailed information regarding the selected multimedia content. The page view may further allow the user to request playback of the multimedia content. The user interface module **204** can adjust the functions and services available through the page view user interface, for example, dependent on whether the page view is for audio content, a composition, a beat, or a video recording.

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[0082] In one embodiment, the user interface module **214** can generate and provide a page view in the user interface that includes a listing of entries of a set of compositions representing a melody, rhythm, score, or set of beats. With reference to **FIG. 4**, the page view can organize the compositions into categories. The page view can include a first window for selecting to view a category comprising a first set of compositions in a genre and a second window for selecting a specific composition listing from a subset of the first set of compositions that are a sub-category of the first category.

[0083] One embodiment of the user interface module **204** provides a user interface with an audio/multimedia player/recorder (**FIG. 8-15**) to facilitate multimedia content recording and playback over a network. The user interface can include a listing of selectable entries of synchronized multi-media content.

[0084] The audio/multimedia player/recorder **222** of the user interface module **214** can also generate and provide, in the same or different user interface, a play button for the playback of an audio recording or composition and/or a reverse/forward button for a user to change the timing of an audio recording over a composition. The composition can be a beat and/or melody provided by the user or another user. The audio/multimedia player/recorder **222** can further include, for example, a record button for initiating a recording session and a stop button for terminating the recording session.

[0085] The user interface module **214** can further provide a text box in the audio/multimedia player/recorder to display or receive textual input representing a set of lyrics to be sung with the audio recording and a selectable button in the audio player/recorder for updating the lyrics in the text box.

[0086] In some embodiments, the user interface module **214** adjusts buttons on the player according to the playback status of an audio recording, for example, with further reference to **FIG. 8**. When no recording is occurring, a play and/or record button can be

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displayed and are selectable. In addition, when a recording session has ended, for example, a re-record button, review button, cancel button and/or a play button can be displayed, with further reference to **FIG. 9**.

[0087] In one embodiment, an instance of the audio player (or multi-media player) can be bookmarked, for example, using any conventional or known website or web-browser including but not limited to, one or more of, Mozilla Firefox, Internet Explorer, AOL, Bookmarks, Ask MyStuff, Backflip, BlinkList, BlogMarks, deLicio.us, Digg, Diigo, DropJack, Faves, Furl, Opera, Safari, Google Bookmarks, linkaGoGo, Live Favorites, My Yahoo!, Netvoiz, Newswine, Propeller, Reddit, Segnalo, Simpy, Spurl, StumbleUpon, Technorati, Twitter, and/or Yahoo! Bookmarks.

[0088] One embodiment of the present disclosure includes a sharing module **224**. The sharing module **224** can be any combination of hardware components and/or software agents able to manage, track, modify, and/or enforce the privacy attributes of audio content. The sharing module **218** may receive commands related to privacy attributes of user content. The multimedia content owner (e.g., recording user of an audio or video content, etc.) typically has the ability to set the privacy attributes of owned content. The multimedia content may be shown on the user's public profile or kept as a private draft, etc., with further reference to **FIG. 15**.

[0089] The server **200** can be implemented using one or more processing units, such as server computers, UNIX workstations, personal computers, and/or other types of computes and processing devices. In the example of **FIG. 2**, the server **200** includes multiple components coupled to one another and each component is illustrated as being individual and distinct. However, in some embodiments, some or all of the components, and/or the functions represented by each of the components can be combined in any convenient and/or known manner. For example, the components of the host server

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may be implemented on a single computer, multiple computers, and/or in a distributed fashion.

[0090] Thus, the components of the server **200** are a functional unit that may be divided over multiple servers, computers and/or processing units. Furthermore, the functions represented by the devices can be implemented individually or in any combination thereof, in hardware, software, or a combination of hardware and software. Different and additional hardware modules and/or software agents may be included in the host server 200 without deviating from the spirit of the disclosure.

[0091] **FIG. 3** illustrates an example user interface of a listing of pre-recorded audio content.

[0092] The example user interface of a listing of pre-recorded audio content allows a user to select audio content that was previously recorded by the user or another user. Each listing of audio content may detail additional information about the audio content such as the title of the listing, the user whom created the listing, the number of audio content created by the user, and other descriptive details about the user. Further, the listing may allow a user to rate the specific audio content or add to the audio content through collaboration. The user can organize the listing of content according to certain parameters such as highest rating, newest song, newest user, oldest, or play count. In addition, a search query is provided wherein a name, username, song title can be entered and may be searched against defined criteria such as genres, email address, user ID, full name.

[0093] **FIG. 4** illustrates an example user interface of a listing of pre-recorded compositions. The example user interface **400** of a listing of pre-recorded compositions allows a user to select a particular category of compositions **401** and specific pre-recorded composition entries **402**. The listing includes multiple pre-recorded compositions based on the applied category (e.g., country, experimental hip hop, hip

hop, etc.) selected. Each composition listing can include a display of information related to the composition, including but not limited to, the name of the composition **404** and genre of the composition **405**. A "My Favorites" tab **403** is also selectable for a user to select pre-recorded compositions saved or bookmarked from previous sessions.

[0094] **FIG. 5** illustrates an example user interface previewing a pre-recorded composition by playing the selected item.

[0095] In one embodiment, each entry listing **501** of audio content is clickable by a user to request a preview of the composition associated with the entry listing. When the listing **501** is clicked, the entry expands and more information is revealed. The user interface **500** also includes selectable tabs for users to adjust the volume for the preview of the pre-recorded composition. Additional information regarding the composition such as approval, comments, and/or ratings can also be shown.

[0096] In one embodiment, each pre-recorded video recording includes a watch icon that is clickable by a user to request playback of the video associated with the entry listing. In general, the request to play a pre-recorded video recording also plays the associated audio content (e.g., voice recording(s), composition(s), etc.).

[0097] **FIG. 6** illustrates an example user interface to query a user to enter lyrics. User interface **600** is an example of a query for a user to enter original lyrics of his/her creation. The query can show multiple query fields which include, but is not limited to, the title of the song **601**, the song lyrics **602**, and lyrics as divided by the type of lyrics (e.g., chorus, refrain, bridge, etc.).

[0098] In addition to the option to enter one's own original song lyrics, the user interface **600** also includes selectable tabs for users to ad lib lyrics **603** and save and record **604**. As will be described later the ad lib **603** option allows users can automatically generate song lyrics. Also, the save and record button **604** allows users

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to enter their original lyrics, save them for use later, and begin recording the audio recording.

[0099] **FIG. 7** illustrates an example user interface of a lyric generation prompt. The example user interface of user interface **700** includes text boxes, suitable for automatically generating lyrics by using text submitted by a user. Once a user has selected a pre-recorded composition, lyrics can be automatically generated upon a user's entry of a pre-defined category of words. In some embodiments, the query for automatic lyrics generation asks the user to provide the following: a crush's name, a noun, an adverb, an adjective and a nickname.

[00100] **FIG. 8** illustrates an example user interface having an audio/multimedia player/recorder for recording an audio or video recording. The user interface **800** includes the audio/multimedia player/recorder **801** with selectable buttons for playing of a prerecorded composition **802** or video recording and/or recording of an audio/video recording. For example, the user can generate an audio recording (e.g., rap, sing, speak, and/or any other form of vocalization) when the record button **804** is clicked. Once the record button is selected, a recording session generally begins with the detection of the recording user's audio input device (e.g., microphone). Once the input device is accessible, the user can click the record button of the audio recorder/player (or multimedia recorder/player) to initiate a recording session over the pre-recorded beat or any other selected multimedia content. The user can stop the recording anytime by clicking the record button of the audio recorder/player.

[00101] The pre-recorded composition **802** may be played back during the recording session. A play button **805** is, in most instances, displayed when playback of audio or video is not occurring. The audio recorder/player **801**, in some embodiments, also displays the name of the pre-recorded composition **802**, the audio recording that is being recorded **806**, the option to select an effect to apply to the audio recording **807**,

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an adjustment of the volume of playback **803** and the option to add another audio recording **809**.

[00102] In some embodiments, the user interface **800** includes a song lyric display **810** which displays the song lyrics previously entered from user interface **700** and the option to modify the song lyric entry within the same user interface **800**. Other information also displayed to the user includes the title of the song and the actual words of the lyrics to facilitate the recording of the audio recording.

[00103] **FIG. 9** illustrates an example user interface having an audio recorder/player (or multimedia recorder/player) for the recording, playing, editing, and saving of an audio recording. Once the user has completed the recording process, a preview of the audio or video recording can be played back over the network to the user. Typically, the recorded content is stored in a buffer (e.g., memory buffer) when being played for preview.

[00104] In the embodiment wherein audio content is created, the user can adjust the volume level of the recorded content based on the preview and the user can apply a special sound effect to audio recorded. The user can also layer or toggle multiple audio recordings by adding another audio recording. If and when the recorded audio recording or video recording is satisfactory to the user, the recording can be permanently saved. If the user chooses to discard the recorded content, the recorded content may be deleted from memory. In some instances, the user can choose to re-record the same content until satisfactory results are obtained.

[00105] The user interface display **900** of audio recorder/player may be different before recording, during the recording session, and after the recording session. The different user interface displays are illustrated with further reference to **FIGURE 8, 9, 10, and FIGURE 11**. In one embodiment, the player/recorder includes a record button and a stop button. The record button can be used by the recording user to generate an

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initiation request to start the recording session. The stop button can be used to stop playback of the multimedia content currently being played. A countdown to the initiation of the recording session thus begins. In most instances, if the user is recording over a composition or pre-recorded video recording, the content is played at the initiation of the recording session. The initiation request to record or stop is typically generated by a single action (e.g., a click of the pointing device) on the record or stop button.

[00106] The audio/multimedia player/recorder may record without any audio content in the form of acapella. In one embodiment, during the recording session, the player/recorder may include a stop button, a preview button, an indicator of the recording status and a time indicator. The stop button allows a user to generate a termination request to stop the recording session (e.g., by click of a pointing device on the stop button). In one embodiment, the preview button is activated and becomes selectable once the recording session has been stopped. The preview button, when selected, allows the user to listen or view a synchronized result of the audio and video content.

[00107] After the recording session, the user is presented with the options of previewing the recording with the selected pre-recorded composition, recording the audio/video content, and/or saving the mixed multimedia content. In one embodiment, when the user saves the recorded content and the recorded content is published. The recording (e.g., audio content, video content) can be saved upon user request, for example, when the user determines that the recording is satisfactory.

[00108] **FIG. 10** illustrates an example user interface having an audio/multimedia player/recorder for the processing of an audio recording. The audio recorder/player illustrates the capability of processing the audio recording after recording and the application of, if any, special effects. The duration as well as the timing of the audio

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recording is displayed in the audio recorder/player, in reference to the pre-recorded composition.

[00109] **FIG. 11** illustrates an example user interface having an audio/multimedia player/recorder for the recording of an additional audio recording. In an embodiment, users have the option to add an additional audio recording to the creation of an audio content. Furthermore, with the option of selecting "add track," a plurality of audio recordings can be added beyond the second audio recording. The process of recording, processing, and applying an effect are identical the descriptions in the aforementioned paragraphs.

[00110] **FIG. 12** illustrates an example user interface having an audio/multimedia player/recorder for the recording, playing, editing, and saving of an additional audio recording. The audio recorder/player illustrates a modification of the second audio recording in a way that changes the start of the second recording/track after the end of the first recording/track. Moreover, the second audio recording can still be reviewed, re-recorded, or deleted altogether.

[00111] **FIG. 13** illustrates an example user interface having an audio/multimedia player/recorder in full-screen mode. In one embodiment, the audio/multimedia player/recorder can be expanded to fill the entire screen of any display peripheral (e.g., monitor on a computer). Likewise, all the functionality can exist for the full-screen version of the embodiment, in addition to the option to use headphones during the audio content process.

[00112] **FIG. 14** illustrates an example user interface having an audio/multimedia player/recorder to query the user in regards to publishing or continuing the editing of an audio/video creation generated by a user,.

[00113] After the completion of the editing, saving, and synchronization functions, the audio recorder/player queries the user for a confirmation. In one embodiment, the user

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can either publish the audio/video content or continue the editing process. In this embodiment, all other options are disabled, except for two possible choices: continuing the modification process until the satisfaction of the user or sharing the audio content on the network.

[00114] **FIG. 15** illustrates an example user interface having an audio/multimedia player/recorder to provide aural playback of a song composition and to facilitate multimedia content sharing.

[00115] The graphical user interface 1500 includes many selectable options related to providing an aural playback of the song composition that has been synchronized and a volume control option. Another selectable option in one embodiment is selecting the privacy attributes of the audio content on the network. For example, the song composition may be visible to the public or only visible to the owner. Additional privacy settings that specify rules governing other user's rights to comment, share, or rate it may be configurable by the user as well. Users are also able to modify previously-entered query fields such as titles and/or lyrics. Finally, users can enter new information regarding the audio content's description and associated tags for ease of searching.

[00116] **FIG. 16** illustrates an example user interface listing of audio contents generated by a user that was previously recorded.

[00117] The user interface provides a listing of all completed audio content in the users account. The user has the option to return to the audio content and continue the editing of the audio content or delete the entry in its entirety. Other information that is provided include the most recent date of modification, the category of pre-recorded composition, the number of plays, the audio contents name and finally, a posting option.

[00118] In the example of **FIG. 16**, the "Post to Facebook" option is illustrated. It enables users to send an instance of the audio content to a Facebook account (e.g., to

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a friend or to him/herself). The instance of the audio content may then be accessed via a link in a Facebook message delivered to a specified Facebook account. In another embodiment, an "embed" option may also be available to a user. The embed option allow users to embed the instance of the audio recorder/player in a site (e.g., MySpace) such that the instance of the widget may be accessed via other sites for multimedia content (e.g., audio, video, etc.) playback or recording purposes.

[00119] **FIG. 17** illustrates an example user interface having a audio/multimedia player/recorder for recording a video recording.

[00120] The screenshot in **FIG. 17** is an example user interface having a audio/multimedia player/recorder suitable for controlling audio/video playback and recording. The example user interface of screenshot **1700** illustrates the interface while no audio content (e.g., pre-recorded composition, audio recording, pre-recorded video recording) is being played.

[00121] **FIG. 18** illustrates an example user interface for editing a video recording. A video recording can be modified after recording. In one embodiment, options to edit a video recording include: fading in, fading out, resetting the position of a video recording, and superposition of composite images to remove a background. Each listing can, in some instances, include an icon uploaded by the artist.

[00122] **FIG. 19** illustrates the queuing process for a video content in preparation for publishing over a network. In one embodiment, the queue is one manner in which the present technology can handle a certain amount of simultaneous requests to publish. In accordance to this embodiment, when a user requests the synchronization of the composition, audio recording(s), video recording(s), etc., a download request enters the queue, along with editing instructions and user/content database references. The user can actively check on the progress of the synchronization. The individual components that comprise audio/video content are then processed, encoded, and made streamable

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over a network for publication. Upon completion of the encoding, the streaming file is moved to a Flash media server coupled to a database and a slot in the queue becomes available.

[00123] **FIG. 20** illustrates an example user interface for the process of chroma key compositing for a video recording. A pre-recorded video recording is provided to a user to utilize as a background during the video recording. Modifications to the pre-recorded video recording include filtering, color correction, color saturation, speed adjustment, etc. to adapt to a genre of a particular audio content. Upon detection of a video input device (e.g., microphone, camera, webcam, camcorder, transducer, sensor) coupled to the user device, the input device can record an audio and/or video input (e.g., motion, voice, speech, sound, dialogue, music, instruments music, rhythms, song, rap, melody, theatrical performance, movie, play, an act, a skit, etc.) detected by the video input device. In one embodiment, the user interface allows for a technique of compositing two frames together, wherein one image is selectively made transparent to reveal the other image, as well known in the prior art. As a result, the principal subject is recorded against a background of the pre-recorded video recording. The video recording can then be synchronized with the audio content and video content to create a final product. In another embodiment, user movement can be detected by measuring an object or a change in speed in the camera's field of view, as well known in the prior art. The motion can be represented by a trailing light and thus incorporated into a pre-recorded video recording.

