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UTILITY PATENT APPLICATION TRANSMITTAL

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Attorney Docket No.	68880/NPOWR
First Inventor	Dwight Marcus
Title	METHOD AND APARATUS FOR EFFICIENT, ENTERTAINING INFORMATION DELIVERY
Express Mail Label	EV 327060641US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

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1. ☐ Fee Transmittal Form (e.g., PTO/SB/17) *(Submit an original, and a duplicate for fee processing)*
2. ☑ Applicant claims small entity status. See 37 CFR 1.27.
3. ☑ Specification [Total Pages 15]
   (preferred arrangement set forth below)
   - Descriptive title of the invention
   - Cross Reference to Related Applications
   - Statement Regarding Fed sponsored R & D
   - Reference to sequence listing, a table, or a computer program listing appendix
   - Background of the Invention
   - Brief Summary of the Invention
   - Brief Description of the Drawings *(if filed)*
   - Detailed Description
   - Claim(s)
   - Abstract of the Disclosure
4. ☑ Drawing(s) *(35 U.S.C. 113)* [Total Sheets 3]
5. Oath or Declaration [Total Pages]
   a. ☐ Newly executed (original or copy)
   b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional with Box 18 completed)*
      i. ☐ DELETION OF INVENTOR(S)
      Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program *(Appendix)*
8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
   a. ☐ Computer Readable Form (CRF)
   b. Specification Sequence Listing on:
      i. ☐ CD-ROM or CD-R (2 copies); or
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ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement *(when there is an assignee)* ☐ Power of Attorney
11. ☐ English Translation Document *(if applicable)*
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☑ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☑ Other: APPENDIX (103 pages)

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☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

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APPLICATION

of

DWIGHT MARCUS

for

UNITED STATES LETTERS PATENT

on

METHOD AND APPARATUS FOR EFFICIENT, ENTERTAINING INFORMATION DELIVERY

Client ID/Matter No. 68880/NPOWR

Sheets of Drawing Figures: 3 (Three)

Express Mail Label No. EV327060641US

Customer No. 24201

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METHOD AND APPARATUS FOR EFFICIENT, ENTERTAINING INFORMATION DELIVERY

RELATED APPLICATIONS

[0001] This application is claiming the benefit of a co-pending provisional application Serial No. 60/482,597 filed on June 24, 2003. The material of the related provisional application is incorporated by reference herein. This application hereby also incorporates by reference the disclosures of United States Patent Application No. 09/896,838 filed June 29, 2001; United States Patent Application No. 09/953,569 filed September 13, 2001; United States Patent Application No. 09/953,086 filed September 10, 2001; and United States Patent No. 6,032,156 filed April l, 1998.

FIELD OF THE INVENTION

[0002] The present invention relates to the field of information delivery, and in particular to a method and apparatus for efficient, entertaining information delivery.

BACKGROUND OF THE INVENTION

[0003] Typical information delivery systems (e.g., the World Wide Web, video on demand, television, etc.) provide information to users inefficiently. Some systems deliver information in a rigid, non-searchable manner that limits the ability of a user to retrieved information of interest to the user. Other systems allow a more flexible search for specific information, but the search is generally performed in a non-entertaining manner and typically requires the user to examine and select from a list of retrieved, potentially relevant items. This problem can be better understood by a review of prior art information delivery systems.

Television Delivery of Information

[0004] One of the most commonly used information delivery system is television. A user selects a channel and information is delivered to their speakers and/or screens. Some means of transmitting the information include broadcast, cable and satellite communications. Channel programming is varied. Some channels carry a specific type of programming (e.g., the History

Channel or the Movie Channel) and others carry a mix of programming. However, a user has very little control over what information is presented at a specific time. The user's only control is to change channels. If programming content desired by the user is not currently being delivered by one of the available channels, the user is unable to do anything to prompt delivery of the desired content.

Video on Demand

[0005] Video on demand (VOD) enhances the user's ability to control the content of the information delivered by the system. In a VOD system, the user is able to select desired content from a list of available content. The selected program is retrieved by the system and sent to the user. However, VOD systems typically do not provide users with an efficient or entertaining interface for requesting information. A user must search through and select from a list of available content.

World Wide Web

[0006] The world wide web is another system for delivering a wide variety of information to system users. Typically, a user locates desired information by typing in a web address, performing a search or following links. This method is similar to the VOID method in that the user has more control over what content is delivered. However, in both systems, information retrieval is inefficient and non-entertaining.

SUMMARY OF THE INVENTION

[0007] Embodiments of the present invention are directed to a method and apparatus for efficient, entertaining information delivery. In one embodiment, information is partitioned into clips. Clips are selected for a user and packaged together for presentation to the user in an entertaining manner. In one embodiment, the clips are selected and packaged together in accordance with a template. In another embodiment, information about the user is used to select clips. In one embodiment, clips are associated with headers. One type of header is a content header that describes the content of the clip. Other headers describe aesthetic qualities of a clip. In one embodiment, the clip headers contain both content and aesthetic information.

[0008] In one embodiment, a user is presented with a stream of information comprised of clips of information assembled for the user. The user may select a clip to retrieve additional information related to the clip. In one embodiment, the selected clip is a portion of a program (e.g., a television show, a movie, a song, an advertisement, etc.) and the additional information is a larger clip of the program and/or the entire program. In one embodiment, selections made by the user are monitored and used in association with templates to determine which clips will be selected and how they will be presented to the user in the stream of information in the future.

[0009] In one embodiment, clips are provided to the user at no cost. In another embodiment, the user pays to view certain clips. In one embodiment, the user pays through a debit to an account (similar to ordering a pay-per-view event). In another embodiment, the user pays by viewing other clips and/or information (e.g., an advertisement). In another embodiment, advertisers pay to have information inserted into the information packaged for streaming to a user, thereby subsidizing the user's information retrieval experience.

BRIEF DESCRIPTION OF THE DRAWINGS

[00010] These and other features, aspects and advantages of the present invention will become better understood with regard to the following description, appended claims and accompanying drawings where:

[00011] Figure 1 is a flow diagram of the process of delivering information in accordance with one embodiment of the present invention;

[00012] Figure 2 is a block diagram of an information display in accordance with one embodiment of the present invention; and

[00013] Figure 3 is a data flow diagram in accordance with one embodiment of the present invention.

DETAILED DESCRIPTION OF THE INVENTION

[00014] The invention is a method and apparatus for efficient, entertaining information delivery. In the following description, numerous specific details are set forth to provide a more thorough description of embodiments of the invention. It is apparent, however, to one skilled in

the art, that the invention may be practiced without these specific details. In other instances, well known features have not been described in detail so as not to obscure the invention.

[00015] In one embodiment, information is partitioned into clips. Clips are selected for a user and packaged together for presentation to the user in an entertaining manner. In one embodiment, the clips are selected and packaged together in accordance with a template. In another embodiment, information about the user is used to select clips. In one embodiment, clips are associated with headers. One type of header is a content header that describes the content of the clip. Other headers describe aesthetic qualities of a clip. In one embodiment, the clip headers contain both content and aesthetic information.

[00016] In one embodiment, a user is presented with a stream of information comprised of clips of information assembled for the user. The user may select a clip to retrieve additional information related to the clip. In one embodiment, the selected clip is a portion of a program (e.g., a television show, a movie, a song, an advertisement, etc.) and the additional information is a larger clip of the program and/or the entire program. In one embodiment, selections made by the user are monitored and used in association with templates to determine which clips will be selected and how they will be presented to the user in the stream of information in the future.

[00017] Figure 1 illustrates the process of delivering information in accordance with one embodiment of the present invention. At block 100, user information is collected. The user information collected varies amongst embodiments. For example, one embodiment collects demographic information (e.g., sex, age, race, geographic location, education level, etc.) about a user as well as information regarding the user's interests and prior history of interaction with the system.

[00018] At block 110, the user information is used in combination with templates to select and package the information for delivery to the user. In one embodiment, the templates are used to connect clips in an appealing manner. In another embodiment, the clips also assist in selecting the information (e.g., by placing length and/or style limitations on which clips are eligible to be incorporated at a specific location). In one embodiment, the information is packaged by

concatenating clips together to form a stream of data. For example, the clips are media clips and the information is delivered as an observable stream of media (e.g., video and/or audio).

[00019] At block 120, the information is delivered to the user. At block 130, the user selects a clip. For example, the user may be interested in learning more about a product displayed in a 6 second clip. At block 140, more information related to the selected clip is retrieved. In the example above, a longer, more detailed ad for the product is retrieved. In another embodiment, the selected clip is a portion of a media program (e.g., a movie or show) and the entire media program is retrieved.

[00020] Figure 2 illustrates an information display in accordance with one embodiment of the present invention. The display area 200 is partitioned into a current viewing area 210 and a menu of options area 220. The current viewing area 210 is used to display information the user is currently focusing on. This information may be a continuous program (e.g., a movie or show), or it may be a stream of short previews and/or ads. In one embodiment, the menu of options area 220 may be used as a traditional menu that allows the user to exercise control over what information is delivered.

[00021] In another embodiment, the menu of options area 220 is partitioned into a plurality of mini-display regions 230. In one embodiment, once a clip has displayed in the current viewing area 210, the clip continues to display in one of the mini-display regions 230. In one embodiment, the clip replays in a loop in the mini-display region 230 until it is replaced or selected. In another embodiment, a representation of the clip is displayed in the mini-display region 230 until it is replaced.

[00022] In one embodiment, clips cycle through the mini-display regions 230 so that the most recently displayed clip is in a first mini-display region and the least recently displayed clip is in a second mini-display region. When a new clip is moved to the menu of options area 220, the least recently displayed clip is replaced by the second least recently displayed clip in the corresponding mini-display region, and other clips are similarly moved to new mini-display regions until the old most recent clip is replaced by the new most recent clip. In another

embodiment, the new most recent clip simply replaces the least recently displayed clip in the corresponding mini-display region.

[00023] In another embodiment, each mini-display region 230 displays a separate stream of information retrieved for a user. For example, one mini-display region may stream sports-related content while another streams content related to nostalgic ads from the 70's and 80's. In one embodiment, the user controls what content is delivered to each mini-display region by selecting from a list of general categories or channels. In another embodiment, the content delivered to each mini-display region is altered by the user's selections from that and/or other mini-display regions.

[00024] In one embodiment, the user selects information for display in the current viewing area 210 by selecting a clip either from a stream of clips delivered to the current viewing area 210 or to one of the mini-display regions 230. In one embodiment, the user has the ability to hide or display the menu of options area 220. Thus, a user can select a movie for viewing by selecting a clip of the movie from a stream of clips and then view the movie using the entire display area 200.

[00025] In one embodiment, clips are provided to the user at no cost. In another embodiment, the user pays to view certain clips. In one embodiment, the user pays through a debit to an account (similar to ordering a pay-per-view event). In another embodiment, the user pays by viewing other clips and/or information (e.g., an advertisement). In another embodiment, advertisers pay to have information inserted into the information packaged for streaming to a user, thereby subsidizing the user's information retrieval experience.

[00026] One example of methods, apparatus and systems, suitable for implementing the invention, is set forth in the Appendix attached hereto and which is specifically incorporated by reference herein.

[00027] Thus, a method and apparatus for efficient, entertaining information delivery is described in conjunction with one or more specific embodiments. It will be apparent from the

foregoing that, while particular forms of the invention have been illustrated and described, various alternatives, modifications and variations can be made without departing from the spirit and scope of the invention. Accordingly, the invention is intended to embrace all such alternatives, modifications and variations and it is not intended that the invention be limited, except as by the appended claims.

WHAT IS CLAIMED IS:

1. A method of delivering information comprising:

selecting a plurality of clips;

arranging said plurality of clips into a stream of information;

presenting said stream of information to a user;

determining a first clip wherein said first clip is associated with a second clip wherein said second clip is part of said stream of information and wherein said second clip is selected by said user; and

delivering said first clip to said user.

2. A method of financing delivery of information comprising:

selecting a plurality of clips;

arranging said plurality of clips into a stream of information;

presenting said stream of information to a user;

determining a first clip wherein said first clip is associated with a second clip wherein said second clip is part of said stream of information and wherein said second clip is selected by said user;

securing payment; and

delivering said first clip to said user.

3. A method of claim 2 wherein said method of securing comprises:

debiting an account associated with said user.

4. A method of claim 2 wherein said method of securing comprises:

packaging said first clip with information from an advertiser; and

receiving payment from said advertiser.

5. A method of compensating a content provider comprising:

selecting a plurality of clips wherein a first clip of said plurality of clips is generated by said content provider;

arranging said plurality of clips into a stream of information;

presenting said stream of information to a user;

determining a second clip wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user;

securing payment;

delivering said second clip to said user; and

compensating said content provider out of said payment.

6. The method of claim 5 wherein said first clip is a voice.

7. The method of claim 5 wherein said first clip is a logo.

8. The method of claim 5 wherein said first clip is a song.

9. The method of claim 5 wherein said first clip is a likeness.

10. An information delivery system comprising:

a selection unit configured to select a plurality of clips;

an arranging unit configured to arrange said plurality of clips into a stream of information;

a presentation unit configured to present said stream of information to a user;

a determiner configured to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is part of said stream of information and wherein said second clip is selected by said user; and

a delivery unit configured to deliver said first clip to said user.

11. An information delivery financing system comprising:

a selection unit configured to select a plurality of clips;

an arranging unit configured to arrange said plurality of clips into a stream of information;

a presentation unit configured to present said stream of information to a user;

a determiner configured to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is part of said stream of information and wherein said second clip is selected by said user;

a payment securing unit configured to secure payment; and

a delivery unit configured to deliver said first clip to said user.

12. An information delivery financing system of claim 11 wherein said payment securing unit comprises:

a debiting unit configured to debit an account associated with said user.

13. An information delivery financing system of claim 11 wherein said payment securing unit comprises:

a packaging unit configured to package said first clip with information from an advertiser; and

a payment receiving unit configured to receive payment from said advertiser.

14. A content provider compensation system comprising:

a selection unit configured to select a plurality of clips wherein a first clip of said plurality of clips is generated by a content provider;

an arranging unit configured to arrange said plurality of clips into a stream of information;

a presentation unit configured to present said stream of information to a user;

a determiner configured to determine a second clip wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user;

a payment securing unit configured to secure payment;

a delivery unit configured to deliver said second clip to said user; and

a compensation unit configured to compensate said content provider out of said payment.

15. The content provider compensation system of claim 14 wherein said first clip is a voice.

16. The content provider compensation system of claim 14 wherein said first clip is a logo.

17. The content provider compensation system of claim 14 wherein said first clip is a song.

18. The content provider compensation system of claim 14 wherein said first clip is a likeness.

19. A computer program product comprising:

a computer usable medium having computer readable program code embodied therein configured to deliver information, said computer program product comprising:

computer readable code configured to cause a computer to select a plurality of clips;

computer readable code configured to cause a computer to arrange said plurality of clips into a stream of information;

computer readable code configured to cause a computer to present said stream of information to a user;

computer readable code configured to cause a computer to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is part of said stream of information and wherein said second clip is selected by said user; and

computer readable code configured to cause a computer to deliver said first clip to said user.

20. A computer program product comprising:

a computer usable medium having computer readable program code embodied therein configured to finance information delivery, said computer program product comprising:

computer readable code configured to cause a computer to select a plurality of clips;

computer readable code configured to cause a computer to arrange said plurality of clips into a stream of information;

computer readable code configured to cause a computer to present said stream of information to a user;

computer readable code configured to cause a computer to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is part of said stream of information and wherein said second clip is selected by said user;

computer readable code configured to cause a computer to secure payment; and

computer readable code configured to cause a computer to deliver said first clip to said user.

21. A computer program product of claim 20 wherein said computer readable code configured to cause a computer to secure comprises:

computer readable code configured to cause a computer to debit an account associated with said user.

22. A computer program product of claim 20 wherein said computer readable code configured to cause a computer to secure comprises:

computer readable code configured to cause a computer to package said first clip with information from an advertiser; and

computer readable code configured to cause a computer to receive payment from said advertiser.

23. A computer program product comprising:

a computer usable medium having computer readable program code embodied therein configured to compensate a content provider, said computer program product comprising:

computer readable code configured to cause a computer to select a plurality of clips wherein a first clip of said plurality of clips is generated by said content provider;

computer readable code configured to cause a computer to arrange said plurality of clips into a stream of information;

computer readable code configured to cause a computer to present said stream of information to a user;

computer readable code configured to cause a computer to determine a second clip wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user;

computer readable code configured to cause a computer to secure payment;

computer readable code configured to cause a computer to deliver said second clip to said user; and

computer readable code configured to cause a computer to compensate said content provider out of said payment.

24. The computer program product of claim 23 wherein said first clip is a voice.

25. The computer program product of claim 23 wherein said first clip is a logo.

26. The computer program product of claim 23 wherein said first clip is a song.

27. The computer program product of claim 23 wherein said first clip is a likeness.

28. A method of delivering information comprising:

selecting a plurality of clips;

arranging said plurality of clips into a stream of information;

presenting said stream of information to a user in accordance with user selection of one of said clips.

29. An information delivery financing system comprising:

a selection unit configured to select a plurality of clips;

an arranging unit configured to arrange said plurality of clips into a stream of information;

a presentation unit configured to present said stream of information to a user in accordance with user selection of one of said clips; and

a payment securing unit configured to secure payment.

ABSTRACT OF THE DISCLOSURE

Embodiments of the present invention are directed to a method and apparatus for efficient, entertaining information delivery. In one embodiment, information is partitioned into clips. Clips are selected for a user and packaged together for presentation to the user in an entertaining manner. In one embodiment, the clips are selected and packaged together in accordance with a template. In another embodiment, information about the user is used to select clips. In one embodiment, a user is presented with a stream of information comprised of clips of information assembled for the user. The user may select a clip to retrieve additional information related to the clip. In one embodiment, the selected clip is a portion of a program (e.g., a television show, a movie, a song, an advertisement, etc.) and the additional information is a larger clip of the program and/or the entire program.

55825.1

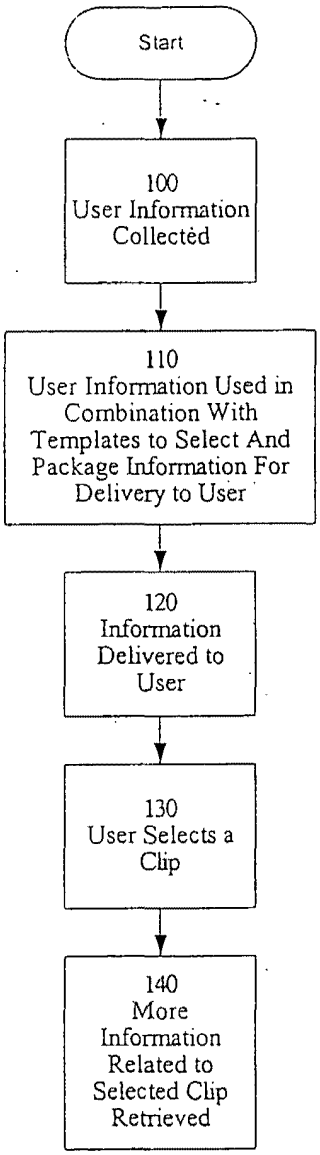

Start
100
User Information Collected
110
User Information Used in Combination With Templates to Select And Package Information For Delivery to User
120
Information Delivered to User
130
User Selects a Clip
140
More Information Related to Selected Clip Retrieved

Figure 1

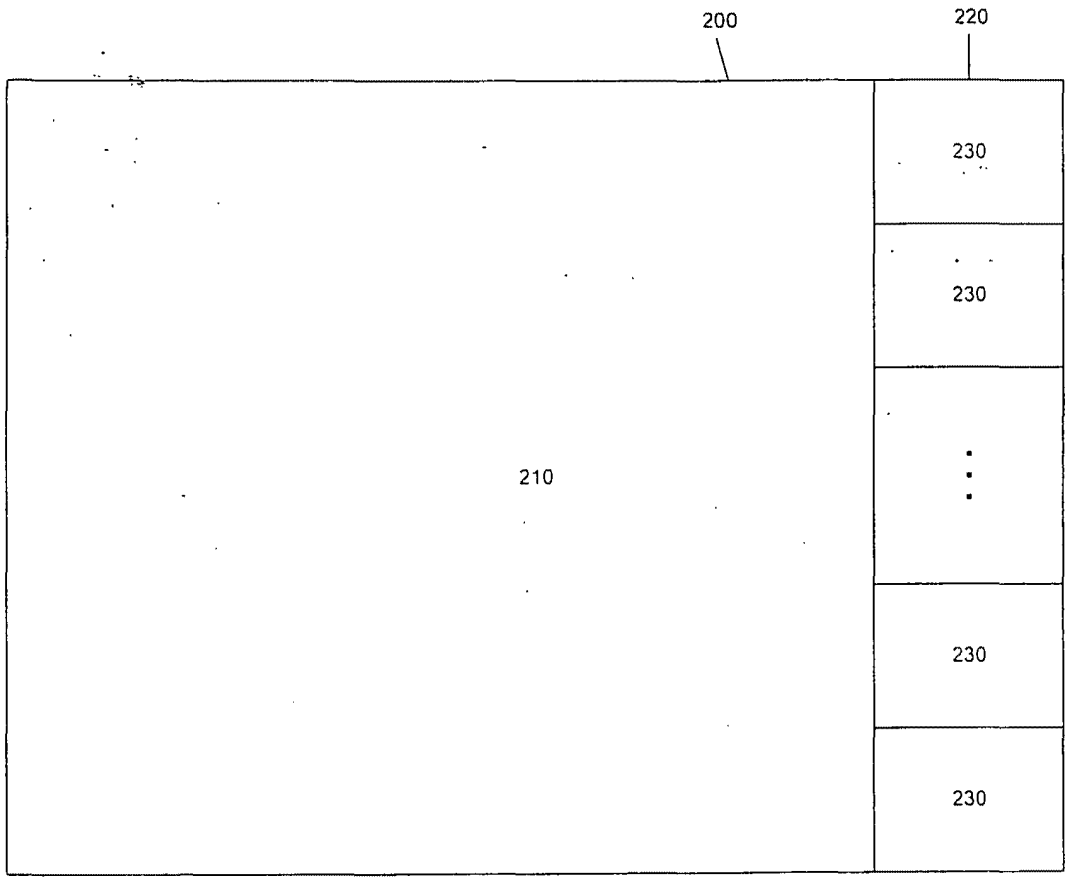


Figure 2

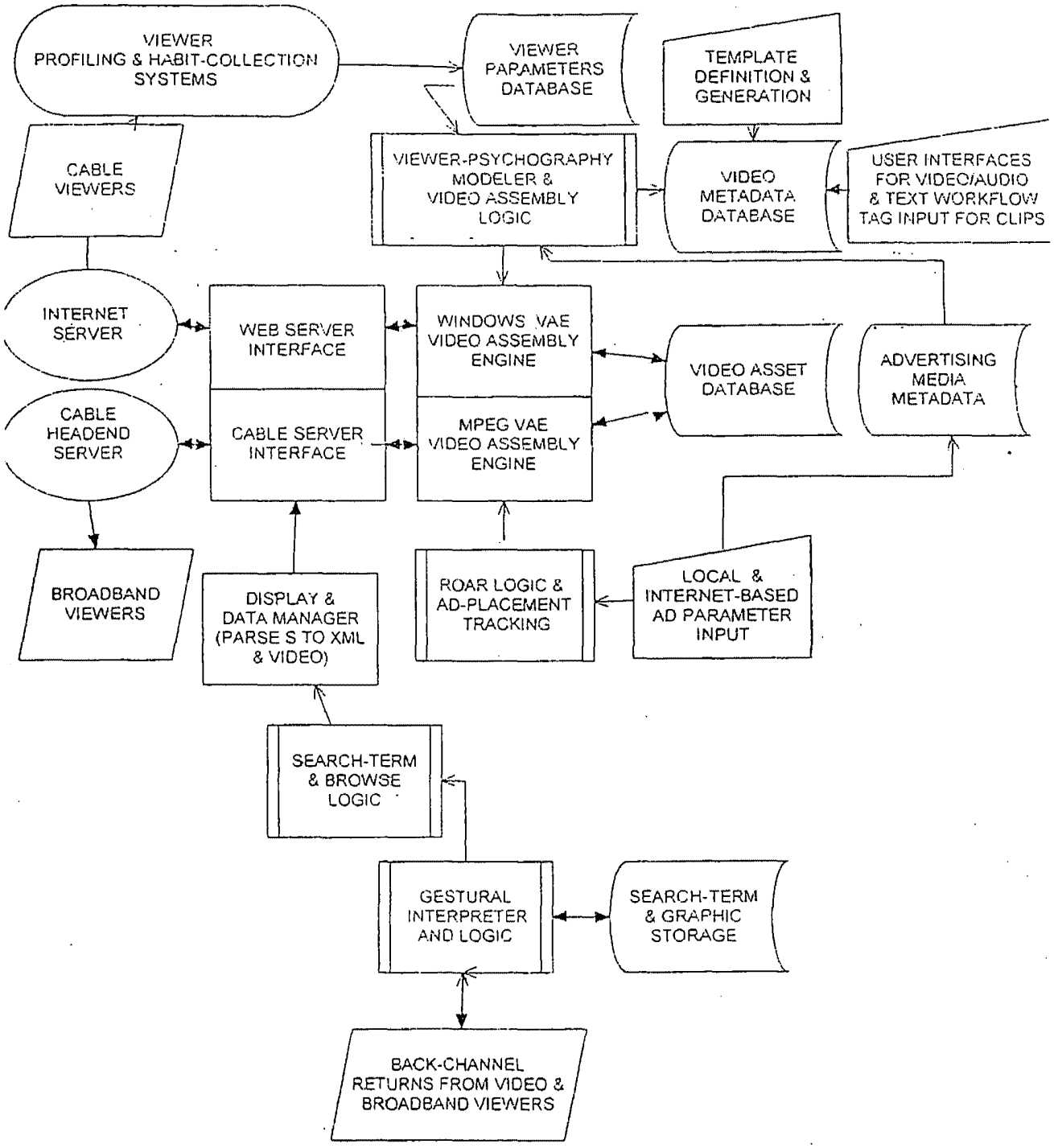

VIEWER PROFILING & HABIT-COLLECTION SYSTEMS
VIEWER PARAMETERS DATABASE
TEMPLATE DEFINITION & GENERATION
CABLE VIEWERS
VIEWER-PSYCHOGRAPHY MODELER & VIDEO ASSEMBLY LOGIC
VIDEO METADATA DATABASE
USER INTERFACES FOR VIDEO/AUDIO & TEXT WORKFLOW TAG INPUT FOR CLIPS
INTERNET SERVER
WEB SERVER INTERFACE
WINDOWS VAE VIDEO ASSEMBLY ENGINE
VIDEO ASSET DATABASE
ADVERTISING MEDIA METADATA
CABLE HEADEND SERVER
CABLE SERVER INTERFACE
MPEG VAE VIDEO ASSEMBLY ENGINE
BROADBAND VIEWERS
DISPLAY & DATA MANAGER (PARSE S TO XML & VIDEO)
ROAR LOGIC & AD-PLACEMENT TRACKING
LOCAL & INTERNET-BASED AD PARAMETER INPUT
SEARCH-TERM & BROWSE LOGIC
GESTURAL INTERPRETER AND LOGIC
SEARCH-TERM & GRAPHIC STORAGE
BACK-CHANNEL RETURNS FROM VIDEO & BROADBAND VIEWERS

Figure 3

APPENDIX

Title: Method and Apparatus for Efficient, Entertaining Information Delivery
Inventor: Dwight Marcus
Attys.: Fulwider Patton et al. Dkt. # 68880/NPOWR
103 Pages

Appendix

PART ONE – INDEX

1.1 PLAIN-LANGUAGE OVERVIEW OF SPECIAL FEATURES OF THE MODEL

In this section I'll try to lay out the novelty of the model in easy-to-read language. Deeper insight can be gained in the dedicated sections that follow and, of course, in the patent filings already made on behalf of NTECH.

1.2 THE ADVERTISING MODEL

Much of the advertising model has been described elsewhere in the existing patent applications. This section is intended to put a finer point on the elements of the models expected to be employed with the model. It should be noted that one model suggests a method with wide applications, and specifically within the advertising framework of media, so this is treated separately below.

1.3 ONE MODEL

One model is, in its full-blown implementation, an elegant solution to electronic commerce remuneration issues with a particular relevance to the corporate and brand sponsorship of media items. It embeds value-distribution information (profit distribution information) in the header of the media element itself. As adapted to the business model it allows advertisers to reach micro-markets in ways never before possible, while simultaneously funding the delivery of media, which may not always be 'mainstream' enough to attract advertising and corporate sponsorship. This model may, in fact, be the key to the profitability of both the general model and other on-line media delivery businesses.

1.4 MENU FOR DWELLING ON A CLIP

In the practical use of the system, it may be necessary to provide additional time to respond to clips, especially to the very brief clips that may characterize much of the media employed for the system. A type of menu is suggested to aid in this process. In one embodiment, the menu allows a user to adjust the rate at which clips are displayed.

1.5 THE GESTURAL KEYBOARDLESS INTERFACE

In practice, it's likely that many viewer searches of media content will be performed from the couch in a casual one-handed way. Likewise, many searches will be without specific outcome expectations. The viewer will be engaged in an entertainment experience and in search of the familiar, the forgotten, and the new.

1.6 THE AESTHETIC TAGGING SYSTEM

To accomplish the effective use of the system it is useful to catalog certain aesthetic and subjective qualities of the media stored in the database. This is examined here in detail.

1.7 THE RESPONSIVE VIDEO SYSTEM AS A BROWSER AND RETREIVAL TOOL

One goal of the system is not set out in the promotional materials for the company, but it is the envisioned end use of the video on demand (VOD) system. Described here is a unique method for the presentation and

browsing of media assets that effectively completes the media programming concept set forth in our current literature.

2.0 Appendix - ADDITIONAL HISTORICAL DOCUMENTS

These documents are excerpts from relevant earlier writings, some of which have already been provided to Coudert Brothers. While this document is current, and as a result expresses refinements to the earlier thinking set forth in this appendix, it is often true that since these documents were generally prepared by me for formal patent application use there are careful nuances and variations expressed to the system concepts that are worthy of note.

1.1.1 BACKGROUND The ultimate goal of iTV/VOD is to deliver personalized television programming and advertising driven by viewer choice and viewer profile. Viewers will want exactly the programming they want, when they want it. But how is access to thousands of hours of programming accomplished without having to peruse complex program schedules, do exhaustive searches, and endure a lot of tedious clicking and pointing along the way?

Much as the modern Internet search engines have provided some relief for information-overloaded users, our system's technology facilitates easy access to programming which is likely to become the choice of the new breed of television viewers - viewers who face media-overload as they wade through hundreds of video channels and burgeoning libraries of video information.

1.1.2 TEMPLATES GUIDE MEDIA ASSEMBLY

With the system, the VOD viewing experience shares the effortless qualities of contemporary television viewing. The potential media programming for all possible viewers is held in a video database. Unlike earlier database architectures, this model has found a way to separate templates that describe every possible potential viewing scenario from the actual media that might be viewed. This simple feat makes the miracle of truly personal TV possible.

In one embodiment, the system-enabled database includes our patented Video Assembly Engine. The database responds to a viewer's request or personal profile by locating the most potentially significant and appropriate media clips that the particular viewer might want to see. But before the viewer is simply passed a list of these best-fit video-clips, the VAE tests the media against a variety of proprietary variables and assembles them into an aesthetically-pleasing, seamless, viewing experience.

1.1.3 THE MEDIATING LAYER

One model's technical focus is the creation of a *mediating layer* that lies between the database of media assets and the viewer. This mediating layer insulates the consumer from the tedium of sorting through media elements that match his/her query and simply presents the results of a user's query in a sophisticated, entertaining way. Through the use of NTECH's mediating layer, today's static menu-based video-on-demand experience is transformed into a dynamic television viewing experience.

We have begun the process of acquisition of license rights to entertaining and stimulating legacy film and video material to incorporate in its broadcast-ready test programming.

1.1.4 VIEWER PROFILES

In one embodiment, when a viewer signs on to the system a private, personal profile is created that lets the system's software know who the viewer is demographically and psychographically, as well as what the viewer's media preferences are – these include favorite topics, programs, and celebrities.

1.1.5 CONTENT CORRIDORS

When a viewer tunes in to the system, a choice of programming types is presented via what we call programming corridors. *Corridors* are discrete databases of distinct programming. Unlike categories, corridors are perceptual divisions within the database of media assets. That is, corridors attempt to anticipate the perceived categories of viewable content in such a way that the perceived need for content in a given viewing session is able to be met with the minimum of viewer switching within the system content universe. Thus, the contents of a given corridor might overlap the contents of another corridor when the perceived use of the media is different. Thus, for example, a particular music-performance clip might be appropriate in a lifestyle corridor with the appropriate demographic viewer profile, and still be primarily warehoused in the music corridor – perhaps with a wider demographic spread when viewed from within

that corridor. Ultimately, embodiments of the system will consist of numerous *corridors*. Examples of *corridors* currently targeted for early deployment include:

Comedy Corridor: standup comedians, 'best-of' clips from sitcoms, amusing outtakes and bloopers from legacy short-form entertainment, performances from established and unknown comics, funny clips from current and vintage feature films.

Music Corridor: new and vintage music videos from all categories, concert-footage segments, rare and current interviews, workshops, and performer profiles, music-driven feature film excerpts, and exciting moments from the musical theater.

Marketplace Corridor: our patent-pending delivery format combines the best features of home-shopping, product-literature research, comparison shopping, short-form advertising, long-form infomercials and product-promotional videos and company profiles on an array of products and services.

1.1.6 THE MODEL REPLACES CHANNEL SURFING

Powered by our patented Video Assembly Engine, one embodiment of the system will offer viewers an entertaining stream of programming segments - a high-octane version of channel surfing. In one embodiment, each individual programming segment in the stream of entertainment will be only ten to forty seconds in length. Other embodiments have individual programming segments of different length. Through the power of our VAE, one embodiment of the invention presents the viewer with quality programming that is uncannily pertinent and entertaining. Cementing this content are attractive and savvy, demographically-appropriate, television personalities. Viewers can easily go deeper into the programming that attracts them. Further searching and greater levels of program-detail are just a click away.

1.1.7 ICONS INDICATE THE SOURCE OF PROGRAMMING FRAGMENTS

In one embodiment, each segment carries a screen-corner icon that both identifies the source provider or network of the parent programming from which the clip was derived. Anytime you have an interest in what's presented by the system, you can register your interest with a click of your remote (or other input device). The system video engine swiftly modifies the primary content stream in response to your request, carrying you to the source programming, a marketplace or pay-per-view option or if you prefer to additional segments of the same kind of programming.

1.1.8 ADVERTISING MODEL

Advertising on one embodiment of the invention is also handled in a whole new way. In one embodiment, ads appearing in the ongoing stream of programming, which are unique to that viewer's profile, are only five to ten seconds in length. Other embodiments have other lengths for ads. If a viewer chooses to see more about a product, promotion, contest or giveaway, they simply click and go to a full length commercial in the Marketplace corridor, view an infomercial or buy a product. Based upon the system's profiling information, the ads a particular viewer sees are based upon his or her profile or interests.

The new world of individualized television programming creates new challenges for advertisers trying to reach increasingly segmented audiences. With hundreds of millions of potential viewers projected to come online in the upcoming years, advertising agencies and their clients are allocating substantial resources to determine how they will relate to this new industry.

One embodiment is built upon free content while driving viewers and fresh sources of revenue to our content-supplying partners.

Advertising content is tagged within one embodiment of the system so that it reaches an appropriately interested, or demographically correct, audience. The precise method for accomplishing this protected by the system's patented and patent-pending technology. We call our advertising model a *tiered* approach. As

part of their viewer profile, viewers are optionally allowed to accurately define the specific subject matter, types, and desired frequency of their ad-consumption.

And, just as with entertainment programming, embodiments of the invention's technology empowers viewers to go deeper into advertising content. Once again the system's solutions offer powerful tools to address the challenges of the emerging VOD marketplace.

The system's viewer-profiling and viewer-verification systems regulate the reception of advertising messages by viewers. But the core revenue-generating concept is also profound. The tiered nature of one embodiment's video-delivery system makes possible a new kind of marketing vehicle that blends the best features of traditional image advertising with the best features of direct-marketing and home shopping. Backing up our novel approach is our enhanced approach to iTV that, like the soon-to-be industry-standard ATVEF web-pages, allows the immediate consummation of orders from viewers.

One embodiment benefits from several profit centers that are an integral part of the channel's structure:

- traditional advertising placement fees
- referral fees
- commissions on remotely-consummated sales
- direct selling profits
- branding and sponsorship revenues
- subscription fees

1.1.9 INTELLECTUAL PROPERTIES

In each category named above, we own a refined model that adapts the structure of these traditional broadcast profit-centers to the emerging narrowcast environment.

Our key intellectual properties include:

- *A* granted U.S. and international patent that represents a breakthrough in the ability to generate customized viewing experiences from a database of stored media assets and specifically defining the role of viewer-profiling to VOD and iTV.

- A granted and pending US and international patent defining novel methods to ensure program creators, such as distance-learning providers and advertisers, that viewers have *mindfully watched* their media offerings.

- A pending US and international patent which describe unusually novel methods of effectively targeting advertising strategies to the new world of personalized advertising, as well as methods of incentivizing the consumption of advertising.

- A pending US and international patent which describes an effective keyboardless video-surfing strategy

In the long-term, we plan to control, under license, a significant percentage of VOD programming created under our *passive-interactive* model.

While this summary will focus on the interactive television and video on demand application of the invention's technology and programming, it should be remembered that this same programming will be applicable to internet program delivery when bandwidth capabilities reach adequate penetration. The

system database programming will then easily serve its programming to a worldwide audience over the Internet.

Digital television services fall into two broadly-overlapping categories: video-on-demand, or VOD, and interactive television, or iTV. Simply stated, VOD offers the ability to receive any piece of programming at any time – viewers simply go to a video list, scroll down it, and choose what they want to watch. The complementary service, iTV, offers a tight linkage between traditional television viewing and the web-pages now familiar to users of the worldwide web. While watching a favorite program, related web-pages appear onscreen simultaneously that offer interactive choices related to that programming. Each set of capabilities is staggering in its implications, and together they're pure entertainment and marketing dynamite.

We own a broad collection of patent-pending models that streamline and improve the viewer-authorized gathering of these secure viewer profiles and viewer–history information, as well as viewer tolerance for, and acceptance of, various classes of advertising. This information allows embodiments' programming to conform itself to the preferences and needs of each individual viewer.

The exact reaction of the system to each click, or search request, is described globally by the system's proprietary look-and-feel templates as well as by the specific requirements of the license agreements underlying the 'clicked' clip.

The Advanced TV Enhancement Forum is the standards body of iTV.

> The model of on embodiment is a very specific one: Take a great number of long-form media clips from a great potential variety of sources and store them in a searchable database. This database is not merely searchable, but in accord with the granted patent, spontaneously streams 'best-fit' media (as described exhaustively in this and the other patent claims) to a viewer. The long-form media has been broken down into short exemplary media clips. These are concatenated and streamed. Backing them up may be another level of slightly longer excerpts that, upon reception of a gesture, are also streamed. If either the first gesture indicative of viewer interest is received then the system refers the viewer to: the source of the full-length media (which might be remote to the database (or not) and may in fact be an entirely different broadcast network or channel or URL address probably fitted with VOD capabilities), or a local or remote electronic commerce site that allows the purchase or rental of the full-length media itself or related products to the media (merchandising, courseware, and product-placement items or brands).
>
> In exchange for this elaborate customized preview and/or customized search experience, one embodiment receives free content, while the providers of the full-length content from which the short-form media is derived receive interested, motivated viewers and/or purchasers of the displayed media.
>
> In addition to being a novel media warehousing and delivery system when viewed from a database perspective (as we seem to have done in the recent patent application), one embodiment is also a radically different 1/ experience for the viewer or user, and
> 2/ a fresh business method (think TVguide/Preview Channel on steroids).

1.1 PLAIN LANGUAGE OVERVIEW OF SPECIAL FEATURES OF ONE EMBODIMENT

1.2.0 A MEDIA SEARCH AS A CREATIVE EXPERIENCE

One embodiment is actually a video-asset browser and search tool disguised, or simultaneously acting as, an entertainment experience. The first-stage goal of the embodiment is to create a new kind of high-

intensity television viewing experience. The second-stage goal is provide a new kind of intuitive and inherently entertaining media-search experience. *That is, by presenting media that has been appropriately filtered by user-profile, shortened and optimized at the clip level, and selected and assembled by sophisticated templates, a viewer is able to locate media assets that are obscure or hard-to-find and related to known media choices of interest to that viewer.* The third (and for now background) goal of the embodiment is to become an intuitively searchable repository for a comprehensive universe of media assets. *That is, by partnering with the owners and creators and rights owners and distributors and broad/narrowcasters of media assets of all kinds under the embodiment's business model of mutual benefit (to both the programming partners and the system), the embodiment can become a single access point for any kind of video/film based media – documentaries, newscasts, sporting events, biographical pieces, feature films, legacy and current television programming, scientific and artistic background pieces, musical events and videos, staged event footage, interviews, distance-learning programming, and so on. So the overarching business model is that the embodiment becomes the hub of myriad partners each of whom supplies only very short clips to the system in exchange for targeted exposure, which drives viewers/purchasers to either/both the sourcing media-partner or to a consummated purchase or other valuable transaction driven initially by the exposure to the short clip (derived from the source media).* And because the embodiment proposes to display the on-going results of the search-process and/or result in short bursts of video and audio, the effect and result of a search/browse experience is both entertaining and informative. Because the embodiment proposes in our technical and business model to allow the insertion (under the control of users, the system, or third-parties) of multiple search logics, templates, and taxonomies into the search process (perhaps also through a partnership of mutual benefit[1]) the subjective and objective process and outcome of a search can be radically different and thus form a creative synergy with a wide variety of disciplines for which the search might be structured and performed.

1.1.1 SIGN-UP

In various embodiments, the system becomes available to you. It could be a URL you visit on a high-bandwidth connection. It could be a VOD channel on your television's set-top box. You might gain access to content for no charge and you might subscribe. It doesn't matter. But there may be novelty in the sign-up process as well. However it happens, you are now getting the system. Ideally, you will profile yourself in detail. This can be done by interacting with your STB or by visiting our website, or theoretically by phone or fax-back. You probably won't bother profiling yourself at first, and if you do bother it will probably begin with a cursory STB-based profile: how old are you, male or female? In practice you may then decide to profile yourself further as you use the service. If you profile yourself in detail you will probably do it on the web. In this environment text input is more comfortable. You'll find that you can set the 'porosity' of your profile. That is, you can determine how much of your personal data is available to various users of that data. An advertiser might only know your age and love of football, while a catalog company might know your credit card number and interest in scuba gear. You can optionally place security codes or access codes on each profile of a household or business. In this way children, for example, cannot gain access to their parents viewing patterns or programming content.

1.1.2 YOUR IDENTITY IS PROTECTED, PERHAPS BY A THIRD PARTY In one embodiment, in every case except those involving the exchange of money your identity is protected. We have suggested substituting a proxy identity for your actual identity in earlier writings. *I add the suggestion here that a third-party (the cable company itself or an independent underwriter)*

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[1] For example by allowing individual 'search-mode' entities (companies or templates) to carry their own advertising and sponsorship with them. This might be done through the use of, without limitation, bugs, icons, inserted ads, HTML messages, sponsorship inserts, voice-overs, or 'supers', which are caused to temporally coexist with the existing advertisement or to replace it selectively by a weighting process. This may be a significantly novel business and technical method.

guarantee your transactions in exchange for shielding your identity from merchants and the like. In exchange for this the third-party might get either, or both, a small transaction fee or the use of a float for some mutually-acceptable period of time. That is, they might delay the consummation of the monetary transfer until after the goods are delivered in order to secure use of the collective funds of their customer base for a period of time. Of course, an annual fee could also be charged. The details are also set out in previous writings. On-line and media companies agreeing to cooperate in this shielding/guarantee process might also receive a portion of the fees or earnings extracted from this procedure.

1.1.3 GATHERING PROFILES OVER TIME In one embodiment, if the shielding of personal data is well enough implemented, users will not hesitate to allow their viewing histories to be accumulated, especially if the primary benefit is perceived to be the finer tuning of their received programming by use of this historical data. As media are viewed it's also possible to actively gather a viewer's profile in small units. That is, a window might pop-up whenever media were consumed beyond a certain set level deemed to indicate adequate viewer interest saying 'Would you like to receive more programming about_____?' (that is about whatever subject of genre a viewer is currently watching). Conversely, actively rejected selections –that is, selections which were clicked on but swiftly rejected might cause a query to display in the inverse form 'Would you like this clip or subject matter to be removed from your viewing pattern?'. Additionally, passively rejected selections might be caused to aggregate a negative subject or genre weighting if specific clips or clips of an identifiable type were systematically passed over by the viewer. Over time, the profile for each viewer might become quite refined, especially if it is artfully combined with initial viewer-profile and passive viewing history data. The advantage of this staged profiling is the lack of intrusiveness and inconvenience for the viewer, while still allowing the system to assemble detailed profiles.

1.1.4 Since one embodiment is planned as an iTV-enabled video channel an ATVEF-compliant (or other HTML-like) menu will coexist on the screen with the video. Optionally, only video might appear on the user's screen until reception of a generalized gesture – say the movement of the cursor (though other devices may be used). Upon reception of this indication of interest (or, alternately, at all times) the screen will share space with a web-page-like interface. Currently this is a L-shaped window to the left and below the video. Here we propose to display additional information about each clip that is currently playing. That is, the L-window contents will dynamically reflect the important information about each displayed clip. Either in the L-window or as a screen-corner bug, one embodiment displays the logo/name of the producing studio, distributor, network or channel that has provided the underlying media from which the short clip was drawn. These logos or screen areas will also be made active to encourage viewers to visit these other sites or channels. Additionally, t-commerce, brick-and-mortar, or e-commerce sites will be displayed where the viewer can purchase or rent the underlying media displayed and/or related or (probably) relevant additional items or services. In one embodiment, the system takes a referral fee or percentage or profit from each referral or completed transaction. The details of this transaction are discussed in our pending patent application.

1.1.5 A SPECIFIC ADVERTISING RENUMERATION MODEL We have refined the advertising/commercial remuneration model somewhat since the above-referenced patent was written. It's clear that advertising, referral, and commerce revenues are a key revenue source for one embodiment. Our current plan is to match the profiles of each viewer to the profiles for each product or service desirous of obtaining exposure on the system. For a given commercial message there will then be an optimal number of hypothetical exposures per viewing period for a given viewer-ad combination. This is called the baseline exposure. If an advertiser is happy with the baseline exposure level then there will be no fee or a very modest fee charged for inclusion of a particular ad in the system programming universe for that core demo/psychographic. If, however, the advertiser wishes to increase exposure levels in the core group, or to widen the exposed group to include non-core demographics, then escalating fees will be charged. Even if a user has set ad-

blocking rules in his profile it might be theoretically possible to breach those rules through a particularly aggressive ad-campaign, but because it is undesirable to the viewer additional significant fees will be charged. Because viewer blocking has been breached selectively we also plan to require advertisers to directly remunerate viewers with a portion of the ad-placement fees.

1.1.6 INFORMED VIEWERS AND ADVERTISING One embodiment informs viewers of this procedure (requesting a breach of ad-blocking or even an increased exposure level[2]) and dedicate a portion of revenues for breaching ads to the viewer's personal account. We also propose that an occasional message be displayed, probably in the form of a hosted clip, telling the viewer that an entity (non-profit, commercial, educational and so on) has expressed a desire to reach them through advertising and that they are willing to place a credit of (x) on-account for them if they are willing to view the message. We propose crediting either an account that can be debited against t-commerce and e-commerce or credited to the viewer's credit/debit card or bank-card (or other method such as wire transfer) that is optionally placed on file during the profiling sign-up or commerce process.

1.1.7 In one embodiment, in the event of a 'forced' exposure to commercial messages, or in the event of a higher-than-typical fees for traditional system exposure, it is likely that we will invoke our viewer-verification system (as described in the granted and pending patents). These means that we will key the levels of remuneration and/or value received for 'mindful consumption' of media to the level of reception of the signifiers. It is similar to the patent, but novel, to suggest that media be delivered in clips of varying length which require response to continue the delivery of the clip or clip sequence. That is, although there are numerous signifier methods suggested in the patent and pending patent, we suggest that the media delivered simply stop[3] at the end of a certain period of time or, say, at the end of a message unit of information. At this point a 'would you like more' message appears or sounds in any of several forms (including video hosting segments). Upon reception of a 'click' or other indication of interest the next segment of programming would be delivered. In the absence of response, or upon the reception of any indication in the negative (say, by on-screen buttons) the video stream would return to the normal stream of programming. A

1.1.8 FEES ARE WAIVED Under one embodiment, if you, the viewer, opt-in to receive certain levels or types of advertising, sponsorship, informational, or direct-marketing programming you may get all fees (sign-up and/or pay-per-view) waived. It has been specifically suggested that certain advertising or commercial exposures create a credit surplus in the viewer's account that can be directed specifically at viewing costs, such as pay-per-view fees.

1.1.9 WHY YOU MIGHT ALLOW ADVERTISING TO COME TO YOU One embodment approaches advertising in a novel way. The thirty-second spot model of advertising is approaching the end of its dominance in television media. One embodiment approaches commercial messages as informational clips, or indicators of additional media content of a largely informational/informative nature meant to lead in the direction of a consummated sale as a direct consequence of exposure to the tiered media presented on the system. When the model of one embodiment is applied to advertising it is particularly potent. First, general characteristics (and perhaps some specific ones) are known about the viewer that will prevent commercial noise in a given user's media-viewing experience by allowing commercial messages to match the general psychography of the viewer. Second, only very short 'teaser' ads will be presented in the stream of media programming. Upon indicating interest in the teaser ads an additional layer of commercial information is revealed. While the presence of one or more steps between the ad and the full-length informational/commercial presentation is optional, as is its character, the structure of the

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[2] The point at which the system will inform viewers and/or share revenues with them, is mutable.

[3] Or branch suitably, such as to additional teaser media designed to invoke a positive response indicating a desire to receive more media.

method is profound: A viewer is presented with a very brief (and best if entertaining) burst of commercial message. Upon reception of indications of interest a slightly amplified and/or longer message is delivered. Upon reception of further indication of interest additional, perhaps long-form commercial or infomercial or informational media (such as video and/or text and/or graphical product/service specifications or facts), this media then might lead to the offer to purchase or other commerce consummation. This consummation might be the acceptance of an order, the transmittal (by electronic means or mail or other method) of product/service information, fact-sheets, spec-sheets, pricing schedules, dealer lists and the like.

1.1.10 FEES ARE STAGED FOR ADVERTISING AND PROMOTION In one embodiment, because the staged character of this process inherently calls for the return of signifiers (as defined in the patent materials) it is possible to easily stage the fees for the delivery of such commercial media. After the delivery of the ad described above, increased placement fees and other charges might be exacted for each staged delivery of a client's media. Upon consummation of a sale or other valuable transaction, a sales charge might also be levied. We suggest that this sales charge might absorb or prorate all of the earlier ad-placement/delivery charges.

1.1.11 AFTER THE PROFILING IS COMPLETE However it was done, the profiling is now complete. Assume that a viewer/user is now sitting in front of the TV for a new viewing session. He selects the system's channel. In most STB environments a unique user number is presented which identifies the individual viewer within a household. If this capability is engaged, then the stream of video can begin at once. For many applications it will be desirable to greet viewers with an identification query. This will probably be in the form of a list of household members from which to choose, alternately a keying in of a name of unique user ID is possible.

1.1.12 THE USER ID In one embodiment, after, or instead of, the viewer-name identification, the user keys in a unique ID and optionally an access code. This can be done by co-opting the channel buttons of the remote momentarily or through the use of an on-screen keypad accessed by cursor motions. The use of a confidential access code will allow the protection of unique viewer profile and viewing history files. Adults can, for example, make it difficult for children of the household to gain access to their viewing profiles, or impersonate them at the STB level in order to receive adult viewing patterns (programming) on the system.

1.1.13 THE OPTIONAL QUERY BEGINS At this point, in one embodiment, you can click off of the start menu to receive programming. We claim that it is novel to allow the key member of the household or office to establish a generic family profile. This profile will automatically begin the playing of default programming choice optimized for the family or workforce after some small number of seconds in the absence of a profiling command or gesture. But optionally you can further profile your viewing choices. We envision this as being accomplished in one of two key ways. The viewer can elect to move to the programming 'corridors' or to the term-based search engine. This will be done through the use of a simple two-button or two hot-spot area of the screen (video or webpage). A quick gesture to the left might initiate the 'corridor' selections and to the right might initiate the 'search' selections. I believe that swift and substantial motions of the cursor of the remote will suffice as gestures of this type. Clicking, for example, might switch the viewer into the primary stream of programming. These controls can be customized in the set-up menu.

1.1.14 THE CORRIDOR CONCEPT Recall that corridors are perceived genres or foci of programming organized solely by viewer perceptions rather than by hard categories. We will refine the corridors as we get viewer feedback form our pilot programming but here, in no particular order are some likely categories. Sub-headings would be delivered in the second tier of corridor menus:

- BUSINESS DAILY
- EXECUTIVE FILES

It is possible that each 'continue' query be accompanied by an indication of value received for continuing with mindful viewing.

- HOME STYLE
- MODERN TALK
- SPORTS TODAY
- URBAN LIVING
- COUNTRY LIVING
- MUSIC WORLD
- CELEBRITY FOCUS
- MODERN LIFESTYLES
- HEALTH & FITNESS
- OUTDOOR WORLD
- NATURE FILES
- LET'S LAUGH
- MOTIVATE YOURSELF
- HISTORY TIME
- COOKING AT HOME
- TRAVEL TODAY
- FAMILY TIMES
- DAILY NEWS
- TELEVISION TODAY
- TELEVISION ARCHIVES
- FILM BUFF
- SCI-FI CHANNEL
- MYSTERY WORLD
- DRAMA WORLD
- DOCUMENTARY WORLD

There may be inherent novelty in organizing database assets for delivery in this manner. Although some of the categories have defined network identities in the past, there has never been a comprehensive database of media assets capable of describing and delivering media programming content in this manner. Organizational principles are, therefore, unique to this business method and data-mining technology. Each of the above corridors might have numerous sub-corridors. The music corridor might be broken into genres and/or years and/or geographical regions.

1.2.15 SPECIFIC USE OF NOVEL GESTURES FOR SEARCHING Recall that in the presence of viewer profiling the need for exhaustive menu selections is removed. Thus, in one embodiment, a young viewer who had already indicated a preference for hip-hop and British pop (in his profile or progressive profile or viewing history) would simply have to select the 'Music World' corridor and the other assumptions would be default choices. In the case where a user wished to override or refine his profile choice for a particular viewing session an appropriate gesture such as a rapid back-and-forth wiggle of the cursor control[4] indicating impatience (or other impatience indicating method, such as rapid, repetitive entry of a key or simply entry of an impatience indicator) with the current media fare might result in the presentation to that user of a refining pop-up menu or other selection tool or GUI. It is significant that intuitive gestures can be used to capture additional input information for a user without requiring elaborate

[4] The use of these gestures and the capturing of various directions and speeds of 'wiggles' is very intuitive and unique. Swift scratching motions in different directions - up/down and back/forth or at a forty-five degree angle should probably be claimed as novel. Also, any gesture that captures a recognizable character or, in rare instances, a character string. Thus the wiggle might be thought of as an 'I' and the circle as an 'O', whereas 'e' and 'a' and 's', for example, might also be assigned values.

keystrokes and other learned responses. We propose that the television/computer/handheld screen be regarded as a one or two-dimensional grid[5] with non-specific, intuitive, dimensions to the axes.

1.2.16 THE MODEL AS A NEW KIND OF SEARCH TOOL While the early use of one embodiment may employ no in-depth search tools like those envisioned here, one goal of embodiments of the invention is to unite all video assets in existence (at minimum in their shortened forms) into a single searchable database. If the database is searched in a conventional way, then it remains a good research and entertainment tool, but if it is searched in the intuitive way described here, and if the progressive refinement of the search simultaneously displays the relevant media clips (singly or in on-screen groups) then a radically new type of intuitive search tool has been created.

1.2.17 THE MEDIA PLAYS In one embodiment, whatever the previous state or action of the system channel, at this point the media plays. As each pre-sorted clip is played the important information about the clip displays in the iTV window beside/next to the video clip itself. The clip is identified with the logos and/or names and/or images or text descriptions of that clip's owners, creators, retailers, and/or rights controllers. The clips are generally interspersed with 'hosting' segments. These are clips that create the overall mood and personality of the system experience. As a result, they are usually customized to the user's particular demographic and psychographic through the use of age- and culturally-relevant on-screen personalities, music, settings and scripting or content.

1.2.18 STYLISTIC CLIPS ARE INSERTED Additionally, general forms of transitional clips, which are usually effects or brief 'bits' (that is: swish-pans, static, pop-frames, one-liners, visual gags, arresting visual and audio moments, and the like). Logos, station-ID's, bumpers and the like are also optionally inserted into the viewed stream. These stylistic and personalizing clips are tagged aesthetically as well as by such concrete factors as content and length. Because of this, the 'look-and-feel' of a viewing experience can be radically altered without reference to the actual programmatic clip-content itself.

1.2.19 SEPARATE TEMPLATES REGULATE 'LOOK-AND-FEEL' In one embodiment, in addition to employing proprietary templates to define media style and thus to regulate media-clip assembly, templates are also used to govern various stylistic aspects of the presentation of the media. Thus, there is a set of swappable templates that define the form of the primary media clip selection process. This template is blind to the specific content of the clips except by indexable characteristics. That is, the template simply says something like: 100 STATION-ID, 200 INTRODUCTORY HOSTING CLIP, 300[6] FEATURE FILM SNIPPET, 400 DOCUMENTARY CLIP, 500 HOSTING SEGMENT, 600 NEWS CLIP, 700 STATION ID, 800 ad, 900 BUMPER, 1000 COMEDIC HOSTING CLIP, 1100 STATION ID, 1200 GOTO 300. This last command refers to the position marker placed earlier in the template string. It is assumed that there is an indeterminate pool of transitional clips and general 'look-and-feel' elements from which the system will spontaneously draw content. In the granted patent we describe the way in which the assembly engine determines whether or not clips will concatenate artfully. In most cases the system will elect to insert stylistic joining clips, or transitional clips to effect a proper transition. In one embodiment, the type and frequency of these insertion is largely controlled by the 'look-and-feel' templates. These separate templates describe such things as optimal pacing, optimal clip 'moods' or 'feel', types of hosting clips, types of transitions (hard cut, fade-to black, white-burst, and so on) among other potential variables. While factors like programming type or content and

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[5] Multi-dimensional methods have been described elsewhere largely in my keyboard patent-filings. Depth can be simulated, as can other axes, by additional methods.

[6] Make note that programming line-numbers, looping, counting, and branching commands are a part of the template structures in one embodiment. Templates may be written in a programming language beneath a template guide, or may be simple data tables interpreted by the template parser. In this latter case we suggest that item numbers and even branch and loop command markers be included in the data file.

age-range and other demographic variants may be relatively mutable over a viewing cycle, the look-and-feel of the delivery mechanism may adapt itself in longer time-frames to such things as the overarching 'feel' of a viewing session, day-parts, and context. These templates also generally shift with the demography/psychography of a viewer. That is, and this is a critical point, while the actual program sequence (like the one shown above) might be identical for, say, a father and son viewer, the content of the relevant clips will change in response to demography and *the look-and-feel template may dictate a radically different stylistic approach to the concatenation of the clips.* In one embodiment, the master template controls, or limits, the choice of clips – and these will include transitional and hosting clips. The look-and-feel template is actually likely to be simply a convenient GUI-oriented place to change subjective factors like pacing, transitional feel, frequency of advertising, numbers and type of station-ID's and the like by means of placing new search/tag attributes on the master template itself. So the look-and-feel functions more like a bin of values that can simply substituted across the whole of the delivered media program without replacing the functional master template, instead values are written into it by the look-and-feel attributes. However it is accomplished, some embodiments allow the 'channel' easy access to setting look-and-feel templates without tampering with the master database contents. From a broadcaster/narrowcaster's point of view each corridor and each viewer represent distinct branding and presentation challenges – challenged that may change or cycle by time of year and time of day/week as much as by targeted viewer. Because of this, we propose that each corridor be equipped with a GUI that allows media-presentation decisions to be made distinctly from media content concerns. The pacing, character of transitions, types and frequency of stylistic elements such as interruptive bumpers, bookends, ID's, PSA's and the like can be easily set. These settings will be sent to the video assembly engine and/or decision matrix to modify the concatenated clip series by weighting the clip-assembly logic, most easily, through direct substitution of tag values in the proposed media-assembly tag-values. The perceived result of this intervention is that while similar core content clips might be served to the viewer, the general length and pacing of the clips selected as well as the type and number of transitional and non-core content clips added to the concatenated stream might shift radically. Hard cuts, say, might become gentle cross-fades, white-burns, jitter-cuts and so on, while calm reassuring hosting clips and station-ID's might be replaced with manic or humorous ones. This is the essence of automated look-and-feel that is distinct from content delivery in response to viewer profiles, viewing history, or requests.

