

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

|                      |             |             |            |                               |                       |          |      |
|----------------------|-------------|-------------|------------|-------------------------------|-----------------------|----------|------|
| Application Number   | 16987269    | Filing Date | 2020-08-06 | Docket Number (if applicable) | 15802925-000005       | Art Unit | 3682 |
| First Named Inventor | Andy Batkin |             |            | Examiner Name                 | Afaf Osman Bilal Ahme |          |      |

**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 193140

## **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

☒ Patent Practitioner Signature

Applicant Signature

Duration v. Rich Media Club  
 IPR2023-00953, 11,443,329  
 RMC EX2004

| Signature of Registered U.S. Patent Practitioner |              |                     |            |
|--------------------------------------------------|--------------|---------------------|------------|
| Signature                                        | joel bock/   | Date (YYYY-MM-DD)   | 2021-09-01 |
| Name                                             | Joel N. Bock | Registration Number | 36456      |

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.*

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## Privacy Act Statement

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

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

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.

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|                                                                                                                                                                    |                                                            |                                        |                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|----------------------------------------|-------------------------------|
| Substitute Form SB08<br>(Modified)<br><br><b>Information Disclosure Statement</b><br><b>by Applicant</b><br>(Use several sheets if necessary)<br>(37 CFR §1.98(b)) | U.S. Department of Commerce<br>Patent and Trademark Office | Attorney Docket No.<br>15802925-000005 | Application No.<br>16/987,269 |
|                                                                                                                                                                    | Applicant<br>Duration Media                                |                                        |                               |
|                                                                                                                                                                    | Filing Date<br>06 August 2020                              | Group Art Unit<br>3682                 |                               |

### U.S. Patent Documents

| Examiner Initial | Desig. ID | Document Number | Publication Date MM-YYYY | Patentee         | Class | Subclass | Filing Date If Appropriate MM-DDYYYY |
|------------------|-----------|-----------------|--------------------------|------------------|-------|----------|--------------------------------------|
|                  |           | 5,572,643       | 11/05/1996               | Judson           |       |          |                                      |
|                  |           | 5,675,510       | 10/07/1997               | Coffey et al.    |       |          |                                      |
|                  |           | 5,708,780       | 01/13/1998               | Levergood et al. |       |          |                                      |
|                  |           | 5,710,883       | 01/20/1998               | Hong et al.      |       |          |                                      |
|                  |           | 5,717,860       | 02/10/1998               | Graber et al.    |       |          |                                      |
|                  |           | 5,732,218       | 03/24/1998               | Bland et al.     |       |          |                                      |
|                  |           | 5,737,619       | 04/07/1998               | Judson           |       |          |                                      |
|                  |           | 5,740,549       | 04/14/1998               | Reilly et al.    |       |          |                                      |
|                  |           | 5,796,952       | 08/18/1998               | Davis et al.     |       |          |                                      |
|                  |           | 5,796,952       | 08/18/1998               | Davis et al.     |       |          |                                      |
|                  |           | 5,838,790       | 11/17/1998               | McAuliffe et al. |       |          |                                      |
|                  |           | 5,848,396       | 12/08/1998               | Gerace           |       |          |                                      |
|                  |           | 5,937,390       | 08/10/1999               | Hyodo            |       |          |                                      |
|                  |           | 5,960,409       | 09/28/1999               | Wexler           |       |          |                                      |
|                  |           | 5,999,912       | 12/07/1999               | Wodarz et al.    |       |          |                                      |
|                  |           | 6,009,411       | 12/28/1999               | Kepecs           |       |          |                                      |
|                  |           | 6,011,537       | 01/04/2000               | Slotznick        |       |          |                                      |
|                  |           | 6,041,309       | 03/21/2000               | Laor             |       |          |                                      |
|                  |           | 6,081,829       | 06/27/2000               | Sidana           |       |          |                                      |
|                  |           | 6,108,637       | 08/22/2000               | Blumenau         |       |          |                                      |
|                  |           | 6,108,637       | 08/22/2000               | Blumenau         |       |          |                                      |
|                  |           | 6,112,246       | 08/29/2000               | Horbal et al.    |       |          |                                      |
|                  |           | 6,115,680       | 09/05/2000               | Coffee et al.    |       |          |                                      |
|                  |           | 6,119,165       | 09/12/2000               | Li et al.        |       |          |                                      |
|                  |           | 6,138,115       | 10/24/2000               | Agrawal et al.   |       |          |                                      |
|                  |           | 6,141,010       | 10/31/2000               | Hoyle            |       |          |                                      |
|                  |           | 6,167,382       | 12/26/2000               | Sparks et al.    |       |          |                                      |
|                  |           | 6,185,586       | 02/06/2001               | Judson           |       |          |                                      |
|                  |           | 6,205,432       | 03/20/2001               | Gabbard et al.   |       |          |                                      |
|                  |           | 6,243,865       | 06/05/2001               | Wei et al.       |       |          |                                      |
|                  |           | 6,268,856       | 07/31/2001               | Bruck et al.     |       |          |                                      |
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|                  |           | 6,275,854       | 08/14/2001               | Himmel et al.    |       |          |                                      |
|                  |           | 6,275,854       | 08/14/2001               | Himmel et al.    |       |          |                                      |