[00124] **FIG. 21** depicts a flow diagram illustrating an example process of enabling a user to generate audio content over a network. In process **2102**, a user is presented with a plurality of compositions. The requesting user may come across a composition to his/her liking while browsing and listening to the plurality of compositions. While performing playback of the composition, the user can select to record an audio

recording over the composition. In process **2104**, a request is received from the user to add that specific composition. In process **2106**, a lyric using the text submitted by the user is presented and in process **2108**, an audio recording generated by the user can be recorded, wherein the specific composition is playing during the recording of the audio recording. Finally, in process **2110**, the specific composition, the song lyric, and the audio recording can be edited according to user input. The resulting audio compilation can be previewed by the user and saved.

[00125] **FIG. 22** depicts a flow diagram illustrating an example process of enabling a user to generate audio and video content over a network. In process **2202**, a first request is received from the user to add an audio content. The request is typically received over a network. In process **2204**, a second request from the user to add a video recording is received. In process **2206**, a plurality of pre-recorded video recordings is presented to the user. In process **2208**, the video recording can be recorded, wherein the audio content is playing during the recording of the video recording. While recording, audio input into a microphone or web-cam or other imaging device can be recorded in real-time. In process **2210**, the specific composition, the song lyric, and the audio recording is edited according to user input.

[00126] **FIG. 23** shows a diagrammatic representation of a machine in the example form of a computer system **2300** within which a set of instructions, for causing the machine to perform any one or more of the methodologies discussed herein, may be executed.

[00127] In alternative embodiments, the machine operates as a stand-alone device or may be connected (e.g., networked) to other machines. In a networked deployment, the machine may operate in the capacity of a server or a client machine in a client-server network environment, or as a peer machine in a peer-to-peer (or distributed) network environment.

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[00128] The machine may be a server computer, a client computer, a personal computer (PC), a tablet PC, a laptop computer, a set-top box (STB), a personal digital assistant (PDA), a cellular telephone, an iPhone, a Blackberry, a processor, a telephone, a web appliance, a network router, switch or bridge, or any machine capable of executing a set of instructions (sequential or otherwise) that specify actions to be taken by that machine.

[00129] While the machine-readable medium or machine-readable storage medium is shown in an exemplary embodiment to be a single medium, the term "machine-readable medium" and "machine-readable storage medium" should be taken to include a single medium or multiple media (e.g., a centralized or distributed database, and/or associated caches and servers) that store the one or more sets of instructions. The term "machine-readable medium" and "machine-readable storage medium" shall also be taken to include any medium that is capable of storing, encoding or carrying a set of instructions for execution by the machine and that cause the machine to perform any one or more of the methodologies of the presently disclosed technique and innovation.

[00130] In general, the routines executed to implement the embodiments of the disclosure, may be implemented as part of an operating system or a specific application, component, program, object, module or sequence of instructions referred to as “computer programs.” The computer programs typically comprise one or more instructions set at various times in various memory and storage devices in a computer, and that, when read and executed by one or more processing units or processors in a computer, cause the computer to perform operations to execute elements involving the various aspects of the disclosure.

[00131] Moreover, while embodiments have been described in the context of fully functioning computers and computer systems, those skilled in the art will appreciate that the various embodiments are capable of being distributed as a program product in a

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variety of forms, and that the disclosure applies equally regardless of the particular type of machine or computer-readable media used to actually effect the distribution.

[00132] Further examples of machine-readable storage media, machine-readable media, or computer-readable (storage) media include but are not limited to recordable type media such as volatile and non-volatile memory devices, floppy and other removable disks, hard disk drives, optical disks (e.g., Compact Disk Read-Only Memory (CD ROMS), Digital Versatile Disks, (DVDs), etc.), among others, and transmission type media such as digital and analog communication links.

[00133] Unless the context clearly requires otherwise, throughout the description and the claims, the words “comprise,” “comprising,” and the like are to be construed in an inclusive sense, as opposed to an exclusive or exhaustive sense; that is to say, in the sense of “including, but not limited to.” As used herein, the terms "connected," "coupled," or any variant thereof, means any connection or coupling, either direct or indirect, between two or more elements; the coupling of connection between the elements can be physical, logical, or a combination thereof.

[00134] Additionally, the words “herein,” “above,” "below," and words of similar import, when used in this application, shall refer to this application as a whole and not to any particular portions of this application. Where the context permits, words in the above Detailed Description using the singular or plural number may also include the plural or singular number respectively. The word "or," in reference to a list of two or more items, covers all of the following interpretations of the word: any of the items in the list, all of the items in the list, and any combination of the items in the list.

[00135] The above detailed description of embodiments of the disclosure is not intended to be exhaustive or to limit the teachings to the precise form disclosed above. While specific embodiments of, and examples for, the disclosure are described above for illustrative purposes, various equivalent modifications are possible within the scope

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of the disclosure, as those skilled in the relevant art will recognize. For example, while processes or blocks are presented in a given order, alternative embodiments may perform routines having steps, or employ systems having blocks, in a different order, and some processes or blocks may be deleted, moved, added, subdivided, combined, and/or modified to provide alternative or sub-combinations. Each of these processes or blocks may be implemented in a variety of different ways. Also, while processes or blocks are at times shown as being performed in series, these processes or blocks may instead be performed in parallel, or may be performed at different times. Further any specific numbers noted herein are only examples; alternative implementations may employ differing values or ranges.

[00136] The teachings of the disclosure provided herein can be applied to other systems, not necessarily the system described above. The elements and acts of the various embodiments described above can be combined to provide further embodiments.

[00137] Any patents and applications and other references noted above, including any that may be listed in accompanying filing papers, are incorporated herein by reference. Aspects of the disclosure can be modified, if necessary, to employ the systems, functions, and concepts of the various references described above to provide yet further embodiments of the disclosure.

[00138] These and other changes can be made to the disclosure in light of the above Detailed Description. While the above description describes certain embodiments of the disclosure, and describes the best mode contemplated, no matter how detailed the above appears in text, the teachings can be practiced in many ways. Details of the system may vary considerably in its implementation details, while still being encompassed by the subject matter disclosed herein. As noted above, particular terminology used when describing certain features or aspects of the disclosure should

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not be taken to imply that the terminology is being redefined herein to be restricted to any specific characteristics, features, or aspects of the disclosure with which that terminology is associated. In general, the terms used in the following claims should not be construed to limit the disclosure to the specific embodiments disclosed in the specification, unless the above Detailed Description section explicitly defines such terms. Accordingly, the actual scope of the disclosure encompasses not only the disclosed embodiments, but also all equivalent ways of practicing or implementing the disclosure under the claims.

[00139] While certain aspects of the disclosure are presented below in certain claim forms, the inventors contemplate the various aspects of the disclosure in any number of claim forms. For example, while only one aspect of the disclosure is recited as a means-plus-function claim under 35 U.S.C. §112, ¶13, other aspects may likewise be embodied as a means-plus-function claim, or in other forms, such as being embodied in a computer-readable medium. (Any claims intended to be treated under 35 U.S.C. §112, ¶13 will begin with the words "means for".) Accordingly, the applicant reserves the right to add additional claims after filing the application to pursue such additional claim forms for other aspects of the disclosure.

[00140] Various examples of the invention will now be described. The following description provides specific details for a thorough understanding and enabling description of these examples. One skilled in the relevant art will understand, however, that the invention may be practiced without many of these details. Likewise, one skilled in the relevant art will also understand that the invention can include many other obvious features not described in detail herein. Additionally, some well-known structures or functions may not be shown or described in detail below, so as to avoid unnecessarily obscuring the relevant description.

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[00141] The terminology used below is to be interpreted in its broadest reasonable manner, even though it is being used in conjunction with a detailed description of certain specific examples of the invention. Indeed, certain terms may even be emphasized below; however, any terminology intended to be interpreted in any restricted manner will be overtly and specifically defined as such in this Detailed Description section.

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CLAIMS

We claim:

1. A method performed by a server enabling a user to generate audio content over a network, comprising:

presenting the user with a plurality of compositions;

receiving a request from the user to add a specific composition;

presenting a lyric using text submitted by the user;

recording an audio recording generated by the user, wherein the specific composition is playing during the recording of the audio recording; and

editing the specific composition, the song lyric, and the audio recording according to user input.

2. The method of claim 1, wherein, the specific composition is pre-recorded.

3. The method of claim 2, wherein, the specific composition is generated by the user.

4. The method of claim 1, wherein, the lyric is automatically generated using a keyword submitted by the user.

5. The method of claim 1, wherein, editing further comprises at least one of the following:

applying a sound effect to the audio recording;

changing a timing of the audio recording;

deleting the audio recording;

6. The method of claim 1, further comprising at least one of the following:

providing playback of the audio recording and the specific composition;

generating the audio content for publishing on the network, wherein the audio content synchronizes the audio recording and the composition;

providing the user with an option to share the audio content with other users.

7. The method of claim 1, further comprising at least one of the following:

providing a feedback mechanism by which the user approves the audio content;

providing a rating mechanism by which a rating is received;

providing a comment mechanism by which a comment is received;

8. The method of claim 1, further comprising, receiving a request from a user to add video content.

9. A method performed by a server enabling a user to generate audio and video content over a network, comprising:

receiving a first request from the user to add an audio content;

receiving a second request from the user to add a video recording;

presenting the user with a plurality of pre-recorded video recordings;

recording the video recording, wherein the audio content are playing during the recording of the video recording; and

editing the audio content and the video content according user input.

10. The method of claim 9, wherein the method further comprises, presenting the user with an option to generate audio content.

11. The method of claim 9, wherein, the audio content is pre-recorded.

12. The method of claim 11, wherein, the audio content is generated by the user.

13. The method of claim 9, wherein, editing further comprises at least one of the following:

applying a sound effect to the audio recording;

changing a timing of the audio recording;

deleting the audio recording;

deleting a section of the audio recording.

14. The method of claim 9, wherein, editing further comprises at least one of the following:

applying an imaging effect to the video recording;

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changing a timing of the video recording;

deleting the video recording;

deleting a frame of the video recording.

15. The method of claim 9, wherein recording the video recording includes, overexposing a camera aperture to capture movement of light.

16. The method of claim 14, wherein applying an imaging effect includes applying chroma key compositing.

17. The method of claim 14, wherein applying an imaging effect includes at least one of the following:

fading-in the video recording;

fading-out the video recording;

18. The method of claim 14, wherein applying an imaging effect includes applying digital processing to the video recording.

19. The method of claim 18, wherein the digital processing includes color correction.

20. The method of claim 18, wherein the digital processing includes color saturation.

21. The method of claim 14, wherein applying an imaging effect includes, superimposing a pre-recorded video recording on the video recording.

22. The method of claim 9, further comprising at least one of the following:

providing visual playback of the video recording;

providing aural playback of the audio content and the audio content;

providing visual and aural playback of the video recording, audio content, and the audio content;

generating multimedia content for publishing on the network, wherein the multimedia content synchronizes the audio content, the video recording; and the specific pre-recorded video recording;

providing the user with an option to share the multimedia content with other users;

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providing the user with an option to collaborate on the media content with other users.

23. The method of claim 22, further comprising at least one of the following:

providing a feedback mechanism by which the user approves the multimedia content;

providing a rating mechanism by which a rating is received;

providing a commenting mechanism by which a comment is received.

24. The method of claim 22, further comprising, encoding the media content for streaming over a network.

25. The method of claim 22, further comprising, creating a queue such that generating and publishing occur simultaneously.

26. A system for creating synchronized audio and video media, comprising:

a network, connected to a client device, for transmitting the audio and the video media;

a server connected to the network, wherein the server includes at least one of the following:

a host server, connected to the network, to respond to a user request to generate synchronized audio and video media;

a user database server, connected to the network; to store a plurality of compositions, an audio recording, a plurality of pre-recorded video recordings, a video recording, audio media, and video media;

an audio and video processing server, connected to the network, to modify a specific composition, the audio recording, a specific pre-recorded video recording, the video recording, the audio media, and the video media;

a video creation server, connected to the network, to process a set of instructions for creating and streaming the video media,

and;

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a client device for recording the audio recording while playing the specific composition to create the audio media and for recording the video recording while playing the specific pre-recorded video recording to create the video media.

27. A system of generating multimedia content over a network, the system comprising:

a communications module to establish a communications session with a user device over the network; wherein, when in operation, the communications module is operable to receive user input via the user device;

a user database to store a composition and a pre-recorded video recording;

a first recording engine to record an audio recording while the composition is playing ;

a second recording engine to record a video recording while the pre-recorded video recording is playing; and

an editing module to modify the composition, the pre-recorded video recording, the audio recording and the video recording.

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ABSTRACT OF THE DISCLOSURE

Disclosed herein are methods and systems for creating and disseminating of audio and video content generated by a user over a network. In one aspect of the present disclosure, a request to create audio content over a network is received. In another aspect of the present disclosure a request to create multimedia content comprising audio and video content over a network is received. One embodiment includes presenting the user with a plurality of compositions, receiving a request from the user to add a specific composition, presenting a lyric using text submitted by the user, recording an audio recording generated by the user, wherein the specific composition is playing during the recording of the audio recording, and providing editing capability to the specific composition, the song lyric and audio recording.

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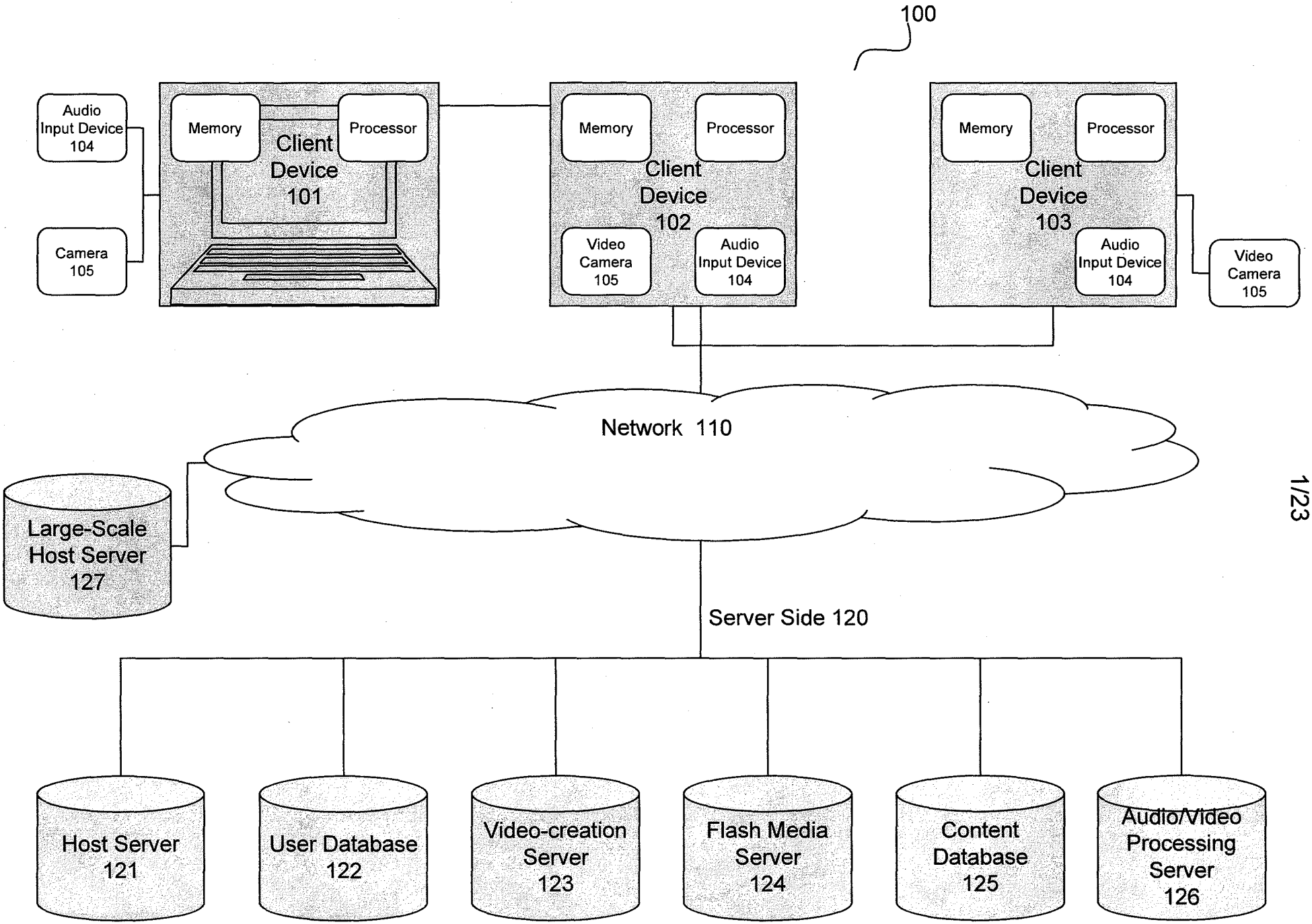