1.2.20 SPECIAL AUDIENCE TAGS Because television can now be personalized, and especially because it is often delivered to groups of people rather than one-on-one, it is useful to accommodate special viewing requirements. A viewer should be able to continue to have umbrella control over the output of his media appliance while not disturbing the data-structures that allow the rapid customization of his media delivery. In a sense, it's the user's version of 'look-and-feel' templating. That's why we propose that there be a menu function – perhaps delivered as a pull-down on-screen menu – that allows viewers to 'sidestep' their user profiles while maintaining full control of their corridor preferences and/or corridor access. We'll call this the SPECIAL AUDIENCE function. Upon selecting this function[7], the user is presented with special needs categories. While these will be refined through use, the options made available under this selection will include things like: FAMILY VIEW, QUIET TIME, PARTY TIME, DINNER TIME, RESTFUL TIME and perhaps even mood functions that more directly overlap corridor concepts like JUST FOR LAUGHS, NEWS TIMES, and LEARNING TIME. In the case of the 'family' function, we have added an actual FAMILY tag on relevant clips, placed by a skilled editor/producer at the time of a clip's addition to the database. This tag essentially allows us to identify short clips that may be appropriate for general viewing although the underlying media may bear a focused AGE-RANGE and/or GENDER tag-set that would indicate, say, only older

[7] The simple provision of this function on-screen should probably be protectable

viewers or female viewers would be interested in the underlying media. In the case of most of the other SPECIAL AUDIENCE functions, we have provided clips with various subjective tags like PACING, SUBJECTIVE ENTERTAINMENT VALUE, and MOOD, as well as with objective measurements that can contribute to the creation of subjective mood such as CLIP LENGTH.

1.2.21 CLIPS ARE REGARDED SEPARATELY FROM UNDERLYING MEDIA Because our business model in one embodiment is to gain free access to the use of short clips in exchange for creating added value or demand in the underlying media and it's associated commerce possibilities, the defining of short-clip attributes distinctly from the attributes of under lying media is potentially problematic. In an extreme implementation, we could propose a complete, or nearly complete duplicate set of clip attribute tags that define short clips distinctly from the underlying media to which they point. The implied purpose for doing this is to exploit short clips for their entertainment or informational value to audience that may not be the core audience for the underlying clip. If misused, this would violate the spirit of our mutually beneficial licensing arrangement with our content partners, but if properly implemented it would increase the exposure for a media element or it's related services and/or products to a non-core market. There are two broad types of relationships that need to be considered. One is clips that are intended for alternate viewers that are appropriate for viewing by those alternate viewers, and those that are not. An example of the former might be the use of a RACE or CULTURAL tag. A clip defined to be of interest to an African American consumer – say tips on hair-care – might be of interest, or entertaining, to a non-black viewer. This is appropriate reuse. Perhaps the white viewer has, say, a black friend or lover. An example of the latter case is an entertaining clip, for example, of a witty dialog exchange, that is derived from (and therefore points to) a clip containing violent or sexual language and imagery. Suppose in this case that the viewer is a child or 'family' special use. In the case of a rather complete second set of tag-values for the short clip (as distinct from the underlying media), the problem can cure itself. A limiting age-range or cultural indicator, for example, can limited the 'repurposability' of the clip. In a general case, any viewing situation defined by parameters that are more broad than the clip parameters themselves could initiate selective blocking of the retrieval of the underlying media or transaction. We should claim both methods. In practice, a underlying media clip parameters are entered in the workflow process, the relevant parameters to be echoed for the derived short-clip itself could be echoed in a second set of fields, probably with highlighting to call attention to the temporary terms. The operator could then swiftly modify the parameters of the short-clip to reflect broadened use. Additionally, a new, additional; tag value that simply indicates whether to allow the playing of the underlying media to bob-core viewers might be employed. In this case we would suggest that the fair-use of a short clip derived from 'blocked' media would be to display the iTV or HTML or similar graphical and text descriptions of the underlying media (say in the 'L-window') without playing the actual media. In this case, inappropriate non-video material could simply be regulated by a 'parental' type of filtering scheme to prevent minors from viewing offensive material. Because one embodiment's long-range goal is to serve diverse niche markets with highly idiomatic niche programming, these considerations are critical and protection should be sought for the methods used.

1.2.22 A MENU FOR DWELLING ON A CLIP As you view one embodiment the parade of media clips is relentless, and some are very brief. Since the function of these clips is to induce the viewer to indicate an interest in the underlying media or products/services indicated by the media clip, it's important to lengthen the window of allowable response time within which to respond to a media clip. This is the function of a menu used to allow a user to dwell on a clip. The plan is to reserve the, say, lower portion of the screen for a crawl that is updated with the most recent media viewed. As a clip is presented, an exemplary frame or short clip takes its place along the screen-bottom and as clips are added the frame crawls to the left in a filmstrip-like line. Clicking or gesturing on the clip will retrieve the recently-shown media. The precise method of retrieval may vary, but the general form is this: the action of indicating the clip sends a return signal to the headend/source

server indicating that a play of the specific media file has been requested. Normally, this will mean 'play the slightly more extended version of this clip for my evaluation'. This step is generally also free of charge, however the intermediate step can also be omitted and the viewer shuttled directly to the underlying media or transaction, which may involve an exchange of value with the viewer. In one embodiment, there are two levels of gestures – for example a single or double click – that a viewer can employ in the act of clicking on a menu item. A single gesture will cause the primary stream of delivered video to interrupt at the end of the currently-played clip if the requested media is queued-up at the server, or if not, to play through to the end of the next clip(s) until the requested clip is ready for delivery, at which point the currently-playing clip will play through to the end and seamless (aesthetic) insertion of the requested clip will take place. Gesturing twice will have the effect of immediately rupturing the primary video stream and presenting placeholder (for instance, cached or HTML media) media/text/imagery/sound until the queuing of the requested clip at which point it will immediately play. Alternately, a double-click or other differentiated gesture of urgency will cause the currently-playing clip to rupture *at whatever point it is currently playing at the time of effective queuing* and cause the requested media to immediately play. For the purposes of aesthetic rupturing of the clip the look-and-feel parameters can elect, however, to insert brief transitional media or to otherwise effect a gracious transfer to the unexpected viewed content. These issues are set at the look-and-feel level of the system, as well as controlled by user preferences set in the sign-up and/or profiling and viewing processes.

1.2.23 ADVERTISING IS SELF-INSERTING While viewing one embodiment, the viewer may receive advertising media. The full model for this is extremely detailed and has been set out in earlier patent writings and filings as well as in the section following this one. The frequency and type of advertising and viewer interaction can be set on the viewer's log-in page as described before, so whatever parameters were set will describe the advertising experience that a given viewer will find upon 'tuning' to the system. What is important to underscore here is that there are new advertising and media-sponsorship characteristics described here that add considerably to the user's commercial experience, and more particularly add tremendous scope to the advertisers ability to reach fragmented demographics. Commercial messages follow the same compact format as do content clips. One embodiment intends to elevate most advertising experiences into interactions traditionally associated with infomercials, but without the annoyance. Whether the commercial message is, say, a sponsoring logo on a clip, a sponsoring banner on a documentary, or a AD, the viewer will encounter a minimally-invasive commercial message that blooms into mid-length or full-length commercial media and/or an area and/or media-clip wherein to fulfill the proposition presented. Corporate or product literature might be ordered, pricing schedules obtained, or long-form sales media delivered. While these items normally constitute an annoying intrusion, because they are only delivered in response to a user's request, they are now enthusiastically received. In one section of this document we describe the way the system's extended header system allows one embodiment to execute extremely refined matches between entities desirous of market penetration and the precise consumers and geographic/psychographic territories ideally targeted by that entity.

1.3 THE ADVERTISING MODEL

1.3.1 WHO NEEDS ADVERTISING?

Having been raised with ubiquitous advertising we're inured to it. We love it. We hate it. When it's in the way of our pleasure seeking through media it's an annoyance. When it gives us much-needed information, it's a pleasure. Or at least tolerable.

Advertisers know that making ads entertaining makes viewers watch – even when the content is not germane. But except for general interest products like beer, cars, and casual fashions it makes little difference. This kind of ad is called an 'image' spot.

This means advertising falls broadly into two types:

- advertising to fix a brand loyalty or brand association in the consumer's mind
- informational advertising that assumes that some meaningful percentage of the consumers of a given media-borne message are in need of the knowledge of a product or service at the present time or in the very near future

Because of inertia, the massive advertising machinery will continue with refinements to traditional advertising thinking. *That is, they will 'push' ads out to consumers more than consumers will 'pull' ads to themselves.* While Internet advertising is teaching a lot about the way consumers will pull ads, VOD is where the rubber finally meets the road. VOD changes the rules of advertising yet again.

In one embodiment, in the creation of any new media entity such as a channel, it's clearly required to make it profitable as swiftly as possible. The traditional wisdom is that there are two ways to 'monetize' a channel:

- advertising revenue
- subscription fees

There's another way that's been used historically, too. The infomercial. Historically, it fills unsold airtime and often allows stations to participate in a percentage of the profits generated by the infomercial.

The only exception to these categories above that I can think of is the home-shopping phenomenon. QVC and Home Shopping Network have been wildly successful at creating very inexpensive content that returns large margins. They mimic the infomercial format.

1.3.2 A QUICK LOOK AT THE HOME SHOPPING PHENOMENON

What will VOD mean to the home shopping channels? Clearly they can be released from the mass-market, lowest common denominator approach to selling. Sub-channels can be created to serve any niche of special-interest shopper. Cosmetics, cosmetic surgery, musical instruments, financial instruments – any niche can be, in theory, addressed.

What's wrong with the concept of a hundred dedicated shopping channels? First, let me say 'nothing'. It will become even more popular. There are products and services that can sustain this kind of approach. But what's wrong is at least twofold:

- as special interest niches get smaller (which in a VOD universe they will do swiftly) it becomes prohibitive to host each niche effectively
- as more niche entertainment content becomes available, and as on-line shopping becomes the norm, there is less reason for a viewer to spend time watching a non-entertainment-driven shopping channel, or to shop by TV

1.3.3 APPLYING THIS AD-MODEL TO THE SYSTEM

If we aggregate legacy third-party content or if we create new targeted content we need to develop a monetization strategy. Yes, we can seek subscription fees by the month or minute or individual show. Yes, we can solicit advertisers. But to charge fees means to create a critical mass of content, and this won't be possible out of the starting gate without a significant strategic partner and a well-funded effort.

But there's a further refinement.

In one embodiment, when we aggregate content from a legacy source, we will tag and customize it. We will also host it. Let's now detail it further with infomercial-like sales opportunities.

Simply put, say we invite advertisers and infomercial makers to submit their spots to us and, perhaps for a fee, we break them up into tiny bursts of 'attract' video like the ones in the channel concept we discussed the other day (in the context of legacy news or sporting clips. We create the tags for these spots to cause them to deploy appropriately based upon viewing context. This is simply our patent extended creatively. The end result? A channel of micro-clips of both information/entertainment and advertising. But with a twist: ALL of the advertising has these properties:

- it's much shorter than normal (think 8 seconds in one embodiment)
- it all appears in context, meaning: 'golf show = golf ads', and 'golfer watching = golf ads'
- it all blossoms into longer advertising if you click while it plays
- it all becomes full-blown direct marketing if you click again or don't click out of it to return to the main stream of programming

Obviously, we can refine this sketch considerably. But the upshot is that this creates a new kind of direct marketing experience. It's integrated seamlessly into the flow of media, and it's efficient, so it doesn't get in your way.

In summary, we atomize content to create a layered, high-powered, pummeling experience with media. We build a novel, effortless interface to facilitate this experience for viewers (meaning the special click kind of steering of the experience and the profiling and navigating interface). We aggregate, atomize, and layer advertising to create a home-shopping experience out of 100% of the advertising shown on our channels.

What's fresh here? Advertisers may not be charged to advertise. They compete to get airtime for free (for a fee if the stampede develops appropriately). In one embodiment, channel(s) take two things:

- a per-viewing fee that slides based upon the length and type of viewing and viewer (our patents again)
- a percentage of the sale consummated directly over the TV/Internet system
- possibly a percentage of the sale consummated in brick and mortar by an identified referral from our system (easy to do in some cases – especially if incentives are offered to the consumer/viewer)

1.4 A MODEL

One embodiment functions in an interactive media-delivery environment for the purpose of creating a *three-point match* between an advertiser's 'buy', a media-owner's need and appropriateness for sponsorship, and the characteristics of a viewer/user of the VOD system. Let's begin with the historical document as explanation:

1.4.1 A SYSTEM FOR THE AUTOMATED RETURN OF SIGNIFIERS AND ROYALTIES

In accordance with one embodiment, outlined below is a system specifically for the automated matching of advertisers, licensors, and sponsors with media of any type delivered as data. Specifically this meant music and film files. The uses described are potentially vast. For ease of description we've attempted to limit our discussion to media-files, but in other embodiments, other types of files may be used. Because it is rather novel and non-intuitive, the topic will be treated in a broader context than the verification strategies.

Seen in the broadest sense, the following proposes the platform for a standardized e-commerce exchange of value to occur that enables the procurement of goods and services. One embodiment is implemented through the use of a compliant header attached to items of value in an e-market.

1.4.2 THE PROBLEM OF CONSUMER BEHAVIOR IN E-MARKETS In extensive informal canvassing of the youthful high-volume users of peer-to-peer services such as Napster, it has become apparent that no user fees or charges, such as those now envisioned, will be tolerated by these users. Significantly, honest consumers are known to feel little remorse when cheating a big company, even when they would never be inclined to cheat a street-corner merchant. Simultaneously, there is considerable animosity towards advertising in the young, but at the same time there is increased dependence upon, and confidence in, the use of licensed brand-names and celebrity likenesses and endorsements in the selection of products and services.

While it approaches the problem from an economic and business process point-of-view, the system harnesses these attitudes for the benefit of those reliant on contemporary commerce processes.

1.4.3 OVERVIEW OF THE PROPOSED SOLUTION In one embodiment, in essence, *all streams of income specific to the delivery of a product, service, information, entertainment, coupon, or anything of real or perceived value are reduced to a royalty-like description.* This description, or a code referential to it, is securely attached to each purchased element or service. Peer-to-peer style commerce is carried out within the structures of these headers to underwrite all or part of the costs of the creation and/or delivery of the desired product or service, or to direct payments to the creators of value in the item acquired. Additionally, *consumers can be rewarded for consumption of advertising* that is specifically tailored to be appropriate to them. Finally, *consumers and other entities can sponsor the creation or delivery of products and services*

One purpose of the system of one embodiment is to allow the simple conversion of advertising and marketing dollars and perceived value to be converted into marketable form thus allowing the provision of things of value to be positively affected by the presence of commercial entities. This is accomplished through the automated matching of market-needs with the expected market delivered by a given product. A token, or signifier, or signifier string, is exchanged upon such a matching, upon download or reception of the file, or at the time of consumption of the sponsored thing. This signifier verifies consumption, and may vary the value to the sponsoring entity of that consumption in the manner described above.

There are other goals secured as well. If an open and evolving standard were to be accelerated by the use of this system, several elusive financial and commercial goals might be attainable with ease as the system evolves. Among these is the elimination of the unnecessary distinction between credits, awards, coupons, and even 'hard-' and 'soft-'dollar remuneration when it is applied to the procurement of a service or item. Another is the establishment of a marketplace for intangible brand value that can easily coexist with the traditional monetary market. Still another function is to render 'money' or monetary value sensitive to geography, time, psychography, and market function or use. That is, to render a fixed parcel of monetary value mutable in the deployment of its value in a given market.

1.4.4 BACKGROUND The concept of 'profits' has become the source of intractable problems for web-based commerce. The creeping social virus of 'data as a birthright' threatens to undermine the robust

economy that has made such spectacular proliferation of goods and services possible. The following will outline a radical plan for the redistribution of value between services and products that forms the basis for a new 21st Century commerce that is attuned to the requirements of e-commerce.

1.4.5 HISTORICAL VIEW OF ENTERTAINMENT REMUNERATION The model has specific relevance to the online sale of entertainment media products. A brief history is relevant. Music composer's of the Seventeenth to Nineteenth Centuries were promoted and remunerated by their publishers. In the era before recorded sound and video, the only income available to a composer was through the use of printed versions of the composer's work that were made available for sale through the efforts of companies capable of rendering the music in reproducible printed form. It was customary for a publisher to make available to a 'published' composer a percentage of the wholesale costs charged to music stores, magazine vendors, and sheet-music dealers. Abuses of this trust were common, even with major composers such as Beethoven. There were no actual salable records of the performances themselves of such compositions.

With the coming of the 20th Century, technology posed a threat to the income of publishers by the ephemeralization of the concept of 'publishing'. It became apparent that the sale of audio transcriptions of published works, and soon, the 'airing' of such recordings on the then-emerging radio format, would eclipse the historical sale of sheet music and scores. The publishers were able to secure a Federally-mandated publishing royalty that was attached to all audio recordings and their electronic performances. Performers themselves, long accustomed to making their livings simply by means of live performances, welcomed the new medium of sound-recording as a way to enhance the public's knowledge of their interpretive and technical skills – thus leading to larger and more loyal and geographically-diverse audiences.

As the record business matured, it became evident that the process of ephemeralization was continuing and that the recorded performances *themselves* were of significant value. Rather than obtain a government mandate for such royalties, however, the record companies simply agreed to pay performers a percentage of their net profits from the sale of such recordings. The abuses of such a system have left a trail of tears nearly a century long, as some record companies made a nearly-routine practice of defrauding artists. It was left to a relatively frail musician's union, and to the isolated efforts of producers, arrangers, conductors, and, most recently, sound-mixers, to create a reasonable restoration of balance in such a flawed system. For the record company's part, the enormous load of paperwork required to track and dispense these fractional earnings soon became enormous.

With the introduction of the easy digital transfer of huge files, ephemeralization has taken its toll once again, but it seems that no one has learned from the errors and successes of past systems to make a workable and durable correction to a historically-flawed system of remuneration for the creation of value.

1.4.6 A BRIEF BACKGROUND ON ADVERTISING AND ENDORSEMENT Advertising has traditionally helped to close the information gap between the creators of value and the consumers of value. Endorsement, and it's recent close relative brand-name and celebrity licensing, have traditionally performed a related function – to add credence to the claims of advertisers. Thus these business forms are also related to scarcity and poor product-information flow and retrieval. The traditional advertising agency was formed primarily to bridge the twin chasms of seller to media and seller to consumer. As search engines and customized media proliferate and gain in power and breadth, these very chasms are shrinking and disappearing, The creative design, naming, copyrighting, media production, as well as the strategic and positioning-logic functions of the agency are increasingly coming to the fore.

As the placement function of the ad agency has eroded, there has been an unprecedented growth in the business of licensing. Consumers, attuned to electronic media, have become ever more enamored of the purveyors of that media. Brands have built themselves into household names within both broad and narrow

markets by employing sophisticated brand-positioning techniques. This has created star status for the brands and products themselves, which has in turn allowed them to function as endorsees and branding for other products and services – even those that are remote from the core brand strength and identity. Nike cereal, if it existed for example, might easily be construed to increase a consumer's energy for sports performance. This is a tertiary effect, yet even this power can be creatively harnessed within the system specification.

1.4.7 A PROPOSAL/PART ONE/PROFITS ARE CONVERTED TO ROYALTIES In one embodiment, we suggest the elimination, in whole or in part, of the current profit model derived from brick-and-mortar commerce. The archaic notion of profits is derived from the economics of scarcity. In bygone times it was imperative to bring products within range of local consumers. This involved considerable effort, expense and the carrying costs of excess inventory. Profit, or an arbitrary difference between the acquisition cost and the sale cost of such scarce products, was the natural and viable result. No wonder that children of the information age find the concept so alien, especially when it is applied to the ephemeral products of knowledge work, such as media products.

With one embodiment, all proceeds from the sale of goods and services are described and computed of as royalties. These royalties are employed to secure remuneration to the individuals and entities contributing to the *creation of value*. This is a key concept. Any person or entity contributing to the creation of value, who has not been remunerated for their services and products in advance, is a part of the value chain rewarded by royalty flow. The traditional concept of profits is thus redefined as a simple royalty flowing to those value creators.

Three considerations arise at this point:

1/ the return of capital invested with benefits for its conversion to non-liquidity and dormancy during value creation and sales cycles.
2/ the variable value of products and services in various geographic and use-specific marketplaces.
3/ the positive- and negative-tiered variable return on the investment of time, skills, services, products, materials, money, facilities, and effort.

For a royalty-based remunerative model to work in accordance with one embodiment of the present invention, each of these considerations needs to be anticipated and implemented in the system for it to be viable. The needs of each of these three special case considerations can be met by allowing the royalty system to be dynamically variable. This means that formulas that implement the contractual obligations between the parties in each transaction relative to the product or service being 'bought' or employed can be placed within the royalty-defining structures of that transaction. Further they must be sensitive to feedback form the marketplace in the form of sales figures, geographic and marketplace location, vendor and consumer information and the like. These goals are easily met by the system.

1.4.8 A PROPOSAL/PART TWO/ADVERTISING SPONSORS DATA DELIVERY In one embodiment, consumers indicate the kind and quantity of advertising and sponsorship that they will allow to occur in their computing or purchasing environment. Depending on these choices, as well as upon the level of interaction of the consumer with the advertising messages and data, the consumer collects credits that are spendable like cash. At the same time the creators of value are encouraged to cross-promote one another's products and services through an Endorsement Exchange, and thus trade the value of consumer loyalty and exposure for reduced cost to the consumer for those products or services. This system, when implemented, dramatically reduces entropy in the advertising chain by deploying a seller's resources directly at the appropriate consumer's point, and time, of purchase. This reduction of entropy is converted directly into a reduced cost of delivery for the goods or services thus endorsed.

1.4.9 A PROPOSAL/PART THREE/VALUE-ADDED SUPPORT MATERIALS In one embodiment, in the consumer's quest for free media and data, the full value of the product or service offered is often withheld. Online music and film and software offer no packaging and few value-added elements of value outside of the browsing/shopping experience. The perceived and real value of an entertainment or intellectual property product is far greater in scope, and more important to consumers, than the end product itself. This is true in all fields of human endeavor from mountain climbing to software design. The human beings who add value to ventures are of interest to consumers. The system takes packaging and value-added media seriously by providing an open, standardized platform for the creation and dissemination of promotional and packaging materials.

1.4.10 A PROPOSAL/PART FOUR/A BROADER AUTOMATED MARKETPLACE In another embodiment, individual consumers and commercial entities are allowed to enter the branding and sponsorship marketplace for local, regional, and under-sponsored national and international artists, products and services. As products are sold into regional and/or niche markets they are able to spontaneously link with sponsors needing additional contact with consumers in those defined markets.

1.4.11 A PROPOSAL/PART FIVE/SIGNIFIERS MONITOR USAGE OF SELF-DEPLOYED MEDIA In one embodiment, in each header, or in master software downloaded into each compliant device, there is a transactional environment for the deployment and tracking of signifiers. In this environment the downloading itself may be regarded as a signifier, as can the saving to internal hard-drives or equivalent, as well as any action, including user actions, that will cause primary or promotional media to be displayed or played. The mechanisms for this display are discussed in detail in the material on the independent deployment of advertising which is largely in the September-dated PPA. In brief, this document describes how the user's computer or playback or receiver becomes an active programming entity. In this environment, media such as advertisements can self-deploy. This self-deployment can be based upon timing or positioning or other media in use, in this way it is like the traditional broadcast and print use of sponsoring messages and advertising. Uniquely to this described system, however, a user can elect to make any action a sponsored action. Thus, without limitation, the *print* command, the *save* command, and even the cursor itself (which can be contextually-sensitive and change it's displayed contents according to the items displayed at the time) can cause advertising or other media to be triggered. Such triggering is modified and tallied for instances of deployment by the system under the regulation of the deployed-media's tags (such as the reusability constant). S media deploys signifiers can be formed of the array of methods described herein such as the verification of screen VRAM, user actions, user presence, and even actively returned signifiers.

1.4.12 MASTER CONFIGURATION HEADER DISCUSSED We will attempt to provide only the needed details of the proposed header system as it impacts the concept of signifiers. In plain language, a header defines a file, and particularly, for instance, an entertainment file such as a video. The header also carries information about durable sponsorships and advertisements that have associated themselves with that file. If these associations are temporal or regional, this is also defined. Exact definitions can also be stored at a server location and retrieved at the time of downloading or sponsoring of the file in question. That is, details can be derived form an exhaustively-constructed header or even from scant information such as an ID number.

1.4.13 PROFILES ARE MATCHED TO NEEDS Upon the downloading, push-serving, e-mailing, or purchase of such a file to/by the consumer the purchaser's profile is matched to the needs and desires of the sponsoring entities need for exposure. Such a profile is voluntarily provided by the consumer, usually in the hope of monetary gain – perhaps in the form of unwritten costs of music, film and other (usually downloaded) media. Using the system described elsewhere, the quantity, quality and nature of the information shared as a profile is under the consumer's control. The more and better the shared information, however, the more remuneration and/or underwriting of the transaction can occur. The return

of signifiers may play a key role in creating a sure-footed enough loop for the underwriting entity, such as an advertiser, to raise levels of remuneration (cost-per-exposure) high enough to make the complete underwriting of the costs of a purchase/download practical.

1.4.14 TAGS ENABLE REUSE OF MEDIA It is also important to mention that tags embedded in the sponsoring media can play an enhancing role in this remunerative process. If advertising, for example, bears such items as the reusability constant as tags, then coupled with a verification strategy and an appropriate deployment engine (which I largely the subject of the issued patent), then multiple exposures can be achieved from a single delivery of promotional, or other, media. Without Specialized deployment engines, the reusability constant and it's relatives could be centrally regulated from a server, or group of servers.

While it is not necessary to the implementation of any particular function of the header, there are overarching considerations worthy of note that we will discuss here. For a standard to be useful, it must be pliable and able to withstand immense unforeseen change, to this end we propose a solution. Before any element of the header content is encountered, there will be a MASTER CONFIGURATION HEADER. This section of the header will define the contents, size, and scope of the contents of the header itself.

The use of such an open standard-defining section of a header may, in itself, be novel, especially when that header is applied to a remunerative structure inherent in the data-object definition itself.

In accordance with one embodiment, we suggest the following elements to be either incorporated directly into the header/tags of a file or located remotely, say at a server, and referenced by a code, perhaps a unique code, attached to the file:

1/ A taxonomic identity – this could be derived from UPC codes for example that would define the category and name and creator of the product, thing, or service represented by the subsequent header components. For example CD, computer program, or US Currency might be master components of the header, followed by specific ID data such as, Music Recording, Classical, Beethoven, 5th Symphony, Seiji Ozawa, San Francisco Philharmonic, Capitol Records, Los Angeles California, USA, 2000, Product Number CR2000-34567. Alternatively, all of this data might be stored in a UPC-type code, or available by reference to a database storing UPC type codes.

Following this master data, there will be open fields for the expression and definition of the fields contained within the header that follows:

2/ Pricing Definitions – Here the value of the item is expressed as the product of a fixed cost or costs multiplied by variables expressed as equations or fixed values (or tables of values). These expressions are modified by such things as geographical location, market affiliations, age of the consumer, previous purchases of the consumer, end-use and so on. The exact categories contained are mutable and are defined herein.

3/ Underwriting Definitions – Here the acceptable types of underwriting for the product or service offered are expressed by vendor names, personal profiles, marketplace, cost-per-use, and so on.

4/ Marketing Needs – The desired market is defined here by psychography and demography as well as by geography and vertical and horizontal markets.

5/ Market Value – The current market value of the represented item or service or person is represented here. It is possible to allow all, or a certain amount of, self-profiling to occur here. A promising scheme is to allow self-profiling to be done, but to require the certification of a marketplace authority in order to

automatically consummate a market-underwriting transaction. Below a certain, underwriter-certified, level of value, an entity could allow automatic exchange of brand-value to occur. But typically, an uncertified transaction would be brought to the attention of the potentially-benefiting parties for consummation. Again, for a small royalty, the certification of value could be performed by a central agency. With certification in place, brands and products and endorsements could spontaneously combine and swap value in an e-marketplace. This could be central in nature, or even within a user's machine.

6/ Advertising Credits Available – This section defines the amount, type, and cost of available advertising funds from a given product, entity, service, or person. Like money, these values are expressed as fixed amounts multiplied by variables derived from temporal, geographic, and other marketplace functions. Like the other header components, these elements could be stored on a server and retrieved/updated as needed. Multiple deployments of advertising or other supporting or subordinate media can also be defined here, as can the sliding scale for various levels of user-appropriateness and user profile data-exchange. Here is one area where signifier-return might interact with the user and the funding/underwriting model.

7/ Underwriting Available - This section defines the amount, type, and cost of available underwriting funds from a given product, entity, service, or person. Like money, these values are expressed as fixed amounts multiplied by variables derived from temporal, geographic, and other marketplace functions. Again, sliding remunerative scales could be expressed here.

8/ Marketplace Restrictions & Variables- Here are defined the areas of commerce that are restricted and thus either not available for the swapping of value, or restricted through use of defining functions. Return of signifiers and profiles from actual users might disallow, for example, the free access to files based upon returned data characteristics.

9/ Royalty Recipients – The participants in the 'creation of value' are defined here along with the level and type of remuneration they will receive from the transaction.

10/ Packaging and Value-Added Elements – Here is where such things as printable packaging elements, promotion literature, posters, and the like, and spec-sheets and background facts can be located and prepped for downloading or printing.

11-to-XXX Open Fields (for future use)

1.4.15 A SPECIFICATION IS MAINTAINED BY ROYALTY In one embodiment, this open specification could be maintained through a professional clearinghouse for the certification of header compliance that is maintained by the participants themselves, or is a part of a centralized marketplace management structure. The clearinghouse could be funded by a micro-royalty levied on each transaction or by certification fees. Alternately, expert software resident in, or accessed through, the vendor's computer could emulate such a standardizing process through the use of formatting checks. The software could be made available for a modest per-use fee.

1.4.16 A CASUAL OVERVIEW OF THE HEADER IN USE Attached to each item or service for sale is a header. When a file is viewed the first thing to be apprehended is the header's graphical and/or audio elements. If encryption has been employed, the header can be within, or outside of, the encrypted file. The header is a place for the potential or actual consumer of a product to be engaged fully in the experience of that product. It essentially performs the function of packaging, promotion, and transaction workspace for the product under consideration.

The header appears to be packaging/promotional/descriptive element. There is an electronic label, perhaps a graphic akin to a box cover, and often the logo and name of one or more sponsors. In special cases the package may have active elements on its presenting 'surface'.

Clicking on the package opens it and begins the background loading and/or cache recall of a variety of graphical or rich-media elements corresponding to the displayed categories. Within the header there are one or more promotional messages. Usually there may be a trailer or "Electronic Press Kit" type of promotional element. There may be endorsements and technical specifications. There are detailed descriptions of the creators and creating entities of the product. There are packaging elements available for display and printing. There are opportunities to get and give sponsorship and endorsement to the product or service being sold, as well as to the promoting. If a consumer is to receive full underwriting of the costs of a product, there are likely to be mandatory experiences that have to be engaged in order to receive compensation for such a promotion such as the viewing/ reading of commercial messages. Verification components will likely play a role in the tiering of such compensatory plans.

1.4.17 A CASUAL OVERVIEW OF THE BRANDING MARKETPLACE An exciting adjunct to the system is an e-bay-like marketplace for the swapping of branding. Unlike e-bay, though, there are no visits to the site required of the users of the system. A *brand-swap* marketplace allows the profiles of both products and consumers to be detailed. The profiling engages a peer-to-peer exchange of brand-value and consumer marketplace that automatically optimizes the cross-promotional opportunities available on a worldwide basis to each product and service sold on the web. Profits are created through the accumulation of credits on each transaction made through the brand exchange. Credits are accumulated by levying a small fee, perhaps on the order of 3%.

The following descriptions are non-exclusive and intended to clarify the above concepts by specific illustration, although many other strategies of display, color, and specific operation are possible.

1.4.18 PRODUCT CATEGORIES AND THEIR DISPLAY –LEVEL ONE
In one embodiment, when a consumer is presented with a list of desired items, such as certain songs on a service such as a peer-to-peer service or a search engine results list, a visual indicator such as an alphanumeric character or color code indicates the status of a desired item. For example, a small LED-like indicator might appear next to each selection with the following characteristics:

RED means an unsponsored item. Full price will be paid for this item. To avoid cash costs, a user can elect to employ credits earned from the consumption of advertising, or from other promotions, to defray all, or some, of the purchase price.

YELLOW means that an item is partly underwritten. That is, a one dollar item might cost the consumer only fifty cents in cash or credits, with the other fifty cents paid by a sponsoring entity.

GREEN might mean that an item, or selection, is fully sponsored, and is available free of charge.

BLUE might mean that an item is a promotional unit, and will be free of charge, but may require participation or cooperation by the consumer in order to receive the free item or service.

These colors are free to change as the user alters his profile as described above. In the process of general sponsored work ,as described above, or during the deployment of media, these colors/statuses may shift dynamically.

1.4.19 THE MAIN HEADER - LEVEL TWO

Let's say the consumer elects to click on a green item. This action loads the display of the external container of the item bearing the names and/or logos or promotional imagery of the sponsoring entity. It also begins the background loading of the full header. Perhaps three choices appear below the item: DOWNLOAD, ROYALTIES, PACKAGING.

1.4.20 THE MAIN HEADER – PACKAGING
Imagine that the consumer elects to continue and clicks on the PACKAGING button of the sponsored container of the desired item. The container now opens to reveal a layer of the header contents. Bios, instructions, lyrics, fact-sheets, photos, video clips and the like are now presented as options while the assets themselves load in the background. The consumer is given the option to print any of these value-added items. Fortunately, an open-standard format may be agreed upon by the industry, and so printable elements are available free, or cheaply that conform to these standards. In fact, the consumer may have received a free standardized blank lyric-book form bound in to a magazine that morning. By placing the form in the printer, a standard lyric book is created.

Because the desired item is a Green item, that is, a fully underwritten one, if the consumer now clicks DOWNLOAD the following choice appears: MEDIA ONLY and FULL PACKAGE. Clicking on FULL PACKAGE begins the background downloading of the file, while displaying the following message, INSERT COVER FORM. The user inserts the Cover Form and clicks on GO and the printing of the standardized packaging begins. Upon completion, the screen asks: INSERT BOOKLET FORM. The user inserts the Booklet Form and clicks GO, and the accompanying booklet is printed. The process might continue to allow the printing of an oversize poster. The system will then request INSERT 4 POSTER FORMS. This will result in the printing of a standardized four-by-four array that assembles easily into an oversize poster of the athlete, artist, product, logo, product in use, and so on.

1.4.21 THE MAIN HEADER – ROYALTIES Now suppose the user had clicked on ROYALTIES. The faces, logos, or relevant images of the creators of the item appear. Next to each one is a breakdown of the tasks performed in the creation of the item and the relative royalties each creator will receive from the anticipated download of the item. Scrolling down, the faces of several other lesser participants appear with similar data available. E-mail or contact information is available for each creator by clicking on a CONTACT button next to each image. Background information is available by clicking BIO, or in the case of business entities, WHO?

1.4.22 THE MAIN HEADER – SPONSORSHIP The user has now clicked on SPONSORSHIP. The page opens revealing images or logos and names of the top six sponsors of the perused item. Each image affords links to websites and further information and/or promotions for the sponsors of the item. There are three types of sponsorships;

1/ Blanket commercial sponsorships that display sponsorship information, such as logos and branding, regardless of the viewer/buyer interested in the sponsored product or service.

2/ Focused commercial sponsorships that modify and scale their display and ancillary promotional elements according to the viewer/buyer currently perusing the sponsored item or service.

3/ Non-commercial sponsorships that are placed for the sole purpose of disseminating the sponsored item or service. These sponsors underwrite the product without receiving any commercial return. Even so, the sponsor can direct viewers/users of the item to websites, charities, items of personal interest (such as similar products or works), political events and campaigns, items of interest, and the like.

Beyond the traditional role of sponsorship is the more modern role of branding and endorsement. Licensing such as this is supported in depth by the system. There are, by way of example, four types of branding:

1/ Blanket Income branding provides a source of reliable income to the branding entity for all users/viewers of the sponsored item or service. That is, in the example of Nike cereal above, a portion of the royalty earned for the sale of the cereal is diverted to Nike for the use of their positioning brand. The amount of royalty is dynamic and depends upon the circumstances of the consumption of the product or service as well as other factors. This echoes closely the traditional licensing model, however, in the actual marketplace for branding, little actual cash value needs to exchange between entities.

2/ Focused Income branding is the same as above, but is dynamically altered to fit consumer characteristics, as in item 2 above.

3/ Blanket Swap branding provides the new economy solution for sophisticated promotional strategies. The compliant clearinghouse matches the potential synergies offered by both sponsoring brand or entity and product/service (and its associated consumer base).

4/ Focused Swap Branding.

Within each of the categories of advertising and branding, provision is made in the specification for sub-advertising and sub-branding. The marketplace can be thought of as a large swap-meet where brand value and name value is exchanged for demographic and psychographic delivery – that is, for eyes, ears and consumer and business 'mindspace'.

1.4.23 LICENSING, SPONSORSHIP AND SUB-SPONSORSHIP By rethinking the uses of advertising sponsorship, the system harnesses ad-derived credits to sponsor purchase and downloads. The system is easy to build, make secure, and use. The following will outline the basic form of sponsorship and trading.

A marketplace is established through the use of existing licensing and advertising agencies, combined with direct commerce through a web-based brand clearinghouse. Each purveyor of goods and services defines the following data:

1/ By means of a profiling tool, vendors or 'creators of value', profile their advertising and promotional needs by geographic and psychographic regions. The budgetary limitations of such need is described by calendar dates and physical and virtual markets.
2/ Each purveyed product, service, and brand is assessed for need, current market acceptance, projected and desired market penetration, and subjective market-power and share. This assessment is performed for each actual and potential marketplace.

1.4.24 OPEN-STANDARD PACKAGING/A SAMPLE USE Let's say a unique signifier is assigned to each product, service, and the like. Such a signifier might be similar to a UPC-code. This signifier would be caused to always accompany the delivery of a given valued-entity[8]. The signifier might be caused to additionally contain, or be referenced to, say, an industry-specific royalty-collection and distribution service. Such a service would probably be provided on a fee-free, or low-load basis – like for example, the Harry Fox Agency, which charges a flat 3% administration fee. Significantly, even this intermediary step could be eliminated through the placement of the *entire* royalty distribution data in the, for example, header of the valued-entity. This scheme would allow the *direct* distribution of royalties to the creators-of-value themselves. The royalty-collection service, in the above example, would distribute royalties directly to the creators-of-value.

A descriptor, such as a header, might contain the following data:

PART ONE
DATA CHANNEL/CARRIER(S) SIGNIFIERS AND ROYALTIES
RETAILER CODE AND ROYALTY
WHOLESALER CODE AND ROYALTY
REP-CODES AND ROYALTIES
REFERRING ENTITY CODES AND ROYALTIES

PART TWO
COLLECTION ENTITY AND ROYALTY
PRODUCT CODE OF VALUED-ENTITY
NAME OF ENTITY
ELEMENT-TITLE
RESERVED FIELDS

PART THREE
ROYALTY PARTICIPANT FIELDS:
NAME OF PARTICIPANT
ROLE OF PARTICIPANT
PROFESSIONAL AFFILIATION OF PARTICIPANT
ROYALTY EXPRESSED PERCENTAGE
The Above fields would be repeated any number of times and, perhaps, followed by an END OF ROYALTY RECORD STRING AND PARITY CHECK.

PART FOUR
NON-ROYALTY CREDIT LIST

PART FIVE
DESIGNATED ASSIGNEES OF ROYALTIES:
ENTITY/PARTICIPANT SIGNIFIER AND RECIPIENT SIGNIFIER

The above data might be, to restate, made a part of a header (or similar data-structure attached to a transactional record and/or product) or it might be kept at the 'server' as described above. In this case it would be triggered by the reception of, say, a UPC-code, a user-number, a carrier ID and the like.

While the header structure shown above is only one of myriad possibilities, it does allow the following to occur:

A royalty might be provided to the data carriers and any retailers, wholesalers, channels, reps and the like. Royalties might be described as Gross, Distributed Gross, Retail/wholesale/additive Margin, Adjusted Gross, net, sub-royalty on any other element's royalty, and the like. It is suggested that these headers be made open to public inspection, with proprietary elements electively made open to secure inspection and audit.

The theory is that any participant in the creation of value should be able to view the distribution of profit among the participants swiftly and casually. Secure relationships such as sub-contractor percentages, and, perhaps, profit-margins might be made subject to password-protected viewing.

By way of example consider the representative case of a recorded musical performance. Publishing and writer's royalties remain intact. The producer's royalties are now distributed directly from the purchaser or

his/her financial intermediary. Engineers, arrangers and conductors might be directly represented, or might be defined as sub-royalties within another class of royalty. A record company might divide royalties into promotional, recording, administrative, packaging, and distribution royalties, or simply roll them into one master royalty. The retailer, say an Amazon.com would be entitled to a retail royalty. The provider of bandwidth might receive yet another. By use of an intermediary service, even dynamically-shifting royalties could be tracked and dispersed. Header contents could be viewed in their updated form by visiting such a 'clearinghouse', or static royalty definitions could be viewed directly from the product tags or headers themselves.

1.4.25 ADVERTISING & PROMOTIONAL/LICENSING COMPENSATION OFFSETS

The above concept might also be extended to track both the underwriting of valued-entities provision, and the distribution of licensing fees. Advertisers might indicate their willingness, or contractual commitment, to underwrite the delivery and/or creation of all or part of the valued-item[9]. This would cause a shift in the pay-through process, thus requiring less from the user/consumer of the valued item. to the licenser of, for example, a likeness or brand-name, might also be attached as a participant in the creation of value.

1.4.26 VOLUNTARY PARTICIPATION AND RE-DIRECTION OF ROYALTIES

The system, at any level, could easily accommodate some elusive goals. Creators-of-value wishing to redirect all, or part, of their royalty-stream to such entities as non-profit organizations and Foundations could do so publicly. If equipped with tag/header reading, viewing (or display/listening) and writing software, which would be made universally available, even the consumer of valued entities could cause the selective (and vendor-approved) modification and/or re-direction of royalties. If such header records were made publicly-viewable then user skepticism and doubt regarding the disposition of such royalties would be easily dispelled. Additionally, consumer perception of the monolithic, faceless character of the entities receiving such royalties would be positively affected.

An additional novel twist is that provision might be made for the user/consumer of valued-items to electively pay, augment, diminish, or waive certain elements of, or all of, a royalty due on a valued-entity. Such information could be captured and routed separately, or it might be included in a header as well through the use of an additional 'user' field.

1.4.27 IMPLEMENTATION

By way of example only: Headers such as those described could be made retroactively available at e-commerce sites where they would be associated with their respective products/services, or could be attached in advance to each valued entity. A user visiting a vending site could cause the header to be displayed concurrently with the overall royalty (or 'price') suggested for the valued item. Any modifications allowed by the creators-of-value, and desired by the user, might be made to the header at this time. *Advertising-funded 'credits' might additionally be attached and forwarded at this juncture – as could payment and debit codes such as credit/debit card numbers.*

1.4.28 SUMMARY

The system outlined here represents a radical departure from legacy commerce, pricing, and remuneration models – both business models and revenue models. It further refines, or ephemeralizes, the concepts of

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[9] Significantly, this underwriting might be made variable with the 'consumption-indicators'. Consumption indicators include the demographics, psychographics, user-histories, level of verification, and similar elements discussed in the above paper. Significantly, this data could also be made a part of the 'header' data. We could create reserved fields for the user/consumer data as well, or this information might be collected and processed separately and, say, reconciled at the central royalty-distribution server level.

advertising, marketing, and licensing. And, seen in purely on-line environment, it suggests a clear solution the rampant problems of piracy of software and media on the web by imposing a clear revenue model in the form of a uniformly-designed royalty upon all on-line transactions. At the same time one embodiment personalizes theft and piracy, greatly increasing the psychological barriers to casual deception.

Whether consensus is achieved by industry-wide policing, or government mandate – or both – the result is clear. Such a royalty-only system eliminates the vagaries of an archaic, often artificially-centralized 'profit-centric' model. When combined with the concept of voluntary scaling and selective payments, and especially with the concept of the publicly-viewable direction and re-direction of royalties (including, visibly, to non-profit and socially-conscious recipients), the model forms an incentive-driven environment for consumers.

1.4.29 NEW WRITINGS TO APPLY ELEMENTS OF THE SYSTEM TO EARLY EMBODIMENT USES

Advertising media may, or may not , be assigned the same kinds of system aesthetic judgments as core content clips. Stylistic appropriateness for the target demography and psychography of the consumer to whom the ad message is targeted is the concern of the ad-agency and/or creatives creating the media. Ad and commercial and sponsorship media is given categorical headings or tags that, at minimum, echo the tagging system of the media in general, but for different purposes. Age-range, and general preferences are assigned to each clip, but these now refer to desired recipient of the clip, rather than to the recipient deemed appropriate by the system. Ensuring the match of these groups is, however, the delicate job of the system's advertising department. In addition to the tags discussed above, the advertiser will normally want to affix at minimum income levels, geographic regions, and educational levels to the clip to indicate the optimal match to the media consumer. Core interest regions should be affixed as well. That is, whereas the viewer creates regions of interest in his profile for the purpose of receiving an optimal media mix – say, scuba diving, skydiving, mystery novels, football, opera, mountain-biking, hardcore music, and ballet – advertising media will have these core interest groups added as tags to their media by the advertiser, company or agency representing the. As a practical matter, some system software and a suitable GUI will be made available to media buyers and advertising and licensing professionals through which to effortlessly input the defining tags for their commercial media elements. Then a still more unique set of tags will be applied to the ad media. These include activation and expiration data, perhaps by region and corridor and other desired defining patterns. Next a cost-per-exposure profile will be created by which to control the amount of money expended for each family of users and promotional encounters. Then an optional cost-per-campaign or cost per month/week or cost per category profile is created by means of which the precise global parameters of a media buy can be defined[10](see very important footnote). Finally, forbidden and

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[10] This is particularly rich IP. This allows a variety of time-release advertising buying strategies to be executed that completely change the face of advertising placements. A set limit, for example, might be placed upon the annual or daily media buy. System software could monitor the consumption of media-buying funds. At the choice of the client, the media buy could simply consume itself at the rate at which appropriate users matched the profile of the 'buy' after which time either there are surplus funds or the software can be set to lengthen the calendar-time of the buy, or parameters could be caused to 'float' in such a way that if a daily/weekly/hourly consumption level were not achieved (by the buy) certain parameters could be preset to increase the exposures and cost-profile for the buy. That is, demographics and geographics, for example, might widen or the cost-per-exposure might be automatically upped to 'force' the buy above normal levels (as described before). Incentives, for example, might be automatically given to consumer/users after a certain media-budget surplus was

optimal users and products and media will be defined by class and/or by precise identity. These are promotional combinations that are undesirable to the advertiser or highly desirable to the advertiser. Once a clip is loaded with this data[11], it is ready to be added to the database. Here it meets with three other loci of tags to form the active media buy envisioned by the buyer. The corridor itself as well as the day-part and the delivery geography form the next point of the media-buying logic. These general factors can be assigned by either the advertiser or by the system (in a proprietary algorithm or blend known to optimize results and profits). The media clips themselves form another source of data-points. Finally, the characteristics of specific users, or averaged group of users, can also be added to the media-buying formula. By weighting the presence of various known factors from either or both the individual user and/or the corridor/channel the actual media buy can be executed automatically. Another way of saying it is that the tagged data-points of the advertising media have an affinity (when placed within a media structure like the system) for the datapoints of the corridors, media clips, and individual/group viewers of the system. The precise decision matrix that will deliver absolutely optimized performance should be kept secret and refined through usage. But the simple act of weighting the variables represented by the tags and performing a simple match between the media and/or viewer characteristics and the 'desires' of the advertising clip as stated in tags or headers is enough to revolutionize the process.

1.5 A MENU FOR DWELLING ON A CLIP

1.5.1 GENERAL COMMENTS In one embodiment, what is claimed is the general form of a timeline record of viewed media assets presented as an on-screen tool allowing the identification of, and, if desired, the navigation to, any media presented earlier to the user/viewer. In an exemplary form, the media recently viewed will coexist at the borders of the screen, or as a (generally smaller) overlay or video insert, with the media being currently viewed. The most recent material will be, for example, displayed as key-frames rightmost on the screen and crawl or ratchet slowly to the left. Such a viewing record is ideally caused to display the most memorable or identifiable moments of the recently viewed material and is ideally caused to capture such elements from even the briefest discrete clips. Ideally, exemplary frames or bursts of frames might be displayed in each window of a 'filmstrip-like' group of windows. That is, a single frame selected to be an easily identifiable indicator or reference frame for a viewed clip would be displayed. More aggressively implemented, a brief clip of several frames might be displayed. These frames could be derived in sequence from an area of the clip judged cybernetically or by human-initiated marking[12] or through any convention such as, say, frame-counting or 'frames of most activity' or regions of most frame-to-frame video-data delta.

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achieved against time. These incentives, notably, might include the direct sponsoring of pay-per-view or downloaded media files among other valuable gifts. In this case, appropriate branding or sponsoring logos, bugs, language and the like might be affixed to the sponsored media, or a preset number of spot-insertions or other advertising media (such as product information media) could be keyed to the free item's consumption. Viewer verification tools could be brought into the viewing loop to increase the value per exposure to the advertiser. Significantly, as described elsewhere, the system's assembly-logic could offer to defer the consumption of these commercial message to another time, or to average them across a time-slot. This too is novel.

[11] Part of the business model might be the provision of expert tagging services to advertisers and their representatives.

[12] If frames are marked by cybernetic or human means, then a method of tagging such ideal frames or sequences might be provided. That is, while these decisions could be made and executed by other means than tagging, we should claim the use of a specific tag or tag-set for the retention of specific 'preview' or 'dwell' media tags.

In the course of the presentation of the various concatenated assets of a media program assembled cybernetically, as is suggested by the granted and pending patents, it is often desirable to know the details of, and/or the source of, the disparate clips shown. In fact, according to our business method, one unique use of our system is to act as a search tool for media assets. While we will speak of video, it should be apparent that the media can also be audio media, especially when the audio media is presented within a video-capable system. Because of the likely speed of presentation of the media assets through the use of brief concatenated clips, it may be desirable to retain a searchable record of the presented assets in a form convenient to a user/viewer of the system.

We propose various forms of on-screen records, which we will call lingering records for convenience. Although there are numerous formats by which to present the data, the overarching concept is to present on-screen a record of the most recent clips viewed by a user. The clips are presented in such a manner that clicking on them, or otherwise indicating a desire to view, or know more about, a particular clip will yield additional information about that clip and/or cause the clip to be re-presented, often in enhanced form, such as with additional material present such as links to source material, similar material, and/or additional video or text. The text will often include specific information regarding the title from which a viewed clip was derived, the location of the clip – that is the channel or 'network or similar information of links – the location at which the clip or related material such as the source media, related media (such as other media items featuring the same subject matter, actors, directors, writers and the like), and like media.

It is worthy of note that our primary use of such an onscreen indicator is not simply as an aid in remembering the media selected for consumption by a user/viewer, but to track media that has been (cybernetically) selected for viewing by the media system itself. In our 'passive interactive' model, discussed in the issued patent and elsewhere, we propose a system of media delivery that makes 'best-fit' assumptions and delivers customized stream of media to the viewer. Additionally, a system of browsing the media assets resident in a suitably-equipped database is envisioned. In our vision of the system, the user is presented with brief clips which continue to concatenate swiftly until a gesture of interest (in a presented clip) is received by the system. At the point of reception of a gesture it is likely to be necessary to present the recent clips because a gesture may not be issued in time to indicate the appropriate clip. The opportunity to then gesture to a specific recently-played clip is given through the use of the envisioned method described here.

As the stream of media is presented, we have already proposed the appearance of various forms of indicators, such as an icon in the screen-corner indicating either the source or 'channel' or the displayed clip, or simply that more video, or information about the viewed video, is available. Such availability is upon the reception of any indication of interest such as a cursor roll-over, mouse-click, remote click, or other discernable, appropriate gesture by the viewer. We will now describe some specific implementations of this method which are believed to be substantially novel.

The basic form of the dwell menu is an on-screen list in arranged in the temporal order in which the on-screen media has been presented for viewing. Such a list may take the form of a filmstrip-like serial record of images from the viewed asset. In this case, we propose that a key frame, or frames, of the asset be displayed, usually in 'thumbnail form. Thus, the viewer would see a record of viewed clips as a timeline of individual frames, which frames are generally chosen to be exemplary frames that will aid in the swift recognition of the sought-after clip. Similarly, a text-based record could be employed, with or without frame-grabs or similar enhancing devices.

In the event of text-based or image-based dwell-menus any number of on-screen methods could be employed including tickertapes, scrolling, crawls, pop-ups, and the like. Perhaps the best implementation would be a screen-edge scroll that would appear upon the reception of an appropriate request. A gesture, such as the swift motion of a pointer to the lower screen edge, could cause the timeline to appear as for

example, a tickertape crawl along the bottom of the screen. Then the specific selection of a clip by, say, pointing and clicking, absent which the system might, for example, default to a replay of the last clip or clip during which the click was received (dependent in practice upon the timing of the click's reception relative to the duration of the clips – that is the 'best-guess' is made of which clip was intended by the user when a click is received). We believe the various complex responses anticipated here are also specifically novel.

1.5.2 THE METHODS FOR CREATING, STORING, DISPLAYING METADATA While there are numerous ways to accomplish the creation of an attractive and intuitive dwell menu, it is likely that an exemplary method would be the transmission of the images and/or text and/or sound to be employed to represent the media as a proxy in the dwell menu will be transmitted in the ATVEF-compliant code that can accompany the media clips as they are delivered. In the user's receiver, computer, or STB appropriate code would reside to take this data and route it to a screen area and/or sound card so that it can be displayed or hear upon roll-over.

A generalized method of obtaining the appropriate frames or clips might be employed, these might include, without limitation, the following:

- selection or creation of an optimal frame, image or frame-sequence by advance selection
- use of packaging material such as DVD boxes
- first frame, central frame, and last frame display, or some other formula such as tenth frame and so on
- frame of greatest activity or with the highest number of large faces or eyes
- a display of every Nth frame in the form of a mini clip

It will be recognized that such methods may employ, at minimum, a capture and cache strategy. This strategy might be carried out at the user's receiver, be it, for example, a set-top box or a PC. In the case of computed and algorithmic methods such as those, for example, projecting frames of most visual interest, it will be appreciated that additional computation is required. This computation can be performed at the user's end or at the source, server, end. If the computation is at the server end it is further suggested that each clip might have such visually-significant, or audibly-significant, frames or clips pre-computed at he time, for example, of encoding or entry into the database, or in latent cpu-cycles of the database engine. That is, a second application charged with the capture and recognition of such frames, as well as potentially, the application of appropriate data-reduction (compression) strategies to those frames or clips, might perform the needed computations on the clip before the clip were actually viewed. This data would then be stored as metadata associated with that clip. In databases capable of searching media assets intelligently, that is, not simply as unrecognizable data-blocks, these strategies can be most effectively employed. However, in databases that are unable to directly retrieve image-data, the simpler methods, such as frame-counting, can still be employed if the frame-data are made recognizable by some marker or pattern such as a start-of-frame marker or data-pattern.

In the near-term it is likely that a superior method is to include the human-aided selection of the best key-frames for indexing use into data encoding, cataloguing, or other step in the selection process. In either event it will be helpful to include a 'thumbnail-defining' marker or other data-element in the metadata associated with the clip.

It should be understood that such thumbnails might include methods utilizing the entire clip, but in these cases it is still often desirable to reduce the physical or temporal size of the displayed clip through strategies of compression and/or reduction.

It should be understood that the dwell menu data might be transmitted to the user's receiver through the primary video data stream or through the TCP/IP, or other Internet protocol. Similarly it should be understood that the information transmitted to the user's receiver might be solely of the media clips and the

derivation of the dwell menu items might be made within the user's receiver. Say, in the case of a PC or STB receiver the strategy of grabbing every 150th frame were employed. The grabbed frames could be kept in the background in a cache and only displayed upon request. They could also be assigned a different 'channel' value and shuttled to appropriately-equipped monitors for screen-in-screen display. They could also be reduced in size by any number of known strategies and displayed on-screen simultaneously – either with, or without, appropriate user input. That is, the timeline might be caused to appear upon the reception of the appropriate indicator from the user/viewer, such indication being perhaps simply an appropriate gestural pattern.

In normal implementations, especially those not employing data-reduction strategies on the image data, it is often desirable to cache some nominal amount of viewed media. The timeline might display, for example, the most recent ten seconds of material on-screen in its default state, but upon indication of need might display, say, the last minute or several minutes of viewed media. Beyond these temporal spans the data could be, for example, discarded or moved to a long-term storage.

It should be understood that each of these methods can be accomplished at the appropriately equipped receiver or server, which receivers include set-top-boxes, PC's, phones, and handheld devices such as palm-tops.

1.5.4 THE MENU EMPLOYED AS A BRANCHING SEARCH TOOL

In cases where the user/viewer is making active choices or searches of the media assets, the menu might be given further utility.

Reference is made to the 'keyboardless search interface' described in my last paper. To recap, a concatenated stream of media is being presented based upon the arbitrary present state of the system. This state might be simply the default state. That is, programming is being presented based upon known preferences and appropriateness. Such preferences and appropriateness are often based upon viewer demographics, psychographics, viewing-history, and viewer-supplied profiles. Additionally, the present state of the system might be as the result, for example and without limitation, of a specific user request. Such a request might have been made by any method, these include text entry into a traditional search-term interface, menu-driven searches, channel selection and the like. Whatever the current state of the system it is possible to present the user with on-screen vectors that are easily addressable by the simple steering of an on-screen pointing device in the general or specific direction of those search terms. (For a more complete discussion, see the earlier white papers. I also plan to flesh-out the design requirements below.)

Regardless of the method employed, it is required that the dwell menu allows for, at minimum, the retracing of the path taken by the user in an active search. That is, if the purpose of the menu is to allow the user/viewer to relocate or reclaim the assets presented, then the assets presented during a search will of great potential interest to that viewer. This is especially true if in the process of a search the user determines that a blind-alley or wrong-turn has been reached or made, it may be useful to stop the search and either 'rewind' backwards temporally out of it, or simply stop and jump to a menu to begin again. In the case of the menu, the proposed menu, being a temporal record of the path taken by the user, would be a natural choice.

A rewind function, like a button, could be provided to 'back-out' of the search. In this case, it is clear that the search terms and/or axes, or other elements allowing the recreation of the earlier state of a search would need to be captured along the way and be retrievable, say, from a cache. Alternately, the menu could register the stages of the search in some form so that the act of clicking on the images or text of the menu would similarly return the user to that page of the search process. And from that point, the forward elements of the search could be modified.

1.6 THE GESTURAL KEYBOARDLESS INTERFACE

1.6.16 SPECIFIC USE OF NOVEL GESTURES FOR SEARCHING It is significant that intuitive gestures can be used to capture additional input information for a user without requiring elaborate keystrokes and other learned responses. We propose that the television/computer/handheld screen be regarded as a one or two-dimensional grid[15] with non-specific, intuitive, dimensions to the axes. Search terms as text or video or stills, alone or in any combination, are placed upon the screen. A simple use might be, say, the opposing terms 'ANIMATE – INANIMATE'. It is understood by the user that the line formed by, and between, the terms is to be regarded as a continuum. Thus a mammal would lie to the far left end of the screen, a virus would lie in the middle, and a stone would lie at the far right of the screen. (In practice, for general consumer use, simpler terms might be employed.) Thus, the center point of the continuum could also be regarded as representing the term 'UNSURE'. In this hypothetical example, above these base terms might be a vertical axis representing some other quality, even a rather subjective one like 'SIZE'. As the cursor were positioned higher on the screen the animate-inanimate object represented might become larger – tadpole relatively near the bottom left of the screen, elephant near the top left, while dust or pebble might be represented intuitively at the lower right and Earth or Galaxy at the upper right. These intuitive terms might be enhanced by the presence of video or still images on-screen at the appropriate points. Significantly, additional meaningful information might come from, say, the speed or breadth/circumference of wiggling or spinning (in a circle) the cursor at the desired point of the screen. Likewise the rapidity with which a 'click' repeated might indicate, for example, degrees of certainty, levels of correlation of the background images with the sought-after search item, and so on. Any gesture, such as a click, click-series, wiggle, or rotation might also be inherently used to switch screen contents. That is, although the gesture is used to extract additional useful information from the user, it also can be caused to perform the traditional function of simple registering of input – in this case that input is likely to mean 'switch to the next screen' or refine the displayed terms. It is also very significant, and perhaps novel, that such gestures – which might include the mere quiescent placement of the cursor in a screen region, might cause additional refining terms to appear, or blossom, from the general search terms first/currently displayed. For example, by moving in the direction of 'large animate object' and say, wiggling the cursor across a small screen-distance to indicate acceptance of the local area terms displayed, new terms of specific or general refinement might appear. These could be radially around the selected point –say, elephant, rhino, manatee, whale, squid, human. Or they could be arranged along axes that would be apparent –say land/sea/air. The width, for instance, of the circling of the cursor might again indicate the degree of correlation with the terms displayed. A dropping of the cursor to the lower screen-edge, for example, might intuitively indicate 'GO BACK'.

1.6.17 THE SEARCH-TERM APPROACH In the event that a term-specific search were desired by the user a separate search GUI or environment or full- or partial-screen menus would be presented. While it is probable that wireless keypads and keyboards and even voice control will become commonplace input devices, it is evident that the basic handheld remote is often the interface for performing media searches. Most current remotes have four cursor icons rather than a joystick or

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[13] Multi-dimensional methods have been described elsewhere largely in my keyboard patent-filings. Depth can be simulated, as can other axes, by additional methods.