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| Examiner Signature | Date Considered |
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EXAMINER: Initials citation considered. Draw line through citation if not in conformance and Duration v. Rich Media Club  
next communication to applicant.

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|--|----------------------------------------|-------------------------------|
| Substitute Form SB08<br>(Modified)<br><br><b>Information Disclosure Statement</b><br><b>by Applicant</b><br>(Use several sheets if necessary)<br>(37 CFR §1.98(b)) | U.S. Department of Commerce<br>Patent and Trademark Office |  | Attorney Docket No.<br>15802925-000005 | Application No.<br>16/987,269 |
|                                                                                                                                                                    | Applicant<br>Duration Media                                |  |                                        |                               |
|                                                                                                                                                                    | Filing Date<br>06 August 2020                              |  | Group Art Unit<br>3682                 |                               |

### U.S. Patent Documents

| Examiner Initial | Desig. ID | Document Number | Publication Date MM-YYYY | Patentee              | Class | Subclass | Filing Date If Appropriate MM-DDYYYY |
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|                  |           | 6,279,036       | 08/21/2001               | Himmel et al.         |       |          |                                      |
|                  |           | 6,310,601       | 10/30/2001               | Moore et al.          |       |          |                                      |
|                  |           | 6,314,451       | 11/06/2001               | Landsman et al.       |       |          |                                      |
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|                  |           | 6,327,619       | 12/04/2001               | Blumenau              |       |          |                                      |
|                  |           | 6,347,398       | 02/12/2002               | Parthasarathy et al.  |       |          |                                      |
|                  |           | 6,393,407       | 05/21/2002               | Middleton III et al.  |       |          |                                      |
|                  |           | 6,418,470       | 07/09/2002               | Blumenau              |       |          |                                      |
|                  |           | 6,449,634       | 09/10/2002               | Capiel                |       |          |                                      |
|                  |           | 6,466,967       | 10/15/2002               | Landsman et al.       |       |          |                                      |
|                  |           | 6,516,338       | 02/04/2003               | Landsman et al.       |       |          |                                      |
|                  |           | 6,553,417       | 04/22/2003               | Gampper               |       |          |                                      |
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|                  |           | 6,654,539       | 11/25/2003               | Duruoz et al.         |       |          |                                      |
|                  |           | 6,657,647       | 12/02/2003               | Bright                |       |          |                                      |
|                  |           | 6,691,281       | 02/10/2004               | Sorge et al.          |       |          |                                      |
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|                  |           | 7,120,590       | 10/10/2006               | Eisen et al.          |       |          |                                      |
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|                  |           | 7,256,779       | 08/14/2007               | Donnelly              |       |          |                                      |

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| Examiner Signature | Date Considered |
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EXAMINER: Initials citation considered. Draw line through citation if not in conformance and duration v. Rich Media Club

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Substitute Disclosure Form (PTO 1449)