100
Audio Input Device 104
Camera 105
Memory
Processor
Client Device 101
Memory
Processor
Client Device 102
Video Camera 105
Audio Input Device 104
Memory
Processor
Client Device 103
Audio Input Device 104
Video Camera 105
Network 110
Large-Scale Host Server 127
Server Side 120
Host Server 121
User Database 122
Video-creation Server 123
Flash Media Server 124
Content Database 125
Audio/Video Processing Server 126

FIG. 1

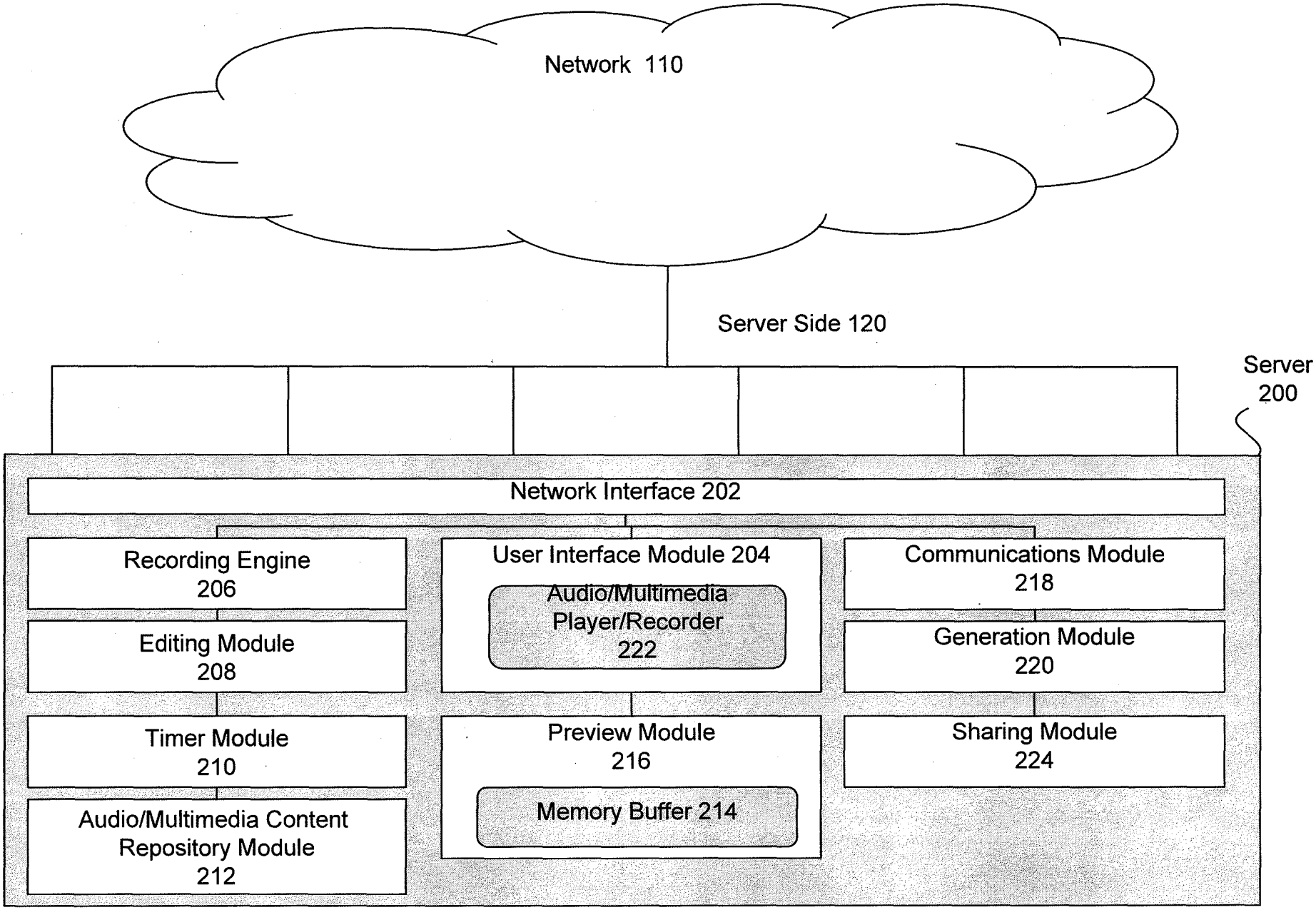

Network 110
Server Side 120
Server 200
Network Interface 202
Recording Engine 206
Editing Module 208
Timer Module 210
Audio/Multimedia Content Repository Module 212
User Interface Module 204
Audio/Multimedia Player/Recorder 222
Preview Module 216
Memory Buffer 214
Communications Module 218
Generation Module 220
Sharing Module 224

FIG. 2

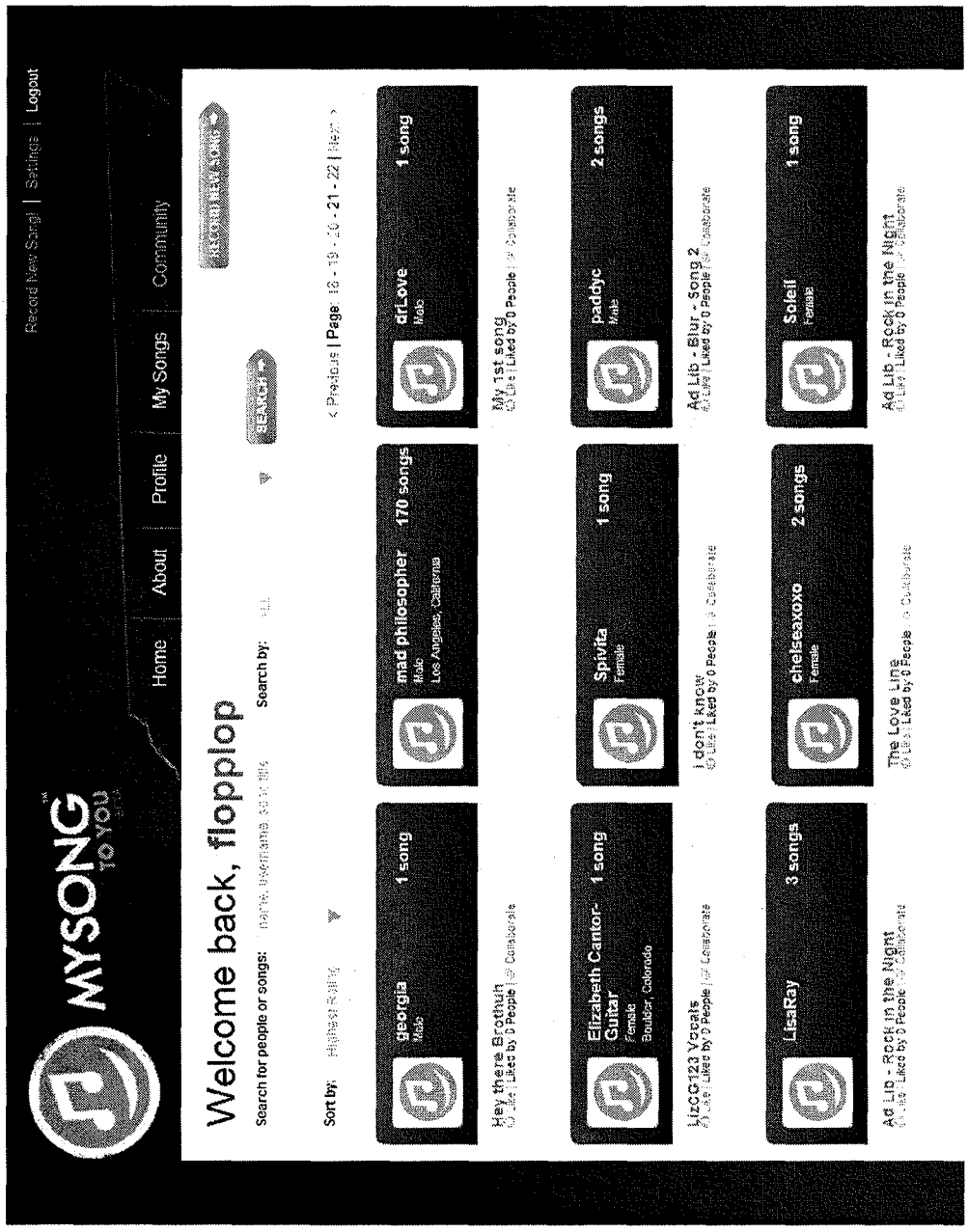

MYSONG
TO YOU
Record New Song! | Settings | Logout
Home
About
Profile
My Songs
Community
Welcome back, flopplop
Search for people or songs:
Search by:
Sort by:
georgia
1 song
Hey there Brothuh
Elizabeth Cantor-Guitar
Female
Boulder, Colorado
1 song
LizCG123 Vocals
LisaRay
3 songs
Ad Lib - Rock In the Night
mad philosopher
Male
Los Angeles, California
170 songs
Spivita
Female
1 song
i don't know
chelseaxoxo
Female
2 songs
The Love Line
drLove
Male
1 song
My 1st song
paddyc
Male
2 songs
Ad Lib - Blur - Song 2
Soleil
Female
1 song
Ad Lib - Rock In the Night

FIG. 3

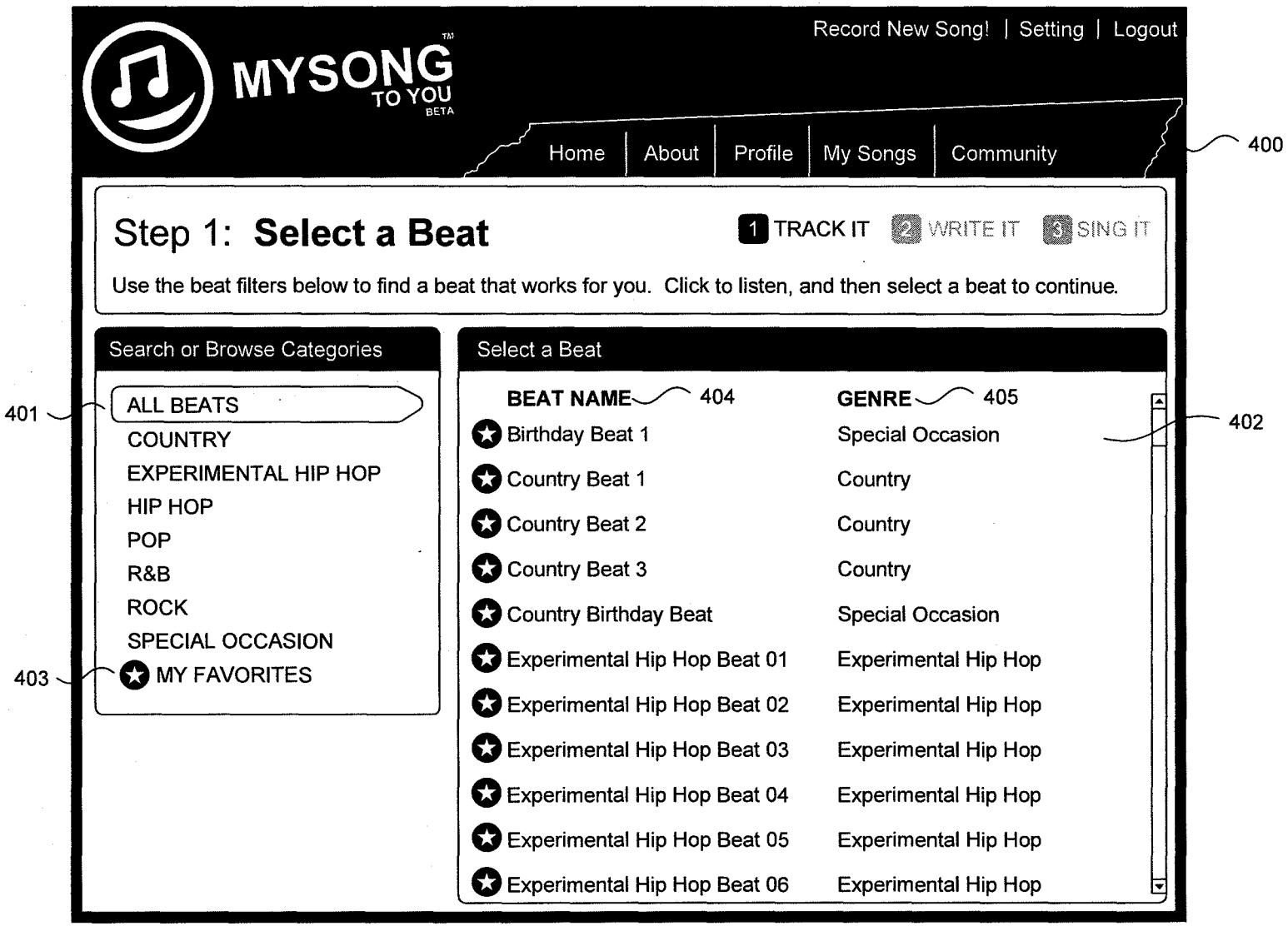

MYSONG™
TO YOU
BETA
Record New Song! | Setting | Logout
Home | About | Profile | My Songs | Community
400
Step 1: Select a Beat
1 TRACK IT 2 WRITE IT 3 SING IT
Use the beat filters below to find a beat that works for you. Click to listen, and then select a beat to continue.
Search or Browse Categories
401
ALL BEATS
COUNTRY
EXPERIMENTAL HIP HOP
HIP HOP
POP
R&B
ROCK
SPECIAL OCCASION
403
MY FAVORITES
Select a Beat
BEAT NAME 404
GENRE 405
402
Birthday Beat 1 — Special Occasion
Country Beat 1 — Country
Country Beat 2 — Country
Country Beat 3 — Country
Country Birthday Beat — Special Occasion
Experimental Hip Hop Beat 01 — Experimental Hip Hop
Experimental Hip Hop Beat 02 — Experimental Hip Hop
Experimental Hip Hop Beat 03 — Experimental Hip Hop
Experimental Hip Hop Beat 04 — Experimental Hip Hop
Experimental Hip Hop Beat 05 — Experimental Hip Hop
Experimental Hip Hop Beat 06 — Experimental Hip Hop