[14] This is novel.

[15] Multi-dimensional methods have been described elsewhere largely in my keyboard patent-filings. Depth can be simulated, as can other axes, by additional methods.

similar 360-degree input device. While true gestural capture can be best done from the 360-device, the limited buttons can also be employed, especially if the gestures captured are in a single plane of motion so that simple rocking of switch-pairs will adequately simulate them. While searching can be accomplished using the presentation of a simple text field into which to enter (or speak) the desired terms, we'll describe more about a keyboardless method of searching as well.

1.6.18 KEYBOARDLESS SEARCHING OF ASSETS/STARTING STATES This method was also described in an earlier white-paper and elements of this system may have already been filed in patent applications by Coudert. The system can set itself into a neutral search state or into an assumptive search state. The user can default into or out of either state. In the neutral state, the system will begin by presenting general search categories in regions of the screen (we'll continue the discussion of this in a moment). In the assumptive mode, the current state of the viewer's profile and current viewing preferences are taken as the starting terms of the query and thus the on-screen regions are derived from those assumed settings[16]. Regardless of the starting state of the query, the user is presented with screen regions filled with search terms. The act of pointing/steering the cursor toward any of these terms will begin the searching process.

KEYBOARDLESS SEARCHING/SCREEN REGIONS Let's refine the discussion of one exemplary implementation of the keyboardless search tool. As soon as a choice has been made it is ideal that at least one media stream begins to play that is the result of the term selected onscreen. It is also possible in a sufficiently-capable video-delivery system that numerous split-screen video subjects could be presented simultaneously in screen regions – with or without textual terms superimposed upon the video images. It is also desirable in the case of such windowed video that the audio portion of each video program be muted or attenuated while the audio for the video currently being rolled-over is featured. That is, the rolling of the cursor from one screen-area to another causes the audio associated with the selected screen area to become dominant in some manner. The exact search terms presented to the user, and the order in which they are presented will be refined in practice.

The actual terms displayed are probably modified by the known contents of the media database as the search is refined through these branches. *It is also significant that, if the overarching concept for such an engine can be protected by patent, then companies can create competitive search strategies and term hierarchies. These could be optimized for particular uses and even known for particularly whimsical or thought-provoking search paths and results. The concept of a search-path being an integral part of the delivered result of a query is also fresh. When the results of the query-state are dynamically displayed on-screen during the search/query process a new kind of intuitive browsing experience is born. This browsing experience is a key defining quality of the search experience. Not only is the search process melded with an entertainment experience, but the presentation of unexpected media during the search refinement process will alter the outcome of the search itself.*

As search terms or axes or results are displayed on-screen any of several methods could cause the progressive provision of useful feedback to the user regarding the area of the search currently engaged. Say that a given are of the search has been arrived at. A user gestures to indicate that he is in the appropriate position on-screen (which corresponds to the best-fit terms). A click could be registered, or the depression of a number or letter or function key, or the distinctive motion of the cursor to provide this feedback to the system. It is specifically suggested that the act of clicking or specifically registering a readiness to move further into the menu of terms be reserved for the time when the most refined positioning in the terms is achieved. This means that other gestures might be employed prior to this act. Distinctive gestures might include the rapid twirling of the cursor controller in a circle or wiggling it back-forth or up-down, or the depressing of, say, a numerical

[16] This is novel.

button such as a channel-select button – which in the context of the search would be interpreted in a unique way.

Let's look specifically at the way the terms and gestures might ideally interact. The user has, say, just clicked to a given page of terms. The general area of the search is arrayed on-screen. That is, say various areas of the screen contain various terms so a that a continuum of searching space is perceived on-screen. Let's say the search is for a feature film. The opening selections might be discrete terms:

TITLE DIRECTOR STAR SUBJECT YEAR COUNTRY STUDIO PRODUCER

The user points and clicks on DIRECTOR and is taken to the next index page, which, say, has the terms a-z along the vertical axis of the screen and 1900-PRESENT on the horizontal axis along the bottom of the screen. We propose that the most recognizable names might also appear on-screen, perhaps in muted colors compared to the axis labels. A few of the most recent directors would appear along the edge of the screen above the term PRESENT and they would be organized by last name from A-Z vertically. Historical directors would appear above the appropriate dates of their activity and vertically according to their alphabetic position. Our user is searching for a recent director whose name, he is pretty sure begins with 'c', so he moves his cursor to the confluence of the appropriate x/y terms. As the cursor moves into the appropriate area the screen optionally fills with a higher density of names in that region. In fact, to accommodate the extra names many schemes could be employed. Significantly, the axes could be stretched to present more detail in the region of the cursor. That is, the cursor acts like a magnifying glass showing more detail wherever it goes. The time delay might be very small for the presentation of this magnification. Swift movements, or gestures, might set the scale of the axes to the lowest resolution, while slow movements might increase the magnification of the region traveled. In this way, if the presentation of increased detail in the search terms or results indicated to a user that they were in an un-fruitful screen area, then a quick movement of the cursor, or other recognizable input of gesture, would reduce the magnification accordingly. Alternately, or additionally, a user might wiggle or circle over a screen region to indicate interest . The length or speed of the wiggle or the size or speed of the circle might indicate the amount of magnification desired in a given area of the screen. A small gesture would generate a large increase in the resolution (that is, a reduction in the limits of the axis terms) of the screen either locally or globally, while a large gesture would intuitively indicate that the general region needed to be enlarged would be greater, thus generating a more modest magnification of the searchable area. These magnifications would result in a greater density of director's names in the relevant search area. At any point a click could indicate arrival at the appropriate area, or the desire to move to the next discrete layer down of the search process. Normally, though, there would be little need to generate a decisive gesture like a click until the actual desired result of the search were located. Near the end of the search described here, which is typical without being limiting in its scope, the entire screen might be filled with the names of directors whose names began with 'c' and who have made recent films. Rolling over any one of these might magnify the area to show additional information about that director. Upon locating the sought-for director a click might bring up the entire bio, critical reviews, and filmography for that director.

Unique to this method is the business method of displaying, usually as hot-links or video clips, the actual media created by that director, or any related material including merchandise, rentals, related films, other work of featured actors or creative team members in the film and so forth.

To be more specific, we propose to license or otherwise employ an encyclopedia as one of the front-ends to the searching process. The fee for the use of an existing encyclopedia such as

Leonard Maltin's film guide or the Microsoft Encarta could be offset by direct sales opportunities for the encyclopedia itself, or by the use of sponsoring media, or other financing model. That is, for example, Blockbuster sponsors the film search tool based upon Leonard Maltin. There fees for such sponsorship could be flat or based upon per-instance use of the search-tool. Naturally, under our model, the sponsor could float depending upon the demographics of the viewers. As a search progresses, though, the relevant assts in the database might be presented alongside the results of the search. Thus a search for raccoons in the general encyclopedia might bring up documentaries on raccoons, some kids movies featuring raccoons, advertisements for zoos or stuffed animals, and the like. The media-database contents, in a swift enough system, could actually play media clips alongside or electively with the actual search results. The links to the source media would then be followed as they usually are in our model.

1.6.20 THE TEXT PORTION OF A PRACTICAL KEYBOARDLESS SYSTEM The innovation of the system to be described herein is the use of x- and y-axis, or x/y/z axis[17] input device to automatically generate appropriate search-terms along each relevant axis, which terms are returned to the user on a output device such as a video-screen or by other suitable feedback methods to the user, which terms progressively refine themselves in response to the searching gestures of a user operating such a suitable multi-axis input device. That is, as a user progresses through a multi-term search, he will see terms appear along each axis of control that will cause him to respond with appropriate gestures in each axis indicating a movement toward, or away from, those terms. As these inputs are received in the form of motions or pressures on the control device, the system will present new terms along the various axes allowing further, progressive, refinement of those search terms.

In a typical situation, a user will be at a television screen with nothing but a remote or joystick in hand. Ideal, perhaps, would be a remote equipped with a true x/y joystick. I propose as ideal a joystick equipped with z-axis (in/out) sensitivity through the sensing of pressure or motion in the axis of the joystick shaft. (This will allow the intuitive use of the height, width, and perceived depth of a television display to be labeled with simultaneous search terms or vectors.) The entire assembly, or the joystick itself could be made mobile in the z-axis and suitably equipped with sensors[18] in that axis. Or the z-axis could be sensed purely by means of pressure either up or down on the stick. For either purpose, it is desirable to give the gripping region of the joystick a concave contour allowing a user to easily add the in-out motion to the customary joystick x/y motions.

Let's emphasize that this system will also present the benefits of an intuitive search process to the user of a screen equipped with a keyboard or voice input device, but it is in the remote-centric environment or in the palm-top environment that this system will best reveal it's unique benefits. That said, the use of x/y- and x/y/z-axis searching using self-replacing terms is an innovation that may yield searches of a unique character making them desirable for certain types of searches in keyboard- and voice-equipped environments as well.

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[17] Or, in theory any number of axes, especially when used in conjunction with a suitable multi-dimensional input device such as is described in my earlier keyboard patent application.

[18] All forms of pressure and force sensors and gauges are suitable as are motion detection systems including accelerometers and potentiometers, and secondary methods as well such as the sensing of skin temperature or contact-area on the appropriate areas of the joystick or device housing in such a manner that the transferred heat, conductivity and so on is proportional in some function to the force applied in the z-axis.

While there are many variants, I will describe an exemplary front-end for the search. Again it's important to note that, although this process was developed to act as a front-end for the delivery of short video clips in response to a query, it will also function well for delivering text and image results to a user in a traditional manner.

A user is watching interactive television and in any of several ways indicates the desire to perform a search. We will suggest a search icon be placed durably or as a rollover on the television screen. The user clicks or gestures on the icon. The screen is overtaken by a list of options for the general search type to be undertaken, together with popular search indices or systems[19]. In an addition to the business model we suggest that popular search systems be sponsored commercially. Thus, a system known for delivering optimal results to, say, a music query might be sponsored by a record company for a fee paid to the system or for other consideration, which might include the provision of pay content to viewers at reduced rates. For an additional fee extra weighting or highlighting, positionings and so on might be delivered during the search process, although experience would indicate that this must be subtly executed. So the first thing a viewer might see upon indicating the desire to search is something like this. First, optionally, a short list of terms:

MEDIA PEOPLE PLACES THINGS IDEAS EVENTS ACTIVITIES MOODS[20]

and perhaps additional, secondary, intuitive headings[21] like, say, ANIMALS PLANTS

and simultaneously or alternatively,

ENTERTAINMENT HEALTH SPORTS CLOTHING FASHION NATURE
SHOPPING ARTS HISTORY LEISURE TRAVEL MEDIA LITERATURE
SCIENCE IDEAS GENERAL

And maybe on the same page some sponsored search tools:

NIKE GEAR ENGINE CBS MEDIA ENGINE REVLON FASHION
SCIENTIFIC AMERICAN SEARCHER MARTHA STEWART ENGINE
MICROSOFT COMPUTING TOOL BOOLEAN

It's important to note that, while there is no technical need to begin an axis-centric search with lists like those above, from a practical standpoint some casual or general focusing is beneficial. Not only does it limit the scope and depth of the potential search terms, it can both aid in the automatic selection of optimal

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[19] We propose that a number of axis-labeling conventions be made available to users and that the conventions employed be selected for optimal utility in each given subject matter to be searched, and that further a method be provided to the user to select a search methods and/or taxonomy. Further it is proposed that existing taxonomies such as Dewey Decimal, ICD, and Library of Congress be adapted to the axes provided and be made electively available to the user.

[20] The concept of tagging and searching media by moods, or by other such usage-centric terms as KID'S PARTY, CANDLELIGHT DINNER, FIRESIDE ROMANCE and so on, is novel and we should claim the use of these menu items, tagging terms and business methods (especially when combined with the marketing implications of the displayed content) should be protected by patent claim.

[21] Which actually would be subsets of the displayed master-terms except for their intuitive utility

search-term taxons and axis-terms while optimizing the database contents in advance of the search, which contents might be the search metadata or the video assets themselves. The tangential benefit in a video-centric database is that incidental screen contents like previews, teasers, advertising, and 'best-guess' preliminary search results (that is video content that may correlate well to the desired results of a search) can also be displayed during the search process as partial screen or whole-screen (backgrounds or second-monitor) video, animations or stills.

SEARCHING WITHOUT A FIRST-STAGE MENU Let's assume that no menu is to be presented and all possible subject matter is to be searchable. In this case an unusual hierarchy of terms might be employed along simple axes like x/y or x/y/z. These terms, for example, might be (in the order presented): MANMADE-NATURAL as an x-axis, IDEA-ENERGY-THING as a y-axis, and SMALL-LARGE as a z-axis. Z-axis terms might be made smaller, colored or illuminated differently, or arranged in a manner to suggest receding depth along the z-axis. As the cursor is moved in a given direction the terms appropriate to that screen region might appear, or 'blossom' around the cursor providing visual feedback to the user that the region in which they are positioned is becoming more or less relevant to the subject being searched. In a three or more axis system , the joystick or controller might be pushed or pulled to position the cursor simultaneously along the z-axis. Upon 'clicking' in the selected relevant region, the next layer down of the hierarchical terms will appear along the screen axes. This process will continue until the searched topic is reached. While this kind of abstraction will clearly allow us to lead to any given topic by hierarchical selection, it is less demanding to provide multiple terms on-screen rather than simple axes for most applications, especially if those terms are arranged in a continuum with easily perceived interrelationships. In fact, in the case of a known taxonomy or subject matter hierarchy, such as the indexing system of an encyclopedia, the terms will simply telescope in the chapter, heading, sub-heading manner as the search progresses. In this case, it is the fluidity of the fine-tuning of the search process which is unique to the proposed arrangement, as well as the freedom from the use of a keyboard input device.

Here is an exemplary example of the above-described screen arrangement:

Once a general area of search interest and/or a search tool has been selected, it is time to present the initial search terms and their axes. At minimum, the screen should display the broadest range of terms and the values or functions of the various axes along which those terms are organized. In practice, additional terms may also populate the screen area in generally regularly-spaced spatial intervals to aid in the intuitive understanding of the search-space's parameters. The axes are generally chosen to optimally present the dimensions of the searching space. Thus, for physical objects, size, weight, age, hardness, composition, and position are valuable axis values when presented as ranges of these characteristics (that is 'size' is first presented, say, as 'sub-atomic to astronomical') – as are such term-groups as 'manmade-natural', 'living-dead-inert', 'energetic-electronic-mechanical-organic-elemental', and 'simple-complex'. Terms like these are arranged around two or more axes in such a way that the positioning of a cursor or pointer at the spatial confluence of the axes will generate a best-fit estimation of the sought-after item or result as is described in detail above.////

1.7 THE AESTHETIC TAGGING SYSTEM

1.7.1 DISCUSSION OF MEDIA TAGGING CONCEPTS, PARTICULARLY AESTHETIC ONES

Described here are the tagging considerations needed for the automated retrieval and assembly of media programming.

Media clips will normally bear taxonomic data allowing the clip to be retrieved and sorted by clip content. Thus a clip for a feature film might have general tag data, probably derived from a search of a general title-description file, that looks like this:

FILM TITLE, DIRECTOR NAME, STUDIO, RELEASE DATE, MARQUIS STAR(S) or FEATURED STAR(S), PRODUCER(S), WRITER(S) and UNDERLYING LITERARY/HISTORICAL SOURCE MATERIAL, GENRE, MPAA RATING, LENGTH, LOG-LINE, CRITIC AND CONSUMER QUALITY RATING(S), Additional KEY PERSONNEL (DP, ART DIRECTOR, CINEMATOGRAPHER, F/X SUPERVISER, COMPOSER, MUSIC SUPERVISOR, MIXER(S), CASTING DIRECTOR, etc.), CAST AND CREW, PLOT SUBJECT(S), MEMORABLE SCENES and PHRASES INDEXING, CATALOGING NUMBERS IN COMMON USE (ISBN, UPC, DEWEY DECIMAL etc.)

These data will allow the retrieval of this particular film, or clip, based upon a set of likely search parameters. Some of the parameters, such as those above, might point to additional taxonomic data. If the hypothetical clip above were, say, about Pearl Harbor, then multiple (subordinate) links or tags could point to the universe of relevant historical material – textual, graphical, cinematic, audio and so on.

In practice, the general information listed above, together with a synopsis of the media item will be in the form of a text and/or graphical header. Some of the header may be intended strictly for tagging use, and is therefore invisible to the user of the system. But much, if not all, of this kind of information can also be displayed for viewer consumption. If, for example, this clip-data coexisted with the clip as metadata, it could be displayed, say, as HTML (or equivalent) on-screen text/graphics in the 'L-window' (iTV display region or equivalent).

Whether these taxons are to be derived by manual input, assembled from existing assets through the workflow process (such as by means of studio-provided data, summaries, and critical reviews) or by automated evaluation is irrelevant. In practice it's likely that key search terms will be:

- affixed to a media clip during the workflow process.
- derived from existing materials
- derived by automated evaluation of audio and visual content
- appended from existing taxonomic resources (by manual and automated methods)

For a system to appropriately assemble aesthetically and contextually pleasing and relevant programming in response to a viewer/user profile and/or request – which request may be specific (say, 'Pearl Harbor attack') or general (say, 'war movies') – it is required that the system be aware of aesthetic parameters as well. Again, the methods used to acquire these data are irrelevant. With contemporary technologies, human judgment will often be superior to cybernetic appraisal of a clip.

Certain features are practical to automate and certainly to enhance human workflow. Let us state here that to analyze image activity through a frame-to-frame comparison of pixel-value changes is commonly performed in image compression procedures. This evaluation process could be adapted to determine the perceived pacing of a clip. Frame-to frame analysis (by general methods known to those versed in the art) might be caused to detect continuous motion within a scene as well as to detect complete discontinuities introduced by abrupt edits, pans, 'walk-throughs', or other scene-change methods. This data might be combined with various analyses of the audio portion of the clip. These might include beat or impulse detection to derive a probable actual or perceived tempo to musical score or sonic events within a clip, and average and/or instantaneous volume level(s) and percussive characteristics of the audio portion of the clip might be retrieved. These data could be employed singly or in concert, and with or without correlation of the audio and video events. In practice, some weighting and correlation through use of, at minimum, time references within the clip, will be desirable to achieve accurate predictive results. The outcome of this process could yield a good correlation between detected activity and such subjectively-perceived qualities as, say, 'calm' and 'violent' – or at least 'slow', 'moderate' and 'brisk'. Algorithms, in practice, will be fine-tuned to maximally align the cybernetic results with subjective, human values.

The point made above is, in addition to describing a specific method, is that existing image and sound analysis tools can be adapted – one might even say co-opted – to perform purely aesthetic analysis upon media clips intended to be assembled into a (cohesive) aesthetic experience. Ultimately, we should describe and claim this specific use, because these uses for this emerging clip-analysis tools (such as Virage) were unforeseen by their designers. Mention is made of this in the 1997 PPA documents underlying the granted patent, and it's my contention that such an aesthetic analysis is largely meaningless except within the novel media-delivery system described in that patent and further refined here.

Now to the specifics of the aesthetic tagging. Reference is made to the disclosure of the granted patent wherein such values as key and tempo of soundtrack and luminosity of clips are mentioned. Here we'll look at the state of our understanding of the practical parameters allowing effective media assembly to occur in an on-demand TV model.

In one embodiment, in a minimal configuration a user/viewer will not actively interact by making a query of the media-delivery system. Instead he will simply rely on a user profile that is resident in the system to customize the media delivered to him. The profile can be a number of things[22] - the user might have actively assembled a profile for himself, for example at he time of enrolling/subscribing to the VOD service. This profile might have been collected from an iTV device such as a set-top box (STB) or performed on-line or by telephone, among other methods including mail-in and fax-back physical forms. In the case of the on-line profile a user might interact with one or more webpages to detail basic personal or household characteristics such as age or age-range of the viewers, gender(s), and perhaps various preferences for programming types – say golf or football and science fiction feature films and episodic television and optionally advertising reception preferences as detailed in the pending patent. Adaptations of this webpage method might be made for wireless web devices and STB's, while a voice-response or number-keying system or even human operator might be employed for telephonic profiling systems. However done, and however detailed and nuanced, the profile information is relayed to the server or to the video-assembly engine that instructs the server as to proper retrieval and concatenation of clips for delivery to that user/viewer.

Alternately, the profile of a user might be assembled passively by capturing the viewing history of that user. The length of time that a given user (as known, say, by an STB address and/or user ID) has watched each given type of programming might be recorded and a profile of probable like and dislikes assembled. Such a passively-collected profile might be appended to actively-gathered profile and/or query data to optimally predict the tastes of the viewer. Much of this is anticipated in the earlier writings and is now being discussed as the model for certain iTV schemes, some of which probably infringe our IP.

In a more aggressive implementation of profiling it will be practical to simply augment this stored profile information with the results of specific queries made by a viewer by any of several means. Typically this will be by use of a web-based, or iTV-based, data-input system. Significantly, I have detailed the basic characteristics of a keyboardless query system in my notes for last year's media patent application. This system employs floating query axes on-screen which progressively refine themselves as user choices are indicated. Care should be taken to ensure that these novel concepts have been adequately protected, and if not, to detail them again.

1.7.2 TAGGING CATEGORIES FOR PILOT ONLY The following categories of one embodiment were actually tested in the February 2002 MICRO Program pilot for the system assembled by us and UCSB. These tags are a subset of the actual tags to be employed in the final realization of the concept. While, in one embodiment, we haven't employed the dual tag system, which defines the sub-clip and the source-clip

[22] The use of profiling, both psychographic and demographic, are a key part of the granted patent

individually, we will experiment with the logic of this and so have included some tags in the Clip Sub-Type field that will allow the overriding of the standard clip categories. These are KIDS and FAMILY.

Field 1 Reel number 1 character (1 or 2)

Field 2 Clip number (on reel) 1-200

(create clip name like this: (REEL#),"_CLIP",(CLIP#), ".MPG" that is 8.3 format will look like this "1_CLIP183.mpg")

Field 3 Subjective Quality Rating
0-5 zero means do not use, five means always use first

Field 4 Clip rating
PG,13,17,RR,XX

Field 5 Clip type
TRAN = TRANSITION
FEAT = FEATURE
COMM = COMMERCIAL
HOST = HOST
DOCU = DOCUMENTARY
SPOR = SPORTS
BUSI = BUSINESS
HEAL = HEALTH
COME = COMEDY
TELE = TELEVISION
MUSI = MUSIC
LOGO = LOGO

Field 6 Clip SUB-TYPE
HOST =HOSTED
HORR =HORROR
COME =COMEDY
DRAM =DRAMA
TALK =TALK
ACTI =ACTION
SUSP =SUSPENSE
SCIF =SCIFI
FAMI =FAMILY
KUNG =MARTIAL ARTS GENRE
ROMA =ROMANCE
KIDS =KIDS
SPOR =SPORTS
SEXY =SEXY
INSP =INSPIRATIONAL

FOR MUSIC:
POP=POP
RAP=RAP
ROC=ROCK
COU=COUNTRY
ART=SINGER/SONGWRITER
HAR=HARDCORE POP-RAP
CLAS=CLASSICAL
TECH=TECHNO

Field 7 Low Age 2-digits 0-99

Field 8 High Age 0-99

Field 9 Gender F,M,B (both)

Field 10 Subjective Pacing 1-4 slow, Med, Fast, Turbocharged

Field 11 Source Clip Name – (x) Characters – use first letters of source clip name

Field 12 Group 2 characters
NO = not part of a group
E# = Exclusive and number of clip in group (apply time to reuse to all clips)
S# = member of a group that should be shown in sequence only (#=position)

Field 13 Time to Reuse – 2 digits
0 = reuse right away
1 = reuse in one minute, up to 30 minutes

1.7.3 ORIGINAL DOCUMENT ON TAGGING CONSIDERATIONS –

Attributes of a Video Program

Before we look at video templates or clips, let's see what the problems are we can anticipate with media programs. Programs fall into a variety of families. To remind ourselves let's name a few in no particular logical order:

- station IDS
    - short and long form
- bumpers
- interstitial fillers
    - sponsorship announcements
- PSA's (public service announcements)
- Previews and informational clips
- Advertising clips
    - subordinate marketing clips
- entertainment programming
    - cartoons
        - serialized
        - features and MOWs (movie of the week)
    - dramatic programming
        - soaps
        - serialized dramas
        - feature films
        - variety format
    - comedic programming
        - serialized sitcoms
        - serialized talk-shows and stand-up
        - serialized dramedies
        - comedic features and MOWs
    - educational and edutainment programming
        - documentaries
            - serialized
            - stand-alone features

    - distance learning
    - talk format
- special purpose programming
    - award shows
    - seasonal shows
    - tributes
    - special event coverage
    - niche-market coverage

- news programming/ all formats
- sports programming/ all formats
- financial reporting

All of these categories of clips share some characteristics.

- they are either isolated media events or part of a series
- a series of clips may be regarded as a loose (perhaps 'themed') collection of programming or a sequential presentation of materials
- they can have subordinate or parent (branching) clips associated with them, or they can be related in a non-branching way
- they probably contain clips, or atoms, of programming within themselves that also possess these characteristics
- they have a preferred frequency of viewing – that is a set of characteristics that define such things as:
    - memorability, and
    - appropriateness for multiple exposure
    - need to deploy because of extrinsic factors
- the clips/programs are one of three essential types
    - pay-per-view/subscription
    - free
    - subsidizing, or income-generating

- the programs are of a definable informational content
    - defined purpose of the clip
    - actual content of the clip
    - internal references/branches to additional content may be appropriate

Let's look briefly at a program to see these categories in use.

The program element considered is the dramatization of the teen girl for our diabetes behavior-mod presentation.

Overall ID:

CLIP ID:
Master Series Name: Diabetes Behavior Modification
Second tier Sub-Series name: (Diabetic Behaviors, Teen, Type 1, Female, male (alt))
(The program tiers can be defined several layers deep, each with the requirement to view isolated elements or entire programs)

Program name: ("Afraid to test")
Scene Number; (? As scripted)
Suggested (scripted) Position: (3-5)

ID-Number: derived algorithmically from data below

1ST TIER MASTER TERMS: Medical, Educational, Motivational, (Pay-per-view)
2ND TIER MASTER TERMS: Diabetes Mellitus, Type 1, Keto-acidosis
3RD TIER: Motivational, Dramatic Illustration: (Importance of Blood-Testing), Peer pressure

1ST TIER TARGET VIEWER TERMS: (12-20 Years old), Female, ((alt) Male)
2ND TIER TARGET VIEWER TERMS: (Type 1 Diabetic), (Poor Management Profile)

1ST TIER CONTEXT DEFINER: (Diabetic Behaviors, (Single instance)
2ND TIER CONTEXT DEFINER: Follow with: (teachable moment)
3RD TIER CONTEXT DEFINER: Viewability: Recommended Frequency (3), Repeatability (low), Nominal spacing (2 weeks)
4TH TIER: Required prerequisite viewings: (none)
Recommended prerequisite viewings: (logo, Uber-host)
Required post-viewings: (none)
Recommended post-viewings: (ketoacidosis medical minute)
(teen host on peer pressure)

1ST TIER BRANCHING RECOMMENDATIONS: (Ketoacidosis medical minute, peer-pressure explained for teens, importance of wearing MedicAlert bracelet), (Source clip, Source Channel location)

(*the above are related support clips to the main clip, channel and source will be implemented in the system of on embodiment of the present invention*)

TIERED TEMPLATES AND HOSTING:

The template has to accommodate general forms of program elements and clips as well as allow the definition of specific clips – at least in relation to specific viewer profiles and histories. Additionally, the template forms must accommodate the overall look-and-feel recommended by a 'broadcaster' and modified by a user profile, and additionally must allow the internal definition of a given program's inherent aesthetics, or 'look'/'sound' to be represented and resolved with the master look-and-feel template.

Since programming is often created in multiple segments or layers, the templating must accommodate this practice. That is, there is a general look-and-feel for the 'channel'. In VOD, this look-and-feel might be responsive to viewer profiles, and so there may be a modest-size family of master look-and feel templates. In actual practice, each of these templates may have a host associated with it. Since this is the uppermost layer of templating and hosting, we call this host the 'primary uber-host'.

Under this layer, a viewer is typically passed to a family of programming, such as comedies, dramas, or day-parts. Each of these families may possess a unique look-and-feel – but more likely they retain the master L&F template and add a 'secondary uber-host'. This passing function could go on for several layers, but in practice there will be only this additional layer before we pass into the L&F templating and hosting for the actual programming selected.

In the system of one embodiment there are the following layers of hosting:

PRIMARY LOOK-AND FEEL TEMPLATE(S) & PRIMARY UBER-HOST(S)
These adjust according to viewer parameters:

- age
- gender
- socio-economic parameters
- viewing history/preferences
- special interests/needs
- reserved factors

SECONDARY LOOK-AND FEEL TEMPLATE(S) & SECONDARY UBER-HOST(S)
These adjust according to viewer parameters:

- age
- gender
- socio-economic parameters
- viewing history/preferences
- special interests/needs
- reserved factors

In practice the age, gender, and socio-economic factors would be simply passed from the higher layer to the secondary layer. Viewer preferences and needs might be called up as the direct result of the programming selected.

At this point we enter the selected programming itself. Perhaps the most complex form of hosting is represented by the medical/behavioral programming that we've created to demonstrate the system. If, say, a feature film were selected at his point the might be no further hosting levels, or perhaps a film-lover or –critic might host the selection, especially if there were such things as billing issues or R- and X-rated selections to be made. In the case of our featured programming there are again two layers of hosting. Because we need to separate the identity of the programming's uber-host from the master L&F uber-hosts, we don't call this host a tertiary host, but instead the 'program uber-host'. The characteristic of the program uber-host is that he/she creates the master 'tone' of the program regardless of the specific segments viewed. This doesn't mean that the program uber-host might not change in response to viewer profiles, but it's less likely to do so, and those changes would more normally be in the form of scripting alterations, rather than the use of different people/entities as hosts. So this forms the next level of hosting and templating;

PROGRAM LOOK-AND FEEL TEMPLATE(S) & PROGRAM UBER-HOST(S)
These may adjust according to viewer parameters:

- age
- gender
- socio-economic parameters
- viewing history/preferences
- special interests/needs
- reserved factors

At this level we are into the demographic sub-divisions of a program. Here it is natural to employ focused hosting that addresses the specific requirements of demographically and psychographically customized hosting. The concept of look & feel is important here too, but except in re-purposed programming that has been artificially lent a L&F character by the assembly process, typically programming that addresses a particular user profile will be produced to embody that profiles tastes. That is, a youthful program might employ more rapid and disjointed editing than one for older viewers. In the case of the system of one

embodiment, this often means simply that the tags on the clips, or program elements, themselves embody such stylistic decisions. We will employ the same format again:

SEGMENT LOOK-AND FEEL TEMPLATE(S) & SEGMENT-HOST (S).
These adjust according to viewer parameters:

- age
- gender
- socio-economic parameters
- viewing history/preferences
- special interests/needs
- reserved factors

1.8 THE RESPONSIVE VIDEO SYSTEM AS A BROWSER AND RETRIEVAL TOOL

1.9 SPECIAL BUSINESS METHODS OF THE SYSTEM What is outlined below, in accordance with one embodiment of the present invention, are details of the general concept of allowing viewer/users to refine the programming corridors and/or the media-mix and look-and-feel elements of the system's media programming, or to (and this is critically novel) add or post content clips to the system for general or corridor-specific use – these clips might include hosting clips, bumpers and logos, and entertainment or informational content. And as a business method, to create a lottery-like excitement in viewers to create potentially popular and/or profitable corridor models, media clips, on-air talent and scripted patter, and the like.

There are, first, intrinsic rewards for users who engage in this activity:

- the customizing of one's viewing experience
- the aesthetic satisfaction of creating visual events and informational, critical, social-commentary or entertainment statements and programming
- fame and personal satisfaction or career benefits, especially for actors
- the personal and group (peer-group or interest group) utility derived from the creation of a targeted media research-tool, program, bulletin-board, or experience

But beyond the personal satisfaction derived from customizing one's television-viewing experience, we propose to create extrinsic rewards. These might include fame, fees, royalties and salaried positions at the system or its affiliated or advertisers. The big rewards would probably be to gain either commercial sponsorship and/or advertising placements for a corridor or to become a media-star as a programmer or on-air talent.

What is proposed then in its overarching form is to make a competitive open marketplace out of the system's customization features that offers, after the intrinsic rewards, a lottery-like marketplace or Darwinian jungle where the fittest corridor models survive and flourish and even become profitable to both the system and to the creators of the corridors.

1.9.1 CORRIDORS REFINED Consider concepts like dogTV, catTV, fishTV, petTV, foodTV, fetishTV, costaricabeachesTV, lotteryTV, gamingTV, horseracingTV, greyhoundTV, sandlotTV, oliveTV pr oklahomawinesTV...the list is truly endless. Yet there are eager viewers for anything on Earth – even linuxOS and sprocketstoday will attract viewers – and importantly, there are eager advertisers and sponsors and personalities and entities ready to license their images and brand/product identities to each of this 'micro-corridors'. How does one embodiment harness the power of this user-group kind of niche targeting? We suggest that it's required that the system of the embodiment allow user groups to combine chat

functions with user-group-specific media-tagging, content mix, and template creation and to 'post' their individual/collective media creation on a menu. I further suggest that the system put in place a review and tracking mechanism to allow any niche programming corridor to takes its place in the publicly-accessed corridors after an appropriate review process, or after adequate advertising support or sponsorship or licensing income is corralled for a given corridor. I further suggest that, by making the tracking of activity on a given corridor the proprietary privilege and right of the system, that our management, or our automatic systems can make sponsorships available to interested or demographically-appropriate sponsoring entities. While it is theoretically possible that one embodiment could create internal divisions to handle this niche programming, the scale of the project is vast. I suggest that liaisons be set up who each focus on a handful of special interest categories to gain access to licensing a critical mass of video content of interest to that group, while at the same time understanding the entertainment and other media content of interest to this core group as well as identifying the potential advertisers and sponsors for a niche-focused channel or corridor.

1.9.2 A TEMPLATE AND CONTENT-MIX MARKETPLACE AND LOTTERY Individual viewers, advertisers (meaning in the broadest sense of the word, those desirous of increased exposure or sales) and corporate viewers can each create templates for viewing. The templates become the property of the system owner in one embodiment. While under this model the system of creating templates is open to the viewers, care must be taken to keep the proprietary tag values that each viewer-programmer (VP or ViP) isolated into that viewer's personal/corporate record. Care must also be taken to ensure that open publishing of the look-and-feel and content-mix templates cannot be done without the system owner's involvement in one embodiment. While there is some curious benefit from having user/viewers tossing these things, like content-mixes made up by individuals, around the web, I suggest that the system create an (open?) site for this, so that the traffic in a particular template can be monitored. In this way, as we detect a surge in hits on a given user's template we are able to examine it for inclusion in our corridors or on any of our other exposure vehicles like sponsorship opportunities, webpages, system pages, spot-inserts and the like. But more importantly, we can make the template available for advertising/corporate/non-profit entity sponsorship.

What is proposed is that the system of one embodiment makes known to corporations that beyond the highly targeted advertising opportunities available to them on the system, there is the chance to create or sponsor or co-opt a corridor of their own. The system might, for example, suggest that each advertiser augment their ad-budget/plan by creating a corridor plan. We would make a workstation/website available to each group or corporate entity where they could compete for viewer's attention by refining/producing hosting clips, transitional clips, bumpers and the like and/or tag media with their own tagging structures[23] and modify the provided tag values to compete for viewer attention.

One embodiment provides appropriate venues/ways by which to selectively make viewers aware of these unique programming opportunities. Through the use of the headers/tags sponsors and niche or demographic-specific media groups will auto-attract commercial opportunities such as advertising and sponsorship income. For both the provision of venues[24] and the matching of advertisers and content or marketplaces, the system will receive income, most likely as a royalty or percentage fee or fixed charge per sponsorship event. This event may be any or all of the following –the signing of a contract between a corridor creator and a sponsor, the individual sponsoring or advertising event, the placement of licensed content such as names, logos, and/or likenesses, and so on.

1.9.3 A BUSINESS STRATEGY OF CREATING PROFITABLE CORRIDORS AND CUSTOM TEMPLATES AND MEDIA

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[23] Which in the business model should become sole or joint property of the system owner.

[24] This is an important conceptual addition to the model. Not only are media clips profiled, but templates and corridors should be as well, so that these entities can also independently (in an umbrella-like way) find affinities through the headers.**

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2.0 ADDITIONAL HISTORICAL DOCUMENTS

DOCUMENT 1:

INTRODUCTION

Whether employed as a direct-marketing tool, a database, or a video-index, the general features named below will likely be present in our service in accordance with one embodiment of the invention. Any form of entertainment inserts/content or hosting segments can be the subject of this model, but we believe that comedic content and hosting is exemplary, so the description below will highlight that use, but the description can be generalized for IP purposes.

OVERVIEW OF A NEW KIND OF VOD ENTERTAINMENT EXPERIENCE

The ability to deliver highly-segmented, or *atomized*, video – especially for legacy content – and to do so seamlessly in response to a user profile, specific request, and viewing history - is the cornerstone of our business.

Crucial to the ability to perform this function gracefully is the concept of the separation of media's form from content. This is accomplished, first, through the agency of a series of templates that allow various forms of programming to be hierarchically defined. That is, an instructional video will be represented by different templates than those that would represent, say, a news program.

In the delivery of such *templated* media programming, the concept of including one or more layers of 'hosting' is often key. By 'hosting' we mean the addition of commentary, chat, monologue, and the like – usually through the agency of a human host. While the hosting of a program assembled through the use of templates isn't required, some form of user-specific customization is highly desirable, and this is best done through the addition of interstitial segments that cohere the flow of cybernetically-assembled clips.

Layered over this functionality is the concept of compressing long video programs, generally derived from legacy long-form content, into short bursts of video, and arranging these bursts with the appropriate interleaving of customized elements like celebrity hosting, bumpers, and the like. To clarify, in the process of tagging and atomizing media extra attention is paid to the process of summarization of the long-form video being atomized. Additionally, customized *summary templates* are created at the time of re-purposing that define the overarching presentation structures of the video when condensed into shortened form.

The next foundational concept is the concept of *unfolding video*. Video is presented in short bursts of content that bear indicators of additional, longer content beneath them. While a short clips plays, you might notice a small icon in the corner of the screen. Clicking on it will cause the full-length video from which the short clip was extracted to interrupt the flow of what you're watching in a few moments and play.

And finally, underpinning all of this is our unique *tiered advertising* model and our *viewer verification* tools that give consumers control over their advertising experience[25].

A VOD ENTERTAINMENT EXPERIENCE BASED ON ADVERTISING & DIRECT SALES

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[25] Clearly this is germane mostly to the earlier patent applications, but it completes the logic of the overview

Let's examine the application of the model above to advertising and direct sales. We propose to create a 'channel' that fuses the traditional media advertising experience – that is, entertainment content punctuated with very short entertaining commercial 'spots' – with a fusion of direct-marketing, infomercial, and home-shopping video content.

Entertainment programming is typically underwritten by paid advertising or subscription fees. We believe that a viable entertainment experience can be crafted for video-on-demand without recourse to that historical model, or to the varieties of home-shopping (discussed previously) represented by infomercials and 'storefront' efforts like QVC.

We've discussed our basic legal and remunerative model before: we believe that owners of legacy media material will be eager to have us 'air' it because we will generate renewed interest in their material (or in its subject, actors, locations and the like) without overexposing it, and we'll either accept orders for the material, deliver it in its entirety for a fee, or drive viewers to the appropriate location for long-form viewing, purchase, or ancillary commerce – such as related products like featured clothing, travel to featured locations, theme parks, and branded products like lunch boxes and T-shirts. This is especially true in the immense untapped market for re-purposed spot advertising, how-to videos, and legacy infomercials. These media forms are largely used for a given campaign and discarded. While some of the timeliness of these commercial media is important to branding, fashion trends, and image-positioning, most of the obsolescence is due to the desire for advertisers to capture the imaginations of viewers and listeners with a fresh 'pitch' or production concept. We believe that there is a receptive market in the advertising community and the community of their clients for such a re-purposing plan, and we believe that, with proper aesthetic guidance and templating, the community of viewers will find entertainment and informational value in these materials.

We propose to license and purchase legacy comedic material and atomize it into brief vignettes, one-liners, visual gags, repartee and so on. We will create various programming blends, or –look-and-feel templates, for a new form of programming that will intersperse comedic hosting segments and clips with marketing messages. Additionally, we will attempt to control the maximum number of secondary revenue sources from these new and legacy non-advertising clips and segments.

The 'front end' of this system will be some proprietary mixture of the user profiling tools and query tools described elsewhere in this document. This allows the presented stream of programming to conform effectively to the general psychography and demography of the viewer or listener as well as to the current blend of programming and to the user's current directions or queries.

There are subtle qualities to this formula that are easily overlooked. Not only can the stream of programming conform dynamically to the user's viewing patterns, effectively taking into account such things as time of day and projected activities and moods based upon viewing behaviors and specific queries and inputs, but the dynamic between the elements of the delivered programming are interdependent. Yes, the presence of *Three Stooges* clips will cause the presentation of a marketing program composed of any blend of infomercials, '*Stooges'* media, theme-related ads, and iTV-style web pages and sidebars which can call up a dizzying array of merchandise - from videos and books to dolls and stickers- and also drive viewers to appropriate third-party web-locations and merchants, for a fee of course. But the presence of *Stooges* entertainment material can cause hosting material to shift to reflect, generally or specifically, the character or content of that legacy material. Conversely, a query of system-initiated directive to issue a certain type of programming will cause the commercial and sales components to change. This is especially important when this model is overlayed upon the generalized model of re-purposing media other than comedic or hosting media.

This entire model can be successfully superimposed on any kind of programming, from medical information to baseball footage. The hosting then might shift to reflect medically-themed jokes and clips, while the advertising might take a cue from the nature of the user's behavior relative to that media and craft the advertising messages appropriately. And significantly, the revenue streams derived from these cross-themed strategies could be shared with the hosting talent, the legacy media providers, and the MSO's or other distribution or infrastructure providers.

We will establish a marketing and fulfillment infrastructure that supports these clips. That is, an (ATVEF-compliant) iTV application featuring on-screen HTML pages or elements, video-hot-spots and the like, as well as the links to other media described earlier (and elsewhere in these documents). Each of these new media elements will carry with it some blend of related web-pages, subsidiary media like infomercials, and direct marketing support in the form of on-line, telephonic, and mail-in or fax-back ordering services.

The revenue model of one embodiment is complex, because it must foresee that any possible synergy between programming elements can, if need be, be reflected in the revenue structures and revenue-sharing that might arise from this interplay. This suggests that the primary revenue sources are derived from the sale of merchandise, largely through the delivery of long-form video and audio sales-tools. We propose that we create a sliding scale, or entry-barrier:

- highly desirable products/services, often with high-quality media elements already prepared, are given a low-cost or free access to our 'airtime'. We will share in a percentage of sales and referrals from our viewer population
- less desirable products might be charged an entry-barrier in the form of a per-spot and per-play of long-form media elements. This is probably offset against commissions, fees, or percentages charged against direct sales.
- High-profile entertainers might receive a share of the revenues generated, or other consideration, during their hosting periods or driven to the sale-point by their recommendation or performed material.
- Lower-profile entertainers might be charged a fee to present their material, which fee could be offset by sales and other revenue-generating events during their periods of on-screen presence
- Viewership numbers or activities, such as click-throughs, might be used to scale the revenue streams appropriately. That is product interest or viewer-interest could shift the weighting of scales such as those described above
- We could reserve the right to make and market collections of clips, including hosting and legacy clips, and even advertising clips, and derive a profit from this activity
- We could charge per referral to third-party or additional layers or pages of websites and other desirable commercial locations and services[26]

The nuances are many and I trust that the remunerative model outlined here is adequately clear and expansive. Below, in no particular order, are the important features of this proposal:

Summary of Features of One Embodiment

- media is drawn from legacy sources, we pay no money for it unless it is regarded as flagship media, in which case we may pay largely an advance against future sales, or a percentage of sales segmented by relevance to the media in question
    - we show it, and drive users to related and source media as well as to merchandise including the media

[26] Just a reminder that it's important to set this model in the broadband-delivery world as well as the cable/satellite world.

        - by iTV pages
        - by links to both internal corporate and third-party sites and sales channels
        - by direct sales, by any known channel
- media is atomized and tagged, and it is tagged with the intention to layer it, causing it to unfold temporally if desired, and form discrete entities from it
- new hosting media is created, which may be created to specifically 'play-off' or contextualize media elements and/or commerce
    - with unknown entertainers and comics
        - we may take fees/royalties in exchange for breaking (generally) new, little-known, or forgotten talent or media, especially we will retain the rights to their performances or media, and to package and market those performances/media
        - we may retain the rights to market and package our original programming (possibly with legacy inserts)
    - with established entertainers and comics, who may command a percentage of revenues or equity, and who may specifically host products or services, including featured media
        - revenues from products 'hawked' are split with entertainers
- the hosting is varied by user and contextual features and the delivered media content changes the choice of hosts and the scripted and impromptu material of hosts varies with context
- short advertising spots (5-60 seconds) are backed up by longer selling pieces, and we may charge a fee, possibly offset against sales, for the creation and customizing of both short- and long-form material, as well as for fulfillment costs and the creation and maintenance or per-use fees for web-media, additional promotional media (such as in newspapers and magazines or on conventional TV), and the like
- we pair advertising and direct–marketing with demographics and psychographics of the user, perhaps in model employing a bi-directional synergy, that is: the media influences the hosting and advertising messages and the advertising messages influence the hosting and the media
- we insert legacy media appropriate to user, history, and product mix, and we regard our use of some legacy media as promotional to that media, and thus as commercial messages for which we may seek remuneration or offset-fees
    - we provide background links to sources of legacy media as well as to direct sales (and even brick-and-mortar sales) for which we may extract a fee or other income
    - we provide iTV web-pages for additional links and on-line fulfillment, and perhaps toll-free telephonic support, as well as traditional marketing placements (such as in-flight media), for which we take a percentage or fee
    - we may take fees for referrals and placements for both media and marketed items/services, which fees may be offset by either, or both, increased traffic on our site/channel (reduction of fees), or by actual sales

We may direct-sell media as well as products, and may select related products to the primary media or product or new offers for delivery to users.

Document 2:

INTRODUCTION

Whether employed as a direct-marketing tool, a database, or a video-index, the general features named below will likely be present in our service. Any form of entertainment inserts/content or hosting segments can be the subject of this model, but we believe that comedic content and hosting is exemplary, so the description below will highlight that use, but the description can be generalized for IP purposes.

OVERVIEW OF A NEW KIND OF VOD ENTERTAINMENT EXPERIENCE

The ability to deliver highly-segmented, or *atomized*, video – especially for legacy content – and to do so seamlessly in response to a user profile, specific request, and viewing history - is the cornerstone of our business.

Crucial to the ability to perform this function gracefully in one embodiment is the concept of the separation of media's form from content. This is accomplished, first, through the agency of a series of templates that allow various forms of programming to be hierarchically defined. That is, an instructional video will be represented by different templates than those that would represent, say, a news program.

In the delivery of such *templated* media programming, the concept of including one or more layers of 'hosting' is often key. By 'hosting' we mean the addition of commentary, chat, monologue, and the like – usually through the agency of a human host. While the hosting of a program assembled through the use of templates isn't required, some form of user-specific customization is highly desirable, and this is best done through the addition of interstitial segments that cohere the flow of cybernetically-assembled clips.

Layered over this functionality is the concept of compressing long video programs, generally derived from legacy long-form content, into short bursts of video, and arranging these bursts with the appropriate interleaving of customized elements like celebrity hosting, bumpers, and the like. To clarify, in the process of tagging and atomizing media extra attention is paid to the process of summarization of the long-form video being atomized. Additionally, customized *summary templates*

The next foundational concept is the concept of *unfolding video*. Video is presented in short bursts of content that bear indicators of additional, longer content beneath them. While a short clips plays, you might notice a small icon in the corner of the screen. Clicking on it will cause the full-length video from which the short clip was extracted to interrupt the flow of what you're watching in a few moments and play.

And finally, underpinning all of this is our unique *tiered advertising* model and our *viewer verification* tools that give consumers control over their advertising experience[27].

A VOD ENTERTAINMENT EXPERIENCE BASED ON ADVERTISING & DIRECT SALES

Let's examine the application of the model above to advertising and direct sales. We propose to create a 'channel' that fuses the traditional media advertising experience – that is, entertainment content punctuated with very short entertaining commercial 'spots' – with a fusion of direct-marketing, infomercial, and home-shopping video content.

Entertainment programming is typically underwritten by paid advertising or subscription fees. We believe that a viable entertainment experience can be crafted for video-on-demand without recourse to that historical model, or to the varieties of home-shopping (discussed previously) represented by infomercials and 'storefront' efforts like QVC.

We've discussed our basic legal and remunerative model before: we believe that owners of legacy media material will be eager to have us 'air' it because we will generate renewed interest in their material (or in its subject, actors, locations and the like) without overexposing it, and we'll either accept orders for the material, deliver it in its entirety for a fee, or drive viewers to the appropriate location for long-form viewing, purchase, or ancillary commerce – such as related products like featured clothing, travel to featured locations, theme parks, and branded products like lunch boxes and T-shirts. This is especially true in the immense untapped market for re-purposed spot advertising, how-to videos, and legacy infomercials.

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[27] Clearly this is germane mostly to the earlier patent applications, but it completes the logic of the overview

These media forms are largely used for a given campaign and discarded. While some of the timeliness of these commercial media is important to branding, fashion trends, and image-positioning, most of the obsolescence is due to the desire for advertisers to capture the imaginations of viewers and listeners with a fresh 'pitch' or production concept. We believe that there is an receptive market in the advertising community and the community of their clients for such a re-purposing plan, and we believe that, with proper aesthetic guidance and templating, the community of viewers will find entertainment and informational value in these materials.

We propose, in one embodiment, to license and purchase legacy comedic material and atomize it into brief vignettes, one-liners, visual gags, repartee and so on. We will create various programming blends, or –look-and-feel templates, for a new form of programming that will intersperse comedic hosting segments and clips with marketing messages. Additionally, we will attempt to control the maximum number of secondary revenue sources from these new and legacy non-advertising clips and segments.

The 'front end' of this system will be some proprietary mixture of the user profiling tools and query tools described elsewhere in this document. This allows the presented stream of programming to conform effectively to the general psychography and demography of the viewer or listener as well as to the current blend of programming and to the user's current directions or queries.

There are subtle qualities to this formula that are easily overlooked. Not only can the stream of programming conform dynamically to the user's viewing patterns, effectively taking into account such things as time of day and projected activities and moods based upon viewing behaviors and specific queries and inputs, but the dynamic between the elements of the delivered programming are interdependent. Yes, the presence of *Three Stooges* clips will cause the presentation of a marketing program composed of any blend of infomercials, '*Stooges*' media, theme-related ads, and iTV-style web pages and sidebars which can call up a dizzying array of merchandise - from videos and books to dolls and stickers- and also drive viewers to appropriate third-party web-locations and merchants, for a fee of course. But the presence of *Stooges* entertainment material can cause hosting material to shift to reflect, generally or specifically, the character or content of that legacy material. Conversely, a query of system-initiated directive to issue a certain type of programming will cause the commercial and sales components to change. This is especially important when this model is overlayed upon the generalized model of re-purposing media other than comedic or hosting media.

This entire model can be successfully superimposed on any kind of programming, from medical information to baseball footage. The hosting then might shift to reflect medically-themed jokes and clips, while the advertising might take a cue from the nature of the user's behavior relative to that media and craft the advertising messages appropriately. And significantly, the revenue streams derived from these cross-themed strategies could be shared with the hosting talent, the legacy media providers, and the MSO's or other distribution or infrastructure providers.

We will establish a marketing and fulfillment infrastructure that supports these clips. That is, an (ATVEF-compliant) iTV application featuring on-screen HTML pages or elements, video-hot-spots and the like, as well as the links to other media described earlier (and elsewhere in these documents). Each of these new media elements will carry with it some blend of related web-pages, subsidiary media like infomercials, and direct marketing support in the form of on-line, telephonic, and mail-in or fax-back ordering services.

The revenue model is complex, because it must foresee that any possible synergy between programming elements can, if need be, be reflected in the revenue structures and revenue-sharing that might arise from this interplay. The suggest that the primary revenue sources are derived from the sale of merchandise, largely through the delivery of long-form video and audio sales tools. We propose that we create a sliding scale, or entry-barrier:

- highly desirable products/services, often with high-quality media elements already prepared, are given a low-cost or free access to our 'airtime'. We will share in a percentage of sales and referrals from our viewer population
- less desirable products might be charged an entry-barrier in the form of a per-spot and per-play of long-form media elements. This is probably offset against commissions, fees, or percentages charged against direct sales.
- High-profile entertainers might receive a share of the revenues generated, or other consideration, during their hosting periods or driven to the sale-point by their recommendation or performed material.
- Lower-profile entertainers might be charged a fee to present their material, which fee could be offset by sales and other revenue-generating events during their periods of on-screen presence
- Viewership numbers or activities, such as click-throughs, might be used to scale the revenue streams appropriately. That is product interest or viewer-interest could shift the weighting of scales such as those described above
- We could reserve the right to make and market collections of clips, including hosting and legacy clips, and even advertising clips, and derive a profit from this activity
- We could charge per referral to third-party or additional layers or pages of websites and other desirable commercial locations and services[28]

The nuances are many and I trust that the remunerative model outlined here is adequately clear and expansive. Below, in no particular order, are the important features of this proposal:

Summary of Features of One Embodiment

- media is drawn from legacy sources, we pay no money for it unless it is regarded as flagship media, in which case we may pay largely an advance against future sales, or a percentage of sales segmented by relevance to the media in question
    - we show it, and drive users to related and source media as well as to merchandise including the media
        - by iTV pages
        - by links to both internal corporate and third-party sites and sales channels
        - by direct sales, by any known channel
- media is atomized and tagged, and it is tagged with the intention to layer it, causing it to unfold temporally if desired, and form discrete entities from it
- new hosting media is created, which may be created to specifically 'play-off' or contextualize media elements and/or commerce
    - with unknown entertainers and comics
        - we may take fees/royalties in exchange for breaking (generally) new, little-known, or forgotten talent or media, especially we will retain the rights to their performances or media, and to package and market those performances/media
        - we may retain the rights to market and package our original programming (possibly with legacy inserts)
    - with established entertainers and comics, who may command a percentage of revenues or equity, and who may specifically host products or services, including featured media
        - revenues from products 'hawked' are split with entertainers
- the hosting is varied by user and contextual features and the delivered media content changes the choice of hosts and the scripted and impromptu material of hosts varies with context

[28] Just a reminder that it's important to set this model in the broadband-delivery world as well as the cable/satellite world.

- short advertising spots (5-60 seconds) are backed up by longer selling pieces, and we may charge a fee, possibly offset against sales, for the creation and customizing of both short- and long-form material, as well as for fulfillment costs and the creation and maintenance or per-use fees for web-media, additional promotional media (such as in newspapers and magazines or on conventional TV) and the like
- we pair advertising and direct–marketing with demographics and psychographics of the user, perhaps in model employing a bi-directional synergy
- we insert legacy media appropriate to user, history, and product mix, and we regard our use of some legacy media as promotional to that media and thus as commercial messages for which we may seek remuneration or offset-fees
    - we provide background links to sources of legacy media as well as to direct sales (and even brick-and-mortar sales) for which we may extract a fee or other income
    - we provide iTV web-pages for additional links and on-line fulfillment, and perhaps toll-free telephonic support, traditional marketing placements (such as in-flight media) for which we take a percentage or fee
    - we may take fees for referrals and placements for both media and marketed items/services, which fees may be offset by either/both increased traffic on our site/channel (reduction of fees), or by actual sales
- we may direct-sell media as well as products, and may select related products to the primary media or product or new offers for delivery to users

I hope that seeing this model in action adds clarity and scope to your efforts without burdening you.

FOR YOUR CONVENIENCE HERE IS THE FINAL PARAGRAPH OF THE LAST COMMENTARY:

12/ the video engine, through templates, will intermix the offerings of the various content partners. Upon the clicking of any clip, the viewer/listener will be shuttled (perhaps with, or without, the locally-originated intermediate second-tier program offering) to the originating channel/network from which the long-from of the program was sourced. It is also possible to shuttle the viewer to local affiliates of the source.

THE NEW MATERIAL ON SHUTTLING BETWEEN 'CHANNELS' BEGINS HERE

The following material completes the models described in the last document.

TRANSFER OF VIEWERS TO UNDERLYING MEDIA

In order to best complete the business model outlined above it's necessary in one embodiment to be able to shuttle viewers effortlessly, not simply to the channel/network of origin of a summarizing clip or series of clips, but to the directly to the specific source programming from which the summary clips were derived. Here is where the ATVEF system falls off, and where there is a place for novelty. Because it was based upon analog channels, the system normally can only shuttle a viewer by tuning a channel on the STB in the traditional set-top box manner.

We propose an entire stream of programming made up of clips culled from a group of longer source programs. Each clip or group of related clips is made to respond to a variety of inputs. A remote-control device such as a keyboard, trackball, or handheld remote, or the on-screen emulation of one, is caused to accept input in the form of pause, fast-forward, rewind, and play as well as a variety of specialized functions such as 'go to my profile', 'build a query', 'more information', skip, 'about this clip', and 'enhance'. We propose that these on-screen elements appear only when needed, by making the screen-display appear only when input designated as appropriate from the remote, keyboard, or trackball device is sensed. Additionally, at the advance request of a user, or as a default program design option, an icon could

be caused to show that additional information is available beneath any given clip. This could be done by, for example, a small 'enhance' icon and/or button, or by scrolling, a text-crawl, or sidebar screen-display showing the nature of the enhancing information available for the given viewed clip, as well as by commercially-sponsored methods outlined below.

The output of the input/pointing device is monitored by a program element which simply toggles the output-to-display of the graphic elements to reflect activity that correlates with the need for control. Before the screen is toggled on/off (or positioned or sized) the master-value allowing the screen-display of each function is checked. This master 'access' function, we propose, can be defined in the look-and-feel template by 1/classes of users 2/individual users by categories of membership (fees paid for services) 3/time of day, context, and other design issues, and 4/ at various levels of 'aggressiveness' based upon fees paid/not paid by advertisers, promoters, licensees, and holders of underlying rights and media. This is probably novel, especially in regard to the specialized icons that indicate that additional material lies 'below' a particular clip, and especially in the control-locus governing the deployment of such icons/logos/messages being referenced to a master stylistic template. By aggressiveness is meant, without limitation, size, positioning, durability, coloration, and activity-level (such as animation, flashing, motion and the like), as well as whether or not elements such as logotypes and product/sponsor likenesses appear on-screen in association with, or as functional replacements for, the underlying material icon(s). (This is closely related to both material discussed in the new additions to the PPA, as well as to the concept of 'sponsored elements' such as the cursor outlined in the PPA.) This is important to consider in this context, because although the clips displayed often will carry with them obligations to link to underlying material, there are cases when this is not true (especially during the playing/display of newly-created material or material to which (blanket) rights were purchased). Even during the display of materials which, according to our business model, do carry the obligation to link to underlying material or locations, they may not carry the obligation to display that information, and even if the obligation to display certain information is carried, that obligation will certainly be limited to discrete iconography such as the proposed screen-bug. This allows additional income to be earned by providing for the purchase of additional screen-presence or screen time. Significantly, such a purchase does not have to be by the entity to whom the obligatory link is made. That is, for example, commercial sponsors of on-screen material could purchase advertising/sponsorship 'positionings' of a new type: those that only appear under certain conditions such as the activation of their display by roll-over, clicking, channel-surfing, and other activities of the user, or more significantly, by contextual ambience such as the nature of the underlying media being viewed and the demography/psychography/viewing habits and history of the current user/viewer. This would form a natural extension to the master parameters of the templating system and would constitute an extension to a 'rights management' system. This would be a block of code that monitors the stream of viewed video on a clip-by-clip basis and, by comparing with the master variables described above and by the maintenance of a database of commercial and link purchases, decides on a moment-by-moment basis what can/should be displayed. Such a display might be - according to those rights, obligations, and fees paid by holders of the underlying material – either variously durable (requiring no action on the user's part) or mutable (requiring action on the user's part)[29].

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[29] This may be a significant concept as so the most inclusive wording is called for. Note that this is an extension to the remunerative model for such a system and derives heavily from discussions in the PPA on 'sponsored' actions on the desktop. The desktop concept should be understood to encompass client-server relationships (such as exist in the cable/satellite industry) and smart-client environments such as STB's. The discussion above should also be understood to invoke such concepts from the PPA as sponsored cursors, sponsored 'save', and sponsored 'print' commands. To these we add all potential user-commands in the STB environment.