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|                                                                                                                                                                    |                                                            |                                        |                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|----------------------------------------|-------------------------------|
| Substitute Form SB08<br>(Modified)<br><br><b>Information Disclosure Statement</b><br><b>by Applicant</b><br>(Use several sheets if necessary)<br>(37 CFR §1.98(b)) | U.S. Department of Commerce<br>Patent and Trademark Office | Attorney Docket No.<br>15802925-000005 | Application No.<br>16/987,269 |
|                                                                                                                                                                    | Applicant<br>Duration Media                                |                                        |                               |
|                                                                                                                                                                    | Filing Date<br>06 August 2020                              | Group Art Unit<br>3682                 |                               |

### U.S. Patent Documents

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|                  |           | 7,313,590       | 12/25/2007               | Mentchoukov          |       |          |                                      |
|                  |           | 7,376,907       | 05/20/2008               | Santoro et al.       |       |          |                                      |
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|                  |           | 7,934,166       | 04/26/2011               | Clark                |       |          |                                      |
|                  |           | 7,962,363       | 06/14/2011               | Patel et al.         |       |          |                                      |
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|                  |           | 2001/0047384    | 11/29/2001               | Croy                 |       |          |                                      |
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|                  |           | 2002/0016736    | 02/07/2002               | Cannon et al.        |       |          |                                      |
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|                  |           | 2002/0116494    | 08/22/2002               | Kocol                |       |          |                                      |
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|                  |           | 2003/0023489    | 01/30/2003               | McGuire et al.       |       |          |                                      |

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| Examiner Signature | Date Considered |
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EXAMINER: Initials citation considered. Draw line through citation if not in conformance and Duration Media Club  
next communication to applicant.

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|                                                                                                                                                                | Applicant<br>Duration Media                                |  |                                        |                               |
|                                                                                                                                                                | Filing Date<br>06 August 2020                              |  | Group Art Unit<br>3682                 |                               |

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|------------------|-----------|-----------------|--------------------------|------------------|-------|----------|--------------------------------------|
|                  |           | 2003/0050833    | 03/13/2003               | Hamzy et al.     |       |          |                                      |
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|                  |           | 2003/0163372    | 08/28/2003               | Kolsy            |       |          |                                      |
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|                  |           | 2004/0030615    | 02/12/2004               | Ling             |       |          |                                      |
|                  |           | 2004/0039754    | 02/26/2004               | Harple           |       |          |                                      |
|                  |           | 2004/0059683    | 03/25/2004               | Epstein et al.   |       |          |                                      |
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|                  |           | 2004/0168184    | 08/26/2004               | Steenkamp et al. |       |          |                                      |
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|                  |           | 2005/0108095    | 05/19/2005               | Perlmutter       |       |          |                                      |
|                  |           | 2005/0149396    | 07/07/2005               | Horowitz et al.  |       |          |                                      |
|                  |           | 2005/0177401    | 08/11/2005               | Koeppel et al.   |       |          |                                      |
|                  |           | 2005/0182677    | 08/18/2005               | Hill             |       |          |                                      |
|                  |           | 2005/0192871    | 09/01/2005               | Galuten et al.   |       |          |                                      |
|                  |           | 2005/0204309    | 09/15/2005               | Szeto            |       |          |                                      |
|                  |           | 2005/0289475    | 12/29/2005               | Martin et al.    |       |          |                                      |
|                  |           | 2006/0136839    | 06/22/2006               | Makela           |       |          |                                      |
|                  |           | 2006/0174199    | 08/03/2006               | Soltis et al.    |       |          |                                      |

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EXAMINER: Initials citation considered. Draw line through citation if not in conformance and duration v. Rich Media Club

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|                                                                                                                                                                |                                                            |                                        |                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|----------------------------------------|-------------------------------|
| Substitute Form SB08<br>(Modified)<br><b>Information Disclosure Statement</b><br><b>by Applicant</b><br>(Use several sheets if necessary)<br>(37 CFR §1.98(b)) | U.S. Department of Commerce<br>Patent and Trademark Office | Attorney Docket No.<br>15802925-000005 | Application No.<br>16/987,269 |
|                                                                                                                                                                | Applicant<br>Duration Media                                |                                        |                               |
|                                                                                                                                                                | Filing Date<br>06 August 2020                              | Group Art Unit<br>3682                 |                               |

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| EXAMINER: Initials citation considered. Draw line through citation if not in conformance and Duration v. Rich Media Club<br>next communication to applicant. |                 |

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