FIG. 4

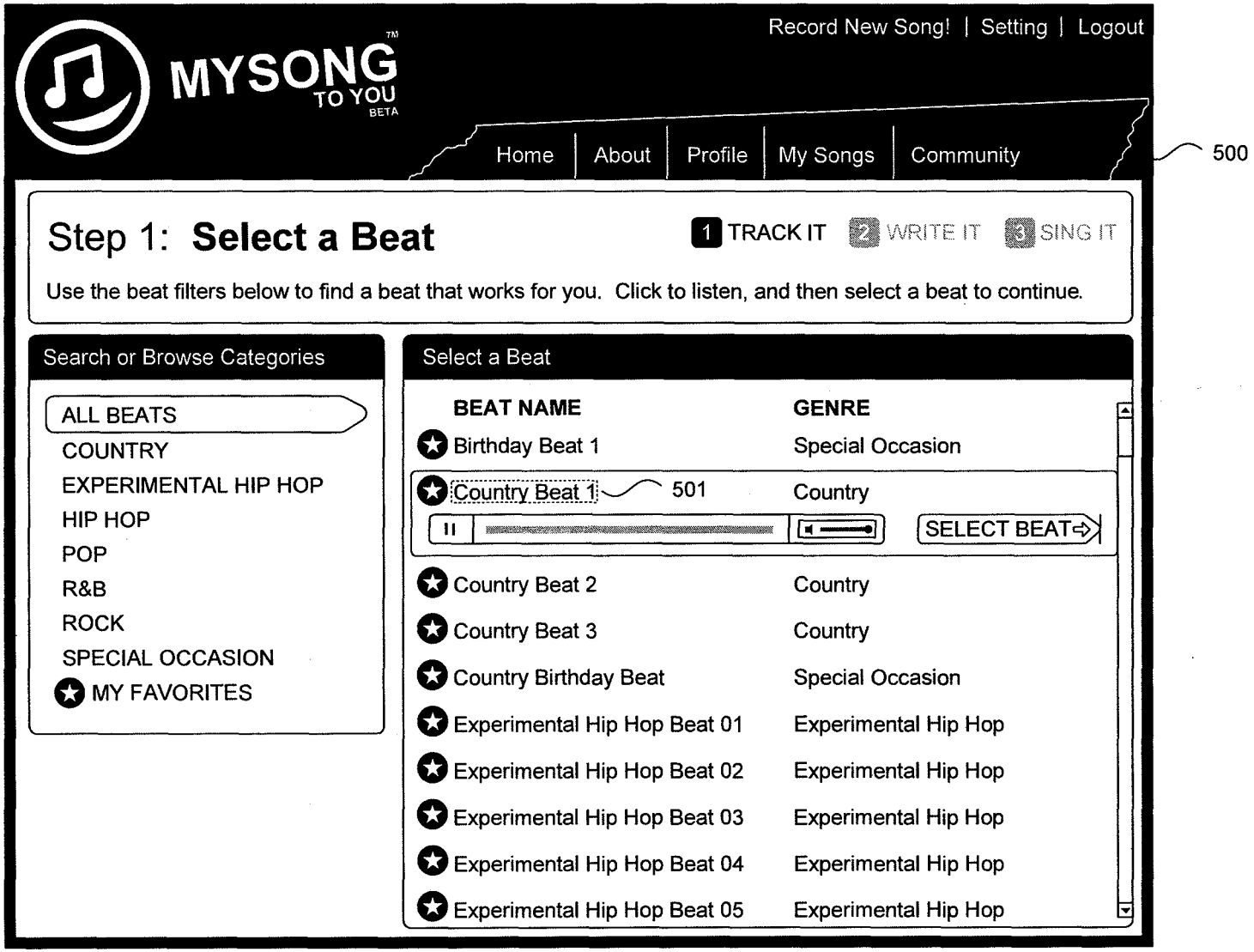

MYSONG
TO YOU
BETA
Record New Song! | Setting | Logout
Home
About
Profile
My Songs
Community
500
Step 1: Select a Beat
1 TRACK IT
2 WRITE IT
3 SING IT
Use the beat filters below to find a beat that works for you. Click to listen, and then select a beat to continue.
Search or Browse Categories
ALL BEATS
COUNTRY
EXPERIMENTAL HIP HOP
HIP HOP
POP
R&B
ROCK
SPECIAL OCCASION
MY FAVORITES
Select a Beat
BEAT NAME
GENRE
Birthday Beat 1
Special Occasion
Country Beat 1
501
Country
SELECT BEAT
Country Beat 2
Country
Country Beat 3
Country
Country Birthday Beat
Special Occasion
Experimental Hip Hop Beat 01
Experimental Hip Hop
Experimental Hip Hop Beat 02
Experimental Hip Hop
Experimental Hip Hop Beat 03
Experimental Hip Hop
Experimental Hip Hop Beat 04
Experimental Hip Hop
Experimental Hip Hop Beat 05
Experimental Hip Hop

FIG. 5

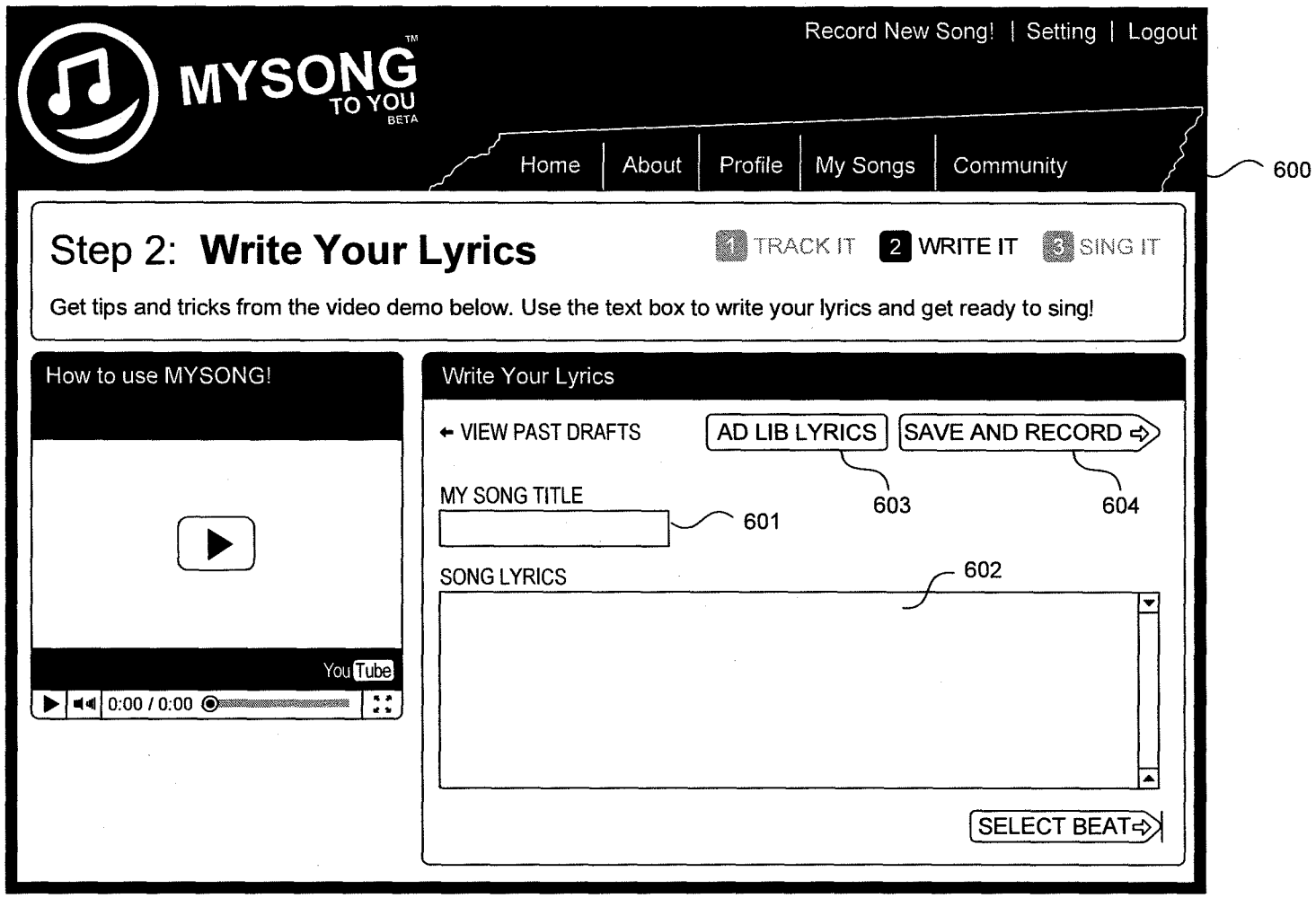

MYSONG TO YOU BETA
Record New Song! | Setting | Logout
Home
About
Profile
My Songs
Community
600
Step 2: Write Your Lyrics
1 TRACK IT
2 WRITE IT
3 SING IT
Get tips and tricks from the video demo below. Use the text box to write your lyrics and get ready to sing!
How to use MYSONG!
YouTube
0:00 / 0:00
Write Your Lyrics
VIEW PAST DRAFTS
AD LIB LYRICS
SAVE AND RECORD
603
604
MY SONG TITLE
601
SONG LYRICS
602
SELECT BEAT

FIG. 6

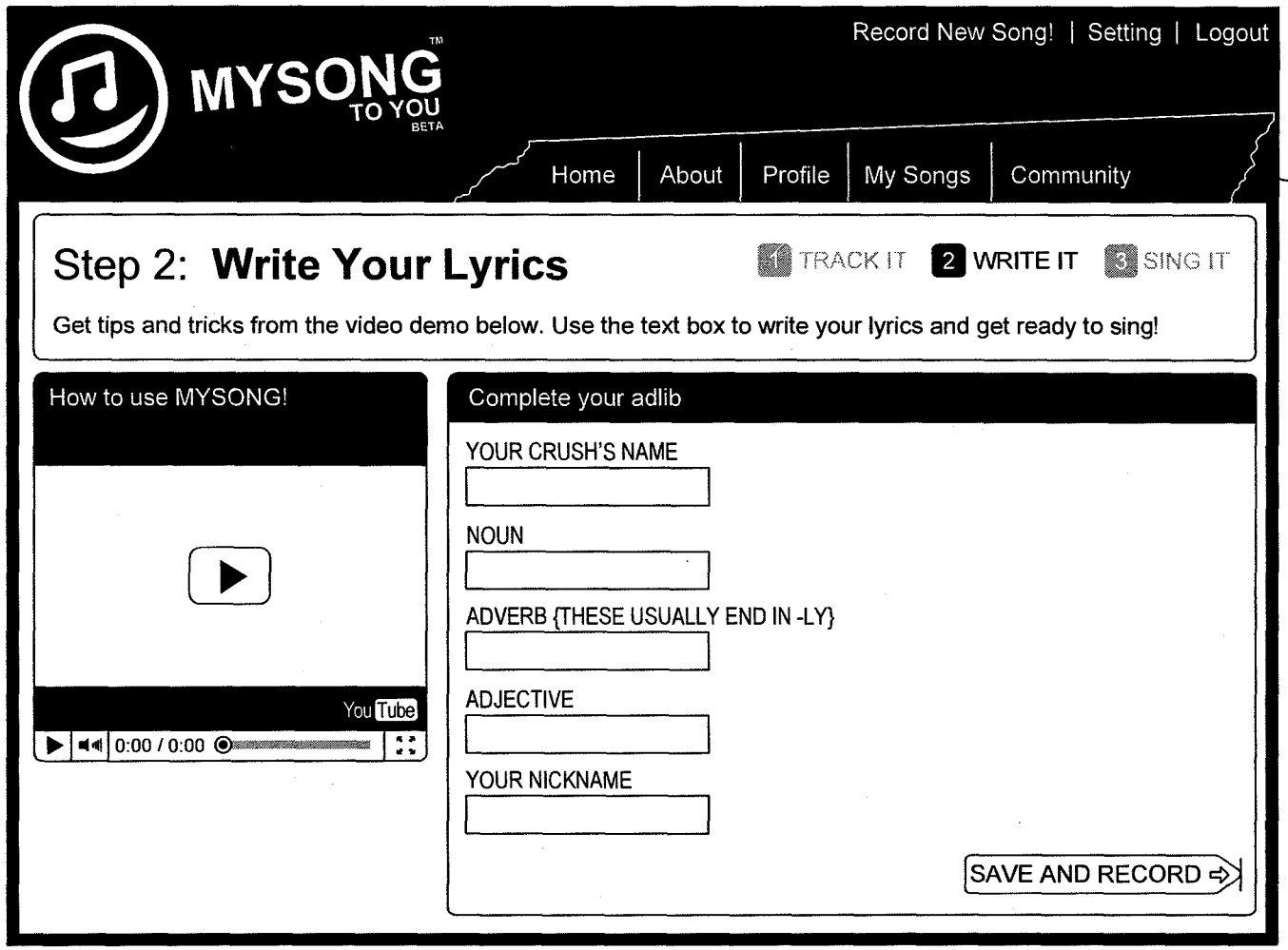

MYSONG
TO YOU
BETA
Record New Song! | Setting | Logout
Home
About
Profile
My Songs
Community
700
Step 2: Write Your Lyrics
1 TRACK IT
2 WRITE IT
3 SING IT
Get tips and tricks from the video demo below. Use the text box to write your lyrics and get ready to sing!
How to use MYSONG!
YouTube
0:00 / 0:00
Complete your adlib
YOUR CRUSH'S NAME
NOUN
ADVERB {THESE USUALLY END IN -LY}
ADJECTIVE
YOUR NICKNAME
SAVE AND RECORD

FIG. 7

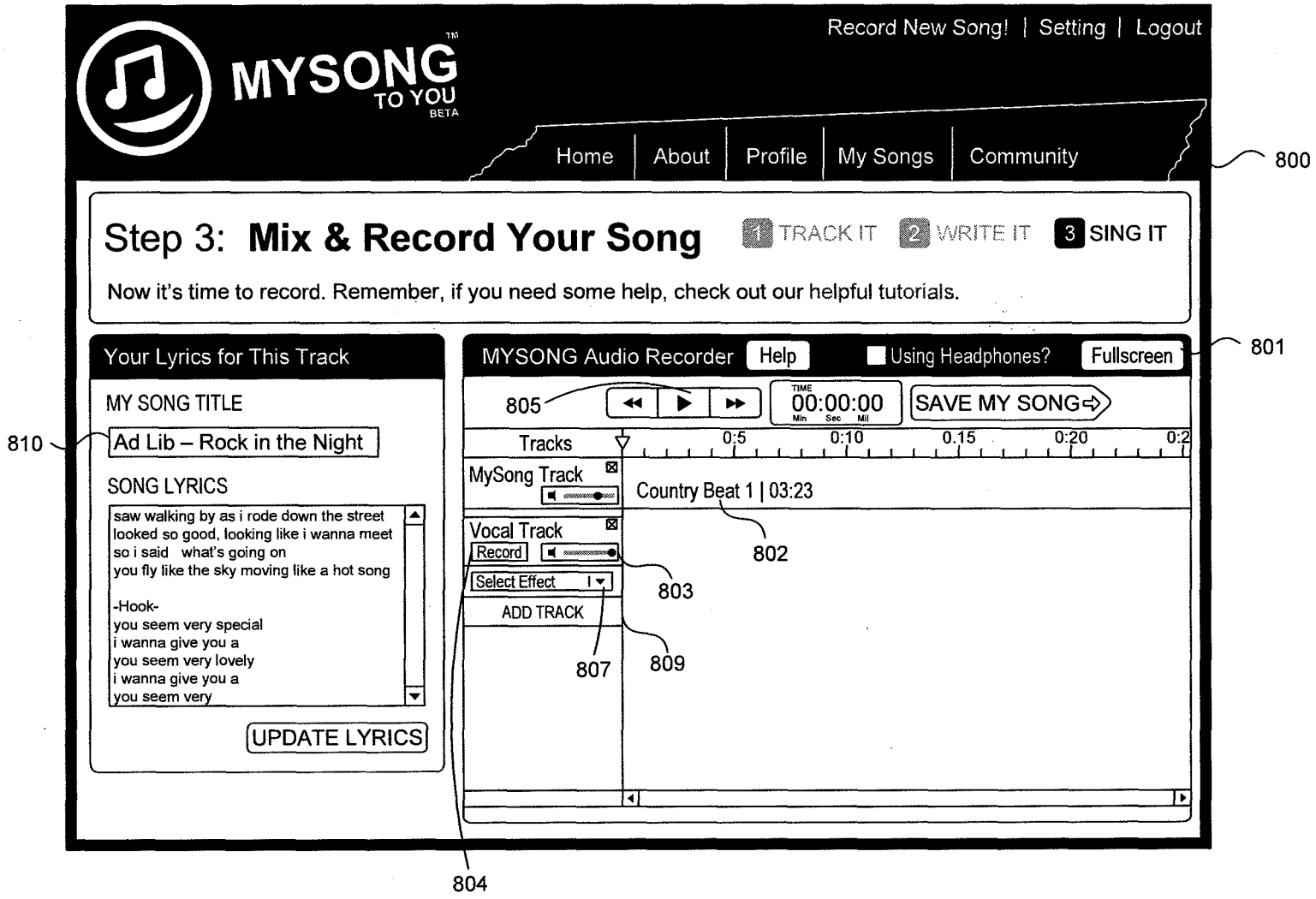

MYSONG
TO YOU
BETA
Record New Song! | Setting | Logout
Home
About
Profile
My Songs
Community
800
Step 3: Mix & Record Your Song
1 TRACK IT
2 WRITE IT
3 SING IT
Now it's time to record. Remember, if you need some help, check out our helpful tutorials.
Your Lyrics for This Track
MY SONG TITLE
Ad Lib – Rock in the Night
SONG LYRICS
saw walking by as i rode down the street
looked so good, looking like i wanna meet
so i said what's going on
you fly like the sky moving like a hot song
-Hook-
you seem very special
i wanna give you a
you seem very lovely
i wanna give you a
you seem very
UPDATE LYRICS
MYSONG Audio Recorder
Help
Using Headphones?
Fullscreen
801
805
TIME
00:00:00
Min Sec Mil
SAVE MY SONG
Tracks
0:5
0:10
0:15
0:20
MySong Track
Country Beat 1 | 03:23
Vocal Track
Record
Select Effect
ADD TRACK
802
803
807
809
810
804