It's worth stressing that we propose that in addition to the descriptive tagging employed for the non-branching structures key to the video engine's assembly process that we also propose a new family of tags that indicate material to which a currently-displayed media clip can also link. The forms of links are five-fold:

- links to related enhancing media, or 'sidebar' media of interest
- clarifying, background, or instructional media
- purely lexicographic media
- links to serially-related media that generally amplify the thread of the displayed clip
- links to paid, or sponsoring, media

There may be added more refinements to these, but these suffice for the present purpose of indicating the breadth of function proposed. Each link-type can be caused to display a unique on-screen graphic or item, subject to the controls elucidated above. The general form of the link-types should generally be durable – that is, one link might always display a small dictionary icon, another might always be a dollar-sign or a green dot, still another might be a question-mark, and so forth. The relative priority or importance of each potential link might also be indicated by modification of the features of the link-indicators. That is, a more important link might, say, be larger or flash more urgently than another, or be more temporally persistent. In this way, a user can identify the character and priority of each possible link, and the system can aid in the induction of link-following, especially in accord with the actual or purchased priority of such links. It is also suggested that the user's urgency in following such a link might be registered in some way. We propose any identifying gesture such as, without limitation, multiple or more rapid clicking, the rapid whisking or the cursor back and forth in any direction over a hot-spot (which directions or velocities/frequencies might be assigned further meaning or priorities[30]. In touch-sensitive devices a harder or softer pressure or higher/lower velocity might be sensed.

In thick-client set-top boxes that have adequate memory and computing power, it's possible to also place a resident program to monitor the status of incoming signals and user actions and to deliver video from a local cache in the STB[31]. The display, caching, inhibition, and most notably, the deployment of transitional media that masks retrieval latency can also be accomplished in the local client itself. There are, then, two basic approaches to the same problem: a completely server-centric delivery system and a distributed system passing some of the work to the (STB) client(s).

Now to address the specific problem of effecting the transfer to the underlying media. Once a decision to implement a hand-off, or other kind of access, to underlying media elements. Each proposed link, when suitably responded to, which response can also be weighted (that is, a simple rollover or a double-click or the opening of a response window might be required for different classes of links, and these classes might be subject to a fee-schedule), will generate a command. This is typically a DHTML or similar command. This command is routed to either the STB's internal analog of the server's response system, or through the back-channel to the server. In either event a web-page or other on-screen video element can be generated in response to that command. This will then be returned to the user according to the various protocols and structures of the system. For example, the HTML server may parse the request and issue a command to the cable head-end server, or it may simply forward a completely or partially interpreted request to the cable head-end. Depending upon the nature of the command, the server may act directly upon it or pass it in

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[30] This may a be unique way of prioritizing a roll-over. And such unique priorities as might be assigned to direction/velocity could be displayed, say around the cursor, only at the time of the unique initiating action.

[31] This is also extensively discussed in the PPA.

whole or in part to the video-assembly engine described in this document. We discuss these specifics without limiting the nuances of the process, which may vary from system to system.

What is most significant is that we propose that accessible to our command-interpreter program, we maintain a database of links to the requested underlying media or that those links are inherent in the tagging of the viewed media and are thus passed to the server. Now, whether or not the source of the clip is local or remote to the server or cable/satellite head-end there may be an issue of latency. This is, for one thing, related to the urgency with which a user (or system) has indicated the desire to effect transfer to the link. The default will likely be set to initiate transfer upon the completion of the playing of the current clip or clip-set[32]. We propose that there be some unique methods of passing the signal off to the linked signal. When a link is clicked, a locally-processed command causes some indication of the reception of that command. The cursor could change colors or shape, for example. Secondly, we propose that the length of each clip be encoded and carried with the clip itself[33], for example, as data embedded in the VBI, or carried in a header or shell or container such as OMF or QuickTime, and which may be in the form of an ATVEF-compliant value statement (or simply culled from the MPEG header of the clip if that value has been left intact), and that upon the user's indication of desire to follow a link that an on-screen countdown timer appears indicating both the reception of the request and the time to the current clip's end. Further, if the time to clip-end is less than the estimated/average latency time of the system to process the link request, then local software can instead indicate either some other message like 'processing' or can grab the value of the next arriving clip and display it. The purpose of this is to allow the viewer to experience a smooth flow of program material even after a clip, and to simultaneously give the user a chance to indicate impatience with the default timing and demand potentially swifter response. If such immediate response is indicated there are numerous locally-executed strategies. Key to them is to make as much aesthetic, entertainment, instructional or commercial use of the latency period.

A BUSINESS MODEL FOR VARIANT-LENGTH VOD DELIVERY OF PROGRAMMING

In our model of VOD, the viewer can be a passive consumer of media. We regard our application as potentially presenting a new form of video entirely.

It should be clear that we claim as novel the concept of tagging legacy media assets in order to re-purpose them by presenting them through the agency of our video engine as demographically/psychographically/ contextually-relevant programming. We propose to re-purpose, for example, a collection of newsroom assets from several years of broadcast.

We will:

- design a series of templates relevant to the intended uses of the legacy programming
- review the assets and tag them as described herein and elsewhere
- place the assets and their metadata and templates in a database
- serve the assets to media recipients by on-line, cable, or other means

Beyond this basic description we will:

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[32] Such a default setting can also be the subject of external, and even paid, control. That is, some links might be caused to be followed immediately, others after the completion of the clip. We propose that this be a configurable setting.

[33] The clip-length after processing by the assembly engine may have been modified in the header of the clip, so the length stated for this purpose may have to be computed on the fly during assembly and place early-on in the video signal. We can place it anywhere, as long as we know where to retrieve it at the STB or receiver end.

- provide a means for the profiling of users/viewers/listeners
- provide a means for the acceptance of input from users regarding program selection by specific topics, moods, uses (say, party videos) and the like
- customize the delivered video/audio to users according to the mix of static constants, programmer-variables, and user input and usage history
- maintain a suitably confidential record of the usage history and viewer profile data

In a further refinement we will:

- provide a video stream that will time-compress the video experience through the use of any number of methods, chief of which is the assignment of tags that define, without limitation, the most interesting, salient, attractive, shocking, and/or compelling clips to be shown to a viewer – or, for example, remove every other frame of video (or any other time-compression method)
- alternately 'tile' multiple video streams as boxes, regions, or layers of a user's video screen to achieve a simultaneity onscreen of multiple assets of temporal regions of assets[34]
- spontaneously substitute from within the database, or process (by, for example, time-compression), the audio component of condensed video clips
- accept user-input in the form of clicks, roll-overs, voice-commands, gestures, and the like indicating interest, or lack thereof, in the delivered media stream or its elements
- utilize the video database and engine to modify the stream of delivered programming to suit or respond to those inputs

And still more specifically:

- without input from a user, the default stream issues within the look-and-feel parameters defined for that user by the 'broadcaster/programmer'
- upon input, such as clicking, the broadcast stream modifies thus: one form of input brings up the menu and pauses, or REMEMBERS[35], the point of 'click' or input, another simply causes the clicked item to telescope[36]

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[34] This concept is novel, especially if the database is made capable of defining a look-and-feel by the relationships of on-screen elements. This is an important concept, though, whether the division of screen-area causes the simultaneous presentation of disparate media assets or whether the stream is unitary and temporally-based. The concept is that look-and-feel is defined by stating a direct or inverse relationship, or a contextual relationship between shown/heard media elements. That is, in addition to allowing the look-and-feel and program-mix templates to deploy as described above, we would also allow contextual or stylistic tensions and congruencies to be established that would define the subjective impression of a 'channel' or viewing experience. For example, war footage could be combined with peace footage, babies being born could be combined with family images and these dialectic between them could be described spatially and temporally and statically or dynamically to create channel identity. And that identity could also be reflective of the programmer's and/or user's subjective qualities, like wryness, sarcasm, humor, faith, and so on.

[35] That is, upon user indication of interest in an item, the video might continue to play, but the web page (or other input device) opens in the foreground, or to the side, allowing further query input or other modification to the user's parameters/inputs. Significantly, whether the web page opens or not, and whether the video pauses or not, the point of interest is captured. That is, if the click occurred over, say, an ad or news item, that item's identity is captured.

- the telescoping (in time, or potentially in space by, say, tiling) of the selected clip can continue through several layers of detail according to user input (we will suggest one additional layer of complexity before the next step)
- upon the reception of two (or any designated number) of clicks/inputs, the full video program presents itself and plays

In a further refinement:

- upon the issuance of the desired number of inputs (gestures, clicks, button-pushes) to indicate real, significant interest in a module of video (which has been shown in one or more short encapsulated forms) the user is transferred to another channel for viewing of the full-length piece[37]

And finally:

- advertising income is a modified infomercial model. That is, a short 'teaser' ad (say a 5-30 second ad) would, upon a single 'click' open to a, say, 30-60 second ad. A second 'click'/gesture, or a default issuing because no 'click-out' was registered during the expanded advertisement, cause the ad to become a full-length infomercial experience
- Advertisers and content-providers are charged a referral fee that can take many forms – flat fee, commission on sales, per-minute or per-exposure fee, and so on.

WHAT WILL WE DO WITH THE SELF-ASSEMBLING MEDIA SYSTEM?

The defining characteristic of our media system is that media can be tailored to an individual viewer/user with a minimum of real-time interactivity with the emerging programming stream. Another way to say this is that the mediating layer of the video-assembly tool insulates the user from the actual clip-by-clip content of the database and instead substitutes formal abstractions that act as media-aggregating filters that cause the contents of the database to self-assemble around both aesthetic and content parameters. These parameters are provided by an amorphous complex of, for example, user preferences, user queries, user viewing history, program-provider preferences, instructional designer or producer decisions, as well as video- and audio-editor's best judgments. This forms what is perhaps a core novelty of the system. The particular use for such a system is in situations when the tailoring of video/audio media to the very special and peculiar needs of a viewer is of great importance. Elsewhere we've looked at such purposes as the provision of health-related programming – an area where myriad variables normally prevent the accurate targeting of media to a particular user's needs.

But the system is also applicable to a novel form of media as well. In it's simplest form, the system will blur the line between advertising and home- or on-line shopping. That is, advertisements will be made to morph into long-form selling tools like infomercials in the presence of specific user/viewer feedback and response. This may be inherently novel.

In a more complete form, the desires, preferences, viewing history/patterns, and needs of a viewer/user are spontaneously translated into the form and content of the delivered video/audio programming content.

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[36] Upon appropriate input (say from a remote's button(s)) the viewed video goes from, say, a 'teaser' snippet to a one-minute 'summary' piece. Simultaneously, a navigation tool/bar would open allowing, at minimum, the rewind/fast-forward motion of the video clip of interest.

[37] This transfer can be real or virtual. That is, the logos and/or look-and-feel of a sponsoring channel could be emulated from within the VOD server to brand the channel - whether or not the user were actually transferred there. Regardless, the full-length stream would flow royalty-income or usage-fees to the other 'broadcast/narrowcast' entity

What follows is a plain-language description of the full-blown revenue/business model described above.

We propose to establish a series of 'channels' each of which summarizes and time-compresses the content of an established channel or network. For example, the Discovery Channel has perhaps hundreds of hours of programming. Each program has an average length of between a half-hour and an hour. While perusing a list of viewable programs is a helpful aspect of VOD, it is an imperfect browsing system. Narrowing subject matter to, for example, 'sharks' is helpful. But we propose tagging the programs to identify all the areas of potential interest and utility and then creating an 'attract' channel that has a rapid-fire look-and-feel and provides input tools to the end-user in the form of, for example, ATVEF-compliant HTML windows, like set-top box displayed web-pages, or any other inputting or response tool(s) such as 'hot-cold' interest meters or grids with vectors allowing the gestural response to displayed media. Additionally pure text or spoken-word input can augment or replace these browsing tools by allowing the direct input of search-terms and phrases. Each channel is structured to allow the clicking on an image or clip, or other manner of indicating interest, to open more in-depth information regarding the clip. This information could also be HTML kinds of things, but the main response of the system to positive stimulus is to expand upon the video clip(s) shown[38]. This means that what was, say, a 10-second teaser regarding 'sharks' now becomes a one-minute teaser or informational presentation. Whether or not one or more intermediate steps such as this are employed, at some further click/input the user is sent directly to the source of the clips and even to the appropriate channel or network. That is, at some preset point, rather than playback the full-length program from the derived channel's server, the user is pointed automatically to the original program.

THE ADVERTISING MODEL

A further refinement occurs with advertising[39]. Legacy commercial messages can be modified and tagged in the same manner as informational/educational content. This has profound implications for the business model of atomized VOD.

Traditionally, 'channels' or networks are monetized by charging fees for the placement of 'spots' in their programming. A complex fee structure-based system is the underpinning of this traditional method. With the dawn of cable, came a new breed of highly-successful home-shopping programming. Employing live hosts, the infomercial was elevated to entertainment. By the careful selection of mass-marketable products, a successful business was born.

Significantly, though, the conceptual gap between paid advertising and retailing was not closed. Networks continued to charge sliding fees for spot-placement of ads, while the home-shopping programmers adopted a 'retail by television' model – that is, they self-selected the products, scripted the 'pitch' and took a retailer's percentage of the profits. Meanwhile the infomercial occupied an unsavory niche in the market; as cable delivery system found that they had excess advertising 'inventory' left unsold (for example, on the early morning reruns of a time-worn television sitcom), they would select a pre-made (often poorly-produced) infomercial and barter the airtime for a percentage of profits on the broadcast of the selected infomercial.

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[38] Another kind of 'click', gesture, or input might cause the current clip, or general categories of clips, to cease playing and fast-forward.

[39] There are numerous other models of advertising described in the trio of papers to which this document refers, and all of these are applicable to this VOD delivery system in its various forms. What is described here can, in fact, be used to hybridize these other methods and the other methods should probably be examined in this light.

With the coming of video-on-demand, home shopping may take a new direction. Because there is now, in the iTV specification, a back-channel (or return path) from the consumer, the ability to call-up HTML pages from within television programs, the ability to mark 'hotspots' within a video stream which, when clicked upon, can issue calls to those web-pages, and the ability to display those web-pages on a set-top box, advertising and programming can extend naturally to web-based commerce. In this proposed system, full advantage will be taken of these new features of VOD[40], but the proposal outlined here goes beyond this model by incorporating the impact of atomization on the media.

We propose to fuse the traditional spot-advertising model with a direct-marketing model. In the continuous stream of uninterrupted media delivered by this VOD system, there are placed what appear to be normal spot-ads. These, in fact, may be traditional ads modified by the tagging process described herein. The preference for the average length of what we will call *first-tier* ads will depend upon the look-and-feel template, but will typically begin with, say, 5-second to 30-second spot ads[41]. The ads may invite the user/viewer/listener to click (or otherwise respond) for more information, conversely they may simply wait for an indication of interest from the viewer such as a click[42].
Upon receipt of such an indication of interest, or upon expiration of a wait-loop or other timed-out default response (that is, the inverse message: click if you don't want to see/hear more), the advertisement blossoms into a *second-tier* or *third-tier* advertising message (which form will depend upon either/both the advertisement's design or the look-and-feel or program-mix templates[43]. This blossoming is controlled by

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[40] Drafting should note that these extended features are part of the proposed novel advertising solutions discussed here. You will find, I'm sure, that much of this system was rather tediously described in the language of the PPA as I struggled to contextualize concepts without knowledge of the details of the emerging iTV specs.
[41] Another form of first-tier ads might be bugs, ATVEF-compliant hot-spots (or links), and keyed- or superimposed-video windows such as those described in detail elsewhere.
[42] In the early introduction period for these ads, a superimposed text heading or voice-over may suggest 'click for more information' on each ad.
[43] This is a significant concept. We propose that advertising bear tags, or other structural features (such as Java scripts) that can cause an ad to either deploy, or 'blossom' into further more-lengthy forms or inhibit such a deployment. We will call this a 'link-tag'. When a link tag is detected in the family of tags it is retained, or converted/passed, for example, to the web-based ATVEF or similar protocol. This simply means that a media designer can allow clips to carry links to other clips. These links are interpreted by the proprietary video-assembly engines described for this system in such a manner that when a click/gesture is returned through the back-channel, the click can be passed to our video-assembly system and cause the calling-up for viewing/listening of the clip or family of clips. Further, we propose that the overall programming design of a station/channel/network/URL-based system of pages be allowed to override or enable the deployment of further advertising. For the purposes of this discussion, this means advertising tiers can be described within the advertisement itself, but that the overall behavior of advertising (which could be further refined to classes of advertising, or even specific categories or brands, can be defined within templates such as the program-mix or look-and-feel templates. In an extension of ATVEF's spec, we propose that even the activation of the embedded code be made the subject of a master template or program. This allows, not only the control of the flows of delivered

passing the (say, HTML/Java) request back to the video assembly engine and calling up additional video. Significantly, this system can seamlessly integrate this added video to the stream of programming if the latency is short between request and delivery of the additional material. It might be desirable to allow, in the clip or program design, the option of pausing the flow of video at the end of a clicked-on or default-out segment until the requested video is delivered by the server. We therefore suggest that this option be made a part of the descriptive language of the tags or interpretive language of the assembly system (subject to the same inhibition described in footnote 12)[44].

Second-tier advertising, in one embodiment, would typically be a slightly longer and more detailed video form of the advertisement. The request would probably, more typically, be passed to the system to go directly to a third-tier program. This would typically be a full-blown infomercial-style media program. Naturally, the telescoping tiered structure of the video could also be inherent within the 'infomercial' itself as well.

The monetization model is this:

- greater fees for each tier of advertising/program delivery might be charged
- a per click-through fee might be charged (this is slightly different from purely web-based click-throughs in that additional video and 'airtime' is consumed by each click-through.
- Most significantly, no fees (or highly modified/reduced placement fees) would be charged, but a percentage or fee would be taken of the consummated sale.
- If no sale were consummated, but significant additional media were delivered (this is significant in long learning-curve sales like, say, technical devices and services) then a scaled fee would be charged for the delivery of the additional media. As described elsewhere, this could be offset against actual sales so there would be no cash outlay to the advertiser.

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programming, but a sophisticated remunerative model wherein advertisers pay (through tiered or increased fees or increased commissions to the 'broadcaster/narrowcaster') for the permission to activate advertising tiers. This could also be extended to include the activation of the (ATVEF-compliant) HTML extension as well. One final thought: this self-expanding/deploying quality of media clips has utility in non-advertising uses> For example, a distance-learner could similarly expand media from within the media-clip's structure itself.

[44] This is also extensively dealt with in the PPA in the discussion regarding the 'calling-up' of locally cached clips to hide the latency. In that discussion, the 'receiver' was probably considered to be a PC, but the set-top box environment is similar, thus caching in the STB (if it's a thick implementation of an STB), is feasible. So the process would be this: an indication of interest is registered for a clip. Some look-and-feel elements are co-located in a small block of code in the STB. Here the portion of the look-and-feel template passed to the STB indicates that streamed programming should stop at the moment of click or at the end of the currently-playing clicked-on clip (or should continue unabated). The STB-resident code then causes the deployment of a locally-cached item (of video/audio, or HTML, or other code such as Java (for example, an animation sequence)) that hides or interrupts the continuous flow until a new marker (in the VBF, or vertical blanking interval) or the arriving video is detected by the STB-cached code. Upon receipt of this marker, the display of the arriving video stream is resumed. (If it's required to employ existing ATVEF protocols in the VBF, then a recognizable pattern such as an unlikely pairing of other, existing ATVEF parameters might be employed to accomplish the triggering.) The above may be a significant concept.

In summary, ad delivery is tiered to cause consumer interest to expand the content of advertising until, because it is inherently targeted, the advertising becomes infotainment. The income from the infotainment is harnessed by rather traditional[45] commission or fee structures. Thus, if desired, advertising income can be used to support a 'network' or 'channel' without the traditional process of selling of 'placements'.

In terms of business process, the following steps, by way of example, are taken:

- owners of legacy infomercial and long-form advertising are approached with the opportunity to 're-broadcast' (actually 'narrowcast' is generally done) their offerings.
- For a fee, a short-form (first-tier and, optionally second-tier) advertisement 'front end' is built, and tagging and conditioning of the legacy assets is performed, and, in the case of iTV delivery such as VOD cable, additional iTV web-page elements and back-channel messaging are built. The fee might be paid by advertisers in advance and/or offset wholly or partially against income from the infomercial.
- Additional hosting and other contextualizing media are created
- Templates are created to control the various deployment patterns of the advertisement
- Demographic, contextual and other similar information is caused to control the deployment of the ad in the appropriate times, program-stream placements, and to the appropriate viewers
- The order-taking process is managed and a dynamic billing system is implemented as described elsewhere herein that offsets advertising costs with sales and 'consumer education' fees[46].

AN ADVERTISING OPTIMIZATION ENGINE

The concept of no-cash-outlay advertising is compelling. Elsewhere we've discussed the concept of allowing an advertiser to set limits on spending by, for example, the week or month. This remains a novel concept for video delivery – that the server-side would monitor the categories of users and other delivery features, like demography, desired by the advertiser and self-limit the deployment of video-based advertising (clips). But an additional novelty is added by the system. Since 'broadcasters' are now able to profit from the further deployment of advertising[47], the floating model of advertising deployment must be modified. We propose that a program monitor the expenditures and airtime employed by specific users, user groups or classes, and globally in the broadcast/narrowcast system and that allows the program provider or broadcaster the ability to underwrite additional broadcast/narrowcasts of a given spot regardless of, or weighted against, the advertiser's budgetary or demographic/psychographic and temporal preferences. That is, the described program maintains and monitors the desired deployment characteristics of a given ad given by the advertiser or ad agency. It monitors the retail profitability of the ad (meaning the sales success of the long-form ad campaign). It builds a model that tests the ad in various new demographics and time-slots. It creates a weighted success profile for each demographic/psychographic/time segment of the market. If the ad is profitable, then the system selectively overrides the advertiser's budgetary limitations, and within described limits (such as 'inviolable' age-limits and gender for specific products) Based upon this data, it dynamically deploys the ad in new ways. These ways could, and often might, include simply continuing deployment in the advertiser's preferred demography and other usage categories, but without reference to the advertiser's budget. This would be

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[45] 'Traditional' except for the significant modifications suggested below.

[46] 'Consumer education' is the name we are giving here to consumed video/audio/text that is beyond the normal stream of short-form programming, but which may, or may not, result in a consummated sale. It's important to mention that the viewer verification tools described in the recent RPA may cause these consumer education fees to tier according to proven consumption of media.

[47] Significantly, this means by either our video-based systems or by emerging iTV HTML-based systems.

done because the profit-sharing portion of the advertisement (generally the long-form) would make such 'airings' profitable. It is further suggested that these data remain proprietary, thus suggesting that the record-keeping functions of such a tool would provide two forms of accounting and deployment information – one to the advertiser and the other to the programmer. The analysis provided to the advertiser would contain a proprietary deployment section. This would reconcile the sales/profitability of a campaign by breaking out sales resulting from non-scheduled 'buys' (or purchases of 'airtime'). It is further recommended that this proprietary information be sold to the advertiser for a fee or increased commission structure. That is, a 'broadcaster' could contractually agree to a sliding commission or fee scale thus: for 'buys' underwritten or sanctioned by the advertiser there would be one, lower, fee or commission, and for advertising deployed at the 'broadcaster's' option there would be a higher fee. Such a fee/commission scale could be further extended to categories of 'risk', meaning that deployment of the ad in markets further and further from the stated target of the advertiser would result in higher per-sale returns to the program delivery entity. While the precise algorithms will of necessity need to be refined by actual use, I believe that this imparts enough information to design and code such a program[48].

STEPS IN THE CREATION OF CUSTOMIZED PROGRAMMIMG DELIVERY SYSTEM IN ACCORDANCE WITH ONE EMBODIMENT OF THE PRESENT INVENTION

In a rather aggressive implementation of the customized programming system herein described, the following steps are implemented:

1/ Owners, creators, and distributors of legacy media are approached and told about a system of VOD delivery that will cost them little or nothing, yet drive viewers/users to their program offerings. They are asked to license, or otherwise provide, their media libraries for the establishment of a new kind of VOD channel or sub-channel featuring their offerings in a radically-new media environment that will not detract from their mainstream VOD and linear media efforts[49]. Such a channel might be within their own VOD channel structure, or entirely independent of the licensing entity. Ideally, since the use of media in our system is quite distinct from the normal uses of media, it will likely fall outside of the purview of some licensing agreements, and be non-intersecting usage with other licensing deals.

2/ upon signing such a deal, the team is assembled to analyze their legacy programming (say, several years of news, sports, or instructional footage) and a look-and-feel and program mix approach is embodied in suitable templates. A team writers/producers describes in a working white-paper the strategy for atomization of the media assets under consideration, and then creates the identifying headers for each program's atomized clips. In this case a video editing or logging tool would be suitably modified (by such means as pull-down menus) to accept and log the input of suggested editing points in the continuous stream of programming. Enhancing and additional programming is designed[50] from scratch in accordance with the fully-atomized program design possible with the system described herein and in the issued patent. At

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[48] This is potentially a business in itself, so please let me know if we need to clarify/expand this section.

[49] The monetary underpinnings of such as deal are interesting. The goal would be to provide a synergistic service to the entity owning the programming to be atomized. In this way, no fractional royalties for fractional usage of the media as atomized media would be requested by the licensor. Even such a fractional royalty is not anathema to the plan - the tiered advertising strategy described elsewhere could offset such a royalty with a fractional participation on the ad revenue. (The ad revenue to our VOD entity/channel will form a significant part of this model.)

[50] I will assume that the broad strokes of the model, such as are revealed in our business plan literature, are described elsewhere.

minimum this new programming consists mainly of customizing elements such as on-camera hosts of various types, interstitial program elements such as logos, ID's, Q&A inserts, highlights, advertising and marketing elements, and the like. The aforementioned log of suggested editing point parameters are passed into the video-editing workstation, where a team of editors trained in our proprietary extensions and tagging procedures analyzes the individual legacy programs and cuts them into segments utilizing the 'fuzzy ends' described in the granted patent.

3/ The legacy clips are conformed to the metadata described above and placed, together with the newly-created media, in a media database, or storage and retrieval device such as a suitably-configured array of hard-drives.

4/ Together with master look-and-feel media elements and designs, the media is now placed on-line or at a cable or satellite head-end server as is described elsewhere. The mediating layer of the herein described VOD system insulates the end-user from the actual contents of the database except through those mediating layers described.

5/ A method of profiling is provided. This might be through, for example, Java or HTML. For example, the ATVEF specification describes industry-standard protocols for serving a profiling front-end to users/viewers in the form of, say, a series of GUI's. All of the nuances of the profiling tools, variable-porosity identity filters, and tiered advertising opt-in systems described in this suite of patents and patent applications might also be profitably made a part of the profiling system (as well as of the business model).

6/ The templated video clips are delivered as a seamless concatenated stream to viewer/users, and upon reception of the user profiles, the audio/video delivered to viewers is modified according to those parameters.

On the strategic side of the system the following steps occur:

7/ Users are offered a (probably) free subscription to each stream of atomized video, these 'channels' are usually selections in the VOD offerings of the parent entity providing the program/media assets to us.

8/ In the contract with the media-providing entity it is stated that each virtual VOD channel created by the system described above will be structured to feed viewers, and possibly fractional revenues derived from advertising sources, back to the channel from which the atomized programming was derived[51]. Additionally, it may be stated that the atomized programming must be provided by the owner/distributor of the source programming (from which the atomized programming was derived) to another 'preview' or 'attract' channel, provided that the licensed/provided programming does not form more than, say, five to ten percent of the broadcast/narrowcast program stream delivered to any given user/viewer. (The goal of this clause is to accelerate the creation of a dedicated 'attract' channel which will optimally display the original look-and-feel and video browsing/data-mining capabilities of the system described herein. This will be discussed in more detail.)

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[51] This is key to the circumvention of monetary and legal resistance to the concept.

SIDEBAR: Several remunerative models are possible with the system described above. The 'attract' channel, which essentially forms a convenient way to showcase the depth of, for example, a network's offerings could become a revenue-sharing and/or equity participant with the parent entity providing the content. The attract channel could simply charge fees for the atomization and maintenance of the new channel. The 'attract' channel could have its own advertising revenue stream. This is particularly attractive when the mass of the underlying clip-database becomes large allowing the channel to serve as a home-base for video/audio surfers - sort of a combination of a dynamic program guide, a high-density and speed entertainment site, and a research tool. This concept is likely to be highly novel.

9/ Advertisers are approached by both traditional means and as outlined herein. The ads are caused to blossom into full-length informational and/or selling tools and the revenue streams are created as described elsewhere.

10/ a channel is created that showcases the offerings of the source channel and that, upon one or more clicks (through a process described elsewhere in this paper) causes the channel to which the user/viewer is tuned to shift to the parent[52]. A fee may be taken for this referral, or for transactions consummated as a result of this referral to the parent 'channel' or network.

And further:

11/ Upon establishment of the above-defined services with some critical mass of content partners, it becomes feasible to establish the 'parent' attract channel. Once several types of programming are aggregated to form either a general entertainment/informational VOD channel, or a specific channel such as a lifestyle or sports channel, then such a parent channel can attract viewers.

12/ the video engine, through templates, will intermix the offerings of the various content partners. Upon the clicking of any clip, the viewer/listener will be shuttled (perhaps with, or without, the locally-originated intermediate second-tier program offering) to the originating channel/network from which the long-from of the program was sourced. It is also possible to shuttle the viewer to local affiliates of the source.

TRANSFER OF VIEWERS TO UNDERLYING MEDIA IN ONE EMBODIMENT

Here is where the ATVEF system falls off, and where there is considerable place for novelty. Because it was based upon analog channels, the system normally can only shuttle a viewer by tuning a channel. This will be the subject of an additional short document.

In order to best complete the business model outlined above it's necessary to be able to shuttle viewers effortlessly, not simply to the channel/network of origin of a summarizing clip or series of clips, but to the directly to the specific source programming from which the summary clips were derived. Here is where the ATVEF system falls off, and where there is a place for novelty..Because it was based upon analog

[52] This is a key concept. Channel-shifting under software control is part of the ATVEF specification. Using it to relocate the viewer for the purposes outlined here may be inherently novel.

channels, the system normally can only shuttle a viewer by tuning a channel on the STB in the traditional set-top box manner.

We propose an entire stream of programming made up of clips culled from a group of longer source programs. Each clip or group of related clips is made to respond to a variety of inputs. A remote-control device such as a keyboard, trackball, or handheld remote, or the on-screen emulation of one, is caused to accept input in the form of pause, fast-forward, rewind, and play as well as a variety of specialized functions such as 'go to my profile', 'build a query', 'more information', skip, 'about this clip', and 'enhance'. We propose that these on-screen elements appear only when needed, by making the screen-display appear only when input designated as appropriate from the remote, keyboard, or trackball device is sensed. Additionally, at the advance request of a user, or as a default program design option, an icon could be caused to show that additional information is available beneath any given clip. This could be done by, for example, a small 'enhance' icon and/or button, or by scrolling, a text-crawl, or sidebar screen-display showing the nature of the enhancing information available for the given viewed clip, as well as by commercially-sponsored methods outlined below.

The output of the input/pointing device is monitored by a program element which simply toggles the output-to-display of the graphic elements to reflect activity that correlates with the need for control. Before the screen is toggled on/off (or positioned or sized) the master-value allowing the screen-display of each function is checked. This master 'access' function, we propose, can be defined in the look-and-feel template by 1/classes of users 2/individual users by categories of membership (fees paid for services) 3/time of day, context, and other design issues, and 4/ at various levels of 'aggressiveness' based upon fees paid/not paid by advertisers, promoters, licensees, and holders of underlying rights and media. This is probably novel, especially in regard to the specialized icons that indicate that additional material lies 'below' a particular clip, and especially in the control-locus governing the deployment of such icons/logos/messages being referenced to a master stylistic template. By aggressiveness is meant, without limitation, size, positioning, durability, coloration, and activity-level (such as animation, flashing, motion and the like), as well as whether or not elements such as logotypes and product/sponsor likenesses appear on-screen in association with, or as functional replacements for, the underlying material icon(s). (This is closely related to both material discussed in the new additions to the PPA, as well as to the concept of 'sponsored elements' such as the cursor outlined in the PPA.) This is important to consider in this context, because although the clips displayed often will carry with them obligations to link to underlying material, there are cases when this is not true (especially during the playing/display of newly-created material or material to which (blanket) rights were purchased). Even during the display of materials which, according to our business model, do carry the obligation to link to underlying material or locations, they may not carry the obligation to display that information, and even if the obligation to display certain information is carried, that obligation will certainly be limited to discrete iconography, or methods, such as the proposed screen-bug. This allows additional income to be earned by providing for the purchase of additional screen-presence or screen time. Significantly, such a purchase does not have to be by the entity to whom the obligatory link is made. That is, for example, commercial sponsors of on-screen material could purchase advertising/sponsorship 'positionings' of a new type: those that only appear under certain conditions such as the activation of their display by roll-over, clicking, channel-surfing, and other activities of the user, or more significantly, by contextual ambience such as the nature of the underlying media being viewed and the demography/psychography/viewing habits and history of the current user/viewer. This would form a natural extension to the master parameters of the templating system and would constitute an extension to a 'rights management' system. This would be a block of code that monitors the stream of viewed video on a clip-by-clip basis and, by comparing with the master variables described above and by the maintenance of a database of commercial and link purchases, decides on a moment-by-moment basis what can/should be displayed. Such a display might be - according to those rights, obligations, and fees paid by holders of the

underlying material – either variously durable (requiring no action on the user's part) or mutable (requiring action on the user's part)[53].

It's worth stressing that we propose that in addition to the descriptive tagging employed for the non-branching structures key to the video engine's assembly process that we also propose a new family of tags that indicate material to which a currently-displayed media clip can also link. The forms of links are five-fold:

- links to related enhancing media, or 'sidebar' media of interest
- clarifying, background, or instructional media
- purely lexicographic media
- links to serially-related media that generally amplify the thread of the displayed clip
- links to paid, or sponsoring, media

There may be added more refinements to these, but these suffice for the present purpose of indicating the breadth of function proposed. Each link-type can be caused to display a unique on-screen graphic or item, subject to the controls elucidated above. The general form of the link-types should generally be durable – that is, one link might always display a small dictionary icon, another might always be a dollar-sign or a green dot, still another might be a question-mark, and so forth. The relative priority or importance of each potential link might also be indicated by modification of the features of the link-indicators. That is, a more important link might, say, be larger or flash more urgently than another, or be more temporally persistent. In this way, a user can identify the character and priority of each possible link, and the system can aid in the induction of link-following, especially in accord with the actual or purchased priority of such links. It is also suggested that the user's urgency in following such a link might be registered in some way. We propose any identifying gesture such as, without limitation, multiple or more rapid clicking, the rapid whisking or the cursor back and forth in any direction over a hot-spot (which directions or velocities/frequencies might be assigned further meaning or priorities[54]. In touch-sensitive devices a harder or softer pressure or higher/lower velocity might be sensed.

In thick-client set-top boxes that have adequate memory and computing power, it's possible to also place a resident program to monitor the status of incoming signals and user actions and to deliver video from a local cache in the STB[55]. The display, caching, inhibition, and most notably, the deployment of transitional media that masks retrieval latency can also be accomplished in the local client itself. There are, then, two basic approaches to the same problem: a completely server-centric delivery system and a distributed system passing some of the work to the (STB) client(s).

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[53] This may be a significant concept as so the most inclusive wording is called for. Note that this is an extension to the remunerative model for such a system and derives heavily from discussions in the PPA on 'sponsored' actions on the desktop. The desktop concept should be understood to encompass client-server relationships (such as exist in the cable/satellite industry) and smart-client environments such as STB's. The discussion above should also be understood to invoke such concepts from the PPA as sponsored cursors, sponsored 'save', and sponsored 'print' commands. To these we add all potential user-commands in the STB environment.

[54] This may a be unique way of prioritizing a roll-over. And such unique priorities as might be assigned to direction/velocity could be displayed, say around the cursor, only at the time of the unique initiating action.

[55] This is also extensively discussed in the PPA.

Now to address the specific problem of effecting the transfer to the underlying media. Once a decision to implement a hand-off, or other kind of access, to underlying media elements. Each proposed link, when suitably responded to, which response can also be weighted (that is, a simple rollover or a double-click or the opening of a response window might be required for different classes of links, and these classes might be subject to a fee-schedule), will generate a command. This is typically a DHTML or similar command. This command is routed to either the STB's internal analog of the server's response system, or through the back-channel to the server. In either event a web-page or other on-screen video element can be generated in response to that command. This will then be returned to the user according to the various protocols and structures of the system. For example, the HTML server may parse the request and issue a command to the cable head-end server, or it may simply forward a completely or partially interpreted request to the cable head-end. Depending upon the nature of the command, the server may act directly upon it or pass it in whole or in part to the video-assembly engine described in this document. We discuss these specifics without limiting the nuances of the process, which may vary from system to system.

What is most significant is that we propose that accessible to our command-interpreter program, we maintain a database of links to the requested underlying media or that those links are inherent in the tagging of the viewed media and are thus passed to the server and then on to the client as a part of, for example, the video data, such as within the VBI. Now, whether or not the source of the clip is local or remote to the server or cable/satellite head-end there may be an issue of latency. This is, for one thing, related to the urgency with which a user (or system) has indicated the desire to effect transfer to the link. The default will likely be set to initiate transfer upon the completion of the playing of the current clip or clip-set[56]. We propose that there be some unique methods of passing the signal off to the linked signal. When a link is clicked, a locally-processed command causes some indication of the reception of that command. The cursor could change colors or shape, for example. Secondly, we propose that the length of each clip be encoded and carried with the clip itself[57], for example, as data embedded in the VBI, or carried in a header or shell or container such as OMF or QuickTime, and which may be in the form of an ATVEF-compliant value statement (or simply culled from the MPEG header of the clip if that value has been left intact), and that upon the user's indication of desire to follow a link that an on-screen countdown timer appears indicating both the reception of the request and the time to the current clip's end. Further, if the time to clip-end is less than the estimated/average latency time of the system to process the link request, then local software can instead indicate either some other message like 'processing' or can grab the value of the next arriving clip and display it. The purpose of this is to allow the viewer to experience a smooth flow of program material even after a clip, and to simultaneously give the user a chance to indicate impatience with the default timing and demand potentially swifter response. If such immediate response is indicated there are numerous locally-executed strategies. Key to them is to make as much aesthetic, entertainment, instructional or commercial use of the latency period.

NOTE ON TERMINOLOGY AND AREAS OF APPLICATION OF THE METHODS/SYSTEMS DESCRIBED HEREIN & A SUGGESTION OF SOME INTEREST ON CONVERGENCE

Some portions of this description concentrate on VOD over cable, specifically using ATVEF standards for iTV implementation. However, getting IP over voice by Telcos and by satellite and by wireless protocols

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[56] Such a default setting can also be the subject of external, and even paid, control. That is, some links might be caused to be followed immediately, others after the completion of the clip. We propose that this be a configurable setting.

[57] The clip-length after processing by the assembly engine may have been modified in the header of the clip, so the length stated for this purpose may have to be computed on the fly during assembly and place early-on in the video signal. We can place it anywhere, as long as we know where to retrieve it at the STB or receiver end.

are also valid ways of getting both the video signal to the user and getting the return path back from the user. Thus, the terms used throughout this paper are intended to include any form of video on demand and any form of return path.

One embodiment of the present invention sets up a server to serve broadband IP networks for home delivery via Internet as well as to locate our servers at cable headends to serve VOD over digital cable. The term "cable" and all of the terms like "headend" and "server" are intended to be non-limiting and encompass their functional equivalents. In one embodiment, the video is delivered to a given user by cable, satellite and/or broadband. Subscribing to a VOD service or "channel" may, in fact, allow subscribers to receive that service or channel over any/all of these modalities. In various embodiments, back-channel limitations – for example the limited bandwidth and high potential for unacceptable latency and low penetration of dedicated back-channels for such systems as digital cable combined with the rapid penetration of broadband, and especially of wireless protocols - make hybrids attractive. One embodiment has broadband and cable incoming channels, with the backchannel and perhaps the main body of the XML/HTML/Java etc. stuff – like webpages and other IP-based additions to the pure video signal – coming into a wireless device. In one embodiment, the wireless device is Palm Pilot-like device (i.e., a personal data assistant), for example running off of a traditional dial-up or DSL connection but enabled by local wireless protocols like Bluetooth and 802.11b and other WWAN and WLAN implementations suitable for the home and business.

In various embodiments, software and/or hardware of handheld devices like Palms and their ilk are adapted to function as, or alongside, a user's remote while watching digital television – however that digital TV signal gets to that user. In one embodiment, some users of the system have a wireless device in their hand as a remote or as an enhancement to that remote that is fully capable of extensive computing and caching and/or interface with their desktop system.

In one embodiment, a user can enter a query into a traditional Internet search engine and receive a traditional response via his handheld device, but the query terms are simultaneously passed to our server (which may also house the Internet/web search engine) which is located or co-located at a cable or satellite headend. Thus, using our version of video browser described herein, or simply using our aggressive concatenation of video clips as a response to a query/profile, the television screen simultaneously fills with (primarily video-based) responses to those same query terms. Naturally, the parsing of the query terms, and the effect of the viewer's profile and viewing history may further modify the video clips returned as a query result. Conversely, we can envision a user interacting entirely with the iTV system and employing the cable/broadband back-channel, but receiving all manner of enhancements on the handheld wireless-enabled receiver. In an example embodiment, while the highest priority items are placed on-screen (on the primary video screen), users have the option of removing all IP and/or text and still image data from their primary video displays and routing it to their "traditional" Internet connection, and hence to their wireless device. One embodiment enables such selective routing of iTV (or similar) data and/or display data to multiple devices. Another common use of this two-path use of iTV might be for the display of related items, supporting facts, and commercial offerings on the handheld.

In one embodiment, the system allows the viewer to configure ancillary functions that are simultaneously routed to his (wireless) computing device if he simultaneously logs-in to an Internet server. For example, while watching sports on the main video screen, the viewer can configure simultaneous stats on players and teams to appear on his handheld. Or, while watching a documentary on the main video screen a user can configure his handheld to display simultaneous search results that pertain to the various clips displayed. For this use, in one embodiment, as clips are added to the concatenation list (EDL) of our VOD server, the terms and/or metadata associated with those clips is routed as either search/query terms (to an Internet search engine) or for simultaneous display on the handheld.

We use the term "viewer" interchangeably with "user," and it should be clear that a viewer/user is also at times a "listener" – and that "video" is also "audio/video" or "audio" programming or media. It should be clarified that "cable" also may mean satellite or broadband or IP delivery by any means. "Channel" may mean "network" or "URL", and even specific sub-address within a VOD "channel."

Advertising Concepts for On-Demand Media Environments

It is generally desirable for consumers to draw a protective shield around themselves when interacting with a device such as a cable set-top box which is capable of returning information about consumer interaction to a data-gathering system. Responding to commercial messages with a request for information, products, or real and imagined benefits presents an especially sensitive case. Especially since such a response will provide any number of forms of personal information to third parties. The provided information might be explicit identity data such as name, address, age, health conditions, personal habits, and gender. Or it might be what we can term second-tier personal information such as mailing address, social security number, likes and dislikes and casual personal traits. Or it might be general information regarding purchase-patterns, brand preferences, employment/employer information, or media-viewing habits. In responding to a commercial message, or even in pointing and clicking on an interactive menu, a user is engaging in a process of personal profiling. For a plethora of reasons this kind of intrusion may be regarded as unwelcome.

One embodiment creates a virtual identity for each consumer that mimics the salient characteristics of that person, yet does not reveal any specifics regarding that person's identity, or the identity of software or hardware systems acting as, or for, that person or organization. Clearly, in order for such a plan to be workable in practice it's imperative that the system be trusted by consumers. Let's examine these two requirements in more detail.

OUTLINE OF THE PROTECTIVE SYSTEM

COMMERCIAL METHODS OF TRUST

First it is required to establish a known standard of integrity and security. This can be leveraged to create a reliable level of consumer trust.

Branding the service with a known mark like Brinks, American Bar Association, or _____ is the primary business step in building stable consumer confidence. Alternatively, aggressive brand-building by the protective entity itself should be undertaken. This should be followed by a public, media-based and publicized, corporate commitment to consumer security and business integrity. In one embodiment, each device, site, or service employing the protective firewall should be uniformly marked with a logotype and or word such as BRINKS [system name/identifier/trademark]. In one embodiment, the marking should never vary. In another embodiment, merchant's and organizations displaying breaches of integrity regarding consumer confidentiality are deprived of this seal of approval. Further, all state-of-the-art encryption, firewall, and general security protocols are followed in the collection, storage, and transmission of the protective system consumer and commercial data.

TECHNICAL METHODS OF CONFIDENTIAL CONSUMER RESPONSE

In one embodiment, all consumer data is routed to an intermediate server for data-collection. At the onset of the provision of service to a consumer, the consumer should be given a secure profiling page which reside on that interposed server. Here the consumer is free to store accurate profiles of him/herself. Additionally, the consumer is free to filter those response as desired. Standard commerce and personal templates might also reside here to allow the swift winnowing down of rich consumer, organizational, and business profiles to standard "thin" forms. One form might be for demographic profiling, another might be for psychographic profiling, and still another might be for brand preferences, favorite music or actors and

so on. In one embodiment, the consumer is free to create a specific virtual proxy, or fictitious identity for him/herself. This proxy might also be expressed by the consumer (using the protective system's proxy-building tools) as a range of parameters for a fictitious, yet-to-be-created, proxy identity. Or the parameters of the fictitious identity might be wholly created by the interposed protective server – e.g., through the rule-based expression of generalized naming conventions and parameters assigned to a consumer based upon a given advertiser's or client's "need-to-know" profile.

The result of this proxy creation would be the relaying of a false identity to an advertiser, or other client, to whom the consumer wishes to respond. This false (proxy) identity would arrive marked with the protective system's logo and security guarantee, thus identifying the proxy to the receiving client as a fictitious replacement for the consumer. In one embodiment, this proxy has a fictitious name derived algorithmically from the name of the actual consumer. The proxy might identify itself as of the same - or similar - age, height, hair-color, gender and so on as the actual consumer. In one embodiment, the allowed range of deviation from the factual consumer profile are indicated, or made available, perhaps at additional incremental cost, to the subscribing client. That is, more accurate information about a respondent might be purchased.

In one embodiment, the advertiser or client then may elect to return a response to the consumer in the form of fact-sheets, coupons, prizes, products, samples, technical literature and the like. These materials are sent to the proxy identity. In one embodiment, this is done through e-mail to the fictitious assigned e-mail address or URL. It could even be to a secure collection of Post Office boxes, phone numbers, or physical addresses. These interposed addresses are generally tightly-controlled by the protective service. From these locations or numbers the service then forwards the client's response to the original actual consumer. E-mail, phone, and conventional mail are the most likely return contact methods.

In another embodiment, when the consumer has finished with a given transaction the virtual proxy is promptly eliminated. Typically a client merchant, for example, would request notification of this termination. A particular transaction might require the continued existence of the protective proxy for some defined time. In one embodiment, the duration of proxy maintenance is incrementally billed to either client or consumer – depending upon the nature of the secure transaction. In the alternative scenario, upon receiving a response from a client that is appropriate and acceptable to the consumer, the consumer can cause a brief message to be sent to the protective server and thence to the client – or directly to the client – containing the true complete or filtered identity of the consumer. In this way traditional, open commerce and communication is initiated.

AN EXAMPLE

A mortgage broker purchases a protective service-filtered mailing list of potential customers, or places a media buy with an interactive cable channel. The targeted consumers receive a solicitation. Some consumers find it to be of interest, but are not ready to share confidential information with an unknown third party. John Q. Public selects a *general financial profile* proxy to represent him. He may elect to provide specific data like the actual cost of his home to the proxy as well. John sends off his response.

The mortgage broker receive a reply marked:

> **Brinks [protective service trademark]**
> **Proxy Response from Jack C. Commonman**

This response contains accurate or lightly modified profile parameters for Jack. Based upon this data they issue a preliminary approval to Jack with an estimated interest rate along with a detailed history and outline of the mortgage broker's business. This approval and business outline is returned to Jack C. Commonman's listed e-mail address. This address is actually a temporary address established and assigned by the protective service. The protective server now forwards this response to John Q. Public at John's actual e-mail address (probably employing standard encryption practices).

John likes what he reads and responds to the broker through the protective service's server. This time, though, he instructs the protective service to share his actual identity and perhaps his financial profile in more detail. The broker now receives an e-mail from John Q. Public and can bypass the system.

The entire process can also be reversed and hybridized to protect the identity of either or both parties. This might be appropriate, for example, in responding to an ad for employment. Likewise the process can be adapted to any form of communication.

BILL-PAYING VARIANT

In one embodiment, a consumer or company is willing to pay a small fee – probably based on a (tiered) percentage of the gross transaction – to shield themselves absolutely from one another. A buyer of services or goods might keep a cash account, credit card, debit card, or wire-transfer instrument on file with the protective service. The service would then create a proxy identity for the buyer and either open an account directly with a vendor or allow a consumer to do so using his protective proxy and account number. The model echoes an offshore banking model but for simple bill-paying or ordering of information, goods, and services. If the fact that the entity conducting business was prominently displayed as a false identity proxy, and if it were made clear that, in one embodiment, law enforcement agencies would be allowed to penetrate the confidential protective seal, this might be of some interest.

Subscribers to a cable company, for example, could be shielded from the cable company by interposing an intermediary server or other device to gather the identities of each member-household of a service node, or at a headend, and scramble their identities by this same scheme of the insertion, and perhaps spontaneous dynamic shifting, of identities for the requested programming and returned responses. Upon the return of the delivered programming, the individual household identities would be returned to the programming streams. In this way the cable company could sell profile information regarding specific viewers (and viewers could be given voluntary tiered opt-in levels) without having any knowledge of the actual identity of those subscribers. This is especially important to those who are sensitive about having their choice of programming monitored – for example, those who watch X-rated or gay-themed films.

A company providing this service would be of broader appeal to consumers. High levels of security could be provided at a slightly higher monthly or per-use charge.

ANOTHER ELEMENT OF THE SEARCH AND PROGRAMMING MODEL

One embodiment is described with "by presenting media that has been appropriately filtered by user-profile, shortened and optimized at the clip level, and selected and assembled by sophisticated templates, a viewer is able to locate media assets that are obscure or hard-to-find and related to known media choices of interest to that viewer". What is implied, but not explicitly stated here is that, by use of our system, we have effectively fused the entertainment experience with the search experience. This makes a new kind of searching and a new kind of entertainment experience. Succinctly stated: If the assets contained in a media database (which in themselves have no inherent temporal order) are mined and presented not as elements requiring further action to select (such as lists or icons or still-frames), but as a temporally-based stream of programming then something novel has been created. If, further, the stream of assets thus presented can be used to provide feedback which may cause modification of the viewer's search/selection process, then a new kind of media browsing has been created – one that does not presume to adequately anticipate viewer/listener needs and desires, but instead attempts to provide useful help in the choice-making process through the presentation of such "preliminary" results, then something of considerable additional novelty is created.

ADDITIONS/ refers to 1.2.14

One embodiment implements a unique way to access database information – specifically warehoused media data. This access can be thought of as a microscope that is pointed in the direction of the

appropriate/desired groups of assets by the corridor label. That is, although there may be no data tagged with values that indicate it is, say, "family" programming, an access area could be profitably labeled as a "family" area. The tags could then be correlated to derive a subset of clips or media that might be appropriately labeled as "family" fare. If the area term can be thought of as pointing the microscope down at the assets of the database, then the viewer's profile, viewing history, preferences, geographic locale and so on control the focus of the microscope, causing certain assets (of the larger group selected by the area's parameters) to become the specific focus of the area's output, and thus to be concatenated to form media programming that is returned to the viewer/user. The possible umbrella claim, then, is that we fuse entertainment and searching methods (and user experience) through this novel method.

Areas are filtration mechanisms. They are external indicators – or titles – linked to media-selection algorithms that filter content and delivered beneath descriptive templates which are generally uniquely suited to each individual area. Thus, a combination of search algorithms and templates creates the subjective area experience. Importantly, areas should not be equated with similar organizing practices found in traditional media ('People' magazine for example) or in walled-gardens or browsing categories found on the Internet. In each of these cases editorial decisions have been made which include or exclude items from the context of the media experience. No such action is required with the areas described here. In one embodiment, areas do not express an editorial viewpoint. They are simply intuitive organizing principles or perceived loci – specifically for the automated presentation of visual and audio media. They do not contain content. They are not necessarily expressed as tags. They are intuitive organizing principles only - they are intuitive search tools.

PROFILING/ refers to 1.2.15
One embodiment monitors time spent with media elements, volume settings (and volume changes occurring during/after play of certain media) occurring on the receiver/STB during viewing/listening; number of, and/or frequency of, markers such as 'clicks' (or signifiers as defined in our other patent application) received during the presentation/playing of given media as a class or of individual clips; and the number of search terms and/or searches and retrievals of media elements or families (such as areas) to form progressive profiling of user/viewers. Additionally, we have described elsewhere the use of on-screen pop-ups and other data-collection devices to make effortless the collection of exhaustive profiling data on viewers by spreading it occasionally across hours and weeks of the viewing experience. Specifically note the use of volume settings, which have been described in our 'viewer comprehension' patent application as being useful to determining 'mindful consumption' in a new context. One embodiment additionally detects volume settings and shifts in volume as indicators of interest on the part of the viewer (in particular clips or classes of clips).

These methods are of particular interest when the clips presented for viewing are commercial in nature, that is, they are advertisements or infomercial or commercial information clips (such as product fact-sheets and videos).

Additionally, in one embodiment, the gestures/clicks received during/by video media are cross-correlated to present simultaneous (or delayed) on-screen HTML/XML or similar web-page data. Likewise, the clicks received on web-pages can be used to shift the content of the primary video/audio programming sent to the viewer. That is, if click-throughs are detected in the onscreen iTV web window, they can be caused to weight, or otherwise shift, the selection of media shown to the viewer as the onscreen video media. The converse is also true.

Since we have already assumed that initial profiling may be carried out by a user during the sign-up phase, and that this profiling may be done on a web-enabled desktop computer, it is worth mentioning that viewers/users should be allowed to let their web-browsing habits modify their television viewing experience as well. In an exemplary implementation a dedicated system browser or website might be the

portal for such general web activities, or a monitoring script could be placed in the user's computer/receiver to store sites visited, news stories read, ads click-through on and so forth. This data (however gathered) could then be sent to the cable head-end that feeds them with video entertainment and be caused through weighting, direct request, and other methods, of modifying the best-fit programming selected to send to them to view. Specifically a 'show me later' icon could be provided during web-browsing or other web-based activities upon which to register the desire to see video programming at a later time during their television-viewing experience. This would be done, for example, by the returning of the records of such response to a web-server where the web-based activities could be examined for either useful patterns of consumption and/or by specifically collecting the markers collected from data-gathering devices such as 'later' buttons. This data could then be passed to the video server where it could be correlated with general media categories such as corridors or with specific clips or families of clips within the video media database. This information could then be caused through any of several methods to cause modification in the general character of viewing, or it could cause the display of specific clips requested or associated with the earlier web-based activity. A newspaper article on the Middle-East that was viewed or marked could then cause footage of summits, demonstrations and warfare to be inserted into the stream of programming seen by the viewer at their next VOD session. Uniquely – these clips would be presented under the templates used for the aesthetic display of video media – thus they might be spread out over, say, an evening's viewing. The web browsing could have taken place at the workplace or moments earlier on the on-screen iTV interface. No matter, the method is similar.

CREDITS FOR AD CONSUMPTION

We've talked extensively about consumption credits in our other filings. Specifically, with iTV television viewing, in accordance with one embodiment, ad-credits can be applied directly to defray the costs of pay-per-view programming and other viewing fees (subscriptions and per-use fees). In another embodiment, a credit card can be placed on file, or uniquely indicated on a per-transaction basis, onto which credits can be placed. These credits can be secondary such as frequent-flyer and frequent-buyer plans, or they can be in the form of direct payments to the credit card on file. Specifically, we envision placing a card on file at the time of sign-up. The card might be a credit card, debit card, smart card, store card, or other similar financial device. The card filed might be the card used to pay for the fees (if any) associated with the VOD or related services. In the case of specific consumptions of media elements or groups and/or advertising credits/payments would be placed upon/made to the card/device. As described in depth in an earlier application, it is possible through the use of our 'tiered advertising' methods to cause a dynamic balance to be kept with the card. That is, as the consumption of media bearing charges is increased, the amount of, and/or quality of, credit-creating interactions would be generated to offset those charges. That is, if a viewer watched a pay-per-view movie that charged x-dollars to his account, an advertising promotion(s) paying x-dollars back to the viewer might be included in the viewer's stream of programming. The 'stream' described should be understood to include the onscreen iTV web materials as well as the video media. The converse of the above is also valid – that, as advertising consumption increases the amount of PPV programming presented or suggested (through video clips or web media) might be increased.
In another embodiment, an onscreen readout keeps track of the credit/debit balance described above.

THE SPONSORED CURSOR

Much was made of the concept of a sponsored cursor in an earlier patent application. It should be specifically applied to the STB environment and the television environment – such as TIVO-like devices and broadband media viewed on the computer. In one embodiment, advertisers, media owners and broadcasters, licensing entities, brands and so forth are allowed to selectively sponsor the cursor of the STB or other receiver as is described elsewhere. Naturally, the revenue earned or fees charged for such a custom cursor can be directly offset as described above. Variants of this concept would include browser 'skins', logotypes placed in useful positions onscreen, and other methods detailed elsewhere in the prior filing. We

specifically mention that such promotional elements can be tied to the video programming stream. Thus, the onscreen bugs, logos, cursors and the like can be made to persist or to shift with the programming shown. So a sponsored cursor, for example, might dynamically change in synchrony with the various video media shown or selected by the viewer. This means that video elements can carry with them their various sponsorship elements. One embodiment employs tags for each category of promotional display possible onscreen. These tags can be pre-programmed with advertising and sponsorship information for each category, or they can be programmed by the delivering entity in response to specific advertising 'buys' and similar promotional schemes. This matter would be handled by the system header software in practice. But it means that a media clip could carry a durable or mutable branding that might affect screen corner bugs, another one that might affect cursor appearance, another that might bring up iTV fare, and another that might present a sponsoring banner or logo elsewhere on-screen. At certain levels of media 'buy' a broadcaster/narrowcaster might be able to co-opt any of these promotional elements for their own use. The ability to do this, as well as the restrictions on mixing media with branding would be described in the portion of the header or metadata of the media described elsewhere as the system header. This will allow the appropriate offsets to occur is a sponsor, say ,of a screen-corner bug, is 'knocked out' by a higher-paying (or more demographically appropriate) advertiser.

ADDITION TO THE MENU FOR DWELLING ON A CLIP

Viewers should be given the chance to mark media for later viewing from within the context of the menu. That is, if a viewer elects to use the streaming summary function and makes a gesture of interest either over a media clip as it plays or over it's proxy contained in the menu, it should be possible to mark media for later viewing in addition to requesting an immediate or near-immediate interruption of the primary stream of video. Any number of conventions are possible, but in addition to describing the presentation of a view now-view later button or pop-up or hot-spot it should be said that the concept of capturing gestures is uniquely suited to this task. A swift multiple clicking, for example, might indicate the desire to see an underlying media clip right away, whereas a slower or shorter series of impulses might indicate the desire to see a clip 'sometime soon'.
Additionally, the menu should have the ability to hold such 'view later' markers as well as a complete record of media presented and viewed in such a way that the user can revisit the menu at a later time and easily recall or recreate the details of an earlier viewing session.

In one embodiment, the menu may be viewed, and interacted with, in multiple modes:

- all media presented
- all media clicked on
- all media viewed in full

There are other modes, but these are the most basic and will allow the re-creation of any viewing history. The final one is slightly problematical because upon indicating the desire to see the full-length media underlying a clip, in various embodiments, the viewer is often shuttled to a remote channel. In this event the time of viewing could be tracked in the receiver/STB and returned to the menu software, or the simple indication of the reception of the request might be maintained.

SUMMARY MODE

For some media, in one embodiment, it is appropriate to offer a summary mode of viewing. That is, only summary highlights would be presented upon the reception of the indication of interest to see underlying material. This is related to the concept mentioned earlier of optionally presenting an intermediate length clip after 'clicking' on a short clip. So it should be said that a viewer should be able to view all stored short clips that pertain to a full-length media, and further to view a full preview or other summary media form before going on to the full-length media. We further propose that owners of long-form media make summary media available to our system. This media can carry a reduced charge or no charge, and

specifically a reduced charge (usually offset by advertising, product placement, or other commercial positionings or media) that is removed upon the optional selection of the underlying long-form media. That is, if a user indicates the desire to see an intermediate piece of summary media it will probably play with an advertisement or product-placement element to offset he cost (or charge a micro-royalty to the viewer who doesn't allow commercial intrusions if there is no inherent commercial value, such as the appearance of a particular brand of auto in the clip). This charge or ensuing credit would be returned to the user's credit/debit account upon the selection of the full-length media. Likewise a dynamic method could be used wherein there is no fee charged if the viewer doesn't watch the summary video to it's conclusion or if the user opts for the long-form media from which the summary video was derived. It should also be said that a viewer could select SUMMARY mode as his standard viewing mode. In one embodiment, this will make the average clip length 1-5 minutes as opposed to 1-40 seconds. This would be practical to do if properly unwritten with advertising of various types. In another embodiment, even pre-made previews could function as these summary clips in some cases. This suggests that shorter pre-made previews or excerpts from the longer previews might form the first tier of the programming – that is the normal stream.