FIG. 8

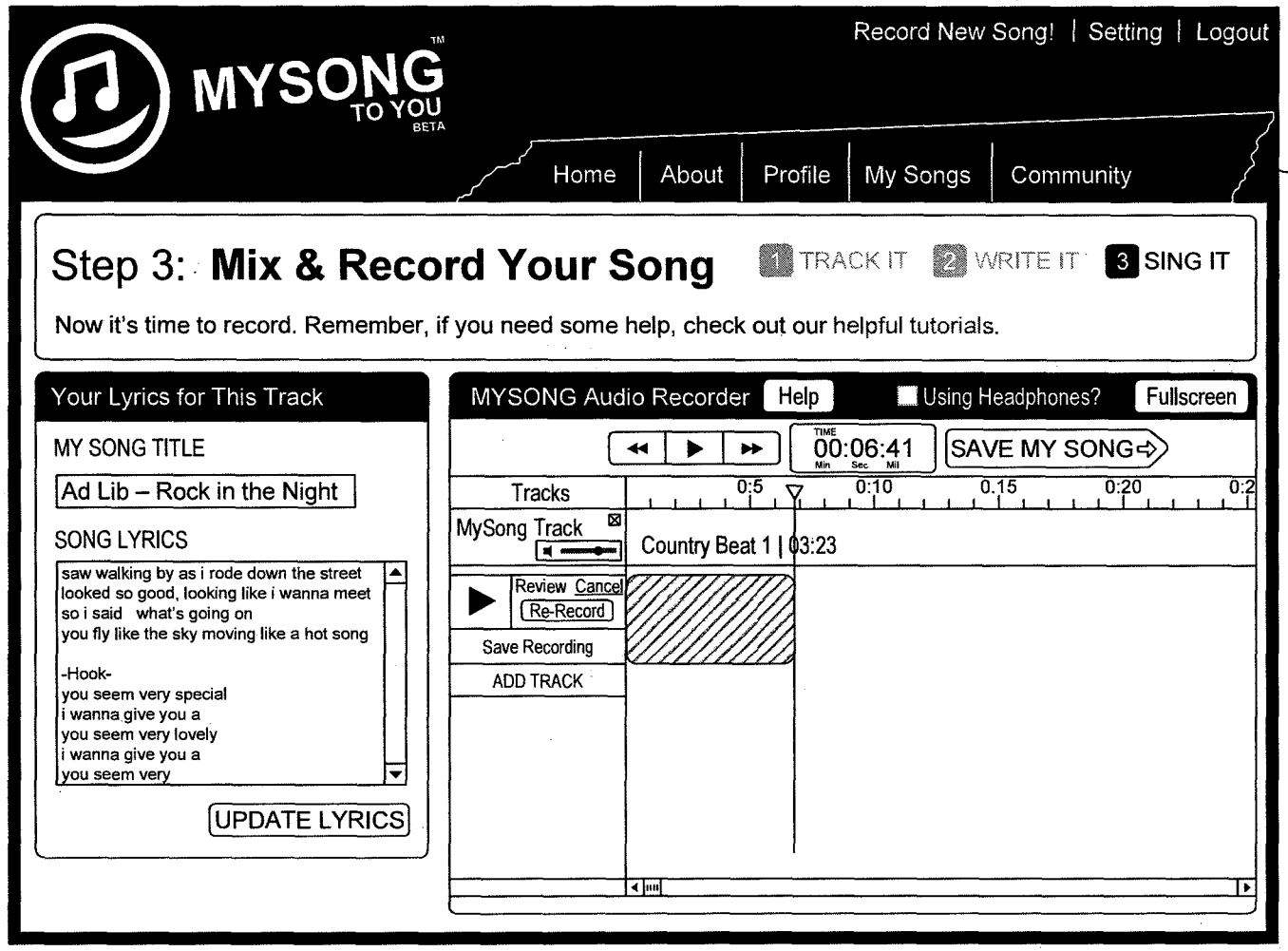

MYSONG TO YOU BETA
Record New Song! | Setting | Logout
Home
About
Profile
My Songs
Community
900
Step 3: Mix & Record Your Song
1 TRACK IT
2 WRITE IT
3 SING IT
Now it's time to record. Remember, if you need some help, check out our helpful tutorials.
Your Lyrics for This Track
MY SONG TITLE
Ad Lib – Rock in the Night
SONG LYRICS
saw walking by as i rode down the street
looked so good, looking like i wanna meet
so i said what's going on
you fly like the sky moving like a hot song
-Hook-
you seem very special
i wanna give you a
you seem very lovely
i wanna give you a
you seem very
UPDATE LYRICS
MYSONG Audio Recorder
Help
Using Headphones?
Fullscreen
TIME
00:06:41
Min Sec Mil
SAVE MY SONG
Tracks
0:5
0:10
0:15
0:20
MySong Track
Country Beat 1 | 03:23
Review Cancel
Re-Record
Save Recording
ADD TRACK

FIG. 9

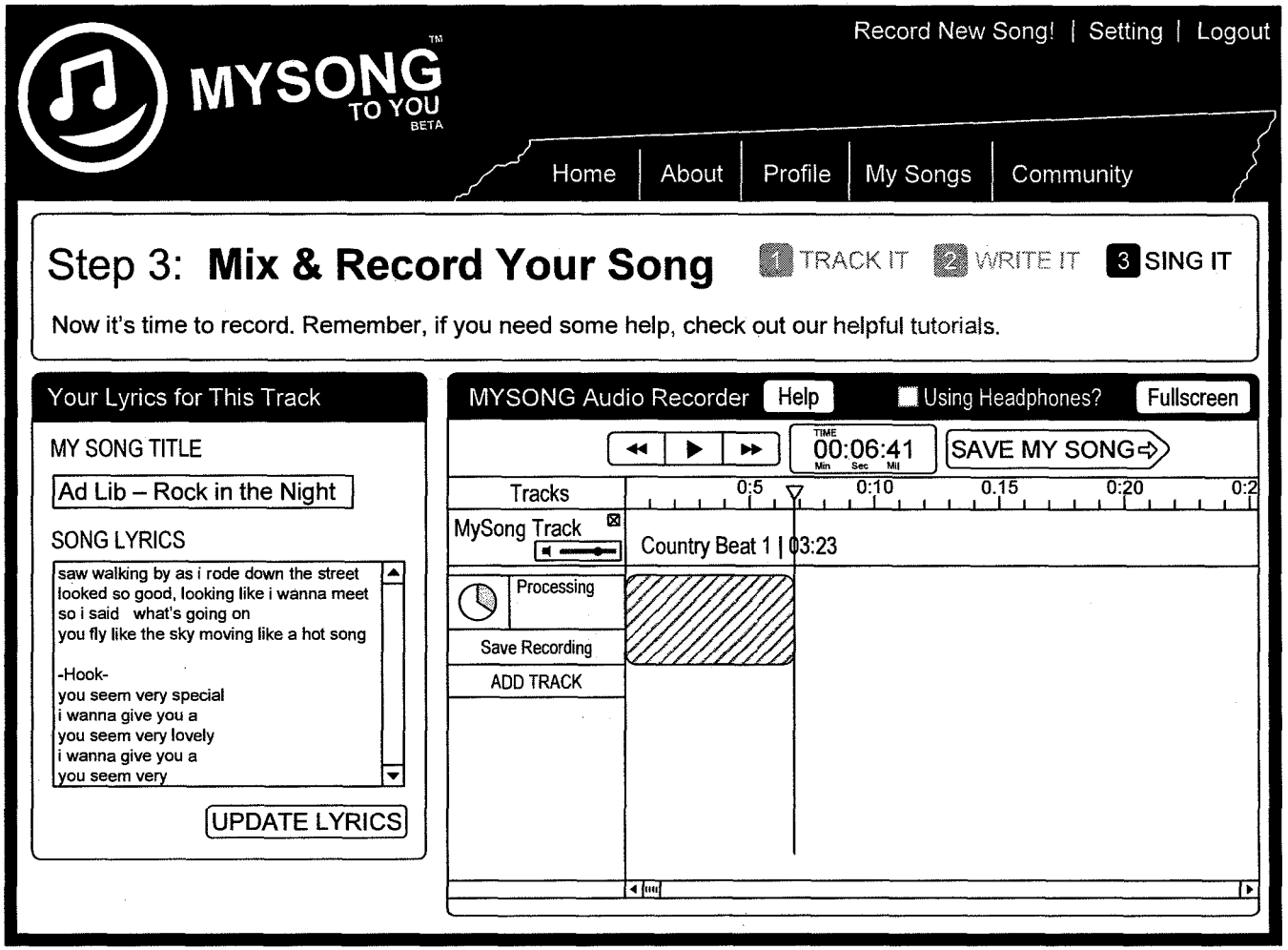


FIG. 10

Title: CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor: Shane Pollack – Atty Docket No.: 71487-8001.US01 – Perkins Coie LLP (650) 838-4398

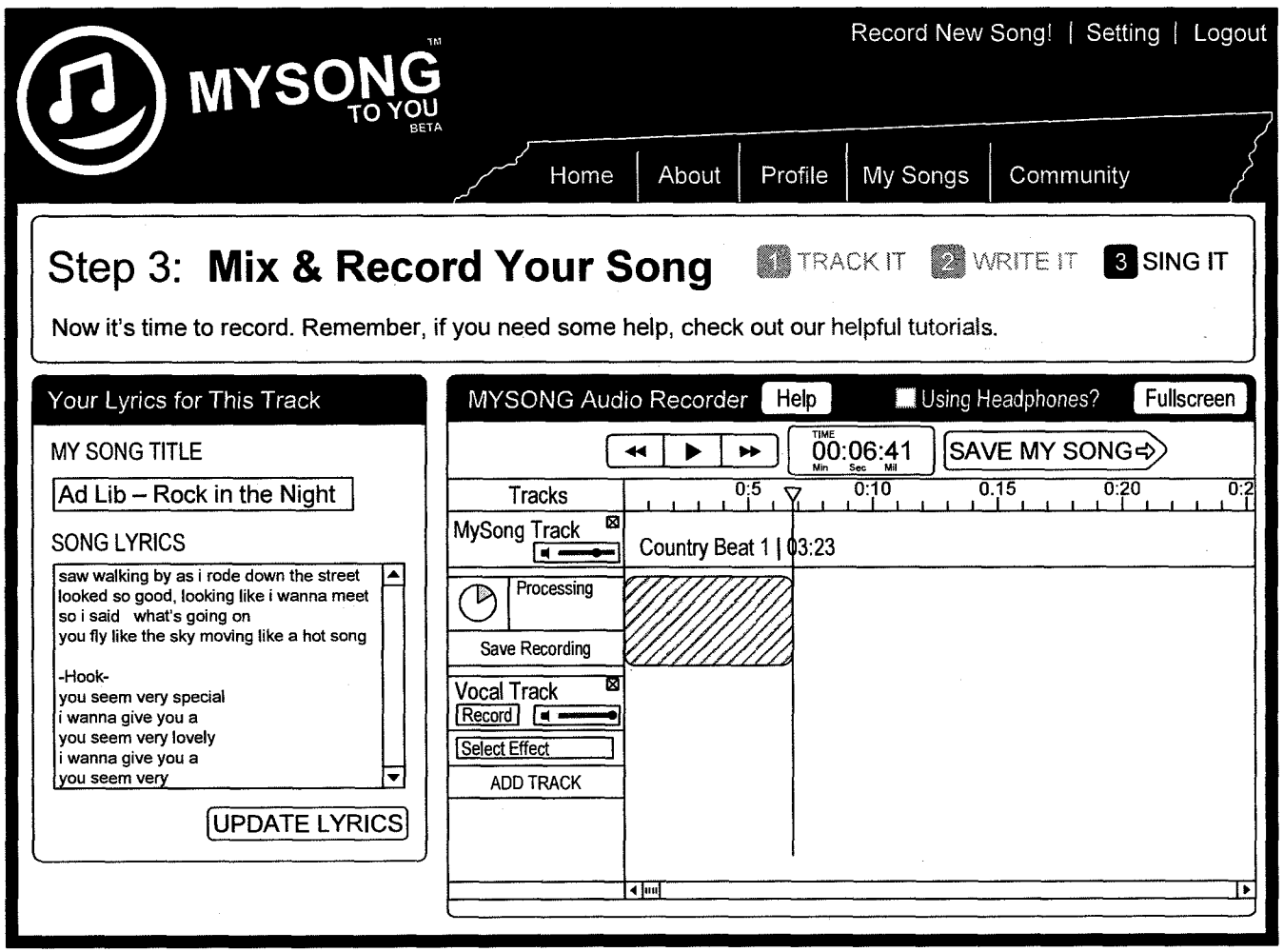

MYSONG TO YOU BETA
Record New Song! | Setting | Logout
Home
About
Profile
My Songs
Community
Step 3: Mix & Record Your Song
1 TRACK IT
2 WRITE IT
3 SING IT
Now it's time to record. Remember, if you need some help, check out our helpful tutorials.
Your Lyrics for This Track
MY SONG TITLE
Ad Lib – Rock in the Night
SONG LYRICS
saw walking by as i rode down the street
looked so good, looking like i wanna meet
so i said what's going on
you fly like the sky moving like a hot song
-Hook-
you seem very special
i wanna give you a
you seem very lovely
i wanna give you a
you seem very
UPDATE LYRICS
MYSONG Audio Recorder
Help
Using Headphones?
Fullscreen
TIME
00:06:41
Min Sec Mil
SAVE MY SONG
Tracks
0:5
0:10
0:15
0:20
MySong Track
Country Beat 1 | 03:23
Processing
Save Recording
Vocal Track
Record
Select Effect
ADD TRACK

FIG. 11

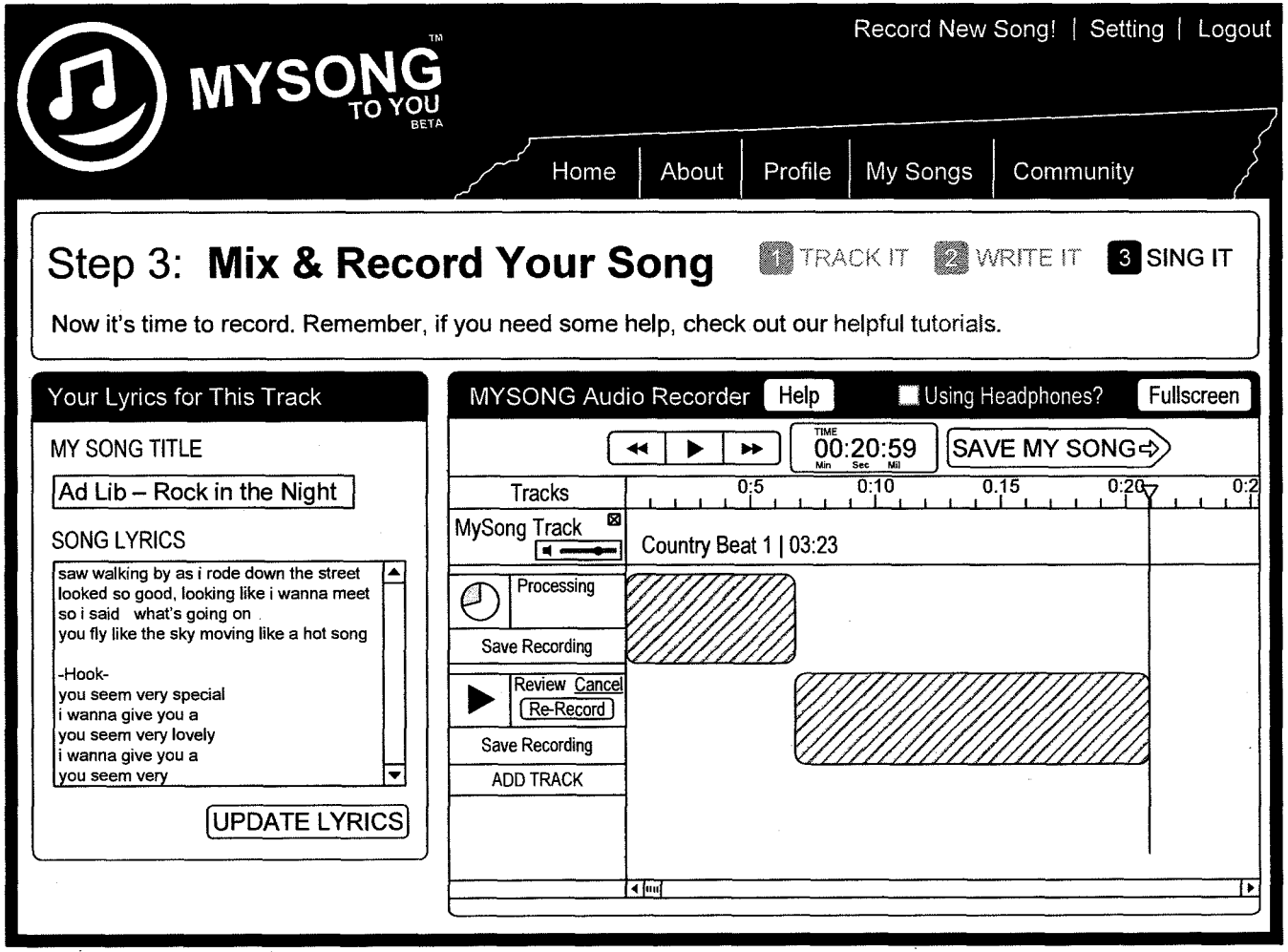


FIG. 12

Title: CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor: Shane Pollack – Atty Docket No.: 71487-8001.US01 – Perkins Coie LLP (650) 838-4398

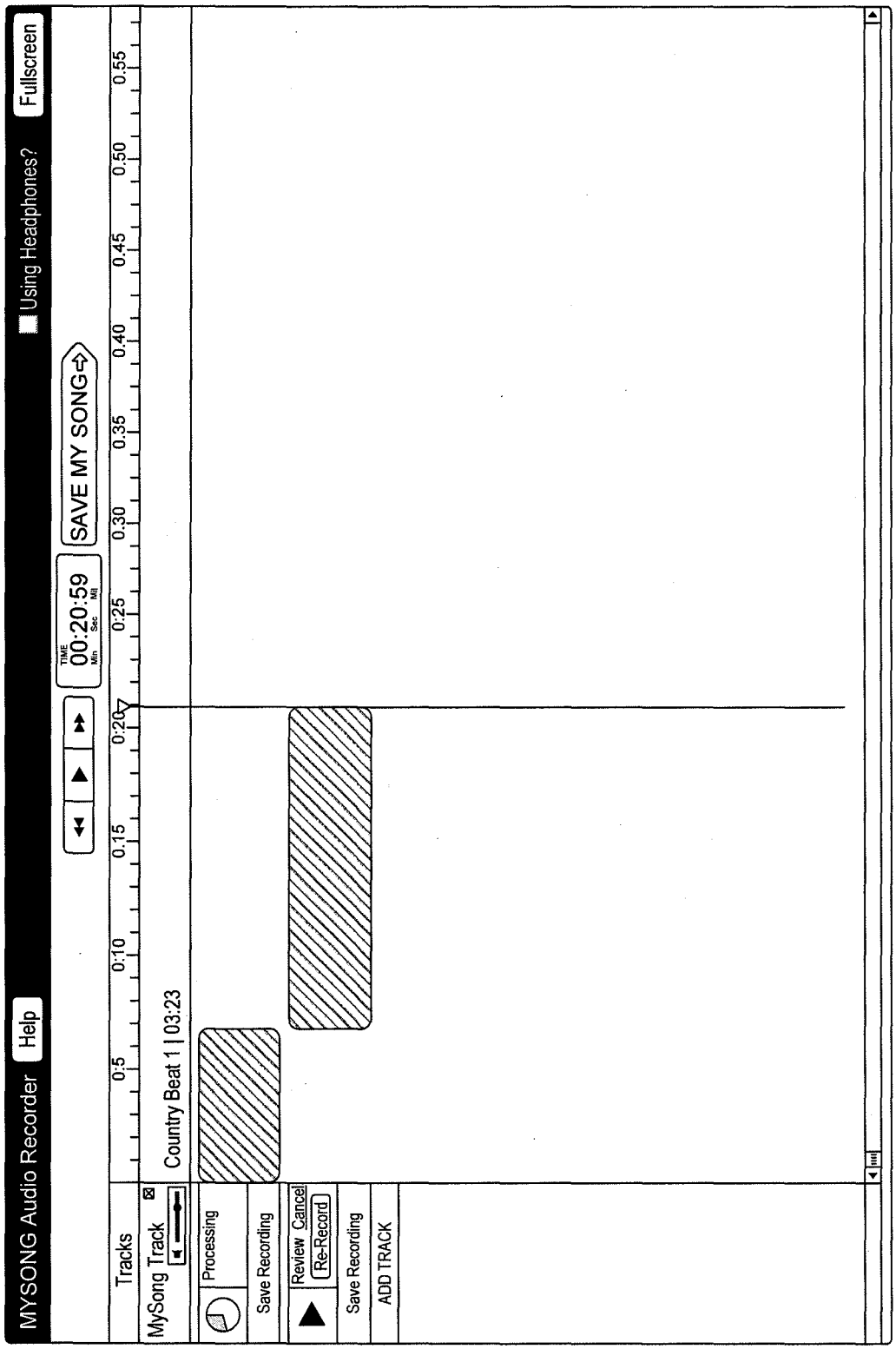

MYSONG Audio Recorder
Help
Using Headphones?
Fullscreen
TIME
00:20:59
Min Sec Mil
SAVE MY SONG
Tracks
MySong Track
Country Beat 1 | 03:23
0:5
0:10
0:15
0:20
0:25
0:30
0:35
0:40
0:45
0:50
0:55
Processing
Save Recording
Review Cancel
Re-Record
Save Recording
ADD TRACK

FIG. 13

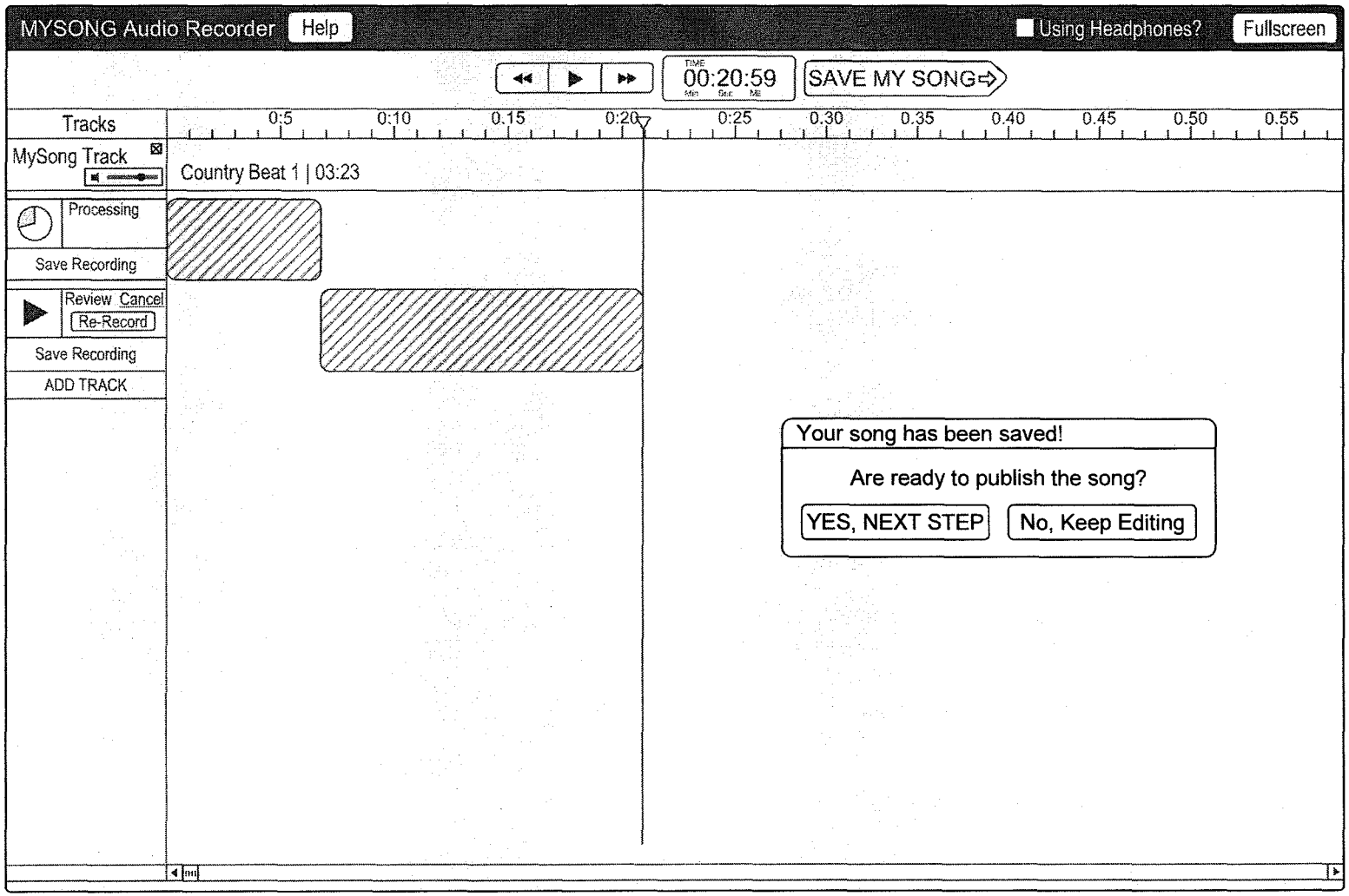

MYSONG Audio Recorder
Help
Using Headphones?
Fullscreen
TIME
00:20:59
SAVE MY SONG
Tracks
0:5
0:10
0:15
0:20
0:25
0:30
0:35
0:40
0:45
0:50
0:55
MySong Track
Country Beat 1 | 03:23
Processing
Save Recording
Review Cancel
Re-Record
Save Recording
ADD TRACK
Your song has been saved!
Are ready to publish the song?
YES, NEXT STEP
No, Keep Editing

FIG. 14

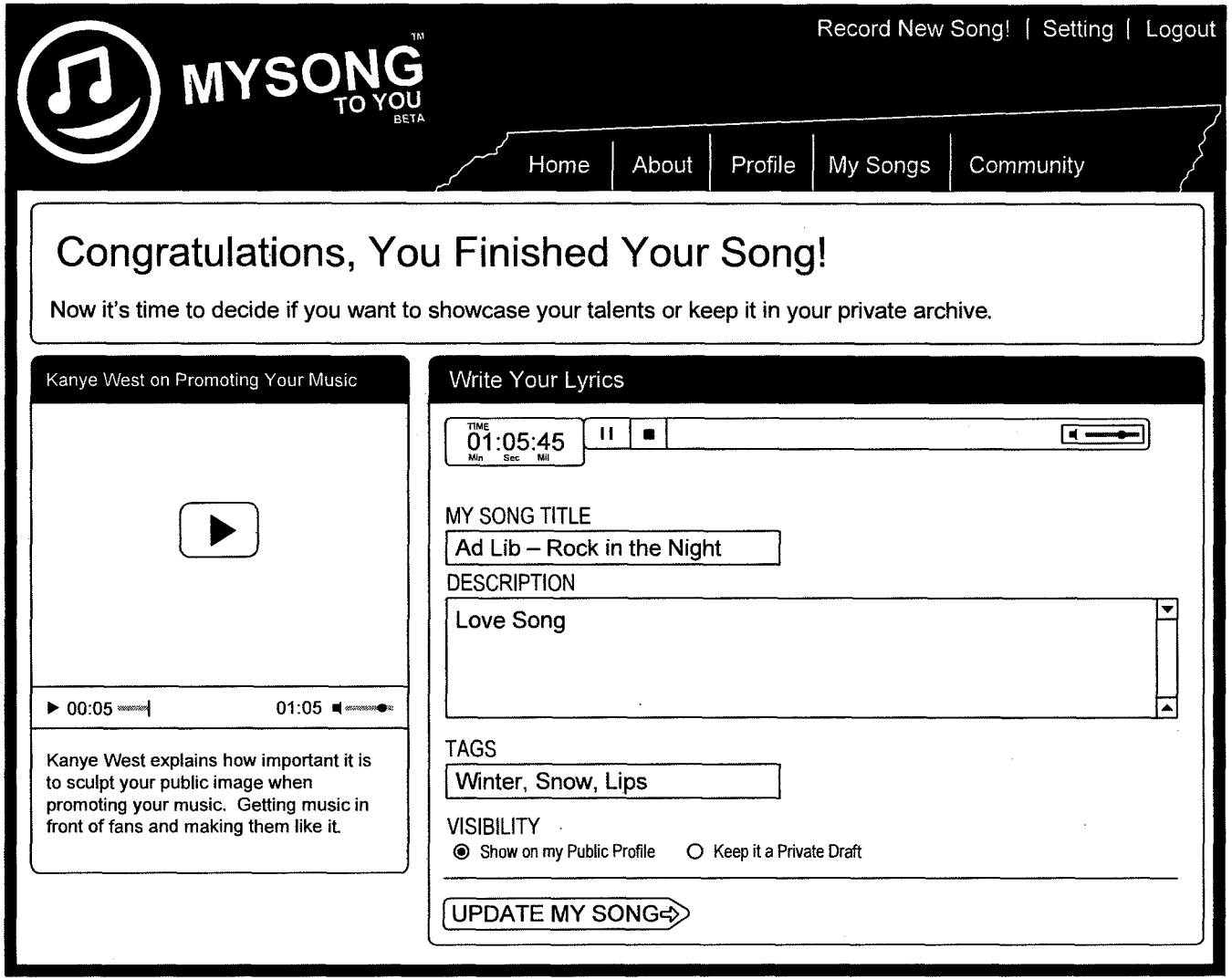

MYSONG
TO YOU
BETA
Record New Song! | Setting | Logout
Home
About
Profile
My Songs
Community
Congratulations, You Finished Your Song!
Now it's time to decide if you want to showcase your talents or keep it in your private archive.
Kanye West on Promoting Your Music
00:05
01:05
Kanye West explains how important it is to sculpt your public image when promoting your music. Getting music in front of fans and making them like it.
Write Your Lyrics
TIME
01:05:45
Min Sec Mil
MY SONG TITLE
Ad Lib – Rock in the Night
DESCRIPTION
Love Song
TAGS
Winter, Snow, Lips
VISIBILITY
Show on my Public Profile
Keep it a Private Draft
UPDATE MY SONG