CRITICAL COMMENTARY

One potential pitfall for the system format of media programming in accordance with one embodiment is that everything can be made to appear entertaining. If viewers sense that there is no way to tell the good from the bad underlying long-form media they may be less apt to click-through to it. One embodiments provides an onscreen critical resource. Any clip clicked on can be instantly cross-referenced to a reliable critical source. This source could be text-based or better, it could be hosted by human hosts. In an exemplary use a well-known resource is used as a branding and source material for the critical function – say Leonard Maltin on film. The Maltin logo or likeness would be onscreen. Clicking on it would, say, highlight it. Then any media clicked on in the main screen or in the menu or in the web-window would bring up a textual page in the ATVEF-compliant window (or equivalent) that corresponds to the media clip viewed or indicated. Simultaneously perhaps a Maltin intro is triggered (perhaps from local cache) to mask the latency time as the appropriate clip is retrieved wherein on-camera talent read the Maltin critique possibly in abridged and modified form. The reviews naturally can be caused to highlight the positives of the film. Also significant is the fact that the reviews can be tailored to the demographics/psychographics of the viewer. In this way the review that a 12-year old boy sees of a film might be substantially different than the one a 30-year old woman sees. This alone makes it possible to optimally present the positive aspects of a film review for each potential audience. We believe the concept of on-screen critic *automatically locked to the media presented* as both a look-and-feel or trade-dress element and as a technical method is valid. That is, the critical text and the on-camera version of it would be divided and indexed, for example, with the same ID-number that was assigned to the underlying media. Each clip viewed could therefore call up the corresponding critical commentary. We further believe that modifying the contents of the critical reviews in response to known viewer characteristics is novel and worthy of claiming. Imagine that two viewers see a preview of a cheesy 'chop-saki' film – but one has a history of viewing high-camp media materials and one has a history of viewing mainstream media. The contents of the reviews as well as the identity of the on-camera talent and even the advertising sponsor, might be dramatically divergent for the same media clip being reviewed. It should be noted that all media can be thus reviewed, not simply feature film and television entertainment.

In one embodiment, critics chosen to brand the service, and the underlying critical media shifts with media categories. There might be, say, a science critic and a golf critic who would be linked to the play of those clips and whose unique critical commentary would be presented for each unique category. In other embodiments, an on-screen icon, or better still, a group of icons present ratings as clips are played. We might see the number of stars shift as each unique short clip plays. The stars though would refer to the underlying long-form media from which the short clip was derived (not to the actual clip itself).

SUBJECTIVE QUALITY RATING

In one embodiment, one of the useful metadata tags is a rating of subjective quality. Significantly, this tag is of value both for the individual subjective value of a short clip (where there may be several clips derived from the long-form media –each of varying quality) as well as for the long-form clip. When combined with the critical system mentioned above we will suggest that the subjective quality tag relates to the specific short clip's entertainment value. A second subjective quality rating is provided by the critic. Let's call this the 'star rating', and this value applies only to the subjective value of the long-form clip from which the short-form was derived.

In another embodiment, it is useful to allow multiple subjective values to be assigned to a clip that are each keyed to a different age-range or other viewer characteristic. In this way we can indicate the value of a clip to each potential viewer. Within the same media one derived clip might appeal to kids wile another to adults, yet the underlying long-from media might appeal to both. In this way the optimal clips can be presented to each potential viewing audience to maximize the apparent subjective appeal of the underlying media.

MORE COMMENTARY ON THE CONCEPT OF CLIP SETS

One embodiment arrives at acceptable aesthetic solutions through the use of simple logical decisions. The precise logic employed is variable depending on the embodiment and is obvious to one skilled in the art. In one embodiment, the need for clips to have specific tag structures is clear. These sets are called Sequential sets.

BASIC TYPES OF CLIP SETS One embodiment allows the definition of two types of sets. First, sets in which if any clip is chosen for playing all clips in the set must be chosen for playing. Within this type of set the clips can be defined as sequential or random. That is, in sequential sets if any clip is chosen for play, the first clip must be defaulted to. Subsequently, all of the remaining clips in the set must be played in some acceptable and defined time-frame. The second type of clip-set is a set in which if one clip is played the others may not be played for some acceptable period of time. The sets are called Exclusive sets.
The following is exemplary. The use of the character S or E in the first alphameric position of a tag describes the fact that the clip is the member of a closed set or family of clips and whether it is of Sequential or Exclusive type. The next (usually two) numeric positions define the number of the clip in the series. If the series is a random series, then there is no value in these positions and the absence of the value in itself defines the set as a random one.

But there are other common needs for sets to be functional. Take the case of a human host who wants to comment upon a given clip or clip set. These clips are defined as Hosting clips – that is, they are perhaps 'talking heads' which set tone and keep continuity throughout the presentation of the series of disparate clips. On the surface it would appear that if a host wants to comment upon a particular clip then his commentary could be simply linked with the clip in the database. But in practice this isn't true. In practice the same clip might be suitable for a variety of viewer demographics, thus the choice of optimal host for a particular viewer might shift. Secondly, since it is customary to derive several clips from any given piece of underlying media it may be enough to set a given hosting clip next to any member of a set of clips. Finally, it may be desirable to place more than one variant hosting commentary or clip next to a given clip or clip set for variety. For all of these reasons, and for specific structural reasons when the system is employed for, say, distance learning applications it is desirable to define a hosting clip or hosting clip-set against a content clip or content clip set without causing an actual hard association of the resultant clip-pair such as would occur with an actual post-production editing of the two clips into one.

ASSOCIATED MEDIA TAGS In one embodiment, the core concept for managing clips and clip-sets that are associated with other clips or clip-sets is to assign tag(s) to clips such as these that allow the clip-selection module to know of the presence of such 'associated clips'. In practice, it is difficult to anticipate whether it will be desirable to let content clips, for example, pull-up host clips or vice versa. The solution of one embodiment is to tag the clips with information that allows the clip-selection engine to know that there is/are associated clip(s) to the clip or clip-set selected. Say, for example, the selection template calls for a clip of Feature Film to be inserted into the stream of programming. The selected clip has a tag that indicates the presence of associated material. The actual associated material could be maintained in a subordinate database of associated media, or the clip-ID or clip-set ID could be appended to the indicative tag. Now the engine might, for example, pull up the associated clip(s). At this juncture there are many ways to handled the logic of the association. If, say, the appended information indicates a clip that happens to correlate in type with the clip next required by the program template – that is, say, the template calls for a Host clip to follow the Feature Film clip and the associated clip bears a tag that indicates that it is in fact a Host clip, then, rather than perform a fetch function, the associated host clip simply takes its place in the assembled stream of media clips, then a profitable association would be achieved in the final delivered programming. The use of such associative tags and methods are unique to the systems of media assembly for various embodiments of the present invention.

ASSOCIATIVE TAGS HAVE CONTEXTUAL TRIGGERS In one embodiment, there are cases when the associated media is of a particular type that may be contextually appropriate only in certain uses of the clips. Imagine, for example, that numerous clips are in the database that teach Spanish language pronunciation. When the clips are used for their anticipated purpose – to teach language – there are specific clips associated with them. These might be, for example, testing modules or Spanish cultural clips. But these same clips might be used for their pure entertainment value in another context. In this case the clips might be presented without associated media clips or with, say, hosting clips that reflect the content of the language clips with wry humor. This points out the need to have associated clips be capable of bearing contextual tags that make relevant each associated clip or clip-set. In one embodiment, in addition to the tags described above, that each associated media tag bears a Contextual Relevance tag that implements the association process. This means that it is desirable to call-out the context in which media is being presented to, or consumed by, a viewer/user. It is also thus required to have provision for more than one set of associated media tags per clip or clip-set. In one embodiment, in the case of more than one set it is required to have an indicator of the context in which the association is energized as a part of the tag series. It is also true that viewing history and parameters will also affect the pairing of clips. Viewing history, for example, can reliably be used to describe the desirability of replaying or avoidance of a clip – or can trigger the playing of a further clip (sequential or not) from an associated clip set. Likewise, the demographics and psychographics of a given viewer will cause the selection of clips sets linked by association in the same way that this is accomplished in non-associated clips. These contextual variations can also be sorted out using the system methods described elsewhere herein.

COMPARE LOGIC RUNS BEFORE THE EDL IS PRESENTED FOR ASSEMBLY In one embodiment, associations between media elements are handled by a specific sub-system of code running in the background of, or sequential to, the clip-selection process. As clip ID's are returned to form the edit decision list that will create the concatenated stream, the list is passed by another piece of code (or review software module) and the selected clips are reviewed for the presence of associated media. In one embodiment, this is the structure of the system header implementation and it is the inherent function of the system to locate affinities – especially between content clips and advertising and sponsorship clips or other items such as XML data intended for (usually simultaneous) on-screen display. Disallowed combinations are also often discernable at this stage. So, in one embodiment, all affinities between media can be handled through the use of the system described here and in the system commentaries. Whether the data is contained in a header of the media itself, in a metadata header or tag(s) is of no importance to the scheme. In one embodiment, a system ferrets out affinities by comparing them through any comparative logic

regardless of the method of defining or deriving the clip or media or HTML/XML/JAVA, or like, element for on-screen display.

AREAS HAVE CONTEXTUAL VALUES In one embodiment, areas, as defined elsewhere herein, generate or are assigned various 'context' values, which are called up upon the selection of an area type. Thus some areas might indicate Entertainment as their primary function, while others might indicate Education, Review or Practice, Research, Browsing, or Mood-Setting. And in more abstract uses of the system we can identify Gaming and Communicating as genres. This also means that templates may typically be deployed in response to some desired purpose. The purpose may be, say, the desired purpose of the viewer, or it may be simply a fixed value associated with a particular type of corridor and/or templated viewing experience.

MEDIA TAGGING CATEGORIES In one embodiment, it is desirable to tag each media clip or clip-set with an indication of general media types for each clip. In our pilot programming we have identified the major types as follows:

- FEATURE FILM CLIPS
- TELEVISION PROGRAMMING CLIPS
- DOCUMENTARY CLIPS
- SPORTS CLIPS
- BUSINESS CLIPS
- HEALTH AND LIFESTYLE CLIPS
- LOGO CLIPS
- TALK CLIPS (GENERAL TALK-SHOW AND DISCUSSION)
- ADVERTISING CLIPS
- EDUCATIONAL CLIPS
- MARKETING OR INFOMERCIAL CLIPS
- HOSTING CLIPS
- INSPIRATIONAL CLIPS
- FACTOIDS
- NEWS CLIPS
- MUSICAL CLIPS
- INTERVIEW CLIPS
- TRANSITIONAL CLIPS

These are also the categories called-out in the TEMPLATES. In various embodiments, there are additional categories of clips. For each of these categories clips are further identified by sub-classes or categories. In an example embodiment, the Feature category has such sub-classes as HORROR, ROMANTIC, COMEDY, and ACTION. These sub-classes are also generally called-out in the Templates – although sometimes they are generated through a decision matrix and added (contextually) to the Template specifications. Television programs may be sub-categorized as, say, comedy, drama, horror and so forth. Musical clips may be, for example, pop, rap, serious modern, classical, rock or hip-hop. It is worthy of mention that sub-categories may overlap with main categories. The interview of a musical artist, for example, might be included as an 'interview' sub-category under the genre of interest –say 'Jazz'. While another interview might be filed under the main 'interview' category and bear the 'musical' sub-category. While the clips could be mined to cross-function effortlessly, the selection of tagging methodology would likely depend on the anticipated use of the clip in a stream of programming. In the above example, if the musical interview were deemed to be, say, of general utility out of a musical context (for example, a famous musician making a general statement about life) then the main category of Interview might be more suitable than if the clip were part of a (longer) musical setting where the topic was, say, the problem with taking a piano 'on the road'. Here the Musical header might be more apropos.

CHANNEL-SWITCHING STRATEGIES – The appeal of one embodiment to providers of media programming is that the system does not compete with them through the use of its shortened clips derived from their long-form programming. Instead, the system functions as a preview channel that serves to expose their content in a novel way. This is done whether by passive browsing or active searching of the short-form clips. But when an item of interest is found by the viewer/user the system switches immediately or in a very brief time to the source of the long-form programming. Unfortunately, not all providers of programming will have true VOD capabilities on-line or on cable-delivered TV. So the actual strategies for executing such a switch or 'hand-off' are varied. In various embodiments, the following strategies are employed alone or in combination:

- Upon reception of the gesture indicating the viewer's desire for deeper programming the system performs the following:
    - Switch the viewer to an intermediate layer of slightly longer-form programming, which may be a summary version of the entire long-form, or a more complete sales or review tool in the form of a more in-depth video or perhaps 1-2 minutes in length.
    - Upon the reception of an additional gesture or time-out signal, the user who has selected this intermediate format can be shuttled to the source long-form video by any of several means.
- Upon reception of the gesture indicating a desire for more in-depth programming a command is issued which may include:
    - A 'change channel' command to the Set Top Box
    - A rerouting to a new URL for on-line applications
    - A command issued to the source channel (with or without the channel-change command to the STB) or to/by the network's server, or the csble headend server(s), indicating the precise media to shuttle the viewer to(with a unique viewer number, probably from the STB's viewer-ID or by means of an email address, cookie, or other computer-sourced identity
    - The display of video media in the primary video window of a television or computer monitor, audio instructions, and/or HTML/XML or atvef-compliant on-screen displays (such as L-windows and hot-spots and rollovers) or similar methods of text and/or video or graphic media instructing the user where to go to finds the full-length source media.
    - The mining of full-length media assets from within our own server or from within the server at the cable headend or Internet node. **Such display of assets can be, significantly, branded by they system or branded with the logo, bug, or other bumpers and station ID's and the like with which the source entitiy desires to brand their media.** iTV interactivity is most likely present and functional during this media-selection phase as well. So media and related elements can also be displayed in the webpage portion of the iTV screen.

RETURNING TO OUR HOME CHANNEL In one embodiment, an icon or text or roll-over cue indicative or the system is placed somewhere in the on-screen materials once a viewer is routed to a remote or local source for the delivery of long-form or full-length assets. Whether it is in the STB local processor and memory cache or part of delivered XML or similar data, or a slice of video (probably cached and probably less than full-screen) and whether it appears durably on-screen or intermittently or as the result of some user action such as a roll-over or some system-initiated action (such as an end-of-file signal from the currently playing media) there will be a button/icon which will initiate return to our home channel. This return could be performed by channel-switching within the STB, server-side alteration of the video-stream, ATVEF-complaint data, or 'channel' and/or branding, or by any oher practical means. The request to return would be carried by the appropriate back-channel from the user. Interaction with the logo or element would cause the issuance of the appropriate 'return to initial channel' request.

A NOTE ON T-COMMERCE In addition to presenting video assets in short-form (and sometimes in long- or summary-form - infomercials for instance), one embodiment also presents related merchandise – branded T-shirts, DVD's , VHS cassettes, memorabilia, and related secondary merchandise and general merchandise like golf-balls, cars, scuba regulators and so forth as t-commerce add-ons. These items, which may be impossibly niche-marketed for traditional television advertising will be linked to the specific viewing patterns and demography of the viewer/user. While it is simply a use of emerging iTV t-commerce platforms to fulfill commerce on-screen, our linking of commerce applications to short clips as part of the value-added of the viewing experience does have identifiable uniqueness. If we refer a viewer, using any mode like those enumerated above, to source programming we will extract a fee from the programming's provider. The fees may be offset or underwritten in whole or in part by advertising revenues, but an important concept in one embodiment is that any transaction is a t-commerce transaction if executed through our VOD service. If the viewer is not sent to a remote service for fulfillment of his request for additional programming, then there will be any flavor of fees for the hosting, delivery, rental, purchase and so forth of the media housed within the system server or related headend servers as described above – this also is t-commerce and also can be underwritten by sponsorships and placements in the ways described elsewhere and in our other patent application related to advertising strategies. Another embodiment makes the on-screen web-page window, or L-window, display (for every clip for which there is underlying media or related merchandise available for purchase or rental) the t-commerce links and/or fulfillment tools needed to cross-promote the media displayed. That is, and this is unique, each time media is presented in short-form, say a clip from a feature film, the 'non-video' portion of the screen (or overlays and inserts in the video stream) will make available not only the links to view the underlying source material on-line but also to purchase the media as a DVD or VHS or equivalent media element such as on-line download. Also any related media such as collections, films by the same director or featuring the same star(s) might be presented linked temporally to the media clips. Various embodiments use many strategies to encourage the acceptance and participation in media such as advertising and commercial and informational media, which can be used by the viewer to offset the costs associated with such purchases, rentals, and subscription and PPV fees.

Consider the specific example of independent film and other forms of media for which theatrical release is not practical, or not currently of value. The emerging home uses, especially the home theatrical uses are growing in commercial importance. We present the short clips and perhaps warehouse the long-form clips as well. As the short clips play the viewer is advised that if he views the full-length film within, say, a week the pay-per-view fee will be reduced by, say, 50%. If the user purchases, for example, the DVD within a week the price is reduced by, say, four dollars. If an indication of interest is received from the viewer, or if desired by the channel itself then constant or intermittent reminders of the discount and of its pending expiration might be caused to appear as video inserts, web-pages and the like. This information might b displayed alongside the credit/debit bar described above. When a user clicks on short form media the long-form is made available for PPV viewing at the reduced rate. We can directly apply credits earned to the viewing costs as well as to the purchase of the media through t–commerce and as always earn a percentage, a fixed fee, a profit or some other form of remuneration for the service.

NO FEE UP-FRONT ADVERTISING Where traditional advertising requires fixed budgets for ad placements, in one embodiment, a vendor can generate ad placements by devoting a percentage of sales and/or viewing fees to the advertising budget. The system 'primes the pump' by placing short-form media in the universe of assets available to viewers deemed to fit the demography appropriate for a given product or media item. If these placements result in click-through we take our fees, but additionally we set aside some or all of the vendor's profits as ad-placement fees. This allows us to begin higher frequency of clip play, higher probability of clip play, and/or broader demographics and/or day-parts for clip play. The embodiment then dynamically shift the advertising media or teaser-clip placements in response to detected patterns of user response. The system thus auto-refines the ad placements to optimize the probability for click-throughs resulting in sales. One embodiment allows vendors and ad agencies to describe the curve

over time of advertising placement fees versus profits. Thus, a campaign could be jump-started by allocating most or all of the profits from a given item or media for the early period of the campaign while slowly reducing the percentage allocated to media buying as the response builds. This allows a low-risk or no-risk campaign to be undertaken. In a variant embodiment, a vendor simply defines the desired media budget for a given unit of time and marketplace and placements are dynamically made until the limits of the placement budget is reached. In one embodiment, two things are unique: if the placements result in click-throughs and/or sales the limits of the ad budget can be dynamically and automatically altered over time by our ad-placement software as described above. Secondly, if we are in a position of attractive profit-sharing or other royalty or similar arrangement with the vendor, then we can cause ad-insertions to occur and to focus without reference to the limits imposed by the virtual ad-placement budget defined by a vendor. No money has to exchange hands to create effective product campaigns and launches.

SYSTEM AFFINITIES When this concept is combined with the system's header concept in various embodiments, things get very exciting. When the affinities of the advertised or 'short-form clip-presented' item are known and the affinities of a given media item are known, the system allows the automatic association of a clip with a commercial message – be it another clip, a bug, a bookend, an iTV webpage or any other on-screen or audio element. Add the third element of an appropriate viewer and the system is complete for one embodiment.

In one embodiment, Micro-markets are addressed in a completely novel manner. Let's examine a sample case. An 22-year-old male viewer located in Boulder, Colorado with a history (or stated desire or profile) of watching jam-based rock bands, like Phish tunes-in on come on-line to our service. The database, in the process of mining various media for presentation to the viewer brings-up for concatenation a Phish-like music video clip. In the background software monitors each clip looking for affinities and associations with clips in the queue. An affinity is found with a micro-brewery in Boulder. This advertiser has placed a virtual buy with us that states that they will underwrite the downloading of clips for this kind of band in their geographical region if the viewers are between the ages of 21 and 35. Since all elements match there are several ways to carry out this transaction. In the Roar paper we have described several scenarios. Let's amplify one here. The short clip is played with a bug superimposed on it, and/or an onscreen web-page message, and/or bookends that show the logo the microbrewery. One embodiment uses a specific form that will become known to viewers for advertisers wishing to underwrite media or contribute to commercial transactions, but regardless let's say that a screen-corner bug announces (under the logo of the brewery) that this clip can be downloaded for no charge or the MP-3 of the clip can be downloaded (perhaps even remotely at, say, the band's website) for no charge/reduced charge. The brewery, because the placement is so ideally targeted simply completes a transaction with the viewer and with the Phish-like band or their record label or other representative. The band gets exposure and perhaps money, the brewery gets good-will and targeted exposure, and our channel gets a royalty or other consideration for performing the ideal match. If, say, the viewer even opted to go to a remote system such as his computer to get the free MP-3 or similar download of the band's music, then the t-commerce capabilities of our channel could issue an ID# or security code to the viewer or even automatically send an e-mail with the music file attached to the e-mail address of the viewer (assuming that it were provided – for example, as part of the sign-up process). Other embodiments implement variations on this concept. The end result, as a business method, is three-fold. First, advertisers gain practical access to micro-markets and market niches that are normally impossible to penetrate for economically-feasible costs. Second owners of media – like local bands get their downloads underwritten by advertisers and thus can discourage piracy of their media while increasing profitability and exposure. Third, the viewer gets something for nothing without breaking the law. In the process oue service provides a unique service to both viewers and advertisers and picks up a profit as well as a loyal market in the process.

'ENTERTAINMENT VALUE' MONITORING, A DYNAMIC BALANCE IS PROPOSED In one embodiment, it is imperative that we do not inundate viewers with commercial messaging unless it is

perceived of as entertaining or highly desirable to the targeted viewer. One embodiment models and monitors the features of an ideal viewing experience on a moment-by-moment or, say, half-hour or cyclical, intermittent basis. Using proprietary algorithms we propose to maintain an appropriate balance of advertising, sponsorships, infomercials, product fact sheets and product videos with pure entertainment programming. A key to this is the SUBJECTIVE ENTERTANMENT QUALITY rating tag. One embodiment assigns a subjective value to the entertainment value of each clip. Thus, an advertising clip might have high entertainment value. In another embodiment, the core age-range of that value is expressed as a parameter joined to it. Thus entertainment value might peak for a given clip at 16 years of age. A third value might express the slope away from the central age – essentially the Q of the entertainment appeal curve. There are numerous other ways of expressing this information. Also the clip will still have the appropriate AGE-RANGE for the clip expressed as a constant through the use of tags in th e clip's metadata or headers. Finally, the computed 'fit' of the media to the viewer is derived from modeling various known attributes of human nature and matching them to the attributes of a clip. For example, let's say we know through profiling, progressive profiling, or viewing history that a viewer is an avid skydiver or at least an avid viewer of skydiving media. Let's say that we know that a particular ad – say for a skydiving show in the viewer's geographical area - will have a high degree of appeal for that viewer. Through the use of the media's tags and/or descriptive headers and metadata we can then derive this information automatically. This clip might be given a higher entertainment value weighting that the static pre-assigned entertainment value as expressed in the media's tags. This derived information can be an additional factor used to derive the outline of the 'ideal viewing experience', thus balancing the entertainment value against the commercial value. The precise algorithms are not vital to embodiments, and one skilled in the art can easily select sufficient algorithms.

ASSOCIATIVE STRATEGIES AND MODULE STRATEGIES FOR INSTRUCTIONAL USE In one embodiment, a key variation on the concept of affinities between media clips is illustrated by the needs of distance learning and motivational VOD programming, although the technique can be applied to any type of VOD clip delivery using our concatenation system. One embodiment implements hierarchical arrangement of clips into modules. In another embodiment, a group of associated clips can be placed into a module or sub-module. The module might contain any number of clips or clip sets. The individual clips might be called out in the template that governs the concatenation of the clips or the simple presence of a module in the edit-decision list assembled under the template might be sufficient. In this last case it means that the module should come with its own internal template that governs the assembly of the associated clips within the module. Either strategy works in practice in various embodiments. Experience with one embodiment is the following, which constitutes a non-exclusive description of the methods of modules.

The embodiment involved a motivational program for theoretical VOD use. The purpose was to help coerce diabetics to test their blood, exercise, and eat right. The challenge was to do this for a wildly variant patient population with unique needs and psychography.

The primary characteristic of the programming was the psychology of the instructional design. We elected to present dramatic elements of various types followed by solutions to the problems illustrated by the dramatic moments in what is called the 'teachable moment' after the problem has been clearly dramatized. So the overarching methods of the template was a repetition of DRAMATIC CLIP followed by MOTIVATIONAL CLIP or TEACHING CLIP. In practice there were some various type of 'dramatizations'. They were pure Dramatic Enactments, Sitcoms (with a Diabetic theme), Interviews (both real and scripted), Talk-Shows (containing both diabetics sharing difficulties and triumphs and a host steering things to the positive), Cooking Segments (with dramatic hosts), Lifestyle Vignettes and the like. The 'solution' and motivational media took the form of Host clips, Exercise and diet coaches, Motivational Interviews, Medical Factoids, and so on. Additionally, there were general commentary and hosting segments to introduce and set the tone for the programming, and there were short style clips (Transitions) to set a visual and audio tone to the assembled piece. This structure is novel in that it is expressed elegantly

without resorting to the specific content of the clips, but as general formal elements of the programming. Finally, there was a need to brand the programming with a logo, and to present the credit roll. So the general form might look like TITLE/LOGO CLIP, INTRODUCTION BY HOST, TRANSITION, DRAMATIZATION, TRANSITION, LOGO, HOST COMMENTARY, SITCOM, HOST COMMENTARY, EXERCISE, HOST COMMENTARY, INTERVIEW (talking heads too), TRANSITION, COOKING SHOW, MEDICAL FACTOID, TRANSITION, HOST SUMMARY, CREDIT SEQUENCE, LOGO. Some of these individual elements can be broken into MODULES – for example, the Talk Show can be broken into discrete thoughts (combinations of guest and host reactions on a given topic) or broken up by host and guest clips by topic. Others might be profitably grouped into modules – for example, Dramatization and Host Commentary.

We give each module a unique name and/or number and group clips and clip-sets within the module. This is a top-down approach that is ideally suited for developing content from scratch for iTV deployment. Let's assume that the, say, diabetes module is desired by or for a viewer. Let's assume that the simple case of 'diabetes module' is all that is called-up by the template software. This would likely be done by indicating a HEALTH segment, which by cross-reference to the viewer-profile would indicate the need for, say, the diabetic health segment. In the instructional design of the diabetes programming a module exists that, for example, stimulates the behavior of testing blood glucose/insulin levels. This is randomly or logically chosen by the decision software from the database. Let's imagine thst the viewer is an 18 year-old Type 1 diabetic. Call this module then DIABETIC/TYPE-I/BEHAVOIR/TEST-BLOOD/TEEN. Perhaps the module has a unique ID number or other marker. This could be the only element called out in the EDL (edit decision list). Upon opening the media item thus named, we find that it is a clip-set or module that contains it's own template with four or five sub-clip types, each type might have one to several potential clip-matches. The rules for the selection of these clips which are internal to the module and to its own template are the same or similar to those employed in the global template. That is, reusability, subjective appeal, and viewing history – among others – are tracked here as well. So new the simple indication of HEALTH clip in the concatenated stream of programming might look like INTRODUCTION, LOGO, HOST, DRAMATIC CLIP, HOST COMMENTARY, LOGO. These latter are the template elements internal to the module, which now take their places in the master template. For each clip in the module, however, we are able to limit the universe of potential clips that fit each element of the module's internal template to those clips circumscribed by the module itself. So, for example, even though we call a Logo clip – the logo called will be of the module's maker, not of the master channel. The host's will be internal to the module, not the general hosts. So, in the final assembled EDL there will be a unique concatenation of clips formed from within more than one universe of media assets. The assets, of course, are likely to have been stored in the same physical database hardware. The elegance of this system is that the program's designer can structure modules to self-limit the number of clips available within that module, and can anticipate template patterns that are unique to the needs of that module without recourse to the master look-and-feel and/or content templates. This is ideal, as we've indicated, for programming segments grown from scratch – even if those segments contain pre-existing clips. Where it becomes potentially less versatile that the simple act of associating clips is where the programming grows in an amorphous way. Suppose, for example, that a general host for a particular age-group or other demographic unit desires to make a hosting clip that specifically comments on a given clip (say a gory clip from a horror film, 'Gross!') or on a clip set (such as a group from a cheap martial arts film(s), 'Hi-yaaa!'). Then it is simpler to create affinities on the fly without recourse to modules. The issue here, as we've indicated, is whether we mark the master content clip, for example, with the affinity for the hosting clip or vice versa, or both. These are functional issues bordering on the aesthetic and do not alter the unique concepts expressed here. These last concepts are, we believe, set forth in their essence as 'hierarchical structures' in the granted patent, although the degree to which they are fleshed-out or claimed is unclear to me. It should be underscored that modules such as those described above can have unlimited layers of sub-modules within them. Thus, in the case above, for example, the actual blood-test module shown to the teen viewer could have been one of two or more that existed in the first layer of the modules called into the master clip-selection list.

ADDITIONAL CLIP DATA BEYOND THE TAG CONTENT IS SEARCHABLE One embodiment makes clip-data beyond the proprietary and general tags available for searching. In one embodiment, there are two sources of clip data. First, each clip is associated with a significant block of text and image data that it is intended for simultaneous display on the on-screen web-page. This text block includes the name of the studio or network and/or production company, the director, the producers, star and cast, key technical persons such as DP, cinematographer, set designer, composer. Mixer, production designer and so forth. Additionally, the cover of the DVD/VHS box or movie poster or similar memorable graphic is also displayed in the iTV window and is, in one embodiment, also searchable by image-recognition programs. Secondly, image and sound recognition tools like Virage search the clip database and create associated files of specific interest. For example, all mentions of a person, such as the President, in audio tracks could be collected to form a searchable meta-database that can be used to pull-up relevant clips. In one embodiment, such tools run on the database, especially during low-use times, and the various results slowly aggregate to form a dense searchable database with unusual data-retrieval points. In another embodiment, all search-terms out of the known range of the tags fall into broad families, and software in the search engine recognizes these categories/families and routes the request to the proper metadata. If the tags themselves do not directly contain the search-terms, then there are many search-terms that can be extrapolated/interpolated from the tags in combination. These will be catalogued along with the associated logical operations to perform on the tag values to extrapolate these search-term values. If the search-term does not fall into these categories, but seeks specific information about the clips, the talent, the team and so forth, then the query will be routed to the metadata that is associated with the clips for full-text (and possible image or audio) searching. If the data is not found here then the query will optionally be shuttled to our tertiary database where critical commentary, such as the aforementioned 'Leonard Maltin' type of data is kept. If the search locates the needed material here it is likely that the clip database contains clips that precisely match or are related to the query terms. The failure of the critical data will optionally pass the search to the database of abstractions derived from image and audio searching algorithms, if present. Failing these modes of search, in one embodiment, the search-terms are passed to on-line searching of general terms by, say, a search engine such as Google which may search user-group communications and documents and the like on the web. These results would typically be returned in the webpage portion of the screen, and not necessarily generate related video clips. However, some search will generate related clip information – especially if the search can be correlated to commercial purposes. That is, the search was for, say, mountain climbing. Clearly there may be documentaries and feature films and news stories related to mountain climbing. But there are also direct matches in the commercial realm like advertisers who make mountain climbing clothing and boots. Then there are secondary matches like 4-wheel drive vehicle retailers or manufacturers and travel agents specializing in exotic locations. In another embodiment, there are psychographic and demographic matches based upon the nature of the search and of the viewer's reactions (including viewing times and click-throughs) to the specialized video media returned in response to those query terms. In one embodiment, these include such abstractions as World music CD's and cigars. While the precise order and methodology of the searches is not critical to this concept, the method of returning video, which may even be tangential video to the search intentions of the viewer (clips of mountain climbing from an action adventure film), is unique. To do so in response to a query is novel. And to present the additional text data temporally locked to the video and as a searchable extension of the clip metadata is also unique.

A NEW FAST-FORWARD DEVICE We may have mentioned before that in systems where the latency can be reduced to acceptable times, or where it can be easily masked (such as by the delivery from local cache of entertaining bursts of video such as hosting or logos), in various embodiments, the gesture employed to click-through to underlying longer-form assets should also have a variation or on-screen option, such as a button, to click past the media displayed. Certainly, this should be the case for media longer than a very few seconds. The decision as to whether to allow a clip to play-through (presumably because it is so short or has so little time left to play) or to cease and branch or jump to the next clip is one

that is made using software usually in the user's receiver (STB or computer or equivalent), but embodiments are not meant to be limited by the location of this software. This same software will likely deploy any cached 'masking' or branding video to cover the latency inherent in the jump. The results of these 'skip-forwards' as well as the time spent watching the clips to which viewers are referred, as well as the time spent away from our channel after each click-through resulting in a channel-switch will be logged. In one embodiment, the data gathered for assembly of marketing data is used to, among other things, assemble accurate viewer-preference profiles and to alter the pricing and placements of advertising and commercial messages displayed for the viewer.

Embodiments of the invention that reference iTV are applicable regardless of the specific standards underlying the iTV format. In some cases ATVEF – the Advanced TV Enhancement Forum is mentioned, but OCAP (Open Cable Application Platform), developed in the US at CableLabs; and MHP (Multimedia Home Platform) can also be utilized with different embodiments. Additionally, one embodiment uses a protocol standard for set-top-boxes called DOCSIS. Another embodiment uses CableLabs standard. As new standards and protocols are developed, embodiments of the invention will work with them as well.

In one embodiment, concatenated optimized clips are presented to the viewer. In one embodiment, clips are optimized by an editor. In another embodiment, clips are optimized by an expert system. In various embodiments, factors such as length, descriptiveness and entertainment value are considered when optimizing clips.

One embodiment uses keyboardless surfing. The system has coordinates in 2 or more dimensions (real or virtual) on the user's screen. The coordinates pop-up in response to certain 'gestures' indicative of the desire for searching. As each set of coordinates is 'clicked through' the next 'refining' set appears forming a hierarchy that leads to the eventual point where the query is complete and the final media clips can be returned to the user. Along the way, in one embodiment, clips of a more general nature are also returned in the background of the coordinates. And the actual labeling/hierarchical system of those coordinates takes innumerable forms in various embodiments. In one embodiment, these forms are pulled-down from a master menu before searching.

TYPES OF ON-SCREEN INDICES The following are some keyboardless index structures in accordance with various embodiments of the present invention. The number of methods is large, and that schemes of indexing or schemes of knowledge are often, in various embodiments, subject to license or use fees, branding, and so on. That is, there is value in using a, say, Random House or CBS taxonomic system. The direction of payment – that is, to or from the provider or sponsor or licensor of taxonomies – is dependent upon the model. Let's say, in an example embodiment, Nike has developed a system for indexing sports, the branding of Nike and/or the references and search methods and weightings inherent in the Nike system might make the system free to users – perhaps using it, and especially for the location of media that promotes Nike might even confer economic or other real or perceived benefit upon the user. In another embodiment, a Bloomberg-branded index of media optimized to deliver (in response to a query) historical news and corporate backgrounds and/or histories in the form of say historical and current news clips, interviews, stock reports, investor reports and presentations, trade-show coverage and stock market reports both new and historical. In another embodiment, there is customized hosting. In this latter example, investors might be eager to pay a subscription fee. Naturally, in one embodiment, the subscription fee might be reduced or eliminated by the consumption of advertising. In this last case, and this is important, the fees could also be reduced by consuming (especially 'mindfully' through the returning of signifiers or proof-of-presence signals) corporate and/or product literature, or in exchange for a purchase through the system by means of, say, t-commerce. Examples of this last class of consumption of media might be the viewing of an overview video on a mutual fund, or the subscription to an investor newsletter through a STB.

A brief note on the remunerative methods needed to monetize the above scenario is in order. Why, for example would a business channel or news network make available their clips to such a service? One answer, in one embodiment, is that only very short clips are used and they are branded (say by a screen-corner bug) with the identity and/or logo of the source network or program. This in itself may have perceived value to the supplier of clips. Second is the concept of referring viewers to that source program/show or channel for the longer form media as we anticipate in the earlier writings. This has value to the supplier, but it is less suitable for the kind of high-powered media-response tool that we envision in the 'Bloomberg' example above. In the case where there is no referral we can include advertisements – which may be the original spots, updates of those original spots, or contemporary replacements of those spots with similar or dissimilar spots or other media insertions. In this case the automatic replacement of advertising is done, in one embodiment, by markers at the in/out points of the ad or by image and/or sound and/or pattern recognition that identifies the key characteristics of commercial messages and overwrites them or otherwise replaces them with new media. Some or all of the ad revenues thus obtained during the playing of the provider's media could be routed or credited to that supplier. In various embodiments, some providers will perceive value in the provision of their media to such a well-branded service. It is conceivable that, for example, 'supplier of news media to Bloomberg's media engine' could be of value to some.

In one embodiment, a user would typically begin by selecting, say, 'BLOOMBERG BUSINESS BACKGROUNDS' for the first menu. This is a taxonomy menu – which could be conceptually part of the corridor menus. Having selected this option, the viewer would be given a chance to sign-up for the service, or the viewer's ID – such as an STB ID – would be verified against the subscriber's database for that service. Upon enrollment or verification, in one embodiment, the member is presented with the following on-screen choices:

SEARCH BY:

BUSINESS NAME, BUSINESS SECTOR, DATE, LOCATION
TICKER SYMBOL, STOCK EXCHANGE, MEDIA PROGRAM

Upon indicating any of these choices the screen fills with the next set of values. In the case of BUSINESS NAME the screen fills with the letters of the alphabet, in one embodiment. In one embodiment, a rollover of each letter would cause it to change color, but indicating a letter through, for example, a click might cause the screen to fill with second or third letter groups that begin with the selected letter. That is, having selected, say, 'B', the next screen might have businesses whose names begin with BA in the upper left corner of the screen, while the businesses with names beginning with, say, BU might be in the lower right corner of the screen. Perhaps only the first two or three letters are visible, but clicking or rolling over a given letter pair might cause the screen to fill with business names that began with that pair, say BA, arranged so that BAA was in the, say, upper right of the screen, while BAZ occupies the lower right of the screen. Clearly in seconds a user could arrive at the desired business name. If the taxonomies were locally-cached, or if the bandwidth/latency of the server connection were appropriate (fast enough) then the screen could respond in real-time without the aid of 'click-throughs' until the final term selection. That is, as the cursor were rolled around over the alphabet each letter would, for example, expand a bit and concentric alphabetic characters and/or business names (or whatever terms were under consideration) would group around them. In one embodiment, moving quickly or in sufficient direction away from the locus formed by the leading-letter (or other readable gesture) would return the screen to normal and allow the movement to another lead letter whereupon the process might repeat. For example the letters could have adequate space between them to pass the cursor without landing on top of a letter. If the cursor did land on a letter and, for example, hold for more than half a second, then the logic would cause he display to switch to the 'concentric mode' around that new leading character. Yet another method would be to divide the screen up into dimensions. Say the horizontal axis was for the first letter of a word (such as a business name). In

another embodiment, the vertical axis could also bear the sequentially positioned letters of the alphabet (A at the screen-top, for example and Z at the bottom) to form the second letter of the word. Upon gesturing – say by clicking on a coordinate space representative of the first two letters of the word, the space would become representative of the third and fourth letters in the word. If there is a known set of terms being searched (such as business names) and if those terms are quickly available to present on-screen (such as by caching in a user's STB) then it is important to state that certain words would begin to take the place of mere letter sequences when the density of possible results for a query was limited – so, for example, the combination BAA was invalid, but there were two companies in the database that would qualify for the searched terms – say BABCOCK SECURITIES and BABSON TENNIS EQUIPMENT – then these could take their place in the alphabetic taxonomy. More than two axes can, by the way, be created on-screen as described elsewhere.

In another embodiment, suppose we are performing a general knowledge search. Assume that we have already selected, or more likely are by default placed in a MEDIA category of searching. This is important to clarify, because while these methods can be used for any searching, we are especially concerned with the media database uses that will return clips of relevant media in response to a query. So we are here, say, searching all the video/film media in a database for programming or clips pertaining to any kind of general knowledge. Here are categories used in the 1974 Encyclopedia Britannica Grand Themes taxonomy:

MATTER AND ENERGY THE EARTH LIFE ON EARTH HUMAN LIFE
HUMAN SOCIETY ART TECHNOLOGY RELIGION
HISTORY OF MANKIND THE BRANCHES OF KNOWLEDGE

In one embodiment, the categories, in any conceivable presentation format (such as those described above), form the terms of the first presented screen. Similarly, the gesturing on these terms would move the user to the next hierarchical level. Each selection has a unique hierarchy of terms.

While the abstractions developed for the purpose of on-screen querying are suitable to take a search from the highest level, it is practical to employ –at least as options- these kinds of search terms and onscreen 'front-ends' in various embodiments.

After the front ends, or before them, various embodiments employ versions of the more abstract and therefore more intuitive and visually richer coordinates developed expressly for this system. FUTURE-PRESENT-PAST, LARGE-SMALL, ENERGY-MATTER-IDEA, ALIVE-DEAD-INERT, COMPLEX-SIMPLE, FAST-SLOW-IMMOBILE, HOT-COLD, INTERNAL-EXTERNAL, and even such ranges as CHEAP-EXPENSIVE, NEAR-FAR, and GOOD-BAD are useful as abstracted coordinate values. A screen, in fact, could present many of these kinds of values simultaneously. An appropriate gesture on one could allow it to fill the screen with appropriate other vector now displayed on screen axes. Some of these might be the same attributes, but now subordinated to the term/axis selected first. For example if a user chose the ALIVE term of the scale then the LARGE-SMALL coordinate would be a useful one to position along a screen axis. Perhaps this would be at 90 degrees to a SEA-LAND-SKY coordinate. As the user positioned the cursor in the confluence of these axes on the screen any possible living thing could be swiftly selected. The SEA/SMALL position might spontaneously display the terms or icons for plankton, mollusks, shrimp – while the LAND/LARGE area might display TIGER, HORSE, ELEPHANT as the user moved to the ends of the scales. Whether these direct results were displayed for intuitive feedback, or whether the next nested layer of terms simply appeared upon the reception of a gesture, the user can continue as far as we design the hierarchies for him. Say the user got in the general area of ELEPHANTS then the appropriate, say, 'click' might bring up varieties of elephants or nuances between Rhinos, Elephants and so on. Significantly, the taxonomy could be circular. So that once the, say, INDIAN ELEPHANT were chosen we could search for sub-factors – such as diet and migration - under this 'final category'. In practice, by the time we are at this level of detail – say, INDIAN ELEPHANT, the universe of relevant media will often be

small enough that we can safely begin delivering clips right away, although the search refinement may continue in the foreground/background of the clips. Remain clear: this is a media-mining strategy optimized for the couch and for media clips. And it is designed to fuse browsing with entertainment and to be generally optimized for the creation of intuitive, revelatory searches.

Various embodiments employ receiver-based caching of media assets. To be specific, a PC or a smart set-top-box, or a processor-equipped personal video recorder (PVR) like TiVO, can be employed to deliver our model of programming locally – at the user's location – by caching selected assets and housing the video assembly engine and perhaps the decision matrix and associated clip-metadata in the user's receiver. Consider that TiVO for example, could deliver a concatenated stream of entertainment programming, rather that present lists of recorded programming. The desired shows could be cached as usual and simply played beneath a template or other decision-making system.

In various embodiments, hosting clips, advertising clips, and/or logos, channel-IDs and the like are also added to the cached programs. In another embodiment, as a given full-length media item was cached locally a short-clip(s) version of it is also cached locally. This could be downloaded to the user by, say, maintaining our database of short clips remotely and causing the identities of downloaded full-length shows and of viewers (or their STB ID's, web address or other identity info) to be passed to our server causing a short-clip to be downloaded to the user for each long clip downloaded. Another way of handling it would be to mark the long-form media with in/out points for exemplary excerpts and to identify those points with the receiver-resident software. There are other methods too, but the upshot would be to simulate our model on a small scale within the STB, PC, or PVR. Also worthy of note is that advertising alone could be cached and appended to the user-selected programming. In one embodiment, the stored programming are 'sponsored' by stored video clips like 'bookends' and brief spot-inserts featuring sponsor-promoting media (and/or by HTML window elements such as banners and other on-screen graphical or textual elements, as well as by the 'sponsored cursor' concept.

FLOATING FREQUENCY OF CLIP PLACEMENT Embodiments using a floating frequency of clip placement are described below. Since the income of our iTV channel is primarily likely to be derived from 'click-throughs', however they are implemented[58], and since various embodiments provide the display of well-known or popular entertainment, informational, and commercial media in a program-mix with unknown, obscure, and perhaps even difficult media clips, it is important to have a means to effectively maximize income potential through the selection of, and frequency of play of, individual clips.

We have addressed elsewhere the need to balance the commerce elements with the entertainment elements to create a satisfying viewing experience for users, while at the same time maximizing the income stream derived from those users. As is true with traditional media, the balance is a delicate one.

One embodiment sets a baseline frequency of presentation appropriate for the psychographics and demographics and geographics of any given viewer of group of viewers. A frequency value is assigned to each media clip. In one embodiment, this value is a tag expressly dedicated to this purpose. In another embodiment, it is a derived value expressed through a logical operation on other tag and other values. For example, the tag defining subjective entertainment value of a clip and the tag defining age-relevance of a

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[58] 'Click-through' as used here means any form of response to a presented clip. The response is by some kind of action or gesture on the part of the user. This action may be a gesture indicative of the desire to see further information or media related to a short clip - this information might be in the form of longer or additional video, or of web-page or similar on-screen information, or in the form of mail or e-mail follow-ups and the like - or in the form of responses to information or media presented as HTML, XML, Java, or similar Internet or web-based data whether presented through on-screen display or on secondary displays such as user computers, hand-helds or other receivers.

clip is operated upon (in one embodiment along with viewing history information) to derive a best-guess optimal frequency of clip-play (presentation) for given clip. This value weights the clip in the universe of total database clip assets relevant to a (particular) viewing experience (in any conceivable set of clips – total clips, selected clips, viewer-relevant clips and so on). This weighting value gives a greater or lesser chance of a viewer seeing this particular clip in a given interval of viewing. The term 'weighting' means any method of performing this statistical function. For example, in one embodiment, certain clips are intentionally placed in a 'must-view' bin (or database subset) and that these must-view clips are inserted at intervals in the general stream of programming which was derived from the larger set of 'may-view' clips – that is, clips that are viewer-appropriate but not imperative to view. In one embodiment, imperative clips include commercial clips and ID clips, such as station logos.

However it is accomplished in the particular embodiment, a value and/or system is created which describes the initial value of the frequency or likely frequency of a clip's presentation to a given viewer. Once this value or system is established a given clip will be forced to appear, or *tend* to appear, (depending upon the priority or type of the clip) at certain regular or random or pseudo-random intervals in a viewer's experience.

In another embodiment, a further system is set up to monitor the viewer's response to the clip, or clip-set, so presented for the purpose of causing the frequency of clip-presentation to float in response to the data collected. In various embodiments, actions monitored include, without limitation, some or all of the following: click-through, return of signifier(s), web-browsing and remote-control activities (including mouse motions and key depressions), consummated sales or information requests and the like. In short, any action that can be traced to the viewing of the clip (the lack of actions and actions deemed to be negative responses can be monitored as well) causes an evaluation of the commerce value to the network and optionally of the entertainment value to the user to be made. The value-per-transaction is also taken into consideration by the system. That is, in one embodiment, a click-through worth ten cents is perhaps ten times less weighty than one generating a dollar.

The collected responses are then optimally weighted against one another. The 'value-per-action' taken by the viewer is analyzed for entertainment value and commercial value. This value is used to modify the frequency of presentation of the clip or clip-sets to the viewer. In one embodiment, this is done on an individual viewer basis. In another embodiment, it is done globally on an unlimited basis or on a demographic, geographic and psychographic viewer-set. This analysis causes the initial frequency-of-play value described above to be reset. In various embodiments, such resetting can be global or for sets of viewers or individual viewers. This process is repeated on a continuous or periodic basis. The end result is that, with proper selection logic in place (which it is not necessary to disclose here), each clip or clip-set, or each clip so tracked, receives a floating value which reflect either or both a clip's entertainment and commerce value to the 'channel'. In this way the commercial value of a clip and/or the entertainment value of a clip is constantly refined by the monitoring system proposed and the actual or statistical frequency of play of each clip is self-refining over time.

In one embodiment, any clip can be accepted into our universe of media assets. This means that there is a chance, however slim, that any given clip will eventually be seen by persistent viewers in the appropriate demographic category. More importantly, that while a clip might be the best-fit or highest priority response to a specific viewer-query and thus be viewed at once in the response-set of programming presented/assembled in response to a query, it might never be spontaneously included in the general stream of programming to that viewer (when a specific query were not made). In one embodiment, this means that owners of media can place it on the system without paying up-front fees to 'force' it's presentation to viewers. Consider an infomercial. Rather than commit to an upfront media buy or placement it is possible to place an appropriate initial frequency of presentation on the infomercial media (or specifically upon short clips derived from it) and allow the commercial viability of the infomercial to regulate the frequency of those placements. Since our business will often derive per-click or per-purchase fees from these viewer actions, we can optimally present the media – or, to put it more succinctly, allow the media to optimally present itself.

In one embodiment, the ability to buy an initial or on-going frequency-of-play that is higher than that recommended by our personnel or set by our systems is provided. One embodiment allows media to be presented at no charge when the frequency of presentation is regulated as described above, yet charging incrementally for 'forcing' exposures of that media above our system-recommended and/or employee-recommended baselines.

In one embodiment, media which carries its own affinities for other media in a header or other associated metadata can also carry a preset and floating frequency-of-play value. This can be regarding as a 'frequency of potential play' value.

ANOTHER WORD ON HANDHELD POINTING DEVICES

One embodiment has one-handed control of x/y axes and the reception of clicks or other input gestures in order to reap the full reward of the keyboardless browsing methods described herein. In one embodiment, a joystick-type of x/y input device modified to accept the contour of the operator's (viewer's) thumb is an ideal input device for mounting on a handheld device to be operated generally with one hand. In one embodiment, in place of the joystick there is simply a sphere or fragment of a sphere that rotates freely in all directions in the cup of the mounting element, which element contains the x/y sensors – which may be any of the conventional or novel sensors such as potentiometers and optical counters (reading, say, index markings on the sphere or similar central element). The outer surface of this sphere, which is generally the exposed area of the sphere, which in resting state in relatively continuous with the front face of the handheld device, contains a small, generally concave, indentation into which the user's thumb might rest. In place of such an indentation there might also be a protrusion or nub designed to increase the thumb's gripping power on the sphere/sphere fragment. Additionally, whether the certain contact with the user's thumb is by means of an indentation or protrusion, or other friction-inducing arrangement on the movable portion of the x/y controller, it is recommended that the contact area might also be supported on a relatively slender and short shaft that raises it from the surface of the rotating 'sphere'. This would allow a greater range-of-motion by keeping the area of the thumb's contacting surface elevated from the surface in order to allow a smaller cross-sectional profile such as a shaft to be the limiting element that dictates the maximum degree of rotation of the central 'sphere' of the sensor array. We further suggest that the entire x/y input-sensing assembly be mounted on a surface capable of detecting downward pressure and/or motion. An exemplary example of such an arrangement is the use of a moderately stiff compressible pad of material, such as closed-cell foam, below the entire 'joystick' and it's sensors, which pad is affixed to the top surface of a motion-detector, pressure or strain gauge the bottom surface of which is affixed to the controller body itself[59]. As the user pushes down with more than the nominal force needed to control the x/y motions of the 'sphere' the entire controller element moves downward as the pad is compressed, thus giving comfortable feedback to the user. As this pressure described is increased the outputs of the gauges, such as pressure, gauges increases as well. Thus the outputs of the gauges correspond to the downward pressure of the thumb on the controller. This pressure/motion can be used to create a z-axis output as well, or it can be set to a threshold after which the issuance of a discrete 'click' signal is made. There are many ways to provide useful feedback to the user that a click has been issued. This can be, for example through the use of a threshold-sensitive gate which, when the set threshold is reached, issues both the 'click' output as well as a trigger signal to an audio sample or oscillator or shaker or other sonic or palpable output signal. That is, a vibration or impulse – audible or able to be easily felt in the thumb or the palm or hand of the viewer

[59] The position of, and presence of, the compressible medium is arbitrary. It's primary function is to provide useful motional feedback to he viewer. The pad/nub upon which the thumb rests might also provide 'give' or motion relative to applied pressure. The z-axis or 'click' sensor might be placed anywhere that it is suitable to receive this input. Likewise the compressible material/sensor combination could be implemented with an actual mechanical device such as a spring-loaded shaft upon which the x/y sensor rides. The spring would return the sensor to a 'stop' at it's normal (say, fully up) position. Any type of sensors including resistive wires or strips could be employed to sense the downward motion of the device.

provides feedback that the click has been issued. Likewise a simple mechanical mechanism, such as a thin spring-metal sheet upon which the sensor is mounted could simply have a pressure threshold after which it simply gives way issuing a sudden drop in position and/or palpable vibration of the controller array. The feedback solutions are numerous, but a solution like the primitive but effective 'clicker' once used to indicate a 'change slide' command for slide presentations is perhaps preferable because of the unpredictable sound pressure present from the loudspeakers during viewing. The sudden motion or sound-output from such a device could be used to, without limitation, close a micro-switch (such as a film-sandwich) or trigger a piezo-electric emission or a motion sensor beneath the spring device. It is also significant that levels of pressure of velocities of attack could be sensed. For example, instead of simply issuing a single on-off click output a device such as an accelerometer could detect the speed of a user's click and issue a range of clicks. Each one might be conditioned, by for example a Schmidt trigger that issues a simple on-off signal in response to a wide range of primary/initial outputs. The simple conditioned output could be employed as the click-on command while the nuanced pressure or velocity sensitive outputs could be presented to the computing environment associated with the viewing experience (such as the STB CPU) for additional value-setting or other parametric use. An example would be: upon the reception of a click of any strength the coordinates of the x/y pointer would be fed to the next-stage index display system, while the intensity of the click could, for example, spontaneously scale the range of the displayed terms. To clarify, imagine that a click is received in the intersection of the screen-axes corresponding to 'rock music-videos of the 1980's'. A weak click is set to be interpreted as an input from the viewer meaning 'I'm uncertain of the year and/or style of the video but I believe this is the time of its creation', while a strong or rapid click might indicate "I'm sure that this is the year/style of the video's creation that I wish to view'. In the first case the coordinates might scale from 1980 to 1990 on the x-axis and from hard-rock to country rock on th y-axis, while in the case of the firm click the scale might be centered tightly around the clicked region of the primary x/y coordinates – say 'hard-rock, 1982'. In this latter case the entire screen might be employed to refine these narrowly-expressed terms, which might lead directly to specific bands, artists or even videos without another tier of clicking/indexing. It is possible, though, that the pressure/velocity received in the z-axis could be employed in other ways – for example, even as a pure z-axis indicator that would be perceived by the user/viewer as, say, pushing deeper into the screen on a z-axis as downward motion/pressure increased.

In various embodiments, any type of x-y input could be used as well – a miniature track-ball or touch-pad for example would also be effective. In one embodiment, an optical sensor is used to track movement of the user's thumb or finger as well as scan the print to identify the user by this biometric information. In other embodiments, these devices are also made similarly sensitive and/or movable in the z-axis by the same or similar means, and that the motions or velocities or pressures or even temperatures (say through heat sensing that increased with pressure) or light (that decreased with pressure) received could be used to create x-axis nuances and simple of complex 'clicks' from these devices as well. Particularly in the case of the touch-pad it should be noted that clicks can be optionally issued by the tapping of the pad-surface as well.

In another embodiment, the click-input device, such as a mouse button is located on the rear and/or sides of the handheld device to facilitate clicking with, for example, the index finger while the thumb is engaged on the track-ball or similar pointing device and while the entire unit is comfortably held in the hand. The position of these/this button(s) should be where the average hand(s)will comfortably rest in position to engage the buttons. It should be clear that either the finger-activated sensor or the thumb-depression could be a primary click of a secondary one – corresponding, for example, to a left or right click. In a variation, the central part of the remote could be made slightly compressible (or sensitive to pressure as described above), for example by a thin layer of rubber, and pressure or similar gauges so mounted (on it's sides for example, and optionally below the rubber pad) that the act of squeezing the handheld device would constitute 'clicking' as defined above.

AN ADDITIONAL WORD ABOUT SENSING GESTURES One embodiment allows intuitive viewer-gestures like the circular and scribble motions of the x/y input device to be captured either with or without clicks - and either before or after clicks. Let's examine this in more detail.

The capture of such gestures to create useful control functions is novel. Further, it is novel that the range, speed or other subjective characteristic such as wildness or carefulness is captured. In one embodiment, the use of these gestures is viable even without accompanying clicks, and that the range of the gestures can be used to scale queries. In one embodiment, a small circular motion of the cursor might indicate the precise region of an on-screen coordinate or grid system to further explore or deliver as results, while a larger circular motion might indicate a general area to further explore or a more general range of results to display. In another embodiment, a scribbling motion- small or large – functions in the same way but indicates a negation of the results or terms displayed in that screen area. That is, if media were displayed or coordinates or grid elements were displayed on-screen and the scribble were received as a gesture, the aggressiveness of that gesture would, say, vary the range or type or speed with which the displayed information/media were removed from the screen or from the results of a query or from the parameters of a query. In another embodiment, performing a gesture such as these without clicking means something different from the same gesture performed before, performed after, or performed during/under a click or 'switch' depression.

SOME GENERAL CAPTURE STRATEGIES FOR GESTURES There are many methods by which to implement the sensing of the gestures described above, and an expert in the field could practice the invention with undue experimentation. In an example embodiment, as the cursor is moved the values of the x and y positions are stored in registers. A block of code is configured to run in the background whose function is to monitor the varying values in these x and y registers and to look for certain patterns in their varying stored values. Simultaneously there is are bits that are set to 'yes' or 'no' states by the mouse buttons. In the special case of sensing a circular motion or a repetitive back and forth motion of the cursor, such as a scribble, there will be a recurring visitation of the screen position in one axis that are central to the oscillatory motion. The centermost point on a given axis will experience 1/a re-visitation by the cursor position on a regular periodic basis, and 2/ see the distance to the extremes of the gesture to the left and right, up and down, or oscillatory motion on any vector as equal or nearly equal distances from the central point. This means that we can monitor the contents of the positional registers that correspond to the x and y axes for the presence of repetitive axis values and/or rising and falling values in a periodic pattern within a range of frequencies – say 2 seconds to ¼ second per oscillation. Having detected this pattern in either register we can look for the centermost point of the oscillation by several means. Since we need to capture the range of the excursion of the cursor we can also capture, upon recognition of the appropriate oscillatory pattern, the extremes of the modulation of the cursor in each direction. By, say, averaging the few or several repeats of the oscillation we can arrive at the average maxima for each end of the axial excursions. Dividing this average in half we can determine the mean midpoint of the gesture in a given axis. If we simultaneously perform this method in each of the two coordinate registers we can determine the midpoint of the axis-bound gesture in 2-dimensional space. That is, the intersection of the two midpoints is the x/y center of the gesture. Because the gesture might be perceived by the user as beginning in any 2-dimensional line (that is, point on the screen) it is important to either ignore the starting-point of the first excursion of the pointer or to correlate it with a later maximum excursion to arrive at a starting point for the gesture, if desired. This is because regardless of the perceived starting point on the curve of a gesture (such as a circle) the final circle or gesture will lie in the plane of the screen axes in the same way if it is symmetrical like a circle. We can now examine the x and y registers for sinusoidal acceleration (and negative acceleration) of the linear values of the points extending to either side of the derived center-point. Roughly sinusoidal patterns in both registers combined with roughly identical maxima in each register (and of roughly symmetrical excursions about the derived axis) would issue a command appropriate to a circle with the derived maxima. Asymmetrical temporal and/or positional patterns in one register or both registers would cause the command appropriate to the scribble gesture to be issued. Similarly, non-sinusoidal decelerations – that is for example, roughly sawtooth waveforms – and/or large amplitude differences in the x and y registers would be indicative of a scribbling motion of the type we anticipate using to indicate the desire to negate the content displayed on-screen, terms/textual, graphic or motional media. In both cases the locus of the gesture would be taken as the intersection of the mean value of those gestures in some moderate length of time – say 2.5 seconds. It will be clear that gestures in the form of, say, a square or zigzag or star or spiral or wave can be similarly detected and averaged to a central point and maximal range/distance set. The gesture-type would be passed as a value to the monitoring software and the appropriate, intended gesture will be identified and its function passed to the screen-display software to cause the appropriate action to take place on-screen or in the system. Simultaneously the (two) mouse buttons (click inputs) can

be polled and the resultant action taken with the gesture depending upon whether it was preceded, followed, accompanied by, or without, the depression of the mouse button(s) – if such a delineation is desired. In the case of gestures with no locus we will normally assume no meaningful gesture except motion indicative of cursor relocation. Cyclical motions in both axes of large magnitude, however, and with generally no locus, might be interpreted as, say, a general negation of on-screen activity such as would engender a total interruption of any screen activity and a return to, say, a home-page, master input page, or query page. The variations of the method are numerous, but the result is that users can affect their viewing and inputting experience employing a few easily-learned, intuitively appealing gestures rather than presenting them with buttons, menu-bars and other input devices. Notwithstanding this, there will normally be traditional input-accepting elements such as task-bars present on the borders of the viewing screen, but these will normally be for specific inputs rather than for general moment-to-moment steering of the media experience. This said, buttons duplicating the functions of the gestural commands will perhaps be present as well.