FIG. 15

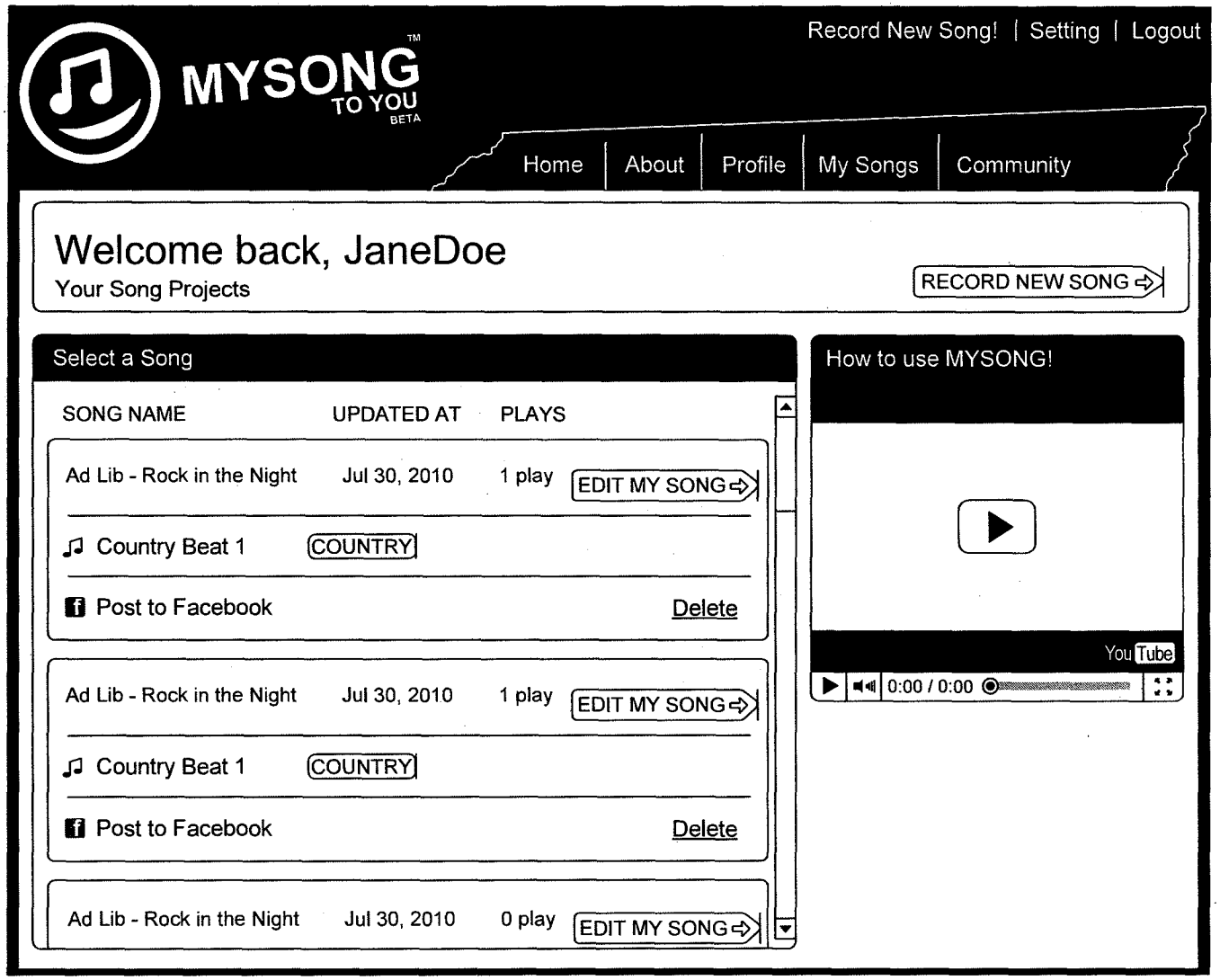

MYSONG
TO YOU
BETA
Record New Song! | Setting | Logout
Home
About
Profile
My Songs
Community
Welcome back, JaneDoe
Your Song Projects
RECORD NEW SONG
Select a Song
SONG NAME
UPDATED AT
PLAYS
Ad Lib - Rock in the Night
Jul 30, 2010
1 play
EDIT MY SONG
Country Beat 1
COUNTRY
Post to Facebook
Delete
Ad Lib - Rock in the Night
Jul 30, 2010
1 play
EDIT MY SONG
Country Beat 1
COUNTRY
Post to Facebook
Delete
Ad Lib - Rock in the Night
Jul 30, 2010
0 play
EDIT MY SONG
How to use MYSONG!
YouTube
0:00 / 0:00

FIG. 16

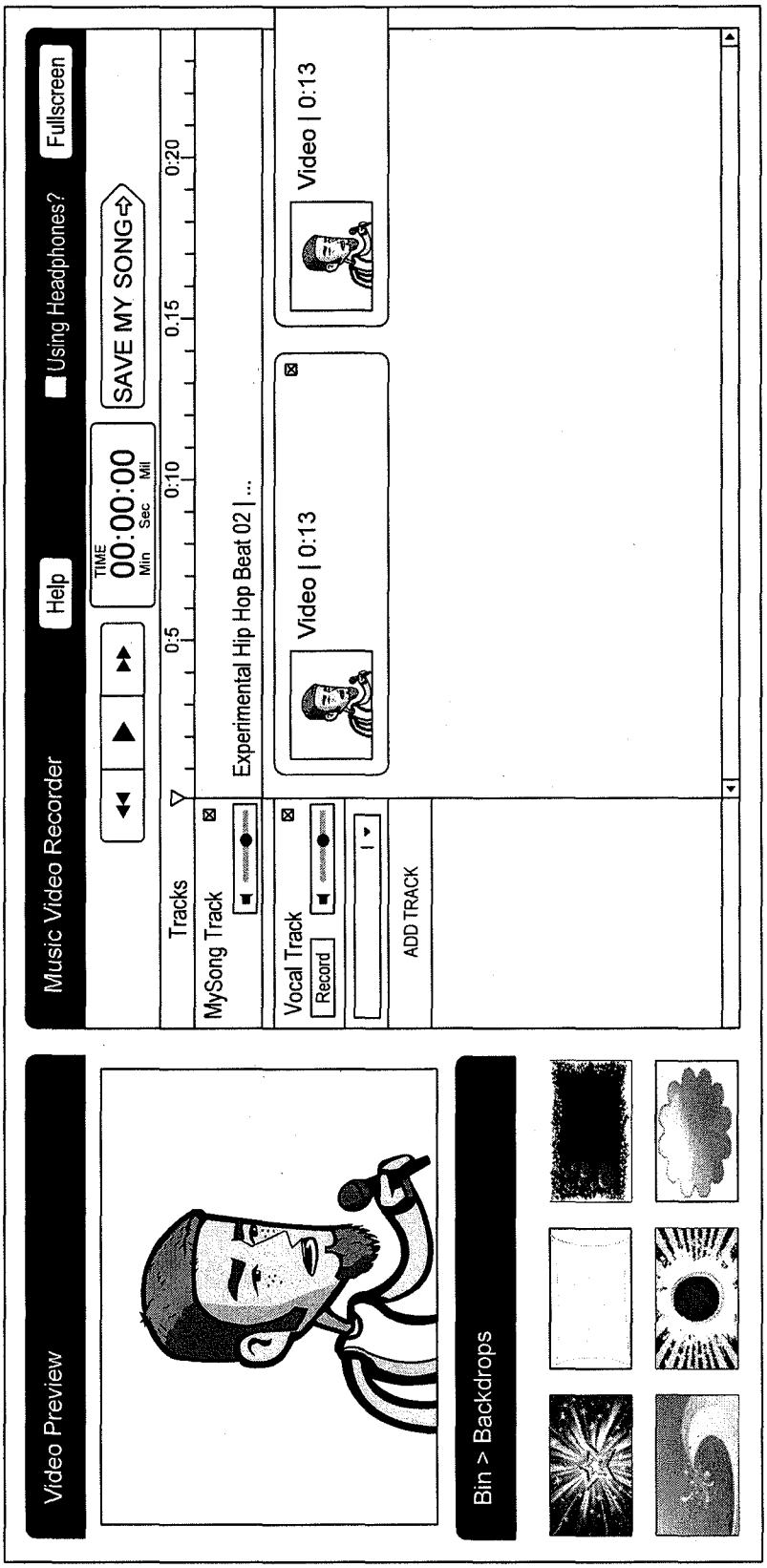

Video Preview
Music Video Recorder
Help
Using Headphones?
Fullscreen
TIME
00:00:00
Min Sec Mil
SAVE MY SONG
Tracks
0:5
0:10
0:15
0:20
MySong Track
Experimental Hip Hop Beat 02 | ...
Vocal Track
Record
Video | 0:13
Video | 0:13
ADD TRACK
Bin > Backdrops

FIG. 17

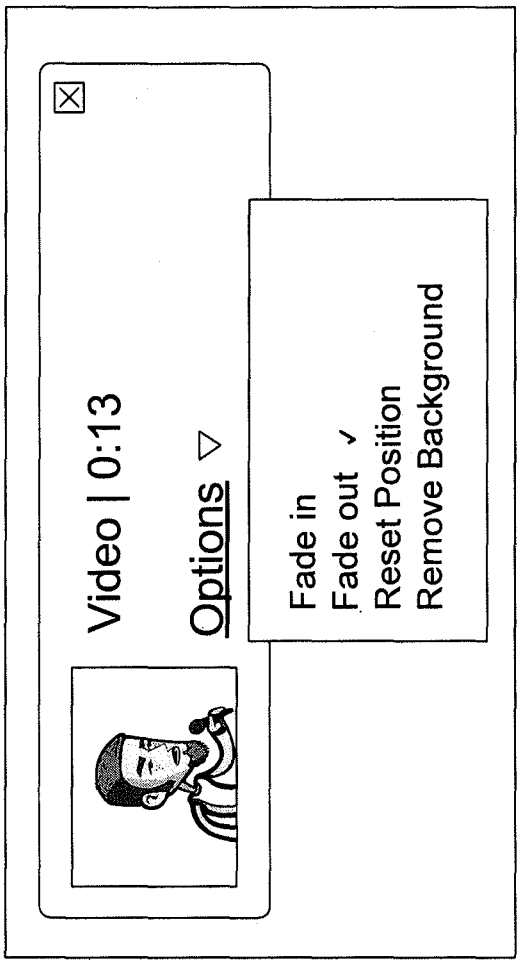

Video | 0:13
Options
Fade in
Fade out
Reset Position
Remove Background

FIG. 18

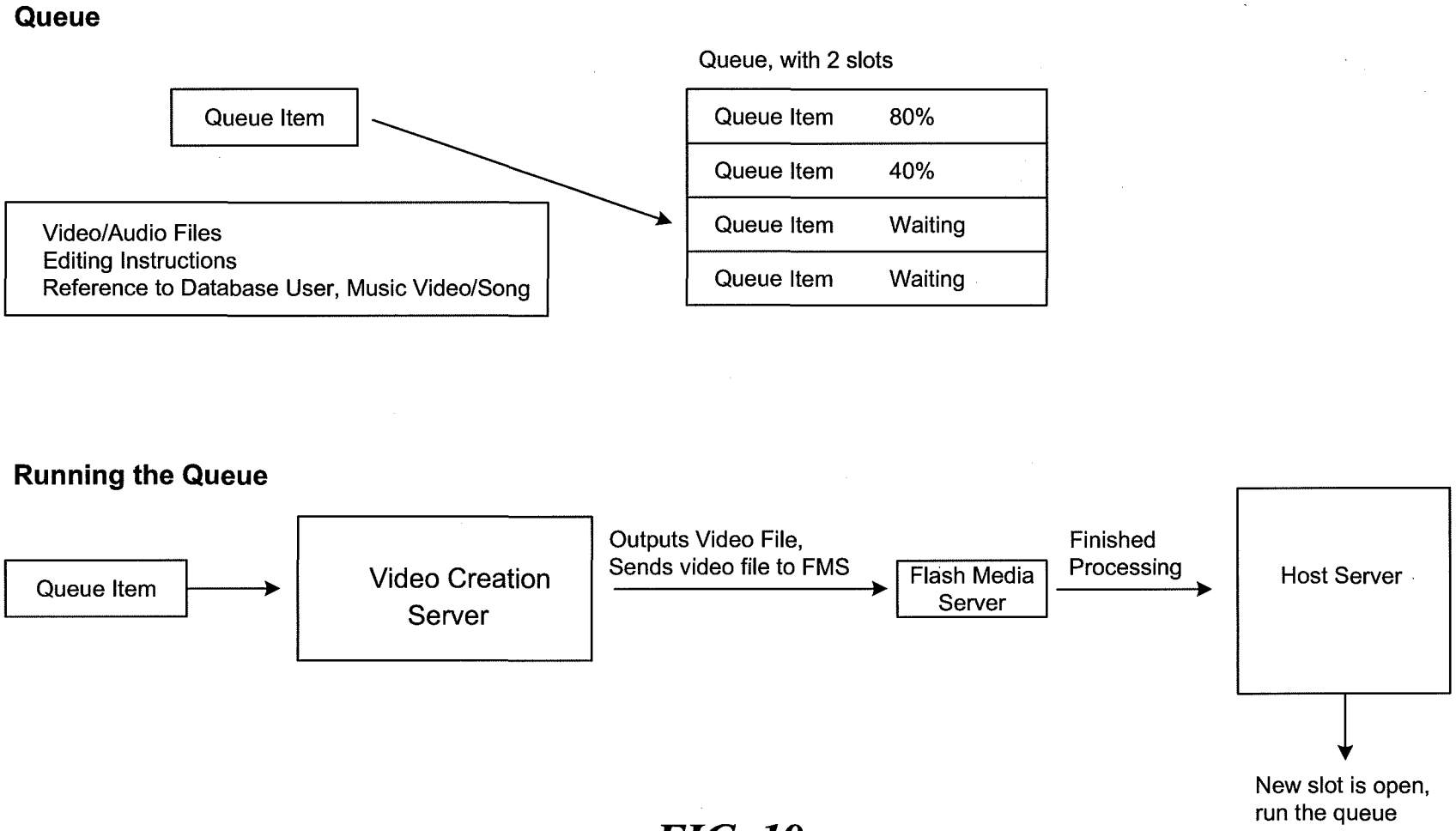

Queue
Queue Item
Video/Audio Files
Editing Instructions
Reference to Database User, Music Video/Song
Queue, with 2 slots
Queue Item 80%
Queue Item 40%
Queue Item Waiting
Queue Item Waiting
Running the Queue
Queue Item
Video Creation Server
Outputs Video File, Sends video file to FMS
Flash Media Server
Finished Processing
Host Server
New slot is open, run the queue

FIG. 19

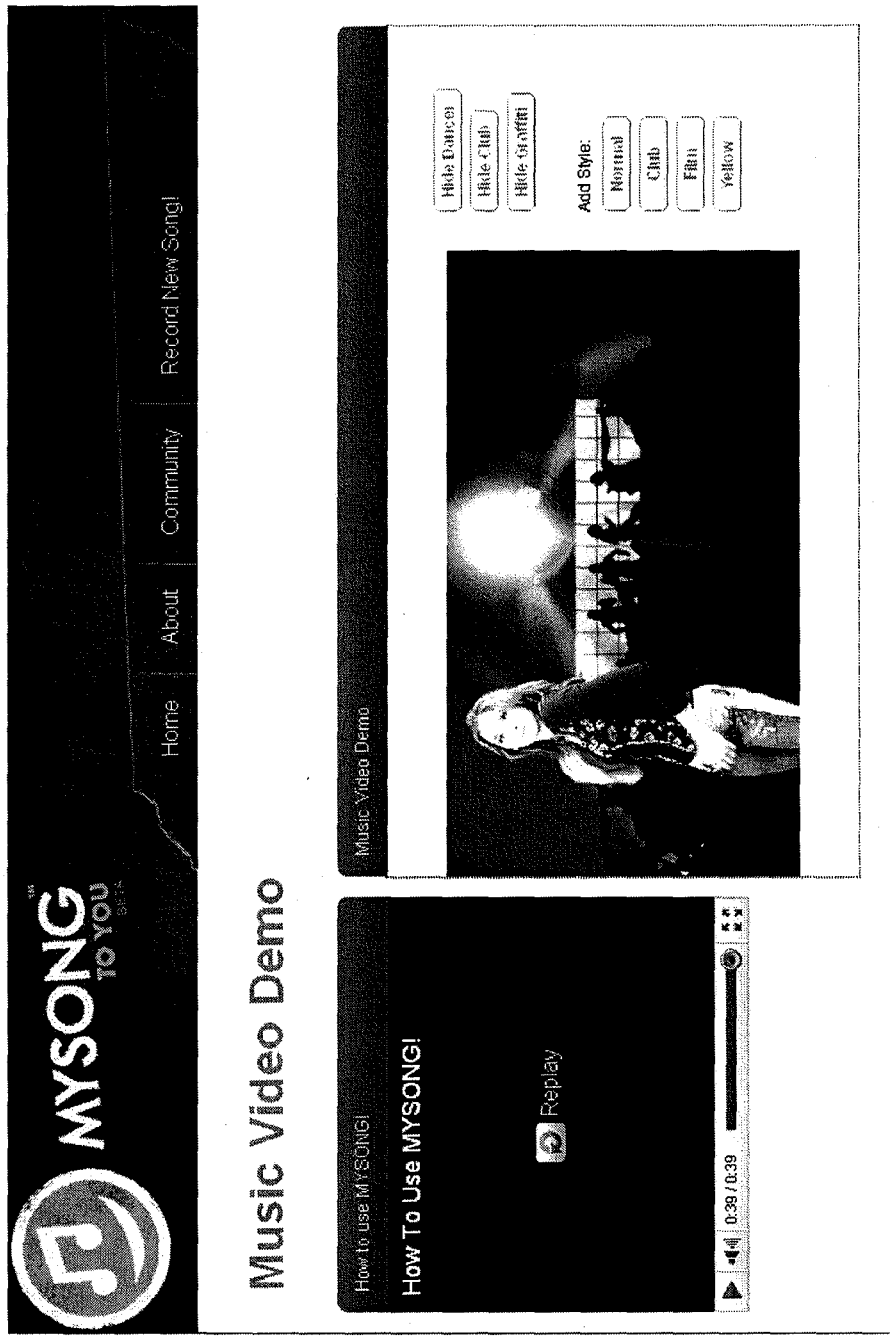

MYSONG
TO YOU
Home
About
Community
Record New Song!
Music Video Demo
How to use MYSONG!
How To Use MYSONG!
Replay
0:39 / 0:39
Music Video Demo
Hide Dancers
Hide Club
Hide Graffiti
Add Style:
Normal
Club
Film
Yellow