SOME CLARIFICATIONS ON THE ON-SCREEN INDEXING STRUCTURES One embodiment uses coordinates to effect a rapid path through querying space. A significant novel feature of the system of one embodiment is the free use of the search methods that are optimal for each given type of search task and for each stage of the search or navigation task. While the first page of a query may present simple choices in the form of buttons or bars and the like, the next page might contain a coordinate expressed as a range of values along, say, the x-axis, while the y-axis might contain regions with discrete values arranged as columns for example. The next page might be groups of terms spread around the 2D screen-space, such terms might or might not be related to a grid system or to x/y coordinates.

The following illustrates this with an exemplary instance. This is an exemplary case only and the methods described do not represent exclusive solutions under embodiments of the invention.

The user confronts a master-page querying space. The master page offers the various taxonomic systems optimized for a given query presented under master categories. Each category of query is optimized by default with such taxonomies, but there may be others available by pull-down menus. Let's say the 'SEARCH FOR:' categories are MEDIA, FASHION, NEWS, SPORTS, CINEMA, TELEVISION, MUSIC, DOCUMENTARY, RESEARCH. These are presented, say, as buttons. The functions of the buttons may overlap significantly. The corridors may also be provided as options as 'SEARCH IN:' and we will have each search category bring up the optimal corridor for searching automatically. The user can shift the locus of the search by selecting another database 'partition' or by searching all contents with a 'GENERAL' content search. The search algorithms and/or the taxonomic systems employed are also automatically chosen, but may be hand-selected from pull-down lists.

Let's assume that the user chooses CINEMA. The corridor chosen in this case might also be CINEMA. The fact that the corridors have the same name is irrelevant. It just happens that in our model, which is understandably optimized for media consumption (at least in its early phase) is likely to have a corridor devoted to cinema. That corridor, naturally, will contain cinematic content only. The taxonomic system and logic to which the system defaults is, say, the Leonard Maltin or CRITICAL front-end. The user clicks. Immediately a new page appears. This time a series of colored vertical bars appears, each one bearing the name of a genre of film – HORROR SCI-FI DRAMA ANIMATED COMEDY INSPIRATIONAL ACTION CULT ADULT FOREIGN. While this list is not exhaustive note that there may be substantial overlap in categories as well. We'll call these bars the x axis. Along the y axis is a continuous time-line from say 1920-PRESENT. The viewer is interested in a dramatic film and places his cursor in the DRAMA bar. As the cursor is moved up and down in the bar the titles of significant films of the period and/or the exact dates corresponding to that position of the time-line y-axis appear or highlight. The viewer is unsure of the time of production of the sought-for film except that it is in the last ten years. He makes a small circle or oval with the diameter of about a decade – or perhaps a swift back-and-forth motion in the general time region thought to be appropriate for the film. He clicks (maybe before or during the gesture as well – this is a nuance). Immediately the screen re-draws. This time the entire length of the y-axis timeline is only ten years. The x-axis is now completely made-up of dramatic films – that is, the DRAMA bar has expanded to fill the x-axis. There are numerous implementations possible at this juncture. Typical of a solution would be to offer, in the form of a set of index-bars at the base of the screen (and this is, I think, a novel solution

too). Several narrow bars, probably of different colors and clearly labeled with potentially helpful search-terms such as, say, 'DIRECTOR' on one bar, STAR on another, STUDIO on another, and TITLE on still another. Imagine that the user knows the director of the film and clicks on the bar labeled DIRECTOR. The other bars disappear and an A-Z alphabetical continuum takes its place along the x axis at the baser of the screen. The y-axis might also reconfigure – for example into a set of NATIONALITY or GEOGRAPHICAL bars or regions. The user moves the cursor to the confluence of 'T' and 'US' on the x/y grid. Again there are many scenarios here, but, for example, the names of US-based directors whose names begin with T (and who, from the earlier decisions it is also known, have directed dramatic films in the last ten years) could blossom around the cursor. Names beginning with TA- might cluster to the bottom or left of the cursor and flow around it until names beginning with TY- are reached. In the absence of actual names (which are practical in the case of rapid downloading or prior caching of terms) the simple alphabetical sequences (ta, te, th, ti, tl...) may suffice. The user clicks on TA or TARANTINO depending upon the system employed. It should be noted that at this point in the search process it is likely that short thumbnail audio clips, video clips, and/or graphics and text may begin to appear on-screen in the background of the searching region or off to one side or edge of the region. These thumbnails or short-clips are intended to aid the in search process and to fuse it with the entertainment process and lend a helpful intuitive edge to the search process. Clicking on TARANTINO (or TA leading to TARANTINO) then may begin the presentation of Tarantino preview clips and/or it may again dissolve some or all of the coordinates and/or grids and the like and present (in any desired method and form) the various titles by Tarantino. The titles displayed would be those that are dramatic and made in the last ten years. We will also perhaps display the entire universe of titles by Tarantino but with those that do not match the full term—set of the query grayed out or otherwise delineated from the best-fit titles. At this point a click on the search result – say, a film title, will launch a preview or the full length title. The option to do this can be selectable by gesture or button and the like. Or the user can simple wait a moment and the concatenated stream of clips representative of the best-fit results of the query will begin to stream. At this point the 'quick until you click' model disclosed in detail elsewhere will be employed. It should be evident that this kind of search can be quickly and easily accomplished with nothing but a x/y pointer-equipped remote in one hand.

THE USE OF CACHING STRATEGIES AND THE LIKE IN SEARCH-TERM DISPLAY In one embodiment, the system is a client-server or otherwise distributed environment. In one embodiment, the terms useful to any given search or query are stored on the server – for example, at the cable headend. It is also assumed, in various embodiments, that the user's client/receiver is generally 'smart', containing a CPU and RAM and disc memory or equivalent. It is assumed that there is 2-way communication possible – for example, a narrowband return connection from the user to the server and a broad bandwidth server-to-client connection. It is difficult to anticipate the searches likely to be undertaken by a given viewer, so except for the early, broad searches it is unlikely that advance caching of the direct terms and media employed/displayed in a given search can be cached locally in the viewer's receiver (STB, PC and the like) with any efficiency in one embodiment. Some other embodiments use artificial intelligence techniques to predict the search path and cache accordingly. In various embodiments, it is possible to cache enhancing media and text to the search as we have discussed elsewhere – logos, general hosting clips, and other media designed primarily to mask the latencies inherent in retrieving media from the remote server by displaying them from local cache during the call for, and loading of, media/data specific to a query term, locus, or result. However it is fortunate that once a user begins branching down the logic-tree of a specific query/search it is possible to advance load data and media relevant to the query. With appropriate strategies, for example by first loading terms/data across the entire range of the coordinates and/or their intersection, but doing so at low resolution and/or frequency of appearance along the axes and increasing the spatial density of the displayed terms – especially along the path – and thus the anticipated path – of the cursor, a viable density of query-specific search results and terms can be available to provide local feedback to the user. With adequate bandwidth and memory and perhaps compression strategies it is possible to advance load the most likely next-stage terms before the page has been 'flipped' to that next stage of the search. The viewing history and/or profile of the viewer and/or popularity of the media/items being searched can be a strong influence by weighting the probability of a given media element or set being called upon or ignored. This delivery of best fit terms according to individual viewer histories and/or profiles is perhaps unique.

In one embodiment, the server (maintains and) calls up the viewer's profile/viewing history and makes a best-fit guess of the nature of any searches to be performed. It may poll the contents of the client-side cache that we have reserved for the storing and display of locally-cached graphic and media elements – this cache may maintain a relatively long-term caching of elements most commonly used by the client/user. This may obviate the need for sending the elements with the highest frequency of use to a given client. For example, if the user is checking on recent French-language films on a regular basis, enhanced graphics and data and perhaps short media elements might be continually retained in the user's receiver. The server then calls up the coordinates and graphical elements for search pages with the highest probability of being used that are not already cached locally. These are the first elements to be downloaded to the client. (If the cache is reliably maintained by the server for our dedicated use the server itself can retain a mirror image of the metadata associated with the media and data currently cached in the client. Given more time before a query is made, which is made likely because of the nature of the video media that is also being normally displayed as programming, further anticipatory caching can be begun. This process is repeated by the server as each refining stage of a search is returned to the server. That is, as the viewer clicks/gestures on a specific page, the most likely elements of the following pages (beginning with coordinate and regional data pertinent to the display of the axes of the search-tool screens and continuing to include enhanced, higher density search terms at the confluence of those axes) are delivered for caching. As discussed before, there are durably-cached media elements such as sound-files and graphics and video clips that are locally-triggered at appropriate points in this screen refresh cycle to mask the latencies associated with this redraw cycle.

In addition to creating short representative clips from the full-length media to which the short clips are linked (that is to which they will refer if 'clicked' upon as described elsewhere), one embodiment creates very short 'reference' clips. These will typically be of one or more brief highlights from the full-length media or from the short-from media derived from it. These clips will be generally three to seven seconds in length and will generally be highly compressed. That is, they may be reduced to postage-stamp size representations of the underlying media and/or they may be at lower frame rates or highly optimized by aggressive schemes such as JPEG/MPEG. These 'reference clips' will be displayed simultaneously with the other feedback to the user that is presented during the browsing process or as the interim or final result of that process. These reference clips may be displayed in HTML or other web-page friendly formats. They may be displayed in the primary stream of video or in the browser portion of the screen in various embodiments. Regardless of the method of display, users will experience the return of media clips as a part of their browsing experience in one embodiment. The density of the clips is again a function of bandwidth, server response time, caching capabilities at the client side, and the effectiveness of caching and background-loading strategies during the search process or as a result of the search process.

In one embodiment, these reference clips are the same elements that are employed as the thumbnail media of our menu. Either the short compressed clips themselves could be used, or a representative frame culled from the clip could be used as a still. If the clip were used then a representative frame would be displayed as a still and upon mouse-over or gesture the clip would play. If the clip were in the browser portion of the screen space – which is how we envision the implementation of the dwell menu – then the playing of the clip would be independent of the primary video programming appearing in the main MPEG portion of the screen. In this case the clip could be played without sound or the sound card could be switched to the menu output for the duration of the clip selected for replay from the menu. Audio mixing strategies in some computing environments are also practical. In this implementation the primary video sound would be reduced to near inaudibility while the audio from the reference clip is played due to a roll-over. In the case of the web-enabled, or browser-specific delivery of these reference assets it is practical to assume that the clips would probably be downloaded to the user as HTML, Java, XML and/or the video formats like QuickTime, RealVideo and the like. It is suggested that a single exemplary frame of each reference clip bear a tag marking it as the thumbnail still to be displayed when in a static mode or allowing a single frame to be extracted from the clip without playing it as video – say as a title page frame that, if so marked, would be bypassed if the actual moving image sequence were played.

If, in one embodiment, each played video clip has a proxy in the form of a reference clip and (perhaps) reference still image, and if a rollover of any clip contained in the menu causes it to play as video, and if the video proves to be something that the user desires to view again in long-form or short-form then two

things are necessary in this embodiment: 1/ a long series of menu clips should be stored (that is more than the screen could hold at any given time), and 2/ some additional gesture or pull-down or option should allow the return to the full-fidelity clip. If the menu clip is played and it is sufficient to make the user/viewer want to view the full-length media then there should be a simple input to cause the direct and swift shuttling of the user (according to the various methods and associated paths described earlier) to the long-form media for viewing. If the reference clip simply creates the desire to view the originally viewed short clip then a either 1/ a command must issue through the back-channel to the server to re-cue the clip, or 2/ the STB or client receiver should cache the last several minutes of recently-played clips on FIFO basis. Any of these methods can take advantage of the native processing capabilities of the receiver to enhance them – resizing, re-compression, multiple windows and the like. It is proposed that a user can maintain viewing records for a long period of time. This can be done by caching the menu contents continuously so that after screen space is gone in which to comfortably display the most recent clips the clips are passed into local cache and a back-arrow, time-stamp, on-screen 'roller' graphic, or other visual icon or method employed with, say, a trackball or appropriate gesture allows the older clip record to be displayed as well. If local cache is exhausted or substantially used up, one embodiment employs the backchannel to send these contents to the server for longer-term storage. A simple command or gesture will be made available to users to call up earlier viewing sequences in order to replay exact sequences as they were seen before. In one embodiment, the searching and querying tools is allowed to operate on these menu records in the same way that they would be employed on the main contents of the database. This feature is especially desirable in the case when users have been allowed access to the tag system and templating as described earlier in the 'user-group emulation' section. Thus unique programming segments could be recalled for later play by a user who had generated the rule-base for assembling them.

In one embodiment, the indexing and recall systems outlined above will be able to be employed in any area or on any class of clips, including such non-primary media as hosting clips, transitions and infomercials. This will done by giving the user an option to limit the search to any class of clips or meta-grouping of clips, such as is represented by a corridor for which there may be no specifically-defined tags.

THE CHOCOLATE AREA/CHANNEL Consider, for example in accordance with one embodiment, a CHOCOLATE area which might combine disparate clips drawn from cooking, travel, dining, manufacturing, advertising and other commerce forms, and even from documentary clips (say about the growing of chocolate, or historical rites employing chocolate). These clips would be assembled for presentation into the Chocolate area because of their relevance to the chocolate lover although they might have a primary usage in another corridor. Travel clips might feature, say, Belgium, dining clips might feature an outrageous chocolate soufflé at a famous restaurant, manufacturing or business clips might show the latest press party or product introduction video for a new chocolate confection or a high-volume chocolate molding press. These virtual organizing principles for clips will also be made searchable as primary programming and as viewed programming. This later means that along with the 'viewed clip' data it is desirable to record the area and other features of the settings under which the media was assembled for original viewing. This further suggests that the menu displays this contextual data simultaneously with the reference clips or thumbnails. One solution would be to display the context of the clips as a background graphic on the menu that highlights or surrounds on visually binds the clips viewed in the context of a particular parameter such as a corridor. This also implies that the area and other valuable contextualizing data from the search be retained at the receiver level. The area name, for example, could also be cached and caused to be displayed on-screen in the browser portion of the display as, for example, a headline. This data could then be recorded by sending the contents of the cache to the menu assembly software. This would allow the procedure to be carried out entirely in the receiver without the intervention of the server. When a new, say, area were chosen the cache would simply be updated.

AD REVENUE MODEL CLARIFICATIONS

THE MINI-AD LICENSED In one embodiment, the model of the short ad that 'clicks-through' to additional longer form ads or promotional materials or commerce opportunities for isolated use in the programming of other networks or 'channels' on either broadband, satellite, wireless or cable is used to solve current advertising and revenue generating difficulties.

One embodiment uses extremely short ads. The ad business is struggling with the channel-surfing phenomena – viewers simply don't stay to watch 30' spots any longer, so Arbitron/Nielson ratings of viewership are becoming meaningless, because although a given program may generate high ratings, the viewers are not staying with the show during the predictable commercial breaks. This is due to the 1/ predictable length of the commercial interruption, which on networks is typically elongated by 2/ the practice of grouping commercial announcements in multiples at periodic, infrequent, breaks in the primary programming. In one embodiment, both of these practices are eliminated. By using one emboidment, the practice of utilizing long ads could be partially alleviated. Significantly, the click-throughs then can be registered and tallied to create real viewership statistics for the ads, rather that the main program. One difficulty is that legacy television programming employs pre-panned long breaks for commercials at infrequent intervals in the programming. These breaks would then need to be 1/ shortened, 2/ filled with many more ads, 3/ filled with alternate programming. In the case of (1) above the entire cycle of programming could be shifted ahead by the shortened interval, or significantly, the additional time saved in the presplanned breaks could be employed thus: a mixture of quick-ads to fill some or most of the pre-alloted time and the interruption of the primary programming by one or more additional short breaks filled with additional quick ads. This would prevent viewer attrition during breaks because they would now be both short and unpredictable. In future programming, the primary programming itself could be re-configured to anticipate numerous short breaks instead of a few long ones. This would yield a different type of programming because the quick ads are inherently so short that they do not destroy the flow of the primary programming. Remember that while the registering of click-throughs provides hard user-numbers, the use of this format prevents channel surfing and so the users not desiring to 'gesture' on the ad are still receiving meaningful exposures to it.

In one embodiment, upon familiarizing themselves with the system, the media broadcast/narrowcast industry will respond by beginning to re-think the presentation and format of their ads to model programming in accordance with the present invention. In the case of legacy programming it will be desirable to pre-generate or pre-mark (tag) aesthetically-acceptable break-points in which to insert the new shorter ads. In one embodiment, such tagging is made an extension to the system's proprietary 'non-content' tagging structures. Another way to absorb the traditional time-slots reserved for current longer advertising implemented in one embodiment is to replay a short piece of the primary programming, say a few seconds of it, after each ad insertion to reduce the discontinuity of the insertion. The decision to do this replay or not, as well as how much programming to replay is also made by post-production professionals trained to make such decisions and then embodied in novel tags placed upon the media for this purpose. Naturally, other systems and methods might be employed to achieve similar results. For example, a random, regular, or unpredictable, timer could simply interrupt the primary programming at intervals and insert the quick ads and then optionally replay some, generally fixed or recommended by tags/data, part of the programming occurring before the insertion.

In one embodiment, novel forms of programming might fill the time left by traditional longer ads. One of the best types of programming for delivery systems equipped with return-path or back-channel response, or equipped with the caching abilities outlined elsewhere in this and our other applications, would be modeled on our programming model. That is, short bursts of media that are probably pre-selected in response to profiles and that either contain pointers to additional media related to the short media (these might simply be textual pointers if the system has no return path or direct control over its caching system) or additional e-commerce/t-commerce systems and/or HTML/XML type display capabilities.

A NOTE ON AD REVENUES AND AREAS In the case of 'branded areas, that is, areas devoted to, or conspicuously sponsored by, an entity desirous of exposure, one embodiment optionally shares ad revenues and/or commerce profits with the branding entity. These might be a micro-royalty shared with our 'channel' and possibly with the third-party commercial entity placing, or represented by the placement entity, the commercial media or element(s). Entities might also be charged a flat rate or a royalty or percentage of earnings from the sponsored channel.

Another embodiment uses the placement of advertising and informational media or elements in the transitional path to selected viewing experiences. That is, after the reception of a gesture indicative of interest in further programming, the displaying of commercial media as the transition to the desired

programming is executed. The advantage is that this is a prime ad placement of a new type and that it functionally serves to mask latencies in the system. In the case of referrals to media incapable of direct linking, a page or media/video sequence is displayed directing the viewer to the appropriate place to view, purchase or rent or research the requested media. In another emboidment, ad placements are made and sold on this page or on/within these media sequences.

A NOTE ON FILM CREDITS AND OTHER VISUAL MATERIAL TRADITIONALLY INCLUDED IN THE PRIMARY STREAM OF PROGRAMING As consumers increasingly demand higher-paced entertainment, and as certain media associated with traditional entertainment (of which the 'credit roll' of a feature film is exemplary) are responsible for loss of viewership through aggressive 'surfing' initiated by the appearance of such media, one embodiment removes these elements from the primary stream of programming. All such elements are placed in the secondary window of the media or/and made available by special buttons, hot-spots and the like for those interested in seeing them. Thus, media with less than universal interest such as credit rolls, are cut from the primary media and displayed over or beside that media in a secondary location, or are made available through a gesture indicative of interest in either the primary or secondary on-screen media.

A CLARIFYING NOTE ON THE EVENTS AFTER RECEPTION OF THE CLICK-THROUGH In an example embodiment, assume that a user has now 'clicked' or gestured on a short-clip or other media or element to indicate the desire for further media or materials related to the clicked-upon item. At this point one or more of the following several things occur:
- The user is shuttled directly to the underlying media, location, information, service or item.
- The user is shuttled to intermediate underlying media, locations, or information intended to further inform or entertain the user. That is, say, the intermediate clips shown before the display of long forms. For example, a short clip of a feature film might lead on clicking to a trailer, then on clicking or defaulting to the full-length feature.
- The user is instructed on how to get to the media, data, or item.
- The user is shown a list of options. In this case the list will vary according to the context and special cases of the path to the underlying elements. In the case of a feature film, for example and without limitation, the viewer is given the option to:
    - see the/a/some trailer(s)
    - read, hear, or see review(s)
    - see other films/media by this
        - director
        - star
        - writer
    - see another clip or all stored clips of this film/media
    - buy or rent this film/program or others like it (or by, say, the same director/star)
    - browse or purchase merchandise related to this film/media/item

In one embodiment, in the case of a TV show, these options is displayed along with, say, the following:
- view this episode
- view other episodes
- view a/all clip(s) from this episode
- view clips from other episodes
- shop for clothing/items/services used in/featured in this program/series

In one embodiment, in the case of sports programming these might be joined or replaced by items like these;
- see player/coach bios/stats (which might, say, be static graphics, XML, or video)
- view team(s) stats or background
- play related games
- view other games
- view game highlights
- see, read or hear player/coach/commentator interviews
- buy team/league merchandise

In one embodiment, these pages are also sponsored by advertising and/or commercial messages as described above. These pages also are or embody active media events such as video segments and they might be nested in multiple layers – that is selections might cascade to other selections or to media.

BRANCHING AFTER VIEWING OF SELECTED MEDIA In addition to offering choices before or while executing a branch to new media, which may take the user to a remote location such as another channel or URL, in one embodiment, a user is presented with choices upon his return from such media, data, or locations. The actions of the branching might be set by default in advance, or by the user's preferences. In the case of default we suggest that the action taken by the system might be definable in each case, perhaps through the use of a tag or setting or header associated with each media element or media type. That is, in the case of media that are not associated with other, say, media or networks the system might direct a user to be returned automatically to our 'channel' or service upon the completion of transactions or viewing of the media/information. Thus, say, the decision to view an infomercial underlying a clip would have no implications to the viewer that further infomercials will be shown. If they are, then we propose that special fees be levied to keep viewers in the desired location for longer. That is, a network or content-partner might pay a premium to cause the viewer to be retained at their location or to be delivered additional media/data of their choosing after such a branch. So, to return to the point, if no such threads exist in the natural course of a viewer's experience, then the tag or data accompanying that clip or clip-type might be set to cause the viewer to return to our core programming. In the case of a network program, for example an episodic program, there is logic and commercial value in leaving the viewer deposited at the network, whether underwritten or not by that network or entity. So the data would be set in this case to cause the viewer to be left at the new, referred to, location (whether or not this location is real or virtual (such as a 'branded' sub-set of our database contents). It Should be clear that menus (including branded and sponsored menus) like those above might also be employed in this return path. For example:

- see more of these programs, or programs featuring this star
- stay here at our network
- return to us
- view more clips like this show (executed at the remote channel or at ours)

THE 'RETURN TO US' FUNCTION EXPLAINED In one embodiment, a 'return to our program/channel' button or other device be provided to users of our service. Here is an example embodiment: In a receiver such as a set-top box or PC a 'return' button or media sequence or pop-up menu or other similar element is placed in memory. The display of this element is set to an on position by any method including specifically the detection of the arrival of a viewer/user at a specific location by way of our service. If such an arrival is detected, the display status is set to 'on', if not then normally, say, it is set to 'off'. In the case of an 'on' setting some element remains on-screen during the playing of media from a remote channel, network or URL. The display of the element might be minimal, such as a bug, or such as a, for example, bug or button that appears upon the sensing of 'remote' or keyboard or pointing-device input. Associated with this element are the necessary instructions or path information to initiate the return of the user/viewer to our home site or channel. If desired data can be maintained (either in the transfer instructions themselves or in our server) that records the last actions or location of the viewer at our site. Thus, optionally, a viewer might be returned to our main starting locations, such as our selection windows, or to any other location within our service.

PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2003

Application or Docket Number: 10874819

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	29	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	29 minus 20=	* 9
INDEPENDENT CLAIMS	11 minus 3 =	* 4
MULTIPLE DEPENDENT CLAIM PRESENT		☐

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE ☐ OR OTHER THAN SMALL ENTITY

RATE	FEE	OR	RATE	FEE
BASIC FEE	385.00	OR	BASIC FEE	770.00
X$ 9=	81.00	OR	X$18=	
X43=	344.00	OR	X86=	
+145=		OR	+290=	
TOTAL	810	OR	TOTAL	

CLAIMS AS AMENDED - PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

SMALL ENTITY OR OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X$ 9=		OR	X$18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

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

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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/874,819	06/23/2004	Dwight Marcus	68880/NPOWR

CONFIRMATION NO. 5129

24201
FULWIDER PATTON LEE & UTECHT, LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE
TENTH FLOOR
LOS ANGELES, CA 90045

FORMALITIES LETTER

OC000000013484057

Date Mailed: 08/09/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
  Applicant must submit $ **385** *to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of $65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **$425** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$875** for a Small Entity

- **$385** Statutory basic filing fee.
- **$65** Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is **$425**
  - **$344** for **8** independent claims over 3.
  - **$81** for **9** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/874,819
Filing Date	June 23, 2004
First Named Inventor	Dwight Marcus
Art Unit	2611
Examiner Name	Unknown
Total Number of Pages in This Submission: 19	Attorney Docket Number: 68880/NPOWR

ENCLOSURES *(check all that apply)*

- [X] Fee Transmittal Form
- [X] Fee Attached
- [ ] Amendment / Reply
- [ ] After Final
- [ ] Affidavits/declaration(s)
- [X] Extension of Time Request
- [ ] Express Abandonment Request
- [X] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [X] Response to Missing Parts/ Incomplete Application
- [X] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
- [ ] After Allowance communication to Technology Center (TC)
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [X] Other Enclosure(s) *(please identify below)*:

FORM PTO/SB/08a; return postcard.

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	**Gilbert G. Kovelman, Esq.** **Fulwider Patton Lee & Utecht, LLP**
Signature	Gilbert G. Kovelman
Date	**November 3, 2004**

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria,VA 22313-1450 on the date shown below:

Typed or printed name	Gilbert G. Kovelman		
Signature	Gilbert G. Kovelman	Date	November 3, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO/SB/17 (10-03)
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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) **$948.00**

Complete if Known	
Application Number	10/874,819
Filing Date	June 23, 2004
First Named Inventor	Dwight Marcus
Examiner Name	Unknown
Art Unit	2611
Attorney Docket No.	68880/NPOWR

METHOD OF PAYMENT *(check all that apply)*

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 06-2425

Deposit Account Name: Fulwider Patton Lee & Utecht, LL

The Director is authorized to: *(check all that apply)*

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additonal fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	395.00
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($) **$395.00**

2. EXTRA CLAIM FEES FOR UTILITY AND

	Extra Claims			Fee from below	Fee Paid
Total Claims	29	-20** =	9	X 9.00 =	81.00
Independent Claims	11	- 3** =	8	X 44.00 =	352.00
Multiple Dependent				=	

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) **$433.00**

**or number previously paid, if greater; For Reissues, see above*

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	65.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	55.00
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) **$120.00**

SUBMITTED BY

Complete *(if applicable)*

Name (Print/Type)	Gilbert G. Koyelman	Registration No. (Attorney/Agent)	19, 552	Telephone	310/824-5555
Signature	Gilbert G. Koyelman			Date	November 3, 2004

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

This collection of information is required by 37 CFR 1.17 and 1.27. 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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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.08

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 3, 2004.

Gilbert G. Kovelman, Reg. No. 19,552

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	Dwight Marcus
Application No.	:	10/874,819
Filing Date	:	June 23, 2004
For	:	METHOD AND APPARATUS FOR EFFICIENT, ENTERTAINING INFORMATION DELIVERY
Examiner	:	Unknown
Art Unit	:	2611
Confirmation No.:	:	5129
Docket No.:	:	68880/NPOWR
Date:	:	November 3, 2004

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

RESPONSE TO NOTICE TO FILE
MISSING PARTS OF NONPROVISIONAL APPLICATION

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application, Filing Date Granted, mailed August 9, 2004 (copy attached), Applicant submits herewith an one-month Request for Extension of Time, the executed Declaration and Power of

Attorney document, an Information Disclosure Statement and our check in the amount of $948.00 (small entity) covering the patent application filing fee ($395.00), late surcharge in compliance with 37 C.F.R. 1.16(e) ($65.00), extra claims fees ($433.00) and one-month extension of time fee ($55.00).

The Commissioner is authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 06-2425. A duplicate copy of this paper is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: _____
Gilbert G. Kovelman
Registration No. 19,552

GGK/jb
Enclosure

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696

Customer No. 24201

70239.1

IFW

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

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/874,819	06/23/2004	Dwight Marcus	68880/NPOWR

RECEIVED
BY
AUG 11 2004
FULWIDER PATTON LEE & UTECHT
LOS ANGELES

CONFIRMATION NO. 5129

FORMALITIES LETTER

OC000000013484057

24201
FULWIDER PATTON LEE & UTECHT, LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE
TENTH FLOOR
LOS ANGELES, CA 90045

Date Mailed: 08/09/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
  Applicant must submit $ **385** *to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of $65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **$425** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$875** for a Small Entity

- **$385** Statutory basic filing fee.
- **$65** Late oath or declaration Surcharge.

```
11/09/2004 HVUONG1  00000013 10874819

02 FC:2001                395.00 OP
03 FC:2051                 65.00 OP
04 FC:2202                 81.00 OP
05 FC:2201                352.00 OP
```

- Total additional claim fee(s) for this application is **$425**
  - **$344** for **8** independent claims over 3.
  - **$81** for **9** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

NOV 0 8 2004
PATENT & TRADEMARK OFFICE

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.08

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 3, 2004.

Gilbert G. Kovelman, Reg. No. 19,532

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	Dwight Marcus
Application No.	:	10/874,819
Filing Date	:	June 23, 2004
For	:	METHOD AND APPARATUS FOR EFFICIENT, ENTERTAINING INFORMATION DELIVERY
Examiner	:	Unknown
Art Unit	:	2611
Confirmation No.:	:	5129
Docket No.:	:	68880/NPOWR
Date:	:	November 3, 2004

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

REQUEST FOR EXTENSION OF TIME

Dear Sir:

Applicant respectfully requests a one-month extension of time to respond to the Notice to File Missing Parts of Nonprovisional Application dated August 9, 2004 in the above-identified application. Applicant's response is submitted herewith in a Response to

11/09/2004 HVUONG1 00000013 10874819
01 FC:2251 55.00 OP

Notice to File Missing Parts of Nonprovisional Application. The requisite fee of $55.00 for a small entity, pursuant to 37 CFR 1.136(a), is enclosed herewith.

Please charge any additional fee or credit any over-payment to our Deposit Account No. 06-2425. A duplicate copy of this paper is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: _____
Gilbert G. Kovelman
Registration No. 19,552

GGK/jb
Enclosure

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696

Customer No. 24201

70236.1

NOV 0 8 2004
PATENT & TRADEMARK OFFICE

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship is as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD AND APPARATUS FOR EFFICIENT, ENTERTAINING INFORMATION DELIVERY, the specification of which (check one)

__ is attached hereto

X was filed on June 23, 2004,

Application Serial No. 10/874,819

and was amended on (or amended through) _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 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.

I hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

			Priority Claimed	
Number	Country	Foreign Filing Date MM/DD/YYYY	Yes	No
NONE				X

I hereby claim the benefit under Title 35, United States Code, Sec. 119(e) of any United States provisional application(s) listed below:

Provisional Appln. Serial No(s).	Filing Date MM/DD/YYYY	Status (patented, pending, abandoned)
60/482,597	06/24/2003	abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

All attorneys listed under PTO Customer No. 24201.

Direct all telephone calls to Gilbert G. Kovelman, at Telephone No. (310) 824-5555.

Address all correspondence to:

FULWIDER PATTON LEE & UTECHT, LLP
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, California 90045

Full name of sole or first inventor: Dwight Marcus

Inventor's signature: _____

Date: 10.11.04, 2004

Residence: Ojai, California

Citizenship: United States

Mailing Address: 183 Avenida de la Entrada
Ojai, CA 93023

65948.1

NOV 0 8 2004
PATENT & TRADEMARK OFFICE

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.08

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 3, 2004

Gilbert G. Kovelman, Reg. No. 19,552

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	Dwight Marcus
Application No.	:	10/874,819
Filing Date	:	June 23, 2004
For	:	METHOD AND APPARATUS FOR EFFICIENT, ENTERTAINING INFORMATION DELIVERY
Examiner	:	Unknown
Art Unit	:	2611
Confirmation No.:	:	5129
Docket No.:	:	68880/NPOWR
Date:	:	November 3, 2004

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

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

The documents listed on the enclosed Form PTO/SB/08a have come to the attention of Applicant and are submitted to the Patent Office under 37 C.F.R. § 1.97. As this application was filed after June 30, 2003, copies of the U.S. patents are not enclosed although Applicant will produce them upon the Examiner's request.

This statement is not a representation that all of the information cited is necessarily effective as prior art against the present application or that a prior art search was performed.

Applicant respectfully requests that the foregoing citations be considered and made of record. It is additionally requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 (Modified) with initials and/or other appropriate marks.

This Information Disclosure Statement is being submitted prior to the first office action on the merits, therefore no fee is required. However, if a fee is in fact required, the Commissioner is authorized to charge any additional fee(s) to our Deposit Account No. 06-2425. A duplicate of this paper is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: _____
Gilbert G. Kovelman
Registration No. 19,552

GGK/jb
Enclosure

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696

Customer No. 24201

66166.1

PTO/SB/08a (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	10/874,819
Filing Date	June 23, 2004
First Named Inventor	Dwight Marcus
Art Unit	2611
Examiner Name	Unknown
Attorney Docket Number	68880/NPOWR

NOV 0 8 2004
PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number: Number	Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 6,144,702		11-07-2000	Yurt et al.	
		US- 6,002,720		12-14-1999	Yurt et al.	
		US- 5,550,863		08-27-1996	Yurt et al	
		US- 5,253,275		10-12-1993	Yurt et al.	
		US- 5,132,992		07-21-1992	Yurt et al.	
		US-				
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document: Office[3]	Number[4]	Kind[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

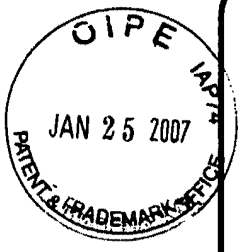
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

IPW

Doc Code: **68880/NPOWR**

PTO/SB/21 (09-06)
Approved for use through 03/31/2007. OMB 0651-0031
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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.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	6

Application Number	10/874,819
Filing Date	June 23, 2004
First Named Inventor	Dwight Marcus
Art Unit	2611
Examiner Name	Unassigned
Attorney Docket Number	68880/NPOWR

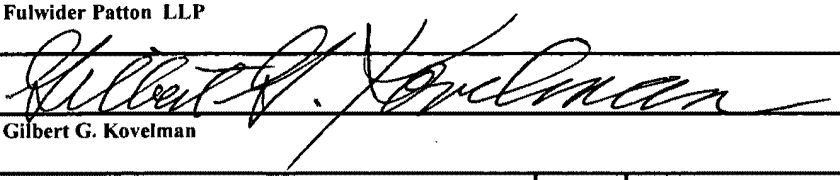
ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
- ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

FORM PTO/SB/08a; return postcard.

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fulwider Patton LLP		
Signature			
Printed name	Gilbert G. Kovelman		
Date	January 23, 2007	Reg. No.	19,552

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria,VA 22313-1450 on the

Signature			
Typed or printed name	Gilbert G. Kovelman	Date	January 23, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.08

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 23, 2007.

Gilbert G. Kovelman, Reg. No. 19,552

OIPE JAN 25 2007 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	Dwight Marcus
Application No.	:	10/874,819
Filing Date	:	June 23, 2004
For	:	METHOD AND APPARATUS FOR EFFICIENT, ENTERTAINING INFORMATION DELIVERY
Examiner	:	Unassigned
Art Unit	:	2611
Confirmation No.:	:	5129
Docket No.:	:	68880/NPOWR
Date:	:	January 23, 2007

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

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

The documents listed on the enclosed Form PTO/SB/08a have come to the attention of Applicant and are submitted to the Patent Office under 37 C.F.R. § 1.97. Copies of the U.S. patents are not enclosed although Applicant will produce them upon the Examiner's request.

This statement is not a representation that all of the information cited is necessarily effective as prior art against the present application or that a prior art search was performed.

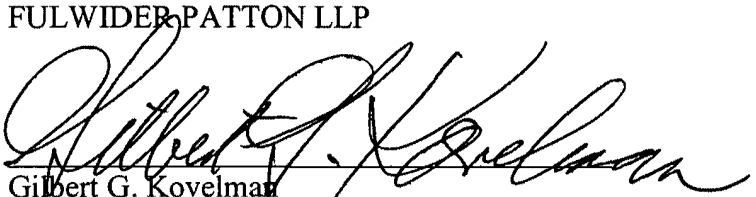
I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement, pursuant to 37 C.F.R.. §1.97(c).

Applicant respectfully requests that the foregoing citations be considered and made of record. It is additionally requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 (Modified) with initials and/or other appropriate marks.

This Information Disclosure Statement is being submitted prior to the first office action on the merits, therefore no fee is required. However, if a fee is in fact required, the Commissioner is authorized to charge any additional fee(s) to our Deposit Account No. 06-2425. A duplicate of this paper is enclosed.

Respectfully submitted,

FULWIDER PATTON LLP

By: 
Gilbert G. Kovelman
Registration No. 19,552

GGK/jb
Enclosure

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696

Customer No. 24201

153458.1

PTO/SB/08a (09-06)
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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OIPE
JAN 25 2007
PATENT & TRADEMARK OFFICE

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	10/874,819
Filing Date	June 23, 2004
First Named Inventor	Dwight Marcus
Art Unit	2611
Examiner Name	Unassigned
Attorney Docket Number	68880/NPOWR

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code [2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 4,724,491		Lambert	
		US- 5,029,014		Lindstrom	
		US- 5,434,678		Abecassis	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code [3] Number[4] Kind Code [5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.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.
[5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6]Applicant is to place a check mark here if English language Translation is attached.

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 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

O I P E IAP59 MAR 29 2007 PATENT & TRADEMARK OFFICE

Doc Code:

PTO/SB/122 (04-05)
Approved for use through 07/31/2006. OMB 0651-0035
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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CHANGE OF CORRESPONDENCE ADDRESS

Application

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

Application Number	10/874,819
Filing Date	June 23, 2004
First Named Inventor	Dwight Marcus
Art Unit	2623
Examiner Name	Christopher Grant
Attorney Docket Number	NPOWR-4-US

Please change the Correspondence Address for the above-identified application to:

☒ The address associated with Customer Number: **45,722**

OR

☐ Firm *or* Individual Name					
Address					
City		State		ZIP	
Country					
Telephone		Email			

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

☐ Applicant/Inventor

☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ Attorney or Agent of record. Registration Number **33,450**.

☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____.

Signature	
Typed or Printed	**Robert E. Rosenthal**
Date 3/26/07	Telephone **(215) 542-5824**

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of **1** forms are submitted.

This collection of information is required by 37 CFR 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 on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

OIPE
MAR 29 2007
PATENT & TRADEMARK OFFICE

Doc Code:

PTO/SB/80 (04-05)
Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

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

I hereby appoint:

☒ Practitioners associated with the Customer 45,722

OR

☐ Practitioner(s) named below (if more then ten 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:

☒ The address associated with Customer 45,722

OR

☐ Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

Assignee Name and Address:
NTECH Properties, Inc.
4347 Raytheon Road, Building 8
Oxnard, CA 93033

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

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

Signature		Date	3/2/07
Name	Robert W. Whitmore	Telephone	(805)271-2730
Title	President		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: **NTECH PROPERTIES, INC.**

Application No./Patent No./Control No.: **10/874,819** Filed/Issue Date: **June 23, 2004**

Entitled: **METHOD AND APPARATUS FOR EFFICIENT, ENTERTAINING INFORMATION DELIVERY**

NTECH PROPERTIES, INC. , a **CORPORATION**

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

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

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

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

A. ☑ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at **017066** , Frame **0198** , or a true copy of the original 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

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

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature	3/26/07 Date
Robert E. Rosenthal Printed or Typed Name	**(215) 542-5824** Telephone number
Attorney for Assignee Title	

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/874,819	06/23/2004	Dwight Marcus	NPOWR-4-US

CONFIRMATION NO. 5129

OC000000023506278

45722
PLEVY & HOWARD & DARCY P.C.
P.O. BOX 226
Fort Washington, PA 19034

Date Mailed: 04/23/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/29/2007.

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.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/874,819	06/23/2004	Dwight Marcus	68880/NPOWR

CONFIRMATION NO. 5129

OC000000023506244

24201
FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES, CA 90045

Date Mailed: 04/23/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/29/2007.

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

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/874,819	06/23/2004	Dwight Marcus	NPOWR-4-US	5129

45722 7590 01/17/2008

Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

EXAMINER	
MENDOZA, JUNIOR O	
ART UNIT	PAPER NUMBER
4115	
MAIL DATE	DELIVERY MODE
01/17/2008	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	10/874,819	MARCUS, DWIGHT	
	Examiner	Art Unit	
	JUNIOR O. MENDOZA	4115	

-- 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 *24 June 2003*.

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

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

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

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

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

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

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

Application Papers

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

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

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/25/2007; 11/08/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 9 states that "said first clip is a likeness" which does *not* clearly state the claimed subject matter; moreover, there is no further explanation in the specification that refers to the meaning of such limitation.

Moreover, the specification does not teach what a "computer program product" and a "computer usable medium" refers to, where such element is claimed in claims 19 – 27.

Claim Rejections - 35 USC § 101

2. 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.

3. **Claims 19 - 27** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 19 - 27 claim a "computer program product" which is effectively a computer program, thus is non-statutory.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 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.

5. **Claim 9** is 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. Claim 9 states that "said first clip is a likeness" which does *not* clearly state the claimed subject matter; moreover, there is no further explanation in the specification that refers to the meaning of such limitation.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1, 10, 19 and 28** are rejected under 35 U.S.C. 102(e) as being anticipated by Begeja et al. (Pub No US 2003/0163815). Hereinafter referenced as Begeja.

Regarding **claim 1**, Begeja discloses a method of delivering information comprising:

selecting a plurality of clips (The video server extracts video clips from various video inputs corresponding to a user criterion, paragraph [0014]);

arranging said plurality of clips into a stream of information (Where the previously mentioned video clips are stitched together into a continuous stream, paragraph [0028]);

presenting said stream of information to a user (Where the video clips are combined into a customized video presentation for delivery to the user, paragraph [0014]);

determining a first clip wherein said first clip is associated with a second clip wherein said second clip is part of said stream of information and wherein said second clip is selected by said user (Users can have access to other portions of the video from where the video clip was originated; moreover, the user can choose to watch the entire original video file corresponding to the video clip, paragraph [0028]);

and delivering said first clip to said user (The user can choose to watch the entire original video file corresponding to the video clip, paragraph [0028]).

Regarding **claim 10,** Begeja discloses an information delivery system (Figure 1); in addition, claim 10 incorporates all the limitations of claim 1. Therefore, claim 10 stands rejected for the same reasons as stated above (see claim 1) since it is inherent to the method claimed in claim 1.

Regarding **claim 19,** Begeja discloses a computer program product; in addition, claim 19 incorporates all the limitations of claim 1. Therefore, claim 19 stands rejected for the same reasons as stated above (see claim 1) since it is inherent to the method claimed in claim 1.

Regarding **claim 28,** Begeja discloses a method of delivering information; in addition, claim 28 incorporates all the limitations of claim 1. Therefore, claim 28 stands rejected for the same reasons as stated above (see claim 1) since it is inherent to the method claimed in claim 1.

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 2 – 9, 11 – 18, 20 – 27 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja in view of Lewis (Pub No US 2005/0198677). Hereinafter referenced as Lewis.

Regarding **claim 2**, Begeja discloses the method of

selecting a plurality of clips (The video server extracts video clips from various video inputs corresponding to a user criterion, paragraph [0014]);

arranging said plurality of clips into a stream of information (Where the previously mentioned video clips are stitched together into a continuous stream, paragraph [0028]);

presenting said stream of information to a user (Where the video clips are combined into a customized video presentation for delivery to the user, paragraph [0014]);

determining a first clip wherein said first clip is associated with a second clip wherein said second clip is part of said stream of information and wherein said second clip is selected by said user (Users can have access to other portions of the video from where the video clip was originated; moreover, the user can choose to watch the entire original video file corresponding to the video clip, paragraph [0028]);

and delivering said first clip to said user (The user can choose to watch the entire original video file corresponding to the video clip, paragraph [0028]).

It is noted that Begeja fails to explicitly disclose the method of securing payment. However, the examiner maintains that it was well known in the art to provide such element, as taught by Lewis.

In a similar field of endeavor Lewis discloses a method of financing delivery of information comprising:

securing payment (The data management zone allows rental or purchase of products to home based customers, where the direct data rental provides data security and secure transactions, paragraph [0033]);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing the method of securing payment, as taught by Lewis, for the purpose of protecting the financial information corresponding to the customers, where secure transactions prevent hackers from stealing personal information.

Regarding **claim 3**, Begeja and Lewis discloses everything claimed as applied above (See claim 2), and Lewes further discloses debiting an account associated with said user (The system includes an electronically based payment system where the rental charges are made to a user's credit or debit card, see claim 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing a method of securing comprising: debiting an account associated with said user, as taught by Lewis, for the purpose of automating the process of paying for the requested content, which saves time and money for the customers since there is no need to send any payments by regular mail.

Regarding **claim 4**, Begeja and Lewis discloses everything claimed as applied above (See claim 2); in addition, Begeja further discloses ~~a method of claim 2 wherein said method of securing comprises:~~

packaging said first clip with information from an advertiser (A corporate sponsor may offer specific types of content, where the content can be assemble and overlaid with advertisements from the sponsor, paragraph [0074]);

and receiving payment from said advertiser (Where the content being watched is the actual payment for the customer in return for watching the advertisements announcing the corporate sponsor, which is the way that standard television programming works, paragraph [0074]).

Regarding **claim 5**, Begeja discloses the method of compensating a content provider comprising:

selecting a plurality of clips wherein a first clip of said plurality of clips is generated by said content provider (The video server extracts video clips from various video inputs corresponding to a user criterion, paragraph [0014]);

arranging said plurality of clips into a stream of information (Where the previously mentioned video clips are stitched together into a continuous stream, paragraph [0028]);

presenting said stream of information to a user (Where the video clips are combined into a customized video presentation for delivery to the user, paragraph [0014]);

determining a second clip wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user (Users can have access to other portions of the video from where the video clip was originated, in other words to other video clips; on the other hand the

user can also choose to watch the entire original video file corresponding to the video clip, paragraph [0028]);

delivering said second clip to said user (The user receives selected content, paragraph [0028]).

It is noted that Begeja fails to explicitly disclose the method of securing payment; and compensating said content provider out of said payment. However, the examiner maintains that it was well known in the art to provide such elements, as taught by Lewis.

In a similar field of endeavor Lewis discloses the method of compensating a content provider comprising:

securing payment (The data management zone allows rental or purchase of products to home based customers, where the direct data rental provides data security and secure transactions, paragraph [0033]);

and compensating said content provider out of said payment (The system includes an electronically based payment system where the service charges are made to a user's credit or debit card, see claim 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing the method of securing payment; and compensating said content provider out of said payment, as taught by Lewis, for the purpose of protecting the financial information corresponding to the customers when making a payment for the services received, where secure transactions prevent hackers from stealing personal information.

Regarding **claim 6**, Begeja and Lewis disclose everything claimed as applied above (See claim 5); in addition, Begeja discloses the method of claim 5 wherein said first clip is a voice (Clips which only include audio can also be incorporated, paragraph [0090]).

Regarding **claim 7**, Begeja and Lewis disclose everything claimed as applied above (See claim 5); in addition, Begeja discloses the method of claim 5 wherein said first clip is a logo (The corporate sponsor logo can be embedded in the user interface or in the content itself, paragraph [0075]).

Regarding **claim 8**, Begeja and Lewis disclose everything claimed as applied above (See claim 5); in addition, Begeja discloses the method of claim 5 wherein said first clip is a song (Clips which only include audio can also be incorporated, paragraph [0090], where it is implicit that audio clips may also include music songs).

However, Begeja fails to explicitly disclose that the first clip is a song. However, the examiner takes official notice of the fact that it was well know in the art to provide such element.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing that the first clip is a song, for the purpose of expanding the type of content that can be distributed, since users not only respond to video content but to music content as well.

Regarding **claim 9**, Begeja and Lewis disclose everything claimed as applied above (See claim 5); in addition, Begeja discloses the method of claim 5 wherein

said first clip is a likeness (An image representing a video segment or a clip, paragraph [0040]).

It is noted that the examiner assumes that the applicant might refer to an image representative of a clip when the applicant states that "said first clip is a likeness" in claim 9.

Regarding **claim 11**, Begeja and Lewis disclose everything as claimed; in addition, claim 11 incorporates all the limitations of claims 2. Therefore, claim 11 stands rejected for the same reasons as stated above (see claims 2) since it is inherent to the method claimed in claim 2.

Regarding **claim 12**, Begeja and Lewis disclose everything claimed as above (see claim 11); in addition, claim 12 incorporates all the limitations of claims 3. Therefore, claim 12 stands rejected for the same reasons as stated above (see claims 3) since it is inherent to the method claimed in claim 3.

Regarding **claim 13**, Begeja and Lewis disclose everything claimed as above (see claim 11); in addition, claim 13 incorporates all the limitations of claims 4. Therefore, claim 13 stands rejected for the same reasons as stated above (see claims 4) since it is inherent to the method claimed in claim 4.

Regarding **claim 14**, Begeja and Lewis disclose everything as claimed; in addition, claim 14 incorporates all the limitations of claims 5. Therefore, claim 14 stands rejected for the same reasons as stated above (see claims 5) since it is inherent to the method claimed in claim 5.

Regarding **claim 15**, Begeja and Lewis disclose everything claimed as above (see claim 14); in addition, claim 15 incorporates all the limitations of claims 6. Therefore, claim 15 stands rejected for the same reasons as stated above (see claims 6) since it is inherent to the method claimed in claim 6.

Regarding **claim 16**, Begeja and Lewis disclose everything claimed as above (see claim 14); in addition, claim 16 incorporates all the limitations of claims 7. Therefore, claim 16 stands rejected for the same reasons as stated above (see claims 7) since it is inherent to the method claimed in claim 7.

Regarding **claim 17**, Begeja and Lewis disclose everything claimed as above (see claim 14); in addition, claim 17 incorporates all the limitations of claims 8. Therefore, claim 17 stands rejected for the same reasons as stated above (see claims 8) since it is inherent to the method claimed in claim 8.

Regarding **claim 18**, Begeja and Lewis disclose everything claimed as above (see claim 14); in addition, claim 18 incorporates all the limitations of claims 9.

Therefore, claim 18 stands rejected for the same reasons as stated above (see claims 9) since it is inherent to the method claimed in claim 9.

Regarding **claim 20**, Begeja and Lewis disclose everything as claimed; in addition, claim 20 incorporates all the limitations of claims 2. Therefore, claim 20 stands rejected for the same reasons as stated above (see claims 2) since it is inherent to the method claimed in claim 2.

Regarding **claim 21**, Begeja and Lewis disclose everything claimed as above (see claim 20); in addition, claim 21 incorporates all the limitations of claims 3. Therefore, claim 21 stands rejected for the same reasons as stated above (see claims 3) since it is inherent to the method claimed in claim 3.

Regarding **claim 22**, Begeja and Lewis disclose everything claimed as above (see claim 20); in addition, claim 22 incorporates all the limitations of claims 4. Therefore, claim 22 stands rejected for the same reasons as stated above (see claims 4) since it is inherent to the method claimed in claim 4.

Regarding **claim 23**, Begeja and Lewis disclose everything as claimed; in addition, claim 23 incorporates all the limitations of claims 5. Therefore, claim 23 stands rejected for the same reasons as stated above (see claims 5) since it is inherent to the method claimed in claim 5.

Regarding **claim 24**, Begeja and Lewis disclose everything claimed as above (see claim 23); in addition, claim 24 incorporates all the limitations of claims 6. Therefore, claim 24 stands rejected for the same reasons as stated above (see claims 6) since it is inherent to the method claimed in claim 6.

Regarding **claim 25**, Begeja and Lewis disclose everything claimed as above (see claim 23); in addition, claim 25 incorporates all the limitations of claims 7. Therefore, claim 25 stands rejected for the same reasons as stated above (see claims 7) since it is inherent to the method claimed in claim 7.

Regarding **claim 26**, Begeja and Lewis disclose everything claimed as above (see claim 23); in addition, claim 26 incorporates all the limitations of claims 8. Therefore, claim 26 stands rejected for the same reasons as stated above (see claims 8) since it is inherent to the method claimed in claim 8.

Regarding **claim 27**, Begeja and Lewis disclose everything claimed as above (see claim 23); in addition, claim 27 incorporates all the limitations of claims 9. Therefore, claim 27 stands rejected for the same reasons as stated above (see claims 9) since it is inherent to the method claimed in claim 9.

Regarding **claim 29**, Begeja and Lewis disclose everything as claimed; in addition, claim 29 incorporates all the limitations of claims 2. Therefore, claim 29 stands

rejected for the same reasons as stated above (see claims 2) since it is inherent to the method claimed in claim 2.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Thursday 8am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey Harold can be reached on 571-272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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.

Junior O Mendoza
Examiner
Art Unit 4115

/J. O. M./

Notice of References Cited	Application/Control No. 10/874,819	Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT	
	Examiner JUNIOR O. MENDOZA	Art Unit 4115	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2003/0163815 A1	08-2003	Begeja et al.	725/46
*	B	US-2005/0198677 A1	09-2005	Lewis, William Henry	725/087
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10874819	MARCUS, DWIGHT
	Examiner	Art Unit
	JUNIOR O MENDOZA	4115

✓	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	01/14/2008								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	✓								
	8	✓								
	9	✓								
	10	✓								
	11	✓								
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	26	✓								
	27	✓								
	28	✓								
	29	✓								

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10874819	MARCUS, DWIGHT
	Examiner	Art Unit
	JUNIOR O MENDOZA	4115

SEARCHED

Class	Subclass	Date	Examiner
725	41, 46, 87 and 125	1/10/2008	JM

SEARCH NOTES

Search Notes	Date	Examiner
Spoke to Ryan Yang	1/14/2008	JM
EAST search	1/10/2008	JM
http://en.wikipedia.org/wiki/Main_Page	1/14/2008	JM
http://www.hyperdictionary.com/	1/14/2008	JM

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

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www.uspto.gov

BIB DATA SHEET

CONFIRMATION NO. 5129

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
10/874,819	06/23/2004	725	4115	NPOWR-4-US

APPLICANTS
Dwight Marcus, Ojai, CA;

**** CONTINUING DATA ***************************
This appln claims benefit of 60/482,597 06/24/2003

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **** ** SMALL ENTITY **
08/08/2004

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /JUNIOR O MENDOZA/ Examiner's Signature	☐ Met after Allowance Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		CA	3	29	11

ADDRESS

Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034
UNITED STATES

TITLE

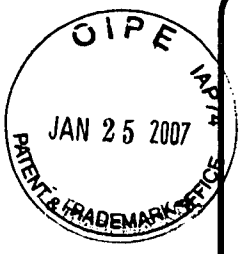
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893	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/874,819
Filing Date	June 23, 2004
First Named Inventor	Dwight Marcus
Art Unit	2611
Examiner Name	Unassigned
Total Number of Pages in This Submission: 6	Attorney Docket Number: 68880/NPOWR

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment / Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
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- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

FORM PTO/SB/08a; return postcard.

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fulwider Patton LLP		
Signature	Gilbert G. Kovelman		
Printed name	Gilbert G. Kovelman		
Date	January 23, 2007	Reg. No.	19,552

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Signature	Gilbert G. Kovelman		
Typed or printed name	Gilbert G. Kovelman	Date	January 23, 2007

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Gilbert G. Kovelman, Reg. No. 19,552

OIPE
JAN 25 2007
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	Dwight Marcus
Application No.	:	10/874,819
Filing Date	:	June 23, 2004
For	:	METHOD AND APPARATUS FOR EFFICIENT, ENTERTAINING INFORMATION DELIVERY
Examiner	:	Unassigned
Art Unit	:	2611
Confirmation No.:	:	5129
Docket No.:	:	68880/NPOWR
Date:	:	January 23, 2007

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

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

The documents listed on the enclosed Form PTO/SB/08a have come to the attention of Applicant and are submitted to the Patent Office under 37 C.F.R. § 1.97. Copies of the U.S. patents are not enclosed although Applicant will produce them upon the Examiner's request.

This statement is not a representation that all of the information cited is necessarily effective as prior art against the present application or that a prior art search was performed.

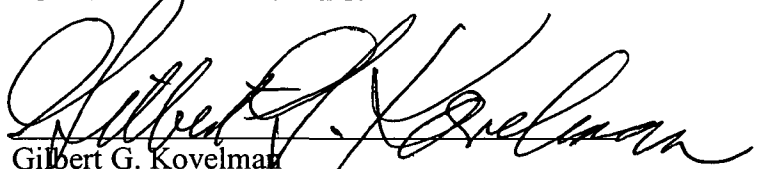
I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement, pursuant to 37 C.F.R.. §1.97(c).

Applicant respectfully requests that the foregoing citations be considered and made of record. It is additionally requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 (Modified) with initials and/or other appropriate marks.

This Information Disclosure Statement is being submitted prior to the first office action on the merits, therefore no fee is required. However, if a fee is in fact required, the Commissioner is authorized to charge any additional fee(s) to our Deposit Account No. 06-2425. A duplicate of this paper is enclosed.

Respectfully submitted,

FULWIDER PATTON LLP

By: 
Gilbert G. Kovelman
Registration No. 19,552

GGK/jb
Enclosure

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Customer No. 24201

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	10/874,819
Filing Date	June 23, 2004
First Named Inventor	Dwight Marcus
Art Unit	2611
Examiner Name	Unassigned
Attorney Docket Number	68880/NPOWR

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code [2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
/J.M./		US- 4,724,491		Lambert	
/J.M./		US- 5,029,014		Lindstrom	
/J.M./		US- 5,434,678		Abecassis	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code [3] Number[4] Kind Code [5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]

Examiner Signature	/Junior Mendoza/	Date Considered	01/14/2008

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[5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6]Applicant is to place a check mark here if English language Translation is attached.

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Gilbert G. Kovelman, Reg. No. 19,552

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	Dwight Marcus
Application No.	:	10/874,819
Filing Date	:	June 23, 2004
For	:	METHOD AND APPARATUS FOR EFFICIENT, ENTERTAINING INFORMATION DELIVERY
Examiner	:	Unknown
Art Unit	:	2611
Confirmation No.:	:	5129
Docket No.:	:	68880/NPOWR
Date:	:	November 3, 2004

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

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

The documents listed on the enclosed Form PTO/SB/08a have come to the attention of Applicant and are submitted to the Patent Office under 37 C.F.R. § 1.97. As this application was filed after June 30, 2003, copies of the U.S. patents are not enclosed although Applicant will produce them upon the Examiner's request.

This statement is not a representation that all of the information cited is necessarily effective as prior art against the present application or that a prior art search was performed.

Applicant respectfully requests that the foregoing citations be considered and made of record. It is additionally requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 (Modified) with initials and/or other appropriate marks.