FIG. 20

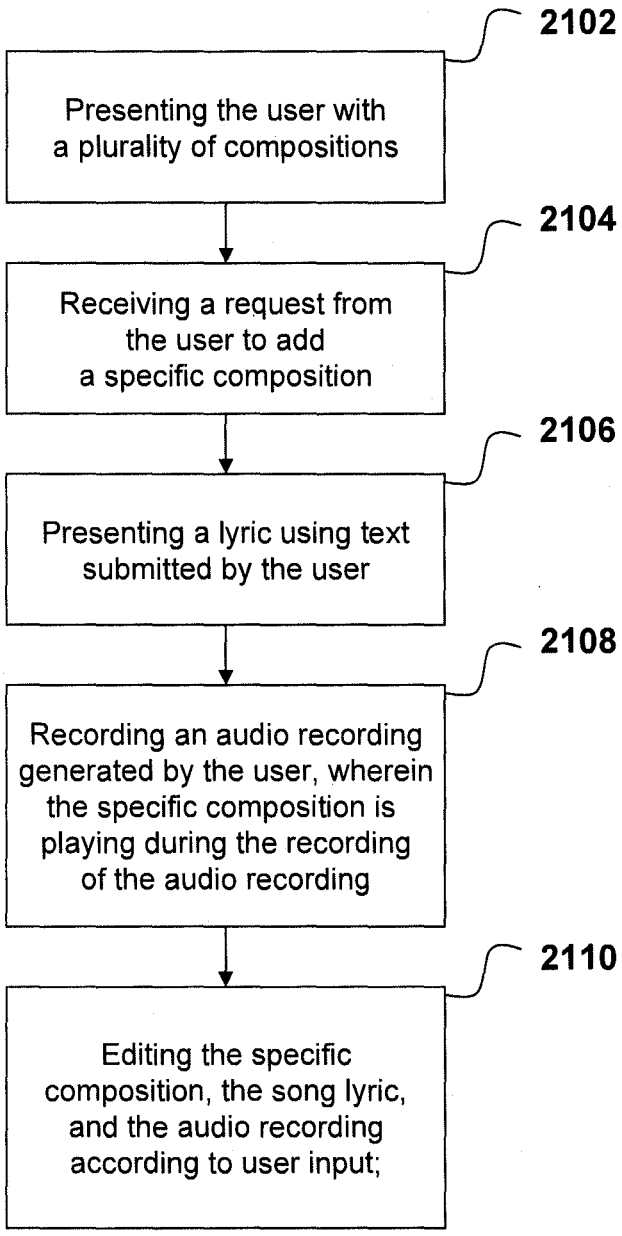

2102
Presenting the user with a plurality of compositions
2104
Receiving a request from the user to add a specific composition
2106
Presenting a lyric using text submitted by the user
2108
Recording an audio recording generated by the user, wherein the specific composition is playing during the recording of the audio recording
2110
Editing the specific composition, the song lyric, and the audio recording according to user input;

FIG. 21

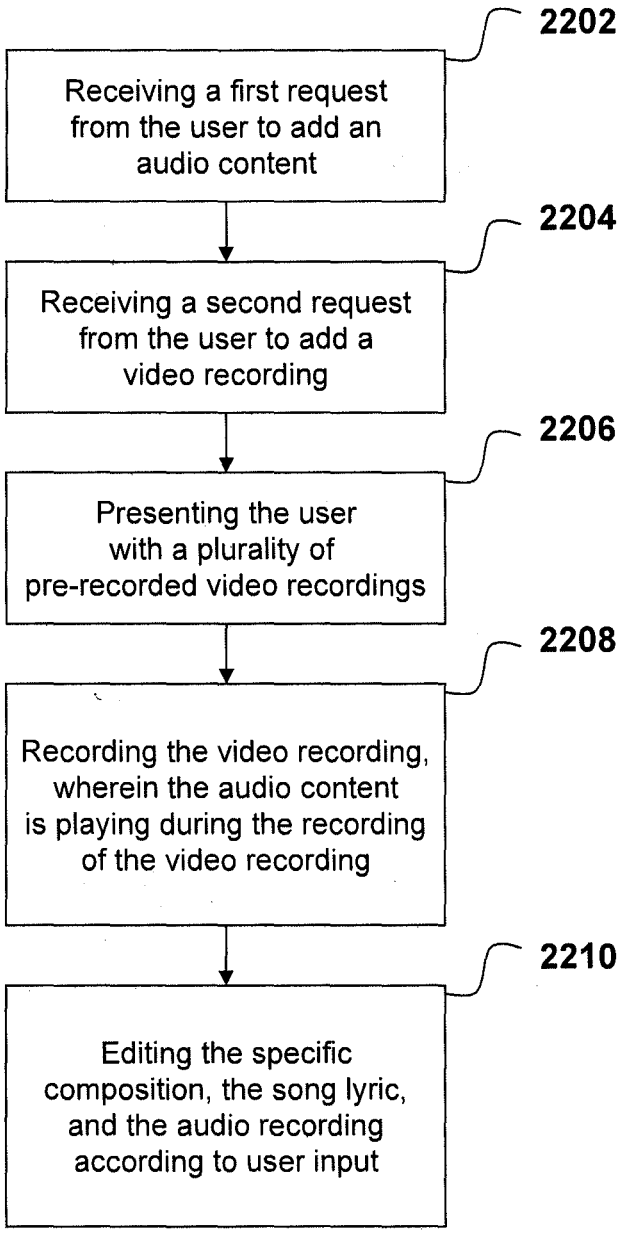

2202
Receiving a first request from the user to add an audio content
2204
Receiving a second request from the user to add a video recording
2206
Presenting the user with a plurality of pre-recorded video recordings
2208
Recording the video recording, wherein the audio content is playing during the recording of the video recording
2210
Editing the specific composition, the song lyric, and the audio recording according to user input

FIG. 22

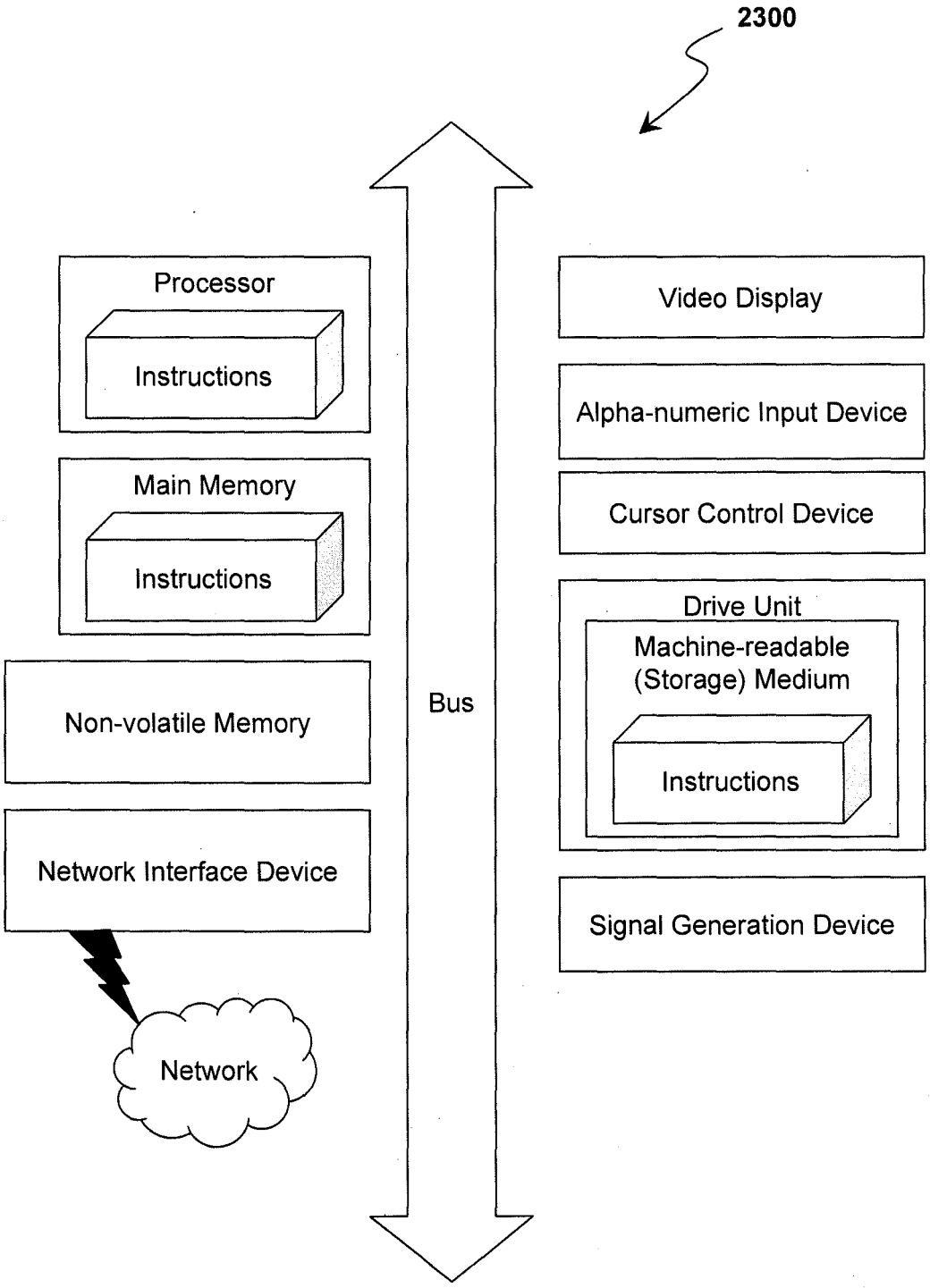

2300
Processor
Instructions
Main Memory
Instructions
Non-volatile Memory
Network Interface Device
Network
Bus
Video Display
Alpha-numeric Input Device
Cursor Control Device
Drive Unit
Machine-readable
(Storage) Medium
Instructions
Signal Generation Device

FIG. 23

Electronic Patent Application Fee Transmittal

Application Number:	
Filing Date:	
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Filer:	Yenyun Fu/Susan Baka
Attorney Docket Number:	71487-8001.US01

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	82	82
Utility Search Fee	2111	1	270	270
Utility Examination Fee	2311	1	110	110
Pages:				
Claims:				
Claims in excess of 20	2202	7	26	182
Independent claims in excess of 3	2201	1	110	110
Miscellaneous-Filing:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**754**

Electronic Acknowledgement Receipt

EFS ID:	8905034
Application Number:	12953350
International Application Number:	
Confirmation Number:	3329
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Customer Number:	22918
Filer:	Yenyun Fu/Susan Baka
Filer Authorized By:	Yenyun Fu
Attorney Docket Number:	71487-8001.US01
Receipt Date:	23-NOV-2010
Filing Date:	
Time Stamp:	20:04:34
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$754
RAM confirmation Number	8340
Deposit Account	502207
Authorized User	

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

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal of New Application	714878001US01_transmittal.pdf	68845 03accb507a4f6f7e87b69fbc59a31276591e00f2	no	1
Warnings:					
Information:					
2	Oath or Declaration filed	714878001US01Declaration.pdf	38173 761d068fb365aca0cd7142e249f8d18fc242eca4	no	1
Warnings:					
Information:					
3	Application Data Sheet	714878001US01_ADS.pdf	62994 cf09927cacc33cce052a62d644d30be0b304d5f6	no	3
Warnings:					
Information:					
This is not an USPTO supplied ADS fillable form					
4		714878001US01POA.pdf	114153 60911109b15337c7bd74292bcb8909a7b8a79749	yes	3

Multipart Description/PDF files in .zip description

Document Description	Start	End
Power of Attorney	1	1
Assignee showing of ownership per 37 CFR 3.73(b).	2	3

Warnings:					
Information:					
5		714878001US01_AppDrwgs.pdf	3611744 77b8c9460d8bf81a7c9ef10819fda954aca22bba	yes	69

Multipart Description/PDF files in .zip description

Document Description	Start	End
Specification	1	40
Claims	41	45
Abstract	46	46

	Drawings-only black and white line drawings		47	69	
Warnings:					
Information:					
6	Fee Worksheet (PTO-875)	fee-info.pdf	38079 7d286317ceb40abe0b62f5a54eece1b97c10f803	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	3933988		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

Electronic Acknowledgement Receipt

EFS ID:	8905034
Application Number:	12953350
International Application Number:	
Confirmation Number:	3329
Title of Invention:	CREATING AND DISSEMINATING OF USER GENERATED MEDIA OVER A NETWORK
First Named Inventor/Applicant Name:	Shane Pollack
Customer Number:	22918
Filer:	Yenyun Fu/Susan Baka
Filer Authorized By:	Yenyun Fu
Attorney Docket Number:	71487-8001.US01
Receipt Date:	23-NOV-2010
Filing Date:	
Time Stamp:	20:04:34
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$754
RAM confirmation Number	8340
Deposit Account	502207
Authorized User	

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

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	**Document Description**	**File Name**	**File Size(Bytes)/ Message Digest**	**Multi Part /.zip**	**Pages (if appl.)**
1	Transmittal of New Application	714878001US01_transmittal.pdf	68845 03accb507a4f6f7e87b69fbc59a31276591e00f2	no	1
Warnings:					
Information:					
2	Oath or Declaration filed	714878001US01Declaration.pdf	38173 761d068fb365aca0cd7142e249f8d18fc242eca4	no	1
Warnings:					
Information:					
3	Application Data Sheet	714878001US01_ADS.pdf	62994 cf09927cacc33cce052a62d644d30be0b304d5f6	no	3
Warnings:					
Information:					
This is not an USPTO supplied ADS fillable form					
4		714878001US01POA.pdf	114153 60911109b15337c7bd74292bcb8909a7b8a79749	yes	3
	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Power of Attorney		1	1	
	Assignee showing of ownership per 37 CFR 3.73(b).		2	3	
Warnings:					
Information:					
5		714878001US01_AppDrwgs.pdf	3611744 77b8c9460d8bf81a7c9ef10819fda954aca22bba	yes	69
	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Specification		1	40	
	Claims		41	45	
	Abstract		46	46	

	Drawings-only black and white line drawings		47	69	
Warnings:					
Information:					
6	Fee Worksheet (PTO-875)	fee-info.pdf	38079 7d286317ceb40abe0b62f5a54eece1b97c10f803	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	3933988		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

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

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
12/953,350	11/23/2010	

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY ☒ RATE ($)	SMALL ENTITY ☒ FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
☒ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	165		N/A	
☒ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	270		N/A	
☒ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	110		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	27 minus 20 =	* 7	X $26 =	182	OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	4 minus 3 =	* 1	X $110 =	110		X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	837		TOTAL	

APPLICATION AS AMENDED – PART II

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

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/PAMELA ROGERS/

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

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