This Information Disclosure Statement is being submitted prior to the first office action on the merits, therefore no fee is required. However, if a fee is in fact required, the Commissioner is authorized to charge any additional fee(s) to our Deposit Account No. 06-2425. A duplicate of this paper is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: _____
Gilbert G. Kovelman
Registration No. 19,552

GGK/jb
Enclosure

Howard Hughes Center
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Los Angeles, CA 90045
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	10/874,819
Filing Date	June 23, 2004
First Named Inventor	Dwight Marcus
Art Unit	2611
Examiner Name	Unknown
Attorney Docket Number	68880/NPOWR

NOV 0 8 2004 PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number: Number	Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
/J.M./		US- 6,144,702		11-07-2000	Yurt et al.	
		US- 6,002,720		12-14-1999	Yurt et al.	
		US- 5,550,863		08-27-1996	Yurt et al	
		US- 5,253,275		10-12-1993	Yurt et al.	
/J.M./		US- 5,132,992		07-21-1992	Yurt et al.	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document: Office[3]	Number[4]	Kind[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]

Examiner Signature	/Junior Mendoza/	Date Considered	01/14/2008

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

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EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L5	222	725/41.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/14 14:29
L6	0	725/41.ccls. and (secure payment)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/14 14:29
L7	1	725/41.ccls. and (secure with payment)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/14 14:29
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TikTok Ex. 1004, Page 177 of 440

L15	0	09/383994.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/14 14:57
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TikTok Ex. 1004, Page 178 of 440

S5	1	08/906073 .app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 14:54
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TikTok Ex. 1004, Page 179 of 440

S13	199	((clip$1 or ((video or content) preview)) with stream) and "725".clas.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 15:09
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S15	0	("2006/0271973").URPN.	USPAT	ADJ	ON	2008/01/09 15:13
S16	0	09/5904334.app.	USPAT	ADJ	ON	2008/01/09 15:13
S17	0	09/590434.app.	USPAT	ADJ	ON	2008/01/09 15:14
S18	37	(((video or content or clip $1) preview) with stream)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 15:16
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S20	4	US-6597859-$.DID. OR US-6807306-$.DID. OR US-6813313-$.DID. OR US-7016540-$.DID.	US-PGPUB; USPAT; USOCR	ADJ	ON	2008/01/09 15:17
S21	3	"6453471".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 15:19
S22	276	((video or content or clip $1) with stream with (display$4 or screen or show or deliver$4)) same (GUI or (graphical user interface))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 15:26
S23	4	(preview with (video or content or clip$1) same stream with (display$4 or screen or show or deliver $4)) same (GUI or (graphical user interface))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 15:32

S24	12	(preview with (video or content or clip$1) same stream same (display$4 or screen or show or deliver $4)) same (GUI or (graphical user interface))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 15:35
S25	8	S24 not S23	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 15:35
S26	211	(preview with (video or content or clip$1) same (display$4 or screen or show or deliver$4)) same (GUI or (graphical user interface))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 15:37
S27	23	("20020149612" | "20020163545" | "20020186252" | "20030009469" | "20030014415" | "20030028850" | "20030076322" | "20040003351" | "20040085364" | "20040090462" | "20040205514" | "20040205633" | "20040267700" | "20050235203" | "5680561" | "5838320" | "6026416" | "6275829" | "6496206" | "6621590" | "6667751" | "6816174" | "6864904").PN. OR ("7159188").URPN.	US-PGPUB; USPAT; USOCR	ADJ	ON	2008/01/09 16:53
S28	211	(preview with (video or content or clip$1)) same (display$4 or screen or show or deliver$4) same (GUI or (graphical user interface))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 17:03
S29	28	(preview with (video or content or clip$1)) with (scroll or cycle or loop) same (GUI or (graphical user interface))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 17:05

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S30	99	(preview with (video or content or clip$1)) with (scroll or cycle or loop) same (GUI or (graphical user interface) or UI or user interface or interface)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 17:07
S31	71	S30 not S29	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 17:17
S32	103	(preview with (video or content or clip$1)) with (scroll or cycle or loop or carousel) same (GUI or (graphical user interface) or UI or (user interface) or interface)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 17:27
S33	4	S32 not S30	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 17:28
S34	114	(preview with (video or content or clip$1)) with (scroll or cycle or loop or carousel or jukebox or juke $1box) same (GUI or (graphical user interface) or UI or (user interface) or interface)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 17:32
S35	11	S34 not S32	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 17:35
S36	54	(preview near4 (video or content or clip$1)) same (scroll or cycle or loop or carousel or jukebox or juke $1box) same (GUI or (graphical user interface) or UI or (user interface) or interface)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 17:36

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S37	24	S36 not S34	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 17:36
S38	74	(preview near4 (video or content or clip$1)) same (scroll$4 or cycl$4 or loop or carousel or jukebox or juke$1box or consecutive or running or serial$4) same (GUI or (graphical user interface) or UI or (user interface) or interface)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 17:48
S39	86	((preview or trailer or sneak) near4 (video or content or clip$1)) same (scroll$4 or cycl$4 or loop or carousel or jukebox or juke$1box or consecutive or running or serial$4) same (GUI or (graphical user interface) or UI or (user interface) or interface)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 17:49
S40	56	S39 not S34	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 17:49
S41	89	((preview or trailer or sneak) near4 (video or content or clip$1)) same (scroll$4 or cycl$4 or rotat $4 or loop or carousel or jukebox or juke$1box or consecutive or running or serial$4) same (GUI or (graphical user interface) or UI or (user interface) or interface)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 17:56
S42	3	S41 not S39	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 17:59

S43	105	((preview or trailer or sneak) near4 (video or content or clip$1)) same (scroll$4 or cycl$4 or rotat $4 or slide or loop or carousel or jukebox or juke $1box or consecutive or running or serial$4) same (GUI or (graphical user interface) or UI or (user interface) or interface)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 18:01
S44	19	S43 not S39	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 18:01
S45	2	"5850218".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 18:03
S46	2	"5621456".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 18:04
S47	2	"5758259".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 18:05
S48	2	"6088722".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 18:05
S49	2	"7150030".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 18:06
S50	901	((preview or trailer or sneak) near4 (video or content or clip$1)) same (GUI or (graphical user interface) or UI or (user interface) or interface)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 18:13

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S51	91224	((preview or trailer or sneak) near4 (video or content or clip$1)) same (GUI or (graphical user interface) or UI or (user interface) or interface) and "725".clas. or "345". clas.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 18:14
S52	174	((preview or trailer or sneak) near4 (video or content or clip$1)) same (GUI or (graphical user interface) or UI or (user interface) or interface) and ("725".clas. or "345". clas.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 18:15
S53	23	((preview or trailer or sneak) near4 (video or content or clip$1)) with (scroll)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 18:46
S54	31	((preview or trailer or sneak) near4 (video or content or clip$1)) with (scroll$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 19:10
S55	8	S54 not S53	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/09 19:11
S56	1	US-5680561-$.DID.	US-PGPUB; USPAT; USOCR	ADJ	ON	2008/01/10 18:30
S57	1	US-6621590-$.DID.	US-PGPUB; USPAT; USOCR	ADJ	ON	2008/01/10 18:32
S58	23	("20020149612" | "20020163545" | "20020186252" | "20030009469" | "20030014415" | "20030028850" | "20030076322" | "20040003351" | "20040085364" | "20040090462" | "20040205514" | "20040205633" | "20040267700" | "20050235203" | "5680561" | "5838320" |	US-PGPUB; USPAT; USOCR	ADJ	ON	2008/01/10 18:33

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		"6026416" | "6275829" | "6496206" | "6621590" | "6667751" | "6816174" | "6864904").PN.				
S59	102	725/8.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/10 18:48
S60	2829	(video near5 (clip or preview or link)) same stream	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/10 19:04
S61	3831	(video near5 (clip or preview or link)) same stream$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/10 19:04
S62	2498	(video near5 (clip or preview or link)) with stream$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/10 19:05
S63	970	(video near5 (clip or preview or link)) with stream$4 and (profile$4 or prefer$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/10 19:05
S64	1	10/163093.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/10 19:08
S65	1	10/163091.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/10 19:08
S66	1	10/034679.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2008/01/10 19:10

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1/14/2008 7:01:45 PM
C:\Documents and Settings\jmendoza\My Documents\EAST\Workspaces\10874819 Mini-clips for Content Delivery (GUI).wsp

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dwight Marcus	:	Art Unit: 4115
	:	Confirmation No. 5129
Serial No. 10/874,819	:	Examiner: Junior O. Mendoza
	:	
Filed: June 23, 2004	:	
	:	
For: METHOD AND APPARATUS FOR EFFICIENT, ENTERTAINING INFORMATION DELIVERY	:	Docket No. NPOWR-4-US

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

AMENDMENT AND RESPONSE

Response to the Office Action mailed January 17, 2008, is timely due July 17, 2008, in view of the petition for three-month extension of time and fee therefor filed herewith. Accordingly, this paper is deemed to be timely filed. Should there be any fees due and owing with respect to this paper, the Office is authorized to charge such fees to Deposit Account No. 50-3208. Reconsideration of the application in view of this Amendment is respectfully requested.

Listing and Amendments to the Claims begin on page 2 of this paper.
Remarks/Arguments begin on page 12 of this paper.

Listing and Amendments to the Claims

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

1. (CURRENTLY AMENDED) A method of delivering information comprising:

selecting a plurality of clips;

arranging said plurality of clips into a stream of information;

presenting said stream of information to a user in a first area of a display area;

simultaneously with said step of presenting said stream of information, presenting to the user in a second area in the display area one or more frames from recently-displayed clips from the stream of information;

determining a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips ~~part of said stream of information~~ and wherein said second clip is selected by said user; and

delivering said first clip to said user.

2. (CURRENTLY AMENDED)A method of financing delivery of information comprising:

selecting a plurality of clips;

arranging said plurality of clips into a stream of information;

presenting said stream of information to a user in a first area of a display area;

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simultaneously with said step of presenting said stream of information, presenting to the user in a second area in the display area one or more frames from recently-displayed clips from the stream of information;

determining a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips ~~part of said stream of information~~ and wherein said second clip is selected by said user;

securing payment; and

delivering said first clip to said user.

3. (ORIGINAL) A method of claim 2 wherein said method of securing comprises:

debiting an account associated with said user.

4. (ORIGINAL) A method of claim 2 wherein said method of securing comprises:

packaging said first clip with information from an advertiser; and

receiving payment from said advertiser.

5. (ORIGINAL) A method of compensating a content provider comprising:

selecting a plurality of clips wherein a first clip of said plurality of clips is generated by said content provider;

arranging said plurality of clips into a stream of information;

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presenting said stream of information to a user;

determining a second clip wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user;

securing payment;

delivering said second clip to said user; and

compensating said content provider out of said payment.

6. (ORIGINAL) The method of claim 5 wherein said first clip is a voice.

7. (ORIGINAL) The method of claim 5 wherein said first clip is a logo.

8. (ORIGINAL) The method of claim 5 wherein said first clip is a song.

9. (CURRENTLY AMENDED)The method of claim 5 wherein said first clip is a human likeness.

10. (CURRENTLY AMENDED)An information delivery system comprising:

a selection unit configured to select a plurality of clips;

an arranging unit configured to arrange said plurality of clips into a stream of information;

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a presentation unit configured to present said stream of information to a user in a first area of a display area and simultaneously present to the user in a second area in the display area one or more frames from recently-displayed clips from the stream of information;

determining a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips ~~part of said stream of information~~ and wherein said second clip is selected by said user;

a determiner configured to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips ~~part of said stream of information~~ and wherein said second clip is selected by said user; and

a delivery unit configured to deliver said first clip to said user.

11. (CURRENTLY AMENDED)An information delivery financing system comprising:

a selection unit configured to select a plurality of clips;

an arranging unit configured to arrange said plurality of clips into a stream of information;

a presentation unit configured to present said stream of information to a user in a first area of a display area and simultaneously present to the user in a second area in the display area one or more frames from recently-displayed clips from the stream of information;

a determiner configured to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented

recently-displayed clips ~~part of said stream of information~~ and wherein said second clip is selected by said user;

a payment securing unit configured to secure payment; and

a delivery unit configured to deliver said first clip to said user.

12. (ORIGINAL) An information delivery financing system of claim 11 wherein said payment securing unit comprises:

a debiting unit configured to debit an account associated with said user.

13. (ORIGINAL) An information delivery financing system of claim 11 wherein said payment securing unit comprises:

a packaging unit configured to package said first clip with information from an advertiser; and

a payment receiving unit configured to receive payment from said advertiser.

14. (ORIGINAL) A content provider compensation system comprising:

a selection unit configured to select a plurality of clips wherein a first clip of said plurality of clips is generated by a content provider;

an arranging unit configured to arrange said plurality of clips into a stream of information;

a presentation unit configured to present said stream of information to a user;

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a determiner configured to determine a second clip wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user;

a payment securing unit configured to secure payment;

a delivery unit configured to deliver said second clip to said user; and

a compensation unit configured to compensate said content provider out of said payment.

15. (ORIGINAL)The content provider compensation system of claim 14 wherein said first clip is a voice.

16. (ORIGINAL)The content provider compensation system of claim 14 wherein said first clip is a logo.

17. (ORIGINAL)The content provider compensation system of claim 14 wherein said first clip is a song.

18. (CURRENTLY AMENDED)The content provider compensation system of claim 14 wherein said first clip is a human likeness.

19. (CURRENTLY AMENDED)A computer readable ~~program product comprising:~~

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~~a computer usable~~ medium having computer readable program code embodied therein configured to deliver information, said computer readable medium ~~program product~~ comprising:

computer readable code configured to cause a computer to select a plurality of clips;

computer readable code configured to cause a computer to arrange said plurality of clips into a stream of information;

computer readable code configured to cause a computer to present said stream of information to a user in a first area of a display area and simultaneously present to the user in a second area in the display area one or more frames from recently-displayed clips from the stream of information;

computer readable code configured to cause a computer to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips ~~part of said stream of information~~ and wherein said second clip is selected by said user; and

computer readable code configured to cause a computer to deliver said first clip to said user.

20. (CURRENTLY AMENDED) A computer readable ~~program product comprising:~~

~~a computer usable~~ medium having computer readable program code embodied therein configured to finance information delivery, said computer readable medium ~~program product~~ comprising:

computer readable code configured to cause a computer to select a plurality of clips;

computer readable code configured to cause a computer to arrange said plurality of clips into a stream of information;

computer readable code configured to cause a computer to present said stream of information to a user;

computer readable code configured to cause a computer to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is part of said stream of information and wherein said second clip is selected by said user;

computer readable code configured to cause a computer to secure payment; and

computer readable code configured to cause a computer to deliver said first clip to said user.

21. (CURRENTLY AMENDED) A computer readable medium ~~program product~~ of claim 20 wherein said computer readable code configured to cause a computer to secure comprises:

computer readable code configured to cause a computer to debit an account associated with said user.

22. (CURRENTLY AMENDED) A computer readable medium ~~program product~~ of claim 20 wherein said computer readable code configured to cause a computer to secure comprises:

computer readable code configured to cause a computer to package said first clip with information from an advertiser; and

computer readable code configured to cause a computer to receive payment from said advertiser.

23. (CURRENTLY AMENDED) A computer readable ~~program product comprising:~~

~~a computer usable~~ medium having computer readable program code embodied therein configured to compensate a content provider, said computer readable medium ~~program product~~ comprising:

computer readable code configured to cause a computer to select a plurality of clips wherein a first clip of said plurality of clips is generated by said content provider;

computer readable code configured to cause a computer to arrange said plurality of clips into a stream of information;

computer readable code configured to cause a computer to present said stream of information to a user;

computer readable code configured to cause a computer to determine a second clip wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user;

computer readable code configured to cause a computer to secure payment;

computer readable code configured to cause a computer to deliver said second clip to said user; and

computer readable code configured to cause a computer to compensate said content provider out of said payment.

24. (CURRENTLY AMENDED) The computer readable medium ~~program product~~ of claim 23 wherein said first clip is a voice.

25. (CURRENTLY AMENDED)The computer readable medium ~~program product~~ of claim 23 wherein said first clip is a logo.

26. (CURRENTLY AMENDED)The computer readable medium ~~program product~~ of claim 23 wherein said first clip is a song.

27. (CURRENTLY AMENDED)The computer readable medium ~~program product~~ of claim 23 wherein said first clip is a likeness.

28-29 (CANCELED)

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Remarks/Arguments

Status of Claims

Claims 1-29 are pending.

Claims 1-29 stand rejected.

Claims 1-2, 9-11 and 18-27 have been amended without prejudice or disclaimer.

Claims 28-29 have been canceled, without prejudice or disclaimer.

Specification

The specification stands objected to as failing to provide support for the limitation in claim 9 that "said first clip is a likeness." In response, it is noted that claim 9 has been amended to indicate a human likeness. For example, at page 79, line 22 of the Appendix, an example of a human likeness, namely a likeness of Leonard Maltin, is provided. Accordingly, it is respectfully submitted that this objection has been overcome.

Applicant notes that claims 18 and 27 have the same limitation as claim 9; those claims have been similarly amended.

The specification stands objected to on the grounds that the specification does not teach what a "computer program product" and a "computer usable medium" refers to, where such element is claimed in claims 19-27. In response, the term "computer program product" has been removed from the claims, and the term "computer usable medium" has been changed to the phrase "computer readable medium," which is well-understood by those of skill in the art. It is understood that computer readable code is stored on a computer readable medium and read by a computer. Accordingly, this objection has been overcome.

Applicant notes that claims 18 and 27 have the same limitation as claim 9; those claims have been similarly amended.

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Rejection of Claims 19-27 Under 35 U.S.C. 101

Claims 19-27 stand rejected under 35 U.S.C. 101, on the grounds that the recited "computer program product" is non-statutory. As discussed in greater detail above with respect to the objection to the specification, the claims have been amended to recite a "computer readable medium," which is statutory. Accordingly, this ground of rejection has been overcome.

Rejection of Claim 9 Under 35 U.S.C. 112, First Paragraph

Claim 9 stands rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In response, claim 9 has been amended to recite a human likeness. Disclosure support is found, as noted above in connection with the objection to the specification, at page 79, line 22, of the Appendix.

Rejection of Claims 1, 10, 19 and 28 under 35 U.S.C. 102

Claims 1, 10, 19 and 28 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2003/0163815 (Begeja).

Claims 1, 10 and 19 have been amended. Claim 28 has been canceled, without prejudice or disclaimer.

The rejection of claim 1 is respectfully traversed on the grounds that Begeja does not teach or render obvious all of the limitations of claim 1 as amended.

Claim 1 has been amended, in substance, to recite that simultaneously with the presentation of the stream of information, frames from previously-presented clips are presented to the user. A first clip is determined wherein the first clip is associated with on of the previously-presented clips, and the previously-presented clip is selected by the user. The first clip is then delivered to the user.

Disclosure support for the amendment may be found, for example, in the specification, at Paragraphs [00020] to [00022], Fig. 2, and pages 30 and 31 of the Appendix.

Claims 10 and 19 have been amended in a similar manner.

Advantageously, the user is presented with one or more frames from each of a plurality of previously-presented clips simultaneously with the stream of information.

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The user may select one of the previously-presented clips, and then receive delivery of an associated first clip. The inventor has appreciated that the user may not make a decision to select a clip during the presentation of that clip in the stream of information. Begeja fails to address or even acknowledge the problem addressed, of permitting a user readily to select previously-presented clips in a stream of information for presentation of associated clips.

For at least the foregoing reasons, the rejection of claim 1 as anticipated by Begeja should be withdrawn.

As claims 10 and 19 have been similarly amended, the rejections of claims 10 and 19 as anticipated by Begeja should also be withdrawn.

Rejection of Claims 2-9, 11-18, 20-27 and 29 Under 35 U.S.C. 103(a) over Begeja in view of Lewis (U.S. patent Pub No. 2005/0198677)

Claims 2-9, 11-18, 20-27 and 29 stand rejected under 35 U.S.C. 103(a) over Begeja in view of Lewis.

Claim 2 has been amended in a similar manner to the amendments to claim 1, and is allowable for at least the reasons that claim 1 is allowable.

Claims 3-4 depend from allowable base claim 2, and are allowable for the same reasons.

The rejection of claim 5 is respectfully traversed. The method of claim 5 may be applied, by way of non-limiting example, to compensating a content provider for use of content, such as a well-known song (see claim 8), the voice of a celebrity (see claim 6), the likeness of a celebrity (see claim 9), or a well-known logo (see claim 7), in a stream of information, if the user selects a second clip (e.g., an excerpt from a program), associated with a third clip (e.g., a complete program). Neither Begeja nor Lewis teaches, suggests, or otherwise renders obvious the claimed method of conditionally providing payment to the provider of the content. Thus, for example, a celebrity may be compensated for use of the celebrity's voice in association with a clip only if the user selects and then receives delivery of the associated clip. The method of claim 5 permits compensation to the provider of content (the first clip) that leads to a payment for other

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content (the second clip). Lewis does not provide for compensating for use of content that leads to a sale of other content through the virtual video store. Begeja merely discloses that advertising may be incorporated in programming.

For at least the foregoing reasons, the rejection of claim 5 should be withdrawn.

Claims 6-9 depend from allowable base claim 5, and are allowable at least by virtue of their dependence from that allowable base claim.

Claim 11 has been amended in a similar manner to claim 2, and is allowable for at least the reasons that claim 2 is allowable.

Claims 12-13 depend from allowable base claim 2, and are allowable at least by virtue of their dependence from that allowable base claim.

Claim 14 has limitations similar to those of claim 5, and is allowable at least for the reasons that claim 5 is allowable.

Claims 15-18 depend from allowable base claim 14, and are allowable at least by virtue of their dependence from that allowable base claim.

Claim 20 has been amended in a similar manner to claim 2, and is allowable for at least the reasons that claim 2 is allowable.

Claims 21-22 depend from allowable base claim 20, and are allowable at least by virtue of their dependence from that allowable base claim.

Claim 23 has limitations similar to those of claim 5, and is allowable at least for the reasons that claim 5 is allowable.

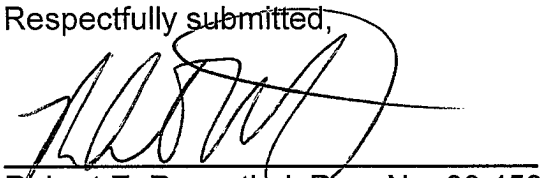
Claims 24-27 depend from allowable base claim 23, and are allowable at least by virtue of their dependence from that allowable base claim.

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CONCLUSION

Having fully addressed the Examiner's objections and rejections it is believed that, in view of the preceding amendments and these remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited.

Respectfully submitted,



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Date: July 17, 2008

TikTok Ex. 1004, Page 203 of 440

Electronic Patent Application Fee Transmittal

Application Number:	10874819
Filing Date:	23-Jun-2004
Title of Invention:	Method and apparatus for efficient, entertaining information delivery
First Named Inventor/Applicant Name:	Dwight Marcus
Filer:	ROBERT EVAN ROSENTHAL/Edna Phelan
Attorney Docket Number:	NPOWR-4-US

Filed as Large Entity

Utility Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with $0 paid	1253	1	1050	1050

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**1050**

Electronic Acknowledgement Receipt

EFS ID:	3631994
Application Number:	10874819
International Application Number:	
Confirmation Number:	5129
Title of Invention:	Method and apparatus for efficient, entertaining information delivery
First Named Inventor/Applicant Name:	Dwight Marcus
Customer Number:	45722
Filer:	ROBERT EVAN ROSENTHAL/Edna Phelan
Filer Authorized By:	ROBERT EVAN ROSENTHAL
Attorney Docket Number:	NPOWR-4-US
Receipt Date:	17-JUL-2008
Filing Date:	23-JUN-2004
Time Stamp:	13:14:39
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$1050
RAM confirmation Number	9135
Deposit Account	503208
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 1.17 (Patent application and reexamination processing fees)

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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	Amendment - After Non-Final Rejection	amendmentandresponse.pdf	524485 63337b318b5a774bad0c18505af7ee06b35a556d	no	16
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	8172 695ead7b86debdda6dc40a8cdfb5e8633d5c8e52	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	532657		

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.

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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.

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
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
10/874,819	06/23/2004	

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

AMENDMENT	07/17/2008	(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))	* 27	Minus	** 29	= 0	X $25 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 9	Minus	***11	= 0	X $105 =	0	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	0	OR	TOTAL ADD'L FEE	

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/WANDA M. LAWSON/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/874,819	06/23/2004	Dwight Marcus	NPOWR-4-US	5129

45722 7590 10/31/2008

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EXAMINER	
MENDOZA, JUNIOR O	
ART UNIT	PAPER NUMBER
2423	
MAIL DATE	DELIVERY MODE
10/31/2008	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	10/874,819	MARCUS, DWIGHT	
	Examiner	Art Unit	
	JUNIOR O. MENDOZA	2423	

-- 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 *17 July 2008*.

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

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

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

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

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

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

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

Application Papers

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

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

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

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

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 07/17/2008 have been fully considered but they are not persuasive.

Regarding **claims 5, 14, 20 and 23**, applicant claims that office action failed to present evidence of "providing payment to the provider of the content".

However, the examiner maintains that Begeja in view of Lewis disclose the element above. For example, Lewis discloses in paragraphs [0033] [0092] and fig 3C that the user submits a secure payment to the content provider source which has rendered the content requested, which reads on "providing payment to the provider of the content". The applicant submitted as an argument that such payment is made, for example, to the original creator of the content (song, image, voice) which could be for instance a celebrity. However, such feature is not currently being claimed since the current claim language does not exclusively point out to the applicant's scenario.

2. Applicant's arguments with respect to **claims 1-4, 9-13, 18 and 19** have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 27 states that "said first clip is a likeness" which does *not* clearly state the claimed subject matter; moreover, there is no further explanation in the specification that refers to the meaning of such limitation.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 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.

5. **Claim 27** is 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. Claim 27 states that "said first clip is a likeness" which does *not* clearly state the claimed subject matter; moreover, there is no further explanation in the specification that refers to the meaning of such limitation.

Claim Rejections - 35 USC § 103

6. 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.

7. **Claims 5 – 8, 14 – 17 and 20 – 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja et al. (Pub No US 2003/0163815) in view of Lewis (Pub No US 2005/0198677). Hereinafter referenced as Begeja and Lewis, respectively.

Regarding **claim 5**, Begeja discloses the method of compensating a content provider comprising:

selecting a plurality of clips wherein a first clip of said plurality of clips is generated by said content provider (The video server extracts video clips from various video inputs corresponding to a user criterion, paragraph [0014]);

arranging said plurality of clips into a stream of information (Where the previously mentioned video clips are stitched together into a continuous stream, paragraph [0028]);

presenting said stream of information to a user (Where the video clips are combined into a customized video presentation for delivery to the user, paragraph [0014]);

determining a second clip wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is

selected by said user (Users can have access to other portions of the video from where the video clip was originated, in other words to other video clips; on the other hand the user can also choose to watch the entire original video file corresponding to the video clip, paragraph [0028]);

delivering said second clip to said user (The user receives selected content, paragraph [0028]).

However, it is noted that Begeja fails to explicitly disclose the method of securing payment; and compensating said content provider out of said payment. However, the examiner maintains that it was well known in the art to provide such elements, as taught by Lewis.

Nevertheless, in a similar field of endeavor Lewis discloses the method of compensating a content provider comprising:

securing payment (The data management zone allows rental or purchase of products to home based customers, where the direct data rental provides data security and secure transactions, paragraph [0033]);

and compensating said content provider out of said payment (The system includes an electronically based payment system where the service charges are made to a user's credit or debit card, see claim 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing the method of securing payment; and compensating said content provider out of said payment, as taught by Lewis, for the purpose of protecting the financial information corresponding to

the customers when making a payment for the services received, where secure transactions prevent hackers from stealing personal information.

Regarding **claim 6**, Begeja and Lewis disclose the method of claim 5; moreover Begeja discloses that said first clip is a voice (Clips which only include audio can also be incorporated, paragraph [0090]).

Regarding **claim 7**, Begeja and Lewis disclose the method of claim 5; moreover Begeja discloses that said first clip is a logo (The corporate sponsor logo can be embedded in the user interface or in the content itself, paragraph [0075]).

Regarding **claim 8**, Begeja and Lewis disclose the method of claim 5; moreover Begeja discloses that said first clip is a song (Clips which only include audio can also be incorporated, paragraph [0090], where it is implicit that audio clips may also include music songs).

However, Begeja fails to explicitly disclose that the first clip is a song. However, the examiner takes official notice of the fact that it was well know in the art to provide such element.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing that the first clip is a song, for the purpose of expanding the type of content that can be distributed, since users not only respond to video content but to music content as well.

Regarding **claims 14 – 17,** Begeja and Lewis disclose all the limitations of claims 14 – 17; therefore, claims 14 – 17 are rejected for the same reasons stated in claims 5 - 8, respectively.

Regarding **claim 20**, Begeja discloses computer readable code configured to cause a computer to select a plurality of clips (The video server extracts video clips from various video inputs corresponding to a user criterion, paragraph [0014]);

computer readable code configured to cause a computer to arrange said plurality of clips into a stream of information (Where the previously mentioned video clips are stitched together into a continuous stream, paragraph [0028]);

computer readable code configured to cause a computer to present said stream of information to a user (Where the video clips are combined into a customized video presentation for delivery to the user, paragraph [0014]);

computer readable code configured to cause a computer to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is part of said stream of information and wherein said second clip is selected by said user (Users can have access to other portions of the video from where the video clip was originated; moreover, the user can choose to watch the entire original video file corresponding to the video clip, paragraph [0028]);

and computer readable code configured to cause a computer to deliver said first clip to said user (The user can choose to watch the entire original video file corresponding to the video clip, paragraph [0028]).

It is noted that Begeja fails to explicitly disclose a computer readable a computer usable medium having computer readable program code embodied therein configured to finance information delivery, said computer readable medium comprising: computer readable code configured to cause a computer to secure payment.

Nevertheless, in a similar field of endeavor Lewis discloses a computer readable a computer usable medium having computer readable program code embodied therein configured to finance information delivery (Paragraph [0146]), said computer readable medium comprising: computer readable code configured to cause a computer to secure payment (The data management zone allows rental or purchase of products to home based customers, where the direct data rental provides data security and secure transactions, paragraph [0033]);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing the method of securing payment, as taught by Lewis, for the purpose of protecting the financial information corresponding to the customers, where secure transactions prevent hackers from stealing personal information.

Regarding **claim 21**, Begeja and Lewis disclose a computer readable medium of claim 20; however, it is noted that Begeja fails to explicitly disclose that said computer

readable code configured to cause a computer to secure comprises: computer readable code configured to cause a computer to debit an account associated with said user.

Nevertheless, in a similar field of endeavor Lewis discloses that said computer readable code configured to cause a computer to secure comprises: computer readable code configured to cause a computer to debit an account associated with said user (The system includes an electronically based payment system where the rental charges are made to a user's credit or debit card, see claim 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing a method of securing comprising: debiting an account associated with said user, as taught by Lewis, for the purpose of automating the process of paying for the requested content, which saves time and money for the customers since there is no need to send any payments by regular mail.

Regarding **claim 22**, Begeja and Lewis disclose a computer readable medium of claim 20; moreover, Begeja discloses that said computer readable code configured to cause a computer to secure comprises: computer readable code configured to cause a computer to package said first clip with information from an advertiser (A corporate sponsor may offer specific types of content, where the content can be assemble and overlaid with advertisements from the sponsor, paragraph [0074]);

and computer readable code configured to cause a computer to receive payment from said advertiser (Paragraph [0074]; the content being watched is the

actual payment for the customer in return for watching the advertisements announcing the corporate sponsor, which is the way that standard television programming works).

Regarding **claims 23 – 26,** Begeja and Lewis disclose all the limitations of claims 23 – 26; therefore, claims 23 – 26 are rejected for the same reasons stated in claims 5 - 8, respectively.

Regarding **claim 27**, Begeja and Lewis disclose the computer readable medium of claim 23; moreover, Begeja discloses that said first clip is a likeness (An image representing a video segment or a clip, paragraph [0040].It is noted that the examiner assumes that the applicant might refer to an image representative of a clip when the applicant states that “said first clip is a likeness”)

.

8. **Claims 1, 10 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja in view of White (Pub No US 2002/0056098). Hereinafter referenced as White.

Regarding **claim 1**, Begeja discloses method of delivering information comprising: selecting a plurality of clips (Paragraph [0014]);

arranging said plurality of clips into a stream of information (Where the previously mentioned video clips are stitched together into a continuous stream, paragraph [0028]);

presenting said stream of information to a user in a first area of a display area (Paragraphs [0014] [0028] [0067] fig 5; section 510);

simultaneously with said step of presenting said stream of information, presenting to the user in a second area in the display area one or more frames from clips from the stream of information (Paragraph [0066] fig 5; section 505);

determining a first clip wherein said first clip is associated with a second clip wherein said second clip is of said stream of information and wherein said second clip is selected by said user (Users can have access to other portions of the video from where the video clip was originated; moreover, the user can choose to watch the entire original video file corresponding to the video clip, paragraph [0028]); and delivering said first clip to said user (Paragraph [0028]).

However, it is noted that Begeja fails to explicitly disclose that the one or more frames are from recently-displayed clips.

Nevertheless, in a similar field of endeavor White discloses that the one or more frames are from recently-displayed clips (Paragraphs [0007] [0047] fig 8) .

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing the elements mentioned above, as taught by White, for the purpose of providing convenience and a better interface interaction which allows users to navigate through the system in an easier and more efficient manner.

Regarding **claims 10 and 19**; Begeja and White disclose all the limitations of claims 10 and 19; therefore, claims 10 and 19 are rejected for the same reasons stated in claim 1.

8. **Claims 2 – 4 and 11 – 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja in view of White further in view of Lewis (Pub No US 2005/0198677). Hereinafter referenced as Lewis.

Regarding **claim 2**, Begeja discloses a method of delivery of information comprising: selecting a plurality of clips (Paragraph [0014]);

arranging said plurality of clips into a stream of information (Where the previously mentioned video clips are stitched together into a continuous stream, paragraph [0028]);

presenting said stream of information to a user in a first area of a display area (Paragraphs [0014] [0028] [0067] fig 5; section 510);

simultaneously with said step of presenting said stream of information, presenting to the user in a second area in the display area one or more frames from clips from the stream of information (Paragraph [0066] fig 5; section 505);

determining a first clip wherein said first clip is associated with a second clip wherein said second clip is of said stream of information and wherein said second clip is selected by said user (Users can have access to other portions of the video from where the video clip was originated; moreover, the user can choose to watch the entire original video file corresponding to the video clip, paragraph [0028]); and delivering said first clip to said user (Paragraph [0028]).

However, it is noted that Begeja fails to explicitly disclose that the one or more frames are from recently-displayed clips.

Nevertheless, in a similar field of endeavor White discloses that the one or more frames are from recently-displayed clips (Paragraphs [0007] [0047] fig 8) .

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing the elements mentioned above, as taught by White, for the purpose of providing convenience and a better interface interaction which allows users to navigate through the system in an easier and more efficient manner.

However, it is noted that Begeja and White fail to explicitly disclose a method of financing delivery of information comprising: a securing payment.

Nevertheless, in a similar field of endeavor Lewis discloses a method of financing delivery of information comprising: securing payment (The data management zone

allows rental or purchase of products to home based customers, where the direct data rental provides data security and secure transactions, paragraph [0033]);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja and White by specifically providing the method of securing payment, as taught by Lewis, for the purpose of protecting the financial information corresponding to the customers, where secure transactions prevent hackers from stealing personal information.

Regarding **claim 3**, Begeja, White and Lewis disclose the method of claim 2; however, Begeja and White fail to explicitly disclose that said method of securing comprises: debiting an account associated with said user.

Nevertheless, in a similar field of endeavor Lewis discloses that said method of securing comprises: debiting an account associated with said user (The system includes an electronically based payment system where the rental charges are made to a user's credit or debit card, see claim 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja and White by specifically providing the element above, as taught by Lewis, for the purpose of automating the process of paying for the requested content, which saves time and money for the customers since there is no need to send any payments by regular mail.

Regarding **claim 4**, Begeja, White and Lewis disclose the method of claim 2; moreover, Begeja discloses packaging said first clip with information from an advertiser (A corporate sponsor may offer specific types of content, where the content can be assemble and overlaid with advertisements from the sponsor, paragraph [0074]);

and receiving payment from said advertiser (Where the content being watched is the actual payment for the customer in return for watching the advertisements announcing the corporate sponsor, which is the way that standard television programming works, paragraph [0074]).

Regarding **claims 11, 12 and 13;** Begeja and White disclose all the limitations of claims 11, 12 and 13; therefore, claims 11, 12 and 13 are rejected for the same reasons stated in claims 2, 3 and 4, respectively.

9. **Claims 9 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja in view of Lewis further in view of Reichardt (Pub No US 2006/0053448). Hereinafter referenced as Reichardt.

Regarding **claim 9**, Begeja and Lewis disclose the method of claim 5; moreover Begeja discloses a first clip (Paragraphs [0014] [0028]).

However, Begeja and Lewis fail to explicitly disclose that said first clip is a human likeness. Nevertheless, in a similar field of endeavor Reichardt discloses that said first clip is a human likeness (Paragraph [0038] fig 7; celebrity images).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja and Lewis by specifically providing the element above, as taught by Reichardt, for the purpose of implementing an attractive interface that motivates and incites viewers to interact with the interface frequently in an easy and effective manner.

Regarding **claim 18;** Begeja and White disclose all the limitations of claim 18; therefore, claim 18 is rejected for the same reasons stated in claim 9.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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.

Junior O Mendoza
Examiner
Art Unit 2423

/J. O. M./
October 24, 2008

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423

Notice of References Cited	Application/Control No. 10/874,819	Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT	
	Examiner JUNIOR O. MENDOZA	Art Unit 2423	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2002/0056098 A1	05-2002	WHITE, CHRISTOPHER M.	725/39
*	B	US-2006/0053448 A1	03-2006	Reichardt, M. Scott	725/044
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10874819	MARCUS, DWIGHT
	Examiner	Art Unit
	JUNIOR O MENDOZA	2423

✓	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	01/14/2008	10/24/2008							
	1	✓	✓							
	2	✓	✓							
	3	✓	✓							
	4	✓	✓							
	5	✓	✓							
	6	✓	✓							
	7	✓	✓							
	8	✓	✓							
	9	✓	✓							
	10	✓	✓							
	11	✓	✓							
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	24	✓	✓							
	25	✓	✓							
	26	✓	✓							
	27	✓	✓							
	28	✓	-							
	29	✓	-							

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10874819	MARCUS, DWIGHT
	Examiner	Art Unit
	JUNIOR O MENDOZA	2423

SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
EAST Text Search	10/24/2008	JM
Inventor Search	10/24/2008	JM
Class 725 Plus Text Search	10/24/2008	JM
www.google.com/patents	10/24/2008	JM

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L9	19212	"725"/$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/24 22:19
L10	13	9 and electronic near2 album	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/24 22:19
L11	115	9 and (actor actress) near5 (image pic picture)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/24 22:25
L12	13495	"725"/$.ccls. AND (@ad<="20030624" or @rlad<="20030624" or @prad<="20030624")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/24 22:25
L13	88	11 and 12	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/24 22:25
L14	0	12 and (actor actress) near5 (image pic picture) with album	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/24 22:36
L15	4	(actor actress) near5 (image pic picture) with album	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/24 22:36
L16	9	(actor actress) near5 (image pic picture) same album	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/24 22:36

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L17	17	(actor actress) near5 (image pic picture) same slide	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/24 22:37
L18	91	12 and (actor actress) near5 (image pic picture album)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/24 22:49
L19	3	12 and (actor actress) near5 (image pic picture album) not 13	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/24 22:49
L20	10	12 and (actor actress celebrity) near5 (image pic picture album) not 13	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/24 22:50
L21	340	marcus.in. and clip	US-PGPUB; USPAT; USOCR	OR	ON	2008/10/24 22:53
L22	27	marcus.in. and clip and television	US-PGPUB; USPAT; USOCR	OR	ON	2008/10/24 22:54
S1	20	(US-20050044569-$ or US-20050138656-$ or US-20040040041-$ or US-20070294740-$ or US-20070277201-$ or US-20020059610-$ or US-20030030752-$ or US-20030163815-$ or US-20060085821-$ or US-20050198677-$ or US-20040230992-$ or US-20030046693-$).did. or (US-5621456-$ or US-7185283-$ or US-7159188-$ or US-6522342-$ or US-6453471-$ or US-5752160-$ or US-5619249-$ or US-7239346-$).did.	US-PGPUB; USPAT	OR	ON	2008/10/23 19:23
S2	19212	"725"/$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/24 15:41

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S3	763	recently near2 viewed	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/24 15:41
S4	113	S2 and S3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/24 15:41
S5	3	"20020075572"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/24 15:42
S6	9	("6711741" "7366241" "6747674").pn. "20020140719"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/24 15:49
S7	1	US-20030208777-$.DID.	US-PGPUB; USPAT; USOCR	OR	ON	2008/10/24 16:11
S8	2	US-5796441-$.DID. OR US-20070124795-$.DID.	US-PGPUB; USPAT; USOCR	OR	ON	2008/10/24 16:13
S9	8786	marcus.in.	US-PGPUB; USPAT; USOCR	OR	ON	2008/10/24 17:00
S10	1	"20020056098"	US-PGPUB; USPAT; USOCR	OR	ON	2008/10/24 17:00
S11	1	"6141003".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2008/10/24 17:04
S12	1	"6804824".pn.	US-PGPUB; USPAT; USOCR	OR	ON	2008/10/24 17:09

10/24/2008 11:21:44 PM
C:\Documents and Settings\jmendoza\My Documents\EAST\Workspaces\10874819 Mini-clips for Content Delivery (GUI) -- 2 --.wsp

TikTok Ex. 1004, Page 233 of 440

PTO/SB/30EFS (12-08)
Approved for use through 01/31/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	10874819	Filing Date	2004-06-23	Docket Number (if applicable)	NPOWR-4-US	Art Unit	4115
First Named Inventor	Dwight Marcus			Examiner Name	Junior O. Mendoza		

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 503208

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

PTO/SB/30EFS (12-08)
Approved for use through 01/31/2009. 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	/Robert E. Rosenthal/	Date (YYYY-MM-DD)	2009-04-30
Name	Robert E. Rosenthal	Registration Number	33450

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

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

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

Electronic Patent Application Fee Transmittal

Application Number:	10874819
Filing Date:	23-Jun-2004
Title of Invention:	Method and apparatus for efficient, entertaining information delivery
First Named Inventor/Applicant Name:	Dwight Marcus
Filer:	ROBERT EVAN ROSENTHAL/Ellen Draegert
Attorney Docket Number:	NPOWR-4-US

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with $0 paid	2253	1	555	555

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Request for continued examination	2801	1	405	405
		Total in USD ($)		**960**

Electronic Acknowledgement Receipt

EFS ID:	5251826
Application Number:	10874819
International Application Number:	
Confirmation Number:	5129
Title of Invention:	Method and apparatus for efficient, entertaining information delivery
First Named Inventor/Applicant Name:	Dwight Marcus
Customer Number:	45722
Filer:	ROBERT EVAN ROSENTHAL/Ellen Draegert
Filer Authorized By:	ROBERT EVAN ROSENTHAL
Attorney Docket Number:	NPOWR-4-US
Receipt Date:	30-APR-2009
Filing Date:	23-JUN-2004
Time Stamp:	17:02:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$960
RAM confirmation Number	3421
Deposit Account	503208
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 1.19 (Document supply 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	Amendment Submitted/Entered with Filing of CPA/RCE	npowr4oaresp43009.pdf	549085 a47047cc447ff1ef8c724e224e432c73c32b6ca4	no	21
Warnings:					
Information:					
2	Request for Continued Examination (RCE)	npowr4PTORCEform.pdf	697393 ecb477cdc780cd24daf0cacec54311ca0340a28d	no	3
Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	32464 6cc3d4b36a705f9f66232fcbff901fb41b8d20c2	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1278942		

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Dwight Marcus**	:	Art Unit: **4115**
	:	Confirmation No. **5129**
Serial No. **10/874,819**	:	Examiner: **Junior O. Mendoza**
	:	
Filed: **June 23, 2004**	:	
	:	
For: **METHOD AND APPARATUS FOR EFFICIENT, ENTERTAINING INFORMATION DELIVERY**	:	Docket No. **NPOWR-4-US**

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

AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION

Response to the Final Office Action mailed October 31, 2008, is timely due April 30, 2009, in view of the petition for three-month extension of time and fee therefor filed herewith. Accordingly, this paper and the accompanying Request for Continued Examination are deemed to be timely filed. Should there be any fees due and owing with respect to this paper, the Office is authorized to charge such fees to Deposit Account No. 50-3208. Reconsideration of the application in view of this Amendment is respectfully requested.

Listing and Amendments to the Claims begin on page 2 of this paper.
Remarks/Arguments begin on page 12 of this paper.

Listing and Amendments to the Claims

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

1. (CURRENTLY AMENDED) A method of delivering information comprising:

selecting by a computer a plurality of clips;

arranging by the computer said plurality of clips into a first stream of information;

presenting by the computer said first stream of information to a user in a first area of a display area;

simultaneously with said step of presenting first said stream of information, presenting by the computer to the user in a second area in the display area one or more frames from recently-displayed clips from the first stream of information;

determining by the computer a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user; ~~and~~

arranging by the computer a plurality of clips including the first clip into a second stream of information; and

delivering by the computer said second stream of information including said first clip to said user.

2. (CURRENTLY AMENDED)A method of financing delivery of information comprising:

selecting by a computer a plurality of clips;

arranging by the computer said plurality of clips into a stream of information;

presenting by the computer said stream of information to a user in a first area of a display area;

simultaneously with said step of presenting said stream of information, presenting by the computer to the user in a second area in the display area one or more frames from recently-displayed clips from the stream of information;

determining by the computer a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user;

securing payment; and

delivering by the computer said first clip to said user responsive to said securing payment.

3. (ORIGINAL) A method of claim 2 wherein said method of securing comprises:

debiting an account associated with said user.

4. (ORIGINAL) A method of claim 2 wherein said method of securing comprises:

packaging said first clip with information from an advertiser; and

receiving payment from said advertiser.

5. (CURRENTLY AMENDED) A method of compensating a content provider comprising:

automatically selecting by a processor a plurality of clips wherein a first clip of said plurality of clips is generated by said content provider;

arranging by the processor said plurality of clips into a stream of information;

presenting said stream of information to a user;

determining by the processor a second clip not provided by the content provider wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user;

securing payment;

responsive to said securing payment, delivering said second clip to said user; and

compensating said content provider out of said payment.

6. (ORIGINAL) The method of claim 5 wherein said first clip is a voice.

7. (ORIGINAL) The method of claim 5 wherein said first clip is a logo.

8. (ORIGINAL) The method of claim 5 wherein said first clip is a song.

9. (PREVIOUSLY PRESENTED)The method of claim 5 wherein said first clip is a human likeness.

10. (CURRENTLY AMENDED)An information delivery system comprising:

a selection unit configured to select a plurality of clips;

an arranging unit configured to arrange said plurality of clips into a first stream of information;

a presentation unit configured to present said first stream of information to a user in a first area of a display area and simultaneously present to the user in a second area in the display area one or more frames from recently-displayed clips from the first stream of information;

determining a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user;

a determiner configured to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user;

said selection unit being configured to select a plurality of clips including said first clip and said arranging unit being configured to arrange said plurality of clips including said first clip into a second stream of information;

and

a delivery unit configured to deliver said second stream of information including said first clip to said user.

11. (CURRENTLY AMENDED)An information delivery financing system comprising:

a selection unit configured to select a plurality of clips;

an arranging unit configured to arrange said plurality of clips into a stream of information;

a presentation unit configured to present said stream of information to a user in a first area of a display area and simultaneously present to the user in a second area in the display area one or more frames from recently-displayed clips from the stream of information;

a determiner configured to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user;

a payment securing unit configured to secure payment; and

a delivery unit configured to deliver said first clip to said user responsive to said payment securing unit securing payment.

12. (ORIGINAL) An information delivery financing system of claim 11 wherein said payment securing unit comprises:

a debiting unit configured to debit an account associated with said user.

13. (ORIGINAL) An information delivery financing system of claim 11 wherein said payment securing unit comprises:

a packaging unit configured to package said first clip with information from an advertiser; and

a payment receiving unit configured to receive payment from said advertiser.

14. (CURRENTLY AMENDED) A content provider compensation system comprising:

a selection unit configured to select a plurality of clips wherein a first clip of said plurality of clips is generated by a content provider;

an arranging unit configured to arrange said plurality of clips into a stream of information;

a presentation unit configured to present said stream of information to a user;

a determiner configured to determine a second clip not provided by the content provider wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user;

a payment securing unit configured to secure payment;

a delivery unit configured to deliver said second clip to said user responsive to securing payment; and

a compensation unit configured to compensate said content provider out of said payment.

15. (ORIGINAL)The content provider compensation system of claim 14 wherein said first clip is a voice.

16. (ORIGINAL)The content provider compensation system of claim 14 wherein said first clip is a logo.

17. (ORIGINAL)The content provider compensation system of claim 14 wherein said first clip is a song.

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18. (PREVIOUSLY PRESENTED)The content provider compensation system of claim 14 wherein said first clip is a human likeness.

19. (CURRENTLY AMENDED)A computer readable medium having computer readable program code embodied therein configured to deliver information, said computer readable medium comprising:

computer readable code configured to cause a computer to select a plurality of clips;

computer readable code configured to cause a computer to arrange said plurality of clips into a first stream of information;

computer readable code configured to cause a computer to present said first stream of information to a user in a first area of a display area and simultaneously present to the user in a second area in the display area one or more frames from recently-displayed clips from the first stream of information;

computer readable code configured to cause a computer to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user;

computer-readable code configured to cause a computer to arrange a plurality of clips including the first clip into a second stream of information; and

computer readable code configured to cause a computer to deliver said second stream of information including said first clip to said user.

20. (CURRENTLY AMENDED) A computer readable medium having computer readable program code embodied therein configured to finance information delivery, said computer readable medium comprising:

computer readable code configured to cause a computer to select a plurality of clips;

computer readable code configured to cause a computer to arrange said plurality of clips into a stream of information;

computer readable code configured to cause a computer to present said stream of information to a user;

computer readable code configured to cause a computer to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is part of said stream of information and wherein said second clip is selected by said user;

computer readable code configured to cause a computer to secure payment; and

computer readable code configured to cause a computer to deliver said first clip to said user responsive to said securing payment and in a second plurality of clips arranged into a stream of information.

21. (PREVIOUSLY PRESENTED) A computer readable medium of claim 20 wherein said computer readable code configured to cause a computer to secure comprises:

computer readable code configured to cause a computer to debit an account associated with said user.

22. (PREVIOUSLY PRESENTED) A computer readable medium of claim 20 wherein said computer readable code configured to cause a computer to secure comprises:

computer readable code configured to cause a computer to package said first clip with information from an advertiser; and

computer readable code configured to cause a computer to receive payment from said advertiser.

23. (CURRENTLY AMENDED) A computer readable medium having computer readable program code embodied therein configured to compensate a content provider, said computer readable medium comprising:

computer readable code configured to cause a computer to select a plurality of clips wherein a first clip of said plurality of clips is generated by said content provider;

computer readable code configured to cause a computer to arrange said plurality of clips into a stream of information;

computer readable code configured to cause a computer to present said stream of information to a user;

computer readable code configured to cause a computer to determine a second clip not provided by the content provider wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user;

computer readable code configured to cause a computer to secure payment;

computer readable code configured to cause a computer to deliver, responsive to said securing payment, said second clip to said user; and

computer readable code configured to cause a computer to compensate said content provider out of said payment.

24. (PREVIOUSLY PRESENTED) The computer readable medium of claim 23 wherein said first clip is a voice.

25. (PREVIOUSLY PRESENTED)The computer readable medium of claim 23 wherein said first clip is a logo.

26. (PREVIOUSLY PRESENTED)The computer readable medium of claim 23 wherein said first clip is a song.

27. (CURRENTLY AMENDED)The computer readable medium of claim 23 wherein said first clip is a human likeness.

28-29 (CANCELED)

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Remarks/Arguments

Status of Claims

Claims 1-27 are pending.

Claims 1-27 stand rejected.

Claims 28-29 were previously canceled.

Claims 1, 2, 5, 10, 11, 14, 19, 20, 23 and 27 have been amended without prejudice or disclaimer.

Specification

The specification stands objected to as failing to provide support for the limitation in claim 27 that "said first clip is a likeness." In response, claim 27 has been amended similarly to claims 9 and 18 to recite a human likeness. Accordingly, it is respectfully submitted that this objection has been overcome.

Rejection of Claim 27 Under 35 U.S.C. 112, First Paragraph

Claim 27 stands rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In response, claim 27 has been amended to recite a human likeness. Disclosure support is found, for example, at page 79, line 22, of the Appendix.

Rejection of Claims 5-8, 14-17 and 20-27 under 35 U.S.C. 103(a)

Claims 5-8, 14-17 and 20-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0163815 (Begeja) in view of U.S. Patent Publication No. 2005/0198677).

In the response to arguments section of the Office Action, the Examiner stated:

> The Examiner maintains that Begeja in view of Lewis disclose the element above [providing payment to the provider of the content]. For example, Lewis discloses in paragraphs [0033], [0092] and fig 3C that the user submits a secure payment to the content provider source which has

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> rendered the content requested, which reads on "providing payment to the provider of the content." The applicant submitted an argument that such payment is made, for example, to the original creator of the content (song, image voice) which could be for instance a celebrity. However, such feature is not currently being claimed since the current claim language does not exclusively point out to the applicant's scenario.

Claim 5 has been amended to recite clearly that the provider of the second clip is not the provider of the first clip, and further that the second clip is delivered responsive to securing payment.

The rejection of claim 5 is respectfully traversed on the grounds that Begeja and Lewis when combined as proposed by the Examiner, fail to teach or render obvious all of the limitations of claim 5 as amended.

The method of claim 5 may be applied, by way of non-limiting example, to conditionally compensate the content provider for use of the recited first clip in a stream of content if the user selects a third clip from the stream of information, which third clip is associated with a second clip, and further if payment is secured for delivery of the second clip. In an implementation, by way of non-limiting example, the first clip may be one or more of a well-known song (see claim 8), the voice of a celebrity (see claim 6), the likeness of a celebrity (see claim 9), or a well-known logo (see claim 7), in a stream of information. The user may select a third clip, which is also part of the stream of information. The processor, in response to the selection of the third clip, may determine a second clip associated with the third clip. The third clip may be, by way of non-limiting example, an excerpt from a program. The second clip may be a complete program. The complete program is not provided by the provider of the first clip. Payment may be secured, and the second clip provided responsive to securing payment.

Neither Begeja nor Lewis teaches, suggests, or otherwise renders obvious the claimed method of conditionally providing payment to the provider of the first clip. In an embodiment, a celebrity may be compensated for use of the celebrity's voice, in a first clip that is in a stream with the third clip, only if the user selects the third clip and then receives delivery of the second clip, for which payment is secured. The method of claim 5 permits compensation to a provider of content (the first clip) that leads to a payment for content (the second clip) not provided by the provider of the first clip. Lewis does not

provide for compensating for use of content that leads to a sale of other content through the virtual video store. For example, Lewis describes, at Paragraph [0034], that the user selects a particular product she would like to purchase or rent. The local VPR/DMS obtains the information identifying the selected product, retrieves billing information, and transmits the information to the remote ATS. The ATS electronically negotiates the purchase or rental from the content provider. There is no disclosure of providing compensation to a provider of other content. Begeja merely discloses that advertising may be incorporated in programming.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of claim 5 is respectfully requested.

Claims 6-8 depend from claim 5. Reconsideration and withdrawal of the rejection of claims 6-8 is respectfully solicited at least by virtue of the dependence of these claims from allowable base claim 5.

Claim 14 has been amended similarly to claim 5. Reconsideration and withdrawal of the rejection of claim 14 is respectfully requested for at least the same reasons that the rejection of claim 5 should be withdrawn.

Claims 15- 17 depend from claim 14. Reconsideration and withdrawal of the rejection of claims 15-17 is respectfully solicited at least by virtue of the dependence of these claims from allowable base claim 14.

Claim 20 has been amended to recite:

> 20. A computer readable medium having computer readable program code embodied therein configured to finance information delivery, said computer readable medium comprising:
>
> computer readable code configured to cause a computer to select a plurality of clips;
>
> computer readable code configured to cause a computer to arrange said plurality of clips into a stream of information;
>
> computer readable code configured to cause a computer to present said stream of information to a user;
>
> computer readable code configured to cause a computer to determine a first clip wherein said first clip is associated with a second clip

wherein said second clip is part of said stream of information and wherein said second clip is selected by said user;

computer readable code configured to cause a computer to secure payment; and

computer readable code configured to cause a computer to deliver said first clip to said user responsive to said securing payment and in a second plurality of clips arranged into a stream of information.

The code is configured to cause a first clip to be delivered to the user responsive to securing payment and arranged into a stream of information. Disclosure support may be found, for example, in Paragraph [00025] of the specification. Neither Begeja nor Lewis, separately or combined, discloses or suggests code as recited in amended claim 20. Begeja teaches streaming identified video clips and allowing a user to view an entire program from which a clip is extracted (Paragraph [0033]). There is no indication in Begeja that payment is secured and the entire program delivered responsive to securing payment, or that the entire program is part of a stream of information.

Lewis teaches providing a listing of titles and permitting a user to select individual titles (Paragraph [0034]). There is nothing in Lewis to suggest that a selected title may be part of a stream of information.

As neither of Begeja or Lewis teaches or suggests code configured to cause a computer to deliver a clip, associated with a user-selected clip, to a user responsive to securing payment and in plurality of clips arranged into a stream of information, the rejection of claim 20 should be reconsidered and withdrawn.

Claims 21-22 depend from allowable base claim 20, and are allowable at least by virtue of their dependence from that allowable base claim.

Claim 23 has been amended similarly to claim 5. Reconsideration and withdrawal of the rejection of claim 23 is respectfully requested for at least the same reasons that the rejection of claim 5 should be withdrawn.

Claims 24-27 depend from claim 23. Reconsideration and withdrawal of the rejection of claims 24-27 is respectfully solicited at least by virtue of the dependence of these claims from allowable base claim 23.

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Rejection of Claims 1, 10 and 19 under 35 U.S.C. 103(a) over Begeja in view of White (U.S. Patent Pub No. 2002/0056098)

Claims 1, 10 and 19 stand rejected under 35 U.S.C. 103(a) over Begeja in view of White.

Claim 1 has been amended to read as follows:

1. A method of delivering information comprising:

selecting by a computer a plurality of clips;

arranging by the computer said plurality of clips into a first stream of information;

presenting by the computer said first stream of information to a user in a first area of a display area;

simultaneously with said step of presenting first said stream of information, presenting by the computer to the user in a second area in the display area one or more frames from recently-displayed clips from the first stream of information;

determining by the computer a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user; ~~and~~

arranging by the computer a plurality of clips including the first clip into a second stream of information; and

delivering by the computer said second stream of information including said first clip to said user.

Disclosure support may be found, for example, in Paragraph [00025] of the specification. The rejection is respectfully traversed, at least for the reason that the proposed combination of Begeja and White fails to teach each limitation of claim 1 as amended.

Neither Begeja nor White teaches displaying one or more frames from recently-displayed clips from a stream of information arranged by a computer in a second area of a display area while presenting the stream of information in a first area of the display area.

The Examiner attempts to combine features from the embodiment of Figs. 4 and 5 of Begeja and the text at Paragraphs [0062] to [0068], with accessing an entire original video file as described in Paragraph [0028] of Begeja. In the embodiment of Figs. 4 and 5, the stream of information may be generated as indicated in Paragraph [0068] if the user does not choose a specific topic or clip. However, there is no indication that the embodiment of Figs. 4 and 5 provides a user with a "more" or "complete" button, as described in Paragraph [0028], for permitting a user to watch an entire original video file.

The Examiner also improperly states that White discloses that one or more frames are from recently-displayed clips. (Office Action, page 12, first paragraph). White discloses a TV recent screen 80 which includes small display screens containing images from other channels prior to being deselected (Paragraph [0049]). Thus, the images on TV recent screen 80 are not images from clips of a stream of information arranged by a computer, as recited in claim 1, but images from channels previously selected and deselected by a user.

In addition, the display of images on TV recent screen 80 of White serves a different purpose from the recited display of clips. White's display solves the problem of a user flipping between channels by entering the channel number or flipping through intermediate channels (Paragraph [0003]). Selection of an image on TV recent screen 80 does not provide an associated clip, but whatever material the selected channel happens to be delivering at that time. Indeed, White teaches updating the small display screens with live pictures or still pictures to reflect current content (Paragraph [0052]). By updating, White may remove any frame from content previously viewed by the user.

Moreover, claim 1 has been amended to recite that selection of the second clip provides a second stream of information including the associated first clip. Begeja teaches providing only a complete video, not a new stream of information. White merely provides an interface for easily re-selecting previously viewed channels (See Paragraph [0004]).

For at least the foregoing reasons, the rejection of claim 1 should be reconsidered and withdrawn.

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Claims 10 and 19 have been amended similarly to claim 1, and the rejections of those claims should be withdrawn for at least the same reasons.

Rejection of Claims 2-4 and 11-13 under 35 U.S.C. 103(a) over Begeja in view of White and further in view of Lewis (U.S. Patent Pub No. 2005/0198677)

Claims 2-4 and 11-13 stand rejected under 35 U.S.C. 103(a) over Begeja in view of White and further in view of Lewis (U.S. Patent Pub No. 2005/0198677).

The rejection of claim 2 is respectfully traversed.

Claim 2 has been amended to clarify that the delivery of the first clip is responsive to the securing of payment.

The rejection of claim 2 is traversed for reasons including certain of the reasons set forth above with respect to the rejection of claim 1. Neither Begeja nor White teaches displaying one or more frames from recently-displayed clips from a stream of information arranged by a computer in a second area of a display area while presenting the stream of information in a first area of the display area.

The Examiner improperly attempts to combine features from the embodiment of Figs. 4 and 5 of Begeja and the text at Paragraphs [0062] to [0068], with accessing an entire original video file as described in Paragraph [0028] of Begeja. In the embodiment of Figs. 4 and 5, the stream of information may be generated as indicated in Paragraph [0068] if the user does not choose a specific topic or clip. However, there is no indication that the embodiment of Figs. 4 and 5 provides a user with a "more" or "complete" button, as described in Paragraph [0028], for permitting a user to watch an entire original video file.

The Examiner also improperly states that White discloses that one or more frames are from recently-displayed clips. (Office Action, page 12, first paragraph). White discloses a TV recent screen 80 which includes small display screens containing images from other channels prior to being deselected (Paragraph [0049]). Thus, the images on TV recent screen 80 are not images from clips of a stream of information arranged by a computer, as recited in claim 1, but images from channels previously selected and deselected by a user.

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The display of images on TV recent screen 80 of White serves a different purpose from the recited display of clips. White's display of images provides a listing of recently-viewed channels. This solves the problem of a user flipping between channels by entering the channel number or flipping through intermediate channels (Paragraph [0003]). Selection of an image on TV recent screen 80 does not provide a clip associated with a clip related to the displayed frame, but whatever material the selected channel happens to be delivering at that time. Indeed, White teaches updating the small display screens with live pictures or still pictures to reflect current content (Paragraph [0052]). By updating, White may entirely remove any frame previously viewed by the user.

Moreover, Lewis merely provides payment for content selected by a user from a displayed list (Paragraph [0034] and Fig. 3C). Lewis discloses a searchable catalog of a virtual video rental store (Paragraph [0092] and Fig. 3B).

None of the references teaches displaying frames from recently-displayed clips in a computer-assembled stream of information and permitting associated clips to be delivered upon payment. In a non-limiting embodiment, a user may view a stream of clips, such as clips from movies or television programs, and have the opportunity to select movies associated with prior clips. Advantageously, frames of recently-displayed clips may be displayed, so that the user may more readily select from the recently-displayed clips.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of claim 2 is respectfully solicited.

Claims 3-4 depend from allowable base claim 2, and are allowable at least by virtue of their dependence from an allowable base claim.

Claim 11 has been amended in a similar manner to claim 2, and is allowable for at least the reasons that claim 2 is allowable.

Claims 12-13 depend from allowable base claim11, and are allowable at least by virtue of their dependence from that allowable base claim.

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Rejection of Claims 9 and 18 under 35 U.S.C. 103(a) over Begeja in view of Lewis and further in view of Reichardt (U.S. Patent Pub No. 2006/0053448)

Claims 9 and 18 stand rejected under 35 U.S.C. 103(a) over Begeja in view of Lewis and further in view of Reichardt (U.S. Patent Pub No. 2006/0053448).

Claim 9 depends from allowable base claim 5, and is allowable at least by virtue of its dependence from an allowable base claim.

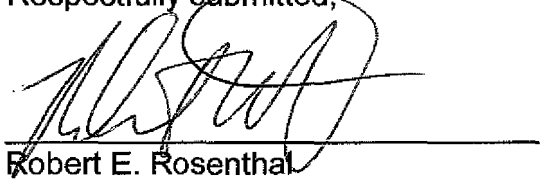
Claim 18 depends from allowable base claim 14, and is allowable at least by virtue of its dependence from an allowable base claim.

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CONCLUSION

Having fully addressed the Examiner's objections and rejections it is believed that, in view of the preceding amendments and these remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited.

Respectfully submitted,



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Attorneys for Applicant

Date: April 30, 2009

TikTok Ex. 1004, Page 261 of 440

PTO/SB/06 (07-06)
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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	Filing Date	☐ To be Mailed
10/874,819	06/23/2004	

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

AMENDMENT	04/30/2009	(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))	* 27	Minus	** 29	= 0	X $26 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 9	Minus	***11	= 0	X $110 =	0	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	0	OR	TOTAL ADD'L FEE	

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/STEFANIE BRYCE/

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

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PTO/SB/08a (05-07)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	10874819
Filing Date	2004-06-23
First Named Inventor	Dwight Marcus
Art Unit	4115
Examiner Name	Mendoza
Attorney Docket Number	NPOWR-4-US

U.S.PATENTS Remove

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	5659539		1997-08-19	Porter et al.	
	2	5781730		1998-07-14	Reimer et al.	
	3	5799282		1998-08-25	Rakshit et al.	
	4	5864682		1999-01-26	Porter et al.	
	5	5949951		1999-09-07	Sklar et al.	
	6	5999909		1999-12-07	Rakshit et al.	
	7	4744281		1988-05-17	Isozaki	
	8	5046004		1991-09-03	Tsumura et al.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	10874819
	Filing Date	2004-06-23
	First Named Inventor	Dwight Marcus
	Art Unit	4115
	Examiner Name	Mendoza
	Attorney Docket Number	NPOWR-4-US

	9	5083491		1992-01-28	Fields	
	10	5142961		1992-09-01	Paroutaud	
	11	5153829		1992-10-06	Furuya et al.	
	12	5208421		1993-05-04	Lisle et al.	
	13	5247126		1993-09-21	Okamura et al.	
	14	5262940		1993-11-16	Sussman	
	15	5317732		1994-05-31	Gerlach et al.	
	16	5388264		1995-02-07	Tobias et al.	
	17	5390138		1995-02-14	Milne et al.	
	18	5393926		1995-02-28	Johnson	
	19	5486645		1996-01-23	Suth et al.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	10874819
	Filing Date	2004-06-23
	First Named Inventor	Dwight Marcus
	Art Unit	4115
	Examiner Name	Mendoza
	Attorney Docket Number	NPOWR-4-US

	20	5559548		1996-09-24	Davis et al.	
	21	5616876		1997-04-01	Cluts	
	22	5864868		1999-01-26	Contois	
	23	6317761		2001-11-13	Landsman et al.	
	24	5875305		1999-02-23	Winter et al.	

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	1	20020092019		2002-07-11	Marcus	
	2	20020077902		2002-06-20	Marcus	

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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]

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
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	Filing Date	2004-06-23
	First Named Inventor	Dwight Marcus
	Art Unit	4115
	Examiner Name	Mendoza
	Attorney Docket Number	NPOWR-4-US

	1	WO 93/23836	WO		1993-11-25	Rakshit et al		☐
	2	WO 96/08108	WO		1996-03-14	Anderson et al		☐
	3	WO 97/04596	WO		1997-02-06	Porter et al		☐
	4	WO 97/17111	WO		1997-05-15	Sklar et al		☐

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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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1	Li, Chung-Sheng et al., "Multimedia Content Description In The Infopyramid", Proceedings of the 1998 IEEE International Conference on Acoustics, Speech and Signal Processing, Volume: 6, Date: 12-15 May 1998, Pages 3789-3792.	☐
	2	Lee, Taekyong, "Query Processing Technique For Multimedia Presentation Graphs," Eighth International Workshop on Research Issues In Fata Engineering, Continuous Media Databases and Applications. February 23-24, 1998, Pages 130-138	☐
	3	Piamsa-nga, Punpiti, "A Parallel Model For Multimedia Database on Cluster System Environment," Proceedings IEEE International Symposium on Industrial Electronics, ISIE 1998, July 7-10, 1998, Volume 2, Pages 648-652.	☐
	4	Paek, Seungyup et al., "Self-describing schemes for interoperable MPEG-7 multimedia content descriptions" Symposium on Electronic Imaging: Visual Communications and Image Processing, IST/SPIE'99 3653, 1518 (1998).	☐
	5	Curtis, Katherine et al., "Multimedia Content Management - Provision of Validation and Personalisation Services" , icmcs, pp.302, 1999 IEEE International Conference on Multimedia Computing and Systems (ICMCS'99) - Volume 2, 1999.	☐

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
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	Filing Date	2004-06-23
	First Named Inventor	Dwight Marcus
	Art Unit	4115
	Examiner Name	Mendoza
	Attorney Docket Number	NPOWR-4-US

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.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	10874819
Filing Date	2004-06-23
First Named Inventor	Dwight Marcus
Art Unit	4115
Examiner Name	Mendoza
Attorney Docket Number	NPOWR-4-US

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	/Robert E. Rosenthal/	Date (YYYY-MM-DD)	2009-05-08
Name/Print	Robert E. Rosenthal	Registration Number	33450

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.**

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	10874819
Filing Date	2004-06-23
First Named Inventor	Dwight Marcus
Art Unit	4115
Examiner Name	Mendoza
Attorney Docket Number	NPOWR-4-US

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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	6032156		2000-02-29	Marcus	
	2	4290141		1981-09-15	Anderson et al.	
	3	4377870		1983-03-22	Anderson et al.	
	4	4566030		1986-01-21	Nickerson et al.	
	5	5041972		1991-08-20	Frost	
	6	5109482		1992-04-28	Bohrman	
	7	5206929		1993-04-27	Langford et al.	
	8	5227863		1993-07-13	Bilbrey et al.	

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	9	5307456		1994-04-26	MacKay	
	10	5353391		1994-10-04	Cohen et al.	
	11	5388197		1995-02-07	Rayner	
	12	5414808		1995-05-09	Williams	
	13	5428774		1995-06-27	Takahashi et al.	
	14	5440730		1995-08-08	Elmasri et al.	
	15	5483276		1996-01-09	Brooks et al.	
	16	5515490		1996-05-07	Buchanan et al.	
	17	5519828		1996-05-21	Raynor	
	18	5550965		1996-08-27	Gabbe et al.	
	19	5634020		1997-05-27	Norton	

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	20	5644686		1997-07-01	Hakmatpour	
	21	5659793		1997-08-19	Escobar et al.	
	22	5680639		1997-10-21	Milne et al	
	23	5687331		1997-11-11	Volk et al.	
	24	5689641		1997-11-18	Ludwig et al.	
	25	5713021		1998-01-27	Kondo et al.	
	26	5721815		1998-02-24	Ottesen et al.	
	27	5721878		1998-02-24	Ottesen et al.	
	28	5729471		1998-03-17	Jain et al.	
	29	5748187		1998-05-05	Kim et al.	
	30	5748956		1998-05-05	Lafer et al.	

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	Attorney Docket Number	NPOWR-4-US

	31	5751883		1998-05-12	Ottesen et al.	
	32	5752029		1998-05-12	Wissner	
	33	5754851		1998-05-19	Wissner	
	34	5765164		1998-06-19	Prasad et al.	
	35	5799150		1998-08-25	Hamilton et al.	
	36	5819286		1998-10-06	Yang et al.	
	37	5826102		1998-10-20	Escobar et al.	
	38	5852435		1998-12-22	Vigneaux et al.	
	39	5861880		1999-01-19	Shimizu et al.	
	40	5633726		1997-05-27	Timmermans	
	41	5576844		1996-11-19	Anderson et al.	

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	42	5553221		1996-09-03	Reimer et al.	
	43	5543925		1996-08-06	Timmermans	
	44	5966121		1999-10-12	Hubbell et al.	
	45	4959734		1990-09-25	Foster	
	46	5303042		1994-04-12	Lewis et al.	

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☒ None

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Signature	/Robert E. Rosenthal/	Date (YYYY-MM-DD)	2009-05-08
Name/Print	Robert E. Rosenthal	Registration Number	33450

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Marcus	Art Unit:	4115
		Confirmation No.	5129
Serial No.:	10/874,819	Docket No.:	NPOWR-4-US
Filed:	June 23, 2004	Examiner:	Mendoza
For:	METHOD AND APPARATUS FOR EFFICIENT, ENTERTAINING INFORMATION DELIVERY		

INFORMATION DISCLOSURE STATEMENT

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

Sir:

Applicant submits herewith copies of references or other information of which it is aware that it believes may be material to the examination of this application, and in respect to which, there may be a duty to disclose under 37 C.F.R. § 1.56 and in accordance with 37 C.F.R. §§ 1.97-1.98.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), or an admission that the information is material to patentability (37 C.F.R. 1.97(h)), or an admission that the information constitutes prior art.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Pursuant to 37 C.F.R. §1.97(b)(3), no fee is believed due as this filing is being made before the mailing of a first Office action on the merits. Should there be any fees due and owing with respect to this application, the Examiner is authorized to charge such fees to Deposit Account No. 50-3208.

The Examiner is respectfully requested to review the references identified herewith and make them of record in the instant application as required by M.P.E.P. § 609. The Examiner is also requested to initial one copy of Form PTO-1449 and return same to the undersigned.

Respectfully submitted,

/s/

Robert E. Rosenthal
Registration No.: 33,450
Howard IP Law Group, PC
P.O. Box 226
Fort Washington, PA 19034
Telephone: (215) 542-5824
Facsimile: (215) 542-5825
Attorney for Applicant

Date: May 8, 2009

Electronic Acknowledgement Receipt

EFS ID:	5304459
Application Number:	10874819
International Application Number:	
Confirmation Number:	5129
Title of Invention:	Method and apparatus for efficient, entertaining information delivery
First Named Inventor/Applicant Name:	Dwight Marcus
Customer Number:	45722
Filer:	ROBERT EVAN ROSENTHAL/Ellen Draegert
Filer Authorized By:	ROBERT EVAN ROSENTHAL
Attorney Docket Number:	NPOWR-4-US
Receipt Date:	08-MAY-2009
Filing Date:	23-JUN-2004
Time Stamp:	17:25:48
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	Information Disclosure Statement (IDS) Filed (SB/08)	US_IDS_Form__SB_08a2.pdf	575252 2ca774a1db45ba875f792a5504f6f2974b149bfe	no	7

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2	NPL Documents	Multimedia_Content_Description_3.pdf	210807 a142e12dcc1a9347a4b0e41867749c0ca3d78664	no	4
Warnings:					
Information:					
3	NPL Documents	Multimedia_Content_Management_1.pdf	178798 308c2eb0319e2b1fb2ddf1812614afb4d759aa60	no	3
Warnings:					
Information:					
4	NPL Documents	piamsa-nga.pdf	1099398 340326dd3494a11104205aafcd6568d3bc0c171a	no	5
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5	NPL Documents	Self_Describing_Schemes_2.pdf	829807 03a6a69ff2eb7c6b55a15af41adb7aeeb66a6a03	no	19
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6	NPL Documents	tleeref.pdf	6961550 8bf573b648c52d43a5669aef1c76d5712ace14fb	no	35
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7	Information Disclosure Statement (IDS) Filed (SB/08)	US_IDS_Form__SB_08a.pdf	575357 5cf0fd67545d578bc176537fac0711664a6f1ea9	no	8
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8	Miscellaneous Incoming Letter	npowr4ids.pdf	186048 7dc0e4d7b16babd3572b4034441ab901feb92d6f	no	2
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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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/874,819	06/23/2004	Dwight Marcus	NPOWR-4-US	5129

45722 7590 05/28/2009

Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

EXAMINER	
MENDOZA, JUNIOR O	
ART UNIT	PAPER NUMBER
2423	
MAIL DATE	DELIVERY MODE
05/28/2009	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	10/874,819	MARCUS, DWIGHT	
	Examiner	Art Unit	
	JUNIOR O. MENDOZA	2423	

-- 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 *30 April 2009*.

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

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

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

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

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

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

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

Application Papers

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

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

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

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

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/30/2009 has been entered.

Response to Arguments

2. Applicant's arguments filed 04/30/2009 have been fully considered but they are not persuasive.

Although a new ground of rejection has been provided, a response is considered necessary for some of applicant's arguments since the Begeja reference will continue to be used to meet several claimed limitations.

Regarding **claims 1, 10 and 19**, applicant argues that there is no indication that the embodiment of figure 4 and 5 provides a user with a "more" or "complete" button for permitting a user to watch an entire original video file.

However, the examiner respectfully disagrees with the applicant. As admitted by the applicant, Begeja discloses a "more" or "complete" button option for permitting users to watch the entire original video file to which a video clip

belongs, paragraph [0028]. Moreover, the cited paragraph recites the "more" or "complete" button can be included in the user interface, and the disclosure in figures 4 and 5 clearly show that they constitute a user interface. Even though, the examiner recognizes that the "more" or "complete" button seems to be absent from the referenced figures, paragraph [0028] clearly points out that such button can be included in the user interface, therefore the applicant's assumption is incorrect.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 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.

Claims 5, 14 and 23 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. The amended filed claims recite the following feature: "determining by the processor a second clip not provided by the content provider"; however, the originally filed specification does not offer support for said feature.

Claim Rejections - 35 USC § 103

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

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

5. **Claims 1, 10 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja et al (Pub No US 2003/0163815) in view of Rangan et al (Patent No US 6,154,771). Hereinafter referenced as Begeja and Rangan, respectively.

Regarding **claim 1**, Begeja discloses a method of delivering information comprising: selecting by a computer a plurality of clips (Paragraphs [0014] [0032]);

arranging by the computer said plurality of clips into a first stream of information (Video clips are stitched together into a continuous stream, paragraph [0028]);

presenting by the computer said first stream of information to a user in a first area of a display area (Paragraphs [0014] [0028] [0067] fig 5; section 510);

simultaneously with said step of presenting said stream of information, presenting by the computer to the user in a second area in the display area one or more frames from clips from the first stream of information (Paragraph [0066] also exhibited on figure 5; section 505);

determining by the computer a first clip wherein said first clip is associated with a second clip wherein said second clip is of said stream of information and wherein said

second clip is selected by said user (Users can have access to different portions of the continuous video stream shown in section 510 by selecting the scene frames displayed on section 505; moreover, the user can choose to watch the entire original video file corresponding to the video clip, paragraphs [0028] [0067]);

arranging by the computer a plurality of clips including the first clip into a second stream of information (Paragraph [0028]; users may have access to the complete original video of a video clip by choosing an option within the user interface, where the complete video includes said video clip);

and delivering by the computer said second stream on information including said first clip to said user (Paragraph [0028]).

However, it is noted that Begeja fails to explicitly disclose that the one or more frames are from recently-displayed clips.

Nevertheless, in a similar field of endeavor Rangan discloses that the one or more frames are from recently-displayed clips (Col. 26 lines 29-35 lines also exhibited on figure 2 and 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing the elements mentioned above, as taught by Rangan, for the purpose of providing convenience and a better interface interaction which allows users to navigate through the system in an easier and more efficient manner.

Regarding **claims 10 and 19**; Begeja and Rangan disclose all the limitations of claims 10 and 19; therefore, claims 10 and 19 are rejected for the same reasons stated in claim 1.

8. **Claims 2 – 4 and 11 – 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja in view of Rangan further in view of Lewis (Pub No US 2005/0198677). Hereinafter referenced as Lewis.

Regarding **claim 2**, Begeja discloses a method of delivery of information (Paragraphs [0014] [0032]) comprising:

selecting by a computer a plurality of clips (Paragraphs [0014] [0032]);

arranging by the computer said plurality of clips into a stream of information (Video clips are stitched together into a continuous stream, paragraph [0028]);

presenting by the computer said stream of information to a user in a first area of a display area (Paragraphs [0014] [0028] [0067] fig 5; section 510);

simultaneously with said step of presenting said stream of information, presenting by the computer to the user in a second area in the display area one or more frames from the stream of information (Paragraph [0066] also exhibited on figure 5; section 505);

determining by the computer a first clip wherein said first clip is associated with a second clip and wherein said second clip is selected by said user (Users can have

access to different portions of the continuous video stream shown in section 510 by selecting the scene frames displayed on section 505; moreover, the user can choose to watch the entire original video file corresponding to the video clip, paragraphs [0028] [0067]);

and delivering by the computer said first clip to said user responsive to said selection (Paragraph [0028]).

However, it is noted that Begeja fails to explicitly disclose that the one or more frames are from recently-displayed clips and a second clip is one of the presented recently-displayed clips .

Nevertheless, in a similar field of endeavor Rangan discloses that the one or more frames are from recently-displayed clips and a second clip is one of the presented recently-displayed clips (Col. 26 lines 29-35 lines also exhibited on figure 2 and 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing the elements mentioned above, as taught by Rangan, for the purpose of providing convenience and a better interface interaction which allows users to navigate through the system in an easier and more efficient manner.

However, it is noted that Begeja and Rangan fail to explicitly disclose a method of financing delivery of information, comprising securing payment; and delivering content to a user responsive to said securing payment.

Nevertheless, in a similar field of endeavor Lewis discloses a method of financing delivery of information, comprising securing payment; and delivering content to a user

responsive to said securing payment (The data management zone allows rental or purchase of products to home based customers, where the direct data rental provides data security and secure transactions, paragraph [0033]);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja and Rangan by specifically providing the method of securing payment, as taught by Lewis, for the purpose of protecting the financial information corresponding to the customers, where secure transactions prevent hackers from stealing personal information.

Regarding **claim 3**, Begeja, Rangan and Lewis disclose the method of claim 2; however, Begeja and Rangan fail to explicitly disclose that said method of securing comprises: debiting an account associated with said user.

Nevertheless, in a similar field of endeavor Lewis discloses that said method of securing comprises: debiting an account associated with said user (The system includes an electronically based payment system where the rental charges are made to a user's credit or debit card, see claim 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja and Rangan by specifically providing the element above, as taught by Lewis, for the purpose of automating the process of paying for the requested content, which saves time and money for the customers since there is no need to send any payments by regular mail.

Regarding **claim 4**, Begeja, Rangan and Lewis disclose the method of claim 2; moreover, Begeja discloses packaging said first clip with information from an advertiser (A corporate sponsor may offer specific types of content, where the content can be assemble and overlaid with advertisements from the sponsor, paragraph [0074]);

and receiving payment from said advertiser (Where the content being watched is the actual payment for the customer in return for watching the advertisements announcing the corporate sponsor, which is the way that standard television programming works, paragraph [0074]).

Regarding **claims 11, 12 and 13;** Begeja, Rangan and Lewis disclose all the limitations of claims 11, 12 and 13; therefore, claims 11, 12 and 13 are rejected for the same reasons stated in claims 2, 3 and 4, respectively.

6. **Claims 5 – 8, 14 – 17 and 23 – 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja in view of Hunter et al (Pub No US 2002/0111912). Hereinafter referenced as Hunter.

Regarding **claim 5**, Begeja discloses a method comprising: automatically selecting by a processor a plurality of clips wherein a first clip of said plurality of clips is generated by said content provider (The video server extracts video clips from various video inputs corresponding to a user criterion, paragraphs [0014] [0040]);

arranging by the processor said plurality of clips into a stream of information (Video clips are stitched together into a continuous stream, paragraph [0028]);

presenting said stream of information to a user (Video clips are combined into a customized video presentation for delivery to the user, paragraph [0014]);

determining by the processor a second clip wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user (Users can have access to other portions of the video from where the video clip was originated, in other words to other video clips; on the other hand the user can also choose to watch the entire original video file corresponding to the video clip, paragraph [0028]);

delivering said second clip to said user (The user receives selected content, paragraph [0028]).

However, it is noted that Begeja fails to explicitly disclose a method of compensating a content provider, determining data not provided by the content provider; securing payment, responsive to said securing payment, delivering said data to user and compensating said content provider out of said payment

Nevertheless, in a similar field of endeavor Hunter discloses a method of compensating a content provider, determining data not provided by the content provider (Paragraphs [0015] [0151] figure 5; content owner provides data to a distributor and content owner receives payment for the use of copyrighted data)

securing payment, responsive to said securing payment, delivering said data to user (Paragraph [0054]; user submits an electronic payment before initial reception and storage of copyrighted data)

and compensating said content provider out of said payment (Paragraph [0151] figure 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing the features mentioned above, as taught by Hunter, for the purpose of making sure that a user pays for a content data before receiving it, implementing an efficient content distribution system.

Regarding **claim 6**, Begeja and Hunter disclose the method of claim 5; moreover Begeja discloses that said first clip is a voice (Clips which only include audio can also be incorporated, paragraph [0090]).

Regarding **claim 7**, Begeja and Hunter disclose the method of claim 5; moreover Begeja discloses that said first clip is a logo (The corporate sponsor logo can be embedded in the user interface or in the content itself, paragraph [0075]).

Regarding **claim 8**, Begeja and Hunter disclose the method of claim 5; however, Begeja fails to explicitly disclose that the first clip is a song.

Nevertheless, in a similar field of endeavor Hunter discloses that a first clip is a song (Paragraph [0015]; the clip may be music).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing that the first clip is a song, as taught by Hunter, for the purpose of expanding the type of content that can be distributed, since users not only respond to video content but to music content as well as a form of entertainment.

Regarding **claims 14 – 17,** Begeja and Hunter disclose all the limitations of claims 14 – 17; therefore, claims 14 – 17 are rejected for the same reasons stated in claims 5 - 8, respectively.

Regarding **claims 23 – 26,** Begeja and Hunter disclose all the limitations of claims 23 – 26; therefore, claims 23 – 26 are rejected for the same reasons stated in claims 5 - 8, respectively.

7. **Claims 9, 18 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja in view of Hunter further in view of Reichardt (Pub No US 2006/0053448). Hereinafter referenced as Reichardt.

Regarding **claim 9**, Begeja and Hunter disclose the method of claim 5; moreover Begeja discloses a first clip (Paragraphs [0014] [0028]).

However, Begeja and Hunter fail to explicitly disclose that said first clip is a human likeness. Nevertheless, in a similar field of endeavor Reichardt discloses that said first clip is a human likeness (Paragraph [0038] fig 7; celebrity images).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja and Hunter by specifically providing the element above, as taught by Reichardt, for the purpose of implementing an attractive interface that motivates and incites viewers to interact with the interface frequently in an easy and effective manner.

Regarding **claims 18 and 27;** Begeja and White disclose all the limitations of claims 18 and 27; therefore, claims 18 and 27 are rejected for the same reasons stated in claim 9.

8. **Claims 20 – 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja further in view of Lewis.

Regarding **claim 20**, Begeja discloses computer readable code configured to cause a computer (Paragraph [0031]) to select a plurality of clips (The video server

extracts video clips from various video inputs corresponding to a user criterion, paragraph [0014]);

computer readable code configured to cause a computer to arrange said plurality of clips into a stream of information (Where the previously mentioned video clips are stitched together into a continuous stream, paragraph [0028]);

computer readable code configured to cause a computer to present said stream of information to a user (Where the video clips are combined into a customized video presentation for delivery to the user, paragraph [0014]);

computer readable code configured to cause a computer to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is part of said stream of information and wherein said second clip is selected by said user (Users can have access to other portions of the video from where the video clip was originated; moreover, the user can choose to watch the entire original video file corresponding to the video clip, paragraph [0028]);

and computer readable code configured to cause a computer to deliver said first clip to said user (The user can choose to watch the entire original video file corresponding to the video clip, paragraph [0028])

and in a second plurality of clips arranged into a stream of information (Paragraph [0028]; users may have access to the complete original video of a video clip by choosing an option within the user interface, where the complete video includes said video clip).

However, it is noted that Begeja fails to explicitly disclose a computer readable medium configured to finance information delivery, said computer readable medium comprising: computer readable code configured to cause a computer to secure payment and deliver content to a user responsive to said securing payment.

Nevertheless, in a similar field of endeavor Lewis discloses a computer readable medium configured to finance information delivery (Paragraph [0146]), said computer readable medium comprising: computer readable code configured to cause a computer to secure payment and deliver content to a user responsive to said securing payment (The data management zone allows rental or purchase of products to home based customers, where the direct data rental provides data security and secure transactions, paragraph [0033]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing the method of securing payment, as taught by Lewis, for the purpose of protecting the financial information corresponding to the customers, where secure transactions prevent hackers from stealing personal information.

Regarding **claims 21 and 22;** Begeja and Lewis disclose all the limitations of claims 21 and 22; therefore, claims 21 and 22 are rejected for the same reasons stated in claims 3 and 4, respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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.

Junior O Mendoza
Examiner
Art Unit 2423

/J. O. M./
May 14, 2009

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423

Notice of References Cited	Application/Control No. 10/874,819	Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT	
	Examiner JUNIOR O. MENDOZA	Art Unit 2423	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,154,771 A	11-2000	Rangan et al.	709/217
*	B	US-2002/0111912 A1	08-2002	Hunter et al.	705/52
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10874819	MARCUS, DWIGHT
	Examiner	Art Unit
	JUNIOR O MENDOZA	2423

SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
Updated EAST Text Search	5/14/2009	JM
Inventor Search	5/14/2009	JM
Class 725 Plus Text Search	5/14/2009	JM
Class 705 Plus Text Search	5/14/2009	JM

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10874819	MARCUS, DWIGHT
	Examiner	Art Unit
	JUNIOR O MENDOZA	2423

✓	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	01/14/2008	10/24/2008	05/14/2009						
	1	✓	✓	✓						
	2	✓	✓	✓						
	3	✓	✓	✓						
	4	✓	✓	✓						
	5	✓	✓	✓						
	6	✓	✓	✓						
	7	✓	✓	✓						
	8	✓	✓	✓						
	9	✓	✓	✓						
	10	✓	✓	✓						
	11	✓	✓	✓						
	12	✓	✓	✓						
	13	✓	✓	✓						
	14	✓	✓	✓						
	15	✓	✓	✓						
	16	✓	✓	✓						
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	21	✓	✓	✓						
	22	✓	✓	✓						
	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	43	hunter.in. and preview	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/14 15:35
L5	25	hunter.in. and preview and music and video	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/14 15:35
L7	15	("20020045960" | "20020045961" | "20020046315" | "5237157" | "5392066" | "5572653" | "5918213" | "5963136" | "5963916" | "6133908" | "6195436" | "6430554" | "6480188").PN. OR ("7174312").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2009/05/14 16:29
L8	2	"20020138440"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/14 17:09
L9	16202	"705"/$.ccls. and @ad<="20030624"	USPAT	OR	ON	2009/05/14 17:15
L10	106	9 and (clip preview trailer) with (buy$4 pay$4 purchans $4)	USPAT	OR	ON	2009/05/14 17:16
L11	35075	"705"/$.ccls. and @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/14 17:16
L12	215	11 and (clip preview trailer) with (buy$4 pay$4 purchans $4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/14 17:16
L13	158	12 and (television internet) and (copyright$4 right$4 owner)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/14 17:17

TikTok Ex. 1004, Page 303 of 440

L14	83	12 and (television internet) and (copyright$4 right$4 owner) with (pay$8 fee)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/14 17:24
L15	6401	"725"/$.ccls. and @ad<="20030624"	USPAT	OR	ON	2009/05/14 17:38
L16	28	15 and (clip preview trailer) with (buy$4 pay$4 purchans $4) and (copyright$4 right$4 owner) with (pay$8 fee)	USPAT	OR	ON	2009/05/14 17:38
L17	11190	"725"/$.ccls. and @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/14 17:39
L18	28	17 and (clip preview trailer) with (buy$4 pay$4 purchans $4) and (copyright$4 right$4 owner) with (pay$8 fee)	USPAT	OR	ON	2009/05/14 17:39
L19	47	17 and (clip preview trailer) with (buy$4 pay$4 purchans $4) and (copyright$4 right$4 owner) with (pay$8 fee)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/14 17:39
L20	86	11 and (clip preview trailer) with (buy$4 pay$4 purchans $4) and (copyright$4 right$4 owner) with (pay$8 fee)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/14 17:45
L28	11	09/487978	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/14 17:59
L29	9	09/487978 and before with payment	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/14 17:59
S34	1	"6,236,395".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 17:57
S35	536	725/1-8.ccls. and @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 18:09

TikTok Ex. 1004, Page 304 of 440

S36	2	S35 and clip with pay$8	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 18:09
S37	793	clip with pay$8	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 18:10
S38	11190	"725"/$.ccls. and @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 18:10
S39	68	S37 and S38	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 18:10
S40	1	"5,953,076".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 18:14
S41	1	"5,515,485".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 18:15
S42	15	clip with pay$8 same internet and @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 18:17
S43	511	kara$7.in. and television	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 20:34
S44	194	kara$7.in. and television and home	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 20:34
S45	162	kara$7.in. and television and home and channel	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 20:34

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S46	81	kara$7.in. and television and home and channel and pay $8	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 20:35
S47	383	youtube	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 20:38
S49	204	youtube and (pay$7 bill$7)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 20:39
S50	0	youtube and (pay$7 bill$7) and @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 20:39
S51	13770603	(video near2 clip same (pay $7 bill$7))".ab.and" @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 20:41
S52	13770597	(video near2 clip same (pay $7 bill$7))".ab. and" @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 20:41
S53	13770597	((video near2 clip) same (pay $7 bill$7))".ab. and" @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 20:41
S54	22	((video near2 clip) same (pay $7 bill$7)).ab. and @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 20:41
S55	1	((video near4 shar$4) same (pay$7 bill$7)).ab. and @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 20:44
S56	1207	(video same (pay$7 bill$7)). ab. and @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 20:44

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S57	93	(video same (pay$7 bill$7)). ab. and clip and @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/12 20:45
S58	5	("20020110352" | "20030117530" | "20050028194" | "6236395" | "6642939").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/13 12:28
S59	1	11/073097.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/13 12:28
S60	87	recent$4 with (display$4 view $4 watch$4) with (clip eclip)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/13 14:07
S61	62	("20010013123" | "20010049826" | "20010052019" | "20020052747" | "20020093591" | "20020100046" | "20020138843" | "20020152464" | "20020152477" | "20020173964" | "20040117831" | "20040261095" | "20050028194" | "20050076357" | "20050076378" | "20050223408" | "20050278741" | "5614940" | "5664227" | "5708767" | "5710591" | "5805763" | "5821945" | "5835087" | "5835667" | "5864366" | "5874986" | "5956026" | "5999985" | "6038296" | "6061056" | "6092107" | "6098082" | "6166735" | "6233389" | "6236395" | "6243676" | "6282549" | "6289346" | "6304898" | "6324338" | "6324388" | "6324512" | "6345279" | "6363380" | "6385306" | "6415327" | "6453355" | "6460075" | "6477565" | "6477707" | "6496857" | "6564263" | "6671715" | "6678890" | "6748421" | "6810526" | "6956573" |	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/13 15:11

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		"6961954" | "6970915" | "7130790" | "7178107").PN.				
S62	25	("6961954").URPN.	USPAT	OR	ON	2009/05/13 15:50
S63	1835	recent$4 with (display$4 view $4 watch$4 seem$5) with (clip eclip video) and @ad<="20030624" not S60	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/13 16:45
S64	158	recent$4 with (display$4 view $4 watch$4 seem$5) with (video) and clip and @ad<="20030624" not S60	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2009/05/13 16:46
S65	123	("6154771").URPN.	USPAT	OR	ON	2009/05/13 17:14
S66	16202	"705"/$.ccls. and @ad<="20030624"	USPAT	OR	ON	2009/05/14 13:11
S67	260	S66 and (clip movie preview trailer) with (buy$4 pay$4 purchans$4)	USPAT	OR	ON	2009/05/14 13:12

5/14/2009 6:57:58 PM
C:\Documents and Settings\jmendoza\My Documents\EAST\Workspaces\10874819 Mini-clips for Content Delivery (GUI) -- 2 --.wsp

TikTok Ex. 1004, Page 308 of 440

PTO/SB/08a (05-07)
Approved for use through 11/30/2007. OMB 0651-0031
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	10874819
Filing Date	2004-06-23
First Named Inventor	Dwight Marcus
Art Unit	4115
Examiner Name	Mendoza
Attorney Docket Number	NPOWR-4-US

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U.S.PATENTS Remove

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
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	2	5781730		1998-07-14	Reimer et al.	
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	8	5046004		1991-09-03	Tsumura et al.	

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	Examiner Name	Mendoza
	Attorney Docket Number	NPOWR-4-US

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	10	5142961		1992-09-01	Paroutaud	
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	16	5388264		1995-02-07	Tobias et al.	
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	19	5486645		1996-01-23	Suth et al.	

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	2	20020077902		2002-06-20	Marcus	

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	1	WO 93/23836	WO		1993-11-25	Rakshit et al		☐
	2	WO 96/08108	WO		1996-03-14	Anderson et al		☐
	3	WO 97/04596	WO		1997-02-06	Porter et al		☐
	4	WO 97/17111	WO		1997-05-15	Sklar et al		☐

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	1	Li, Chung-Sheng et al., "Multimedia Content Description In The Infopyramid", Proceedings of the 1998 IEEE International Conference on Acoustics, Speech and Signal Processing, Volume: 6, Date: 12-15 May 1998, Pages 3789-3792.	☐
	2	Lee, Taekyong, "Query Processing Technique For Multimedia Presentation Graphs," Eighth International Workshop on Research Issues In Fata Engineering, Continuous Media Databases and Applications. February 23-24, 1998, Pages 130-138	☐
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Examiner Signature	/Junior Mendoza/	Date Considered	05/14/2009

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Doc code :IDS
Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (03-08)
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	Attorney Docket Number	NPOWR-4-US

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	Examiner Name	Mendoza
	Attorney Docket Number	NPOWR-4-US

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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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1		☐

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Dwight Marcus**	:	Art Unit: **2423**
	:	Confirmation No. **5129**
Serial No. **10/874,819**	:	Examiner: **Junior O. Mendoza**
	:	
Filed: **June 23, 2004**	:	
	:	
For: **METHOD AND APPARATUS FOR EFFICIENT, ENTERTAINING INFORMATION DELIVERY**	:	Docket No. **NPOWR-4-US**

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

AMENDMENT AND RESPONSE

Response to the Office Action mailed May 28, 2009 is timely due November 30, 2009, in view of the petition for three-month extension of time and fee therefor filed herewith (November 28, 2009, being a Saturday). Accordingly, this paper is deemed to be timely filed. Should there be any fees due and owing with respect to this paper, the Office is authorized to charge such fees to Deposit Account No. 50-3208. Reconsideration of the application in view of this Amendment is respectfully requested.

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

Remarks/Arguments begin on page 11 of this paper.

Listing and Amendments to the Claims

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

1. (PREVIOUSLY PRESENTED) A method of delivering information comprising:

selecting by a computer a plurality of clips;

arranging by the computer said plurality of clips into a first stream of information;

presenting by the computer said first stream of information to a user in a first area of a display area;

simultaneously with said step of presenting first said stream of information, presenting by the computer to the user in a second area in the display area one or more frames from recently-displayed clips from the first stream of information;

determining by the computer a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user;

arranging by the computer a plurality of clips including the first clip into a second stream of information; and

delivering by the computer said second stream of information including said first clip to said user.

2. (PREVIOUSLY PRESENTED)A method of financing delivery of information comprising:

selecting by a computer a plurality of clips;

arranging by the computer said plurality of clips into a stream of information;

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presenting by the computer said stream of information to a user in a first area of a display area;

simultaneously with said step of presenting said stream of information, presenting by the computer to the user in a second area in the display area one or more frames from recently-displayed clips from the stream of information;

determining by the computer a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user;

securing payment; and

delivering by the computer said first clip to said user responsive to said securing payment.

3. (ORIGINAL) A method of claim 2 wherein said method of securing comprises:

debiting an account associated with said user.

4. (ORIGINAL) A method of claim 2 wherein said method of securing comprises:

packaging said first clip with information from an advertiser; and

receiving payment from said advertiser.

5. (CURRENTLY AMENDED) A method of compensating a content provider comprising:

automatically selecting by a processor a plurality of clips wherein a first clip of said plurality of clips is generated by said content provider;

arranging by the processor said plurality of clips into a stream of information;

presenting said stream of information to a user;

determining by the processor a second clip ~~not provided by the content provider~~ wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user;

securing payment;

responsive to said securing payment, delivering said second clip to said user; and

compensating said content provider out of said payment.

6. (ORIGINAL) The method of claim 5 wherein said first clip is a voice.

7. (ORIGINAL) The method of claim 5 wherein said first clip is a logo.

8. (ORIGINAL) The method of claim 5 wherein said first clip is a song.

9. (PREVIOUSLY PRESENTED)The method of claim 5 wherein said first clip is a human likeness.

10. (PREVIOUSLY PRESENTED)An information delivery system comprising:

a selection unit configured to select a plurality of clips;

an arranging unit configured to arrange said plurality of clips into a first stream of information;

a presentation unit configured to present said first stream of information to a user in a first area of a display area and simultaneously present to the user in a second area in the display area one or more frames from recently-displayed clips from the first stream of information;

determining a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user;

a determiner configured to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user;

said selection unit being configured to select a plurality of clips including said first clip and said arranging unit being configured to arrange said plurality of clips including said first clip into a second stream of information;

and

a delivery unit configured to deliver said second stream of information including said first clip to said user.

11. (PREVIOUSLY PRESENTED) An information delivery financing system comprising:

a selection unit configured to select a plurality of clips;

an arranging unit configured to arrange said plurality of clips into a stream of information;

a presentation unit configured to present said stream of information to a user in a first area of a display area and simultaneously present to the user in a second area in the display area one or more frames from recently-displayed clips from the stream of information;

a determiner configured to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user;

a payment securing unit configured to secure payment; and

a delivery unit configured to deliver said first clip to said user responsive to said payment securing unit securing payment.

12. (ORIGINAL) An information delivery financing system of claim 11 wherein said payment securing unit comprises:

a debiting unit configured to debit an account associated with said user.

13. (ORIGINAL) An information delivery financing system of claim 11 wherein said payment securing unit comprises:

a packaging unit configured to package said first clip with information from an advertiser; and

a payment receiving unit configured to receive payment from said advertiser.

14. (CURRENTLY AMENDED) A content provider compensation system comprising:

a selection unit configured to select a plurality of clips wherein a first clip of said plurality of clips is generated by a content provider;

an arranging unit configured to arrange said plurality of clips into a stream of information;

a presentation unit configured to present said stream of information to a user;

a determiner configured to determine a second clip ~~not provided by the content provider~~ wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user;

a payment securing unit configured to secure payment;

a delivery unit configured to deliver said second clip to said user responsive to securing payment; and

a compensation unit configured to compensate said content provider out of said payment.

15. (ORIGINAL)The content provider compensation system of claim 14 wherein said first clip is a voice.

16. (ORIGINAL)The content provider compensation system of claim 14 wherein said first clip is a logo.

17. (ORIGINAL)The content provider compensation system of claim 14 wherein said first clip is a song.

18. (PREVIOUSLY PRESENTED)The content provider compensation system of claim 14 wherein said first clip is a human likeness.

19. (PREVIOUSLY PRESENTED)A computer readable medium having computer readable program code embodied therein configured to deliver information, said computer readable medium comprising:

computer readable code configured to cause a computer to select a plurality of clips;

computer readable code configured to cause a computer to arrange said plurality of clips into a first stream of information;

computer readable code configured to cause a computer to present said first stream of information to a user in a first area of a display area and simultaneously present to the user in a second area in the display area one or more frames from recently-displayed clips from the first stream of information;

computer readable code configured to cause a computer to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user;

computer-readable code configured to cause a computer to arrange a plurality of clips including the first clip into a second stream of information; and

computer readable code configured to cause a computer to deliver said second stream of information including said first clip to said user.

20. (PREVIOUSLY PRESENTED) A computer readable medium having computer readable program code embodied therein configured to finance information delivery, said computer readable medium comprising:

computer readable code configured to cause a computer to select a plurality of clips;

computer readable code configured to cause a computer to arrange said plurality of clips into a stream of information;

computer readable code configured to cause a computer to present said stream of information to a user;

computer readable code configured to cause a computer to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is part of said stream of information and wherein said second clip is selected by said user;

computer readable code configured to cause a computer to secure payment; and

computer readable code configured to cause a computer to deliver said first clip to said user responsive to said securing payment and in a second plurality of clips arranged into a stream of information.

21. (PREVIOUSLY PRESENTED) A computer readable medium of claim 20 wherein said computer readable code configured to cause a computer to secure comprises:

computer readable code configured to cause a computer to debit an account associated with said user.

22. (PREVIOUSLY PRESENTED) A computer readable medium of claim 20 wherein said computer readable code configured to cause a computer to secure comprises:

computer readable code configured to cause a computer to package said first clip with information from an advertiser; and

computer readable code configured to cause a computer to receive payment from said advertiser.

23. (CURRENTLY AMENDED) A computer readable medium having computer readable program code embodied therein configured to compensate a content provider, said computer readable medium comprising:

computer readable code configured to cause a computer to select a plurality of clips wherein a first clip of said plurality of clips is generated by said content provider;

computer readable code configured to cause a computer to arrange said plurality of clips into a stream of information;

computer readable code configured to cause a computer to present said stream of information to a user;

computer readable code configured to cause a computer to determine a second clip ~~not provided by the content provider~~ wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user;

computer readable code configured to cause a computer to secure payment;

computer readable code configured to cause a computer to deliver, responsive to said securing payment, said second clip to said user; and

computer readable code configured to cause a computer to compensate said content provider out of said payment.

24. (PREVIOUSLY PRESENTED) The computer readable medium of claim 23 wherein said first clip is a voice.

25. (PREVIOUSLY PRESENTED)The computer readable medium of claim 23 wherein said first clip is a logo.

26. (PREVIOUSLY PRESENTED)The computer readable medium of claim 23 wherein said first clip is a song.

27. (PREVIOUSLY PRESENTED)The computer readable medium of claim 23 wherein said first clip is a human likeness.

28-29 (CANCELED)

Remarks/Arguments

Status of Claims

Claims 1-27 are pending.

Claims 1-27 stand rejected.

Claims 28-29 were previously canceled.

Claims 5, 14 and 23 have been amended without prejudice or disclaimer.

The objection to the specification and the rejection of claim 27 under 35 U.S.C. 112, first paragraph, set forth in the Office Action of October 31, 2008, have not been repeated, and thus are understood as having been overcome by the amendment filed April 30, 2009.

Rejection of Claims 5, 14 and 23 Under 35 U.S.C. 112, First Paragraph

Claims 5, 14 and 23 stand rejected under 35 U.S.C. 112, first paragraph, on the grounds that the specification as filed fails to disclose the limitation "not provided by the content provider." In response, this limitation has been canceled from the claims.

Rejection of Claims 1, 10 and 19 under 35 U.S.C. 103(a)

Claims 1, 10 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0163815 (Begeja) in view of U.S. Patent No. 6,154,771 (Rangan)

The rejection of claim 1 is respectfully traversed. Neither Begaja nor Rangan, even when combined, discloses a method including both arranging by the computer a plurality of clips into a *first* stream of information, including a second clip, and arranging by the computer a plurality of clips into a *second* stream of information that includes a first clip, wherein the first clip is associated with the second clip. In claim 1, two computer-arranged streams of information are presented to the user.

In contrast, in Begaja, pertinent segments are stitched together for continuous delivery to the user (Paragraph [0028]). The segments can be streamed as a *single* stream of information. The "more" or "complete" button of Paragraph [0028], noted by the Examiner in the Response to Arguments section of the Office Action, merely provides access to portions of an original video file that occurred immediately before or after the extracted segments. There is no disclosure in Begaja of "arranging by the computer a plurality of clips including the first clip into a second stream of information." There is no arranging in Begaja in response to the "more" or "complete" button, but merely providing of a pre-existing video. Thus, Begaja provides, at most, only one computer-arranged stream of information.

Even if the Examiner's interpretation of Begaja were correct, and the embodiment of Paragraph [0028] could be combined with the page view 400 of Fig. 4 or the content retrieval page of Fig. 5, Begaja would not teach the recited second arranging step of claim 1.

Rangan does not cure this deficiency of Begaja. In Rangan, the thumbnail images 74 are of scenes that have been detected automatically, such as by a scene change detection module (col. 27, line 59 to col. 28, line 3), or manually (col. 26, lines 7-13). Video corresponding to thumbnail images is buffered on local storage, and the user clicking on a thumbnail causes a system to start recording from that scene (col. 26, lines 34-36). The selection of the thumbnail does not result in a step of "arranging by the computer a plurality of clips including the first clip into a second stream of information," but merely recording recently viewed programming.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of claim 1 are respectfully solicited.

Reconsideration and withdrawal of the rejections of claims 10 and 19 for at least the reasons set forth above in connection with claim 1 are respectfully solicited.

Rejection of Claims 2-4 and 11-13 under 35 U.S.C. 103(a) over Begeja in view of Rangan, and further in view of Lewis (U.S. Patent Pub No. 2005/0198677)

Claims 2-4 and 11-13 stand rejected under 35 U.S.C. 103(a) over Begeja in view of Rangan and further in view of Lewis (U.S. Patent Pub No. 2005/0198677).

The rejection of claim 2 is respectfully traversed.

The rejection of claim 2 is traversed for reasons including certain of the reasons set forth above with respect to the rejection of claim 1. Begeja fails to disclose displaying one or more frames from recently-displayed clips from a stream of information arranged by a computer in a second area of a display area while presenting the stream of information in a first area of the display area. Rangan discloses the display of thumbnails for the purpose of permitting recording of locally stored video data, as explained above in connection with claim 1. Even when combined, Begeja and Rangan do not disclose the recited delivery of a second clip in response to selection of a first clip; Begaja discloses playing of a displayed clip in response to its selection, or delivery of additional material in response to selecting a "more" or "complete" button. Rangan merely discloses recording, and not delivery of an associated clip at all.

Lewis fails to cure these deficiencies of Begaja and Rangan. Lewis merely provides payment for content selected by a user from a displayed list (Paragraph [0034] and Fig. 3C). Lewis discloses a searchable catalog of a virtual video rental store (Paragraph [0092] and Fig. 3B). Lewis fails to disclose displaying frames from recently-displayed clips for any purpose.

None of the references teaches displaying frames from recently-displayed clips in a computer-assembled stream of information and permitting associated clips to be delivered responsive to receipt of payment. In a non-limiting embodiment, a user may view a stream of clips, such as clips from movies or television programs, and have the opportunity to select movies associated with prior clips. Advantageously, frames of recently-displayed clips may be displayed, so that the user may more readily select from the recently-displayed clips.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of claim 2 are respectfully solicited.

Claims 3-4 depend from allowable base claim 2, and are allowable at least by virtue of their dependence from an allowable base claim.

Claim 11 is similar to claim 2, and is allowable for at least the reasons that claim 2 is allowable.

Claims 12-13 depend from allowable base claim 11, and are allowable at least by virtue of their dependence from that allowable base claim.

Rejection of Claims 5-8, 14-17 and 23-26 under 35 U.S.C. 103(a) over Begeja in view of Hunter (U.S. Patent Publication No. 2002/0111912).

Claims 5-8, 14-17 and 23-26 stand rejected under 35 U.S.C. 103(a) over Begeja in view of Hunter (U.S. Patent Publication No. 2002/0111912).

The rejection of claim 5 is respectfully traversed on the grounds that Begeja and Hunter when combined as proposed by the Examiner, fail to teach or render obvious all of the limitations of claim 5 as amended.

The method of claim 5 may be applied, by way of non-limiting example, to conditionally compensate the content provider for use of the recited first clip in a stream of content if the user selects a third clip from the stream of information, which third clip is associated with a second clip, and further if payment is secured for delivery of the second clip. In an implementation, by way of non-limiting example, the first clip may be one or more of a well-known song (see claim 8), the voice of a celebrity (see claim 6), the likeness of a celebrity (see claim 9), or a well-known logo (see claim 7), in a stream of information. The user may select a third clip, which is also part of the stream of information. The processor, in response to the selection of the third clip, may determine a second clip associated with the third clip. The third clip may be, by way of non-limiting example, an excerpt from a program. The second clip may be a complete program. Payment may be secured, and the second clip provided responsive to securing payment. The content provider provides the first clip which serves to attract the user to review of the third clip, which in turn attracts the user to purchase of the second clip.

Neither Begeja nor Hunter teaches, suggests, or otherwise renders obvious the claimed method of conditionally providing payment to the provider of the first clip. In an embodiment, a celebrity may be compensated for use of the celebrity's voice, in a first

clip that is in a stream with the third clip, only if the user selects the third clip and then receives delivery of the second clip, for which payment is secured. The method of claim 5 permits compensation to a provider of content (the first clip) that leads to a payment for content (the second clip). Begeja does not contemplate any such compensation method.

Hunter discloses a system by which a customer may preview stored music and then purchase a full quality CD (Paragraph [0015]). Thus, the customer previews stored music and then obtains the a higher quality version of the same music responsive to payment. Hunter fails to disclose either a stream of content or a first clip in the stream of content which leads a user to select a third clip, which in turn leads the user to, responsive to payment, access a second clip.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of claim 5 are respectfully requested.

Claims 6-8 depend from claim 5. Reconsideration and withdrawal of the rejection of claims 6-8 are respectfully solicited at least by virtue of the dependence of these claims from allowable base claim 5.

Claim 14 has been amended similarly to claim 5. Reconsideration and withdrawal of the rejection of claim 14 are respectfully requested for at least the same reasons that the rejection of claim 5 should be withdrawn.

Claims 15-17 depend from claim 14. Reconsideration and withdrawal of the rejection of claims 15-17 are respectfully solicited at least by virtue of the dependence of these claims from allowable base claim 14.

Claim 23 has been amended similarly to claim 5. Reconsideration and withdrawal of the rejection of claim 23 are respectfully requested for at least the same reasons that the rejection of claim 5 should be withdrawn.

Claims 24-26 depend from claim 23. Reconsideration and withdrawal of the rejection of claims 24-26 are respectfully solicited at least by virtue of the dependence of these claims from allowable base claim 23.

Rejection of Claims 9, 18 and 27 under 35 U.S.C. 103(a) over Begeja in view of Hunter and further in view of Reichardt (U.S. Patent Publication No. 2006/0053448).

Claims 9, 18 and 27 stand rejected under 35 U.S.C. 103(a) over Begeja in view of Hunter and further in view of Reichardt (U.S. Patent Publication No. 2006/0053448).

Claims 9, 18 and 27 depend respectively from claims 5, 14 and 23. Reconsideration and withdrawal of the rejections of claims 9, 18 and 27 are respectfully solicited at least by virtue of the dependence of these claims from their respective allowable base claims.

Rejection of Claims 20-22 under 35 U.S.C. 103(a) over Begeja in view of Lewis

Claims 20-22 stand rejected under 35 U.S.C. 103(a) over Begeja in view of Lewis.

Neither Begeja nor Lewis, separately or combined, discloses or suggests at least the limitation: "computer readable code configured to cause a computer to deliver said first clip to said user responsive to said securing payment and in a second plurality of clips arranged into a stream of information" as recited in claim 20. Begeja teaches streaming identified video clips and allowing a user to view more of or all of a program from which a clip is extracted (Paragraph [0028]). There is no indication in Begeja that that a second plurality of clips arranged into a stream of information is delivered. Furthermore, Begeja has no disclosure of delivering a second plurality of clips arranged into a stream of information responsive to securing payment.

Lewis teaches providing a listing of titles and permitting a user to select individual titles (Paragraph [0034]). There is nothing in Lewis to suggest delivery of a second plurality of clips arrange into a stream of information responsive to payment or otherwise. Moreover, Lewis does not teach user selection of a clip from a first stream of information.

As neither of Begeja or Lewis teaches or suggests code configured to cause a computer to deliver a clip, associated with a user-selected clip, to a user responsive to securing payment and in plurality of clips arranged into a stream of information, the rejection of claim 20 should be reconsidered and withdrawn.

Claims 21-22 depend from allowable base claim 20, and are allowable at least by virtue of their dependence from that allowable base claim.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

CONCLUSION

Having fully addressed the Examiner's objections and rejections it is believed that, in view of the preceding amendments and these remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited.

Respectfully submitted,

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Date: November 30, 2009

Electronic Patent Application Fee Transmittal

Application Number:	10874819
Filing Date:	23-Jun-2004
Title of Invention:	Method and apparatus for efficient, entertaining information delivery
First Named Inventor/Applicant Name:	Dwight Marcus
Filer:	ROBERT EVAN ROSENTHAL
Attorney Docket Number:	NPOWR-4-US

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with $0 paid	2253	1	555	555

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**555**

Electronic Acknowledgement Receipt

EFS ID:	6544183
Application Number:	10874819
International Application Number:	
Confirmation Number:	5129
Title of Invention:	Method and apparatus for efficient, entertaining information delivery
First Named Inventor/Applicant Name:	Dwight Marcus
Customer Number:	45722
Filer:	ROBERT EVAN ROSENTHAL
Filer Authorized By:	
Attorney Docket Number:	NPOWR-4-US
Receipt Date:	30-NOV-2009
Filing Date:	23-JUN-2004
Time Stamp:	22:46:54
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$555
RAM confirmation Number	11814
Deposit Account	503208
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)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	00013421.PDF	470041 4b02e3da35218f3e2dfa109c04aaa6532fda70ad	no	18
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	30420 8356c5812a23d9f11268e351fd9d089cd0daa5b5	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	500461		

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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.

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)
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
10/874,819	06/23/2004	

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

AMENDMENT 11/30/2009	(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))	* 27	Minus	** 29	= 0	X $26 =	0	OR	X $ =	
Independent (37 CFR 1.16(h))	* 9	Minus	***9	= 0	X $110 =	0	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	0	OR	TOTAL ADD'L FEE	

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/VICTOR c. BARLOW/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/874,819	06/23/2004	Dwight Marcus	NPOWR-4-US	5129

45722 7590 02/17/2010

Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

EXAMINER	
MENDOZA, JUNIOR O	
ART UNIT	PAPER NUMBER
2423	
MAIL DATE	DELIVERY MODE
02/17/2010	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	10/874,819	MARCUS, DWIGHT	
	Examiner	Art Unit	
	JUNIOR O. MENDOZA	2423	

-- 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 *30 November 2009*.

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

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

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

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

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

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

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

Application Papers

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

10)☒ The drawing(s) filed on *23 June 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

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

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/30/2009 have been fully considered but they are not persuasive.

Regarding independent **claims 1, 2, 10, 11, 19 and 20**, applicant argues that Begeja fails to disclose "… arranging by the computer [said] plurality of clips into a first stream of information, including a second clip…. arranging by the computer a plurality of clips including a first clip into a second stream of information, wherein the first clip is associated with the second clip".

However, the examiner respectfully disagrees with the applicant. Begeja discloses a system for providing electronic clips or eClips from different content sources to the viewers, where the eClips may be stitched together in order to automatically provide a multi source clip experience to the user similar to the system portrayed on figure 5; see abstract and paragraph [0058]. In other words, Begeja discloses arranging a plurality of clips into a first stream, i.e. stream of grouped or stitched plurality of eClips, including a second clip, i.e. an eClip. Furthermore, Begeja clearly discloses a "more" or "complete" button option for permitting users to watch the entire original video file to which an eClip belongs, paragraph [0028]. Moreover, the cited paragraph recites the "more" or "complete" button can be included in the user interface. Hence, Begeja teaches arranging a plurality of clips into a second stream of information that includes a first clip, i.e.

full original video, wherein the first clip is associated with the second clip, i.e. full original video is associated to user selected eClip. Therefore, Begeja clearly discloses "… arranging by the computer [said] plurality of clips into a first stream of information, including a second clip…. arranging by the computer a plurality of clips including a first clip into a second stream of information, wherein the first clip is associated with the second clip".

Regarding independent **claims 5, 14 and 23**, applicant argues that Begeja in view of Hunter fail to disclose the claimed clips; and they don't render obvious the claimed method of providing payment to the provider.

However, the examiner respectfully disagrees with the applicant. The applicant argues that the content provider provides the first clip which serves to attract the user to review of the third clip, which in turn attracts the user to purchase of the second clip; however, the examiner points out, assuming there is support on the specification, that these features are not captured in the current claim language. Begeja discloses a system for providing electronic clips or eClips from different content sources to the viewers, where the eClips may be stitched together in order to automatically provide a multi source experience to the user similar to the system portrayed on figure 5; see abstract and paragraph [0058]. In other words, Begeja discloses arranging a plurality of clips into a stream of information containing eClips, i.e. first clip and third clip. Furthermore, Begeja clearly

discloses a "more" or "complete" button option for permitting users to watch the entire original video file to which an eClip belongs, paragraph [0028]. Moreover, the cited paragraph recites the "more" or "complete" button can be included in the user interface. Hence, Begeja teaches a full original video, i.e. second clip, which is associated with the selected eClip, i.e. third clip. Therefore, Begeja clearly discloses the clips of independent claims 5, 14 and 23.

The applicant argues that payment is made, for example, to the original creator of the content such as a celebrity; however, this element assuming support by the specification is not captured on the currently claimed features. In addition, Hunter clearly discloses the method of providing payments to content owners for the use of their copyrighted data, see paragraphs [0015] [0151] figure 5. Therefore, Begeja in view of Hunter clearly discloses the elements claimed on independent claims 5, 14 and 23.

Claim Objections

2. **Claim 1** is objected to because of the following informalities: the claim states "… presenting first said stream of information …" in line 6, which should be "… presenting said first stream of information …".

Appropriate correction is required.

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, 10 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja et al (Pub No US 2003/0163815) in view of Rangan et al (Patent No US 6,154,771). Hereinafter referenced as Begeja and Rangan, respectively.

Regarding **claim 1**, Begeja discloses a method of delivering information comprising: selecting by a computer a plurality of clips (Paragraphs [0014] [0032]);

arranging by the computer said plurality of clips into a first stream of information (Video clips are stitched together into a continuous stream, paragraph [0028]);

presenting by the computer said first stream of information to a user in a first area of a display area (Paragraphs [0014] [0028] [0067] fig 5; section 510);

simultaneously with said step of presenting said first stream of information, presenting by the computer to the user in a second area in the display area one or more frames from clips from the first stream of information (Paragraph [0066] also exhibited on figure 5; section 505);

determining by the computer a first clip wherein said first clip is associated with a second clip wherein said second clip is of said stream of information and wherein said

second clip is selected by said user (Users can have access to different portions of the continuous video stream shown in section 510 by selecting the scene frames displayed on section 505; moreover, the user can choose to watch the entire original video file corresponding to the video clip, paragraphs [0028] [0067]);

arranging by the computer a plurality of clips including the first clip into a second stream of information (Paragraph [0028]; users may have access to the complete original video of a video clip by choosing an option within the user interface, where the complete video includes said video clip);

and delivering by the computer said second stream on information including said first clip to said user (Paragraph [0028]).

However, it is noted that Begeja fails to explicitly disclose that the one or more frames are from recently-displayed clips.

Nevertheless, in a similar field of endeavor Rangan discloses that the one or more frames are from recently-displayed clips (Col. 26 lines 29-35 lines also exhibited on figure 2 and 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing the elements mentioned above, as taught by Rangan, for the purpose of providing convenience and a better interface interaction which allows users to navigate through the system in an easier and more efficient manner.

Regarding **claims 10 and 19**, Begeja and Rangan disclose all the limitations of claims 10 and 19; therefore, claims 10 and 19 are rejected for the same reasons stated in claim 1.

8. **Claims 2 – 4 and 11 – 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja in view of Rangan further in view of Lewis (Pub No US 2005/0198677). Hereinafter referenced as Lewis.

Regarding **claim 2**, Begeja discloses a method of delivery of information (Paragraphs [0014] [0032]) comprising:

selecting by a computer a plurality of clips (Paragraphs [0014] [0032]);

arranging by the computer said plurality of clips into a stream of information (Video clips are stitched together into a continuous stream, paragraph [0028]);

presenting by the computer said stream of information to a user in a first area of a display area (Paragraphs [0014] [0028] [0067] fig 5; section 510);

simultaneously with said step of presenting said stream of information, presenting by the computer to the user in a second area in the display area one or more frames from the stream of information (Paragraph [0066] also exhibited on figure 5; section 505);

determining by the computer a first clip wherein said first clip is associated with a second clip and wherein said second clip is selected by said user (Users can have

access to different portions of the continuous video stream shown in section 510 by selecting the scene frames displayed on section 505; moreover, the user can choose to watch the entire original video file corresponding to the video clip, paragraphs [0028] [0067]);

and delivering by the computer said first clip to said user responsive to said selection (Paragraph [0028]).

However, it is noted that Begeja fails to explicitly disclose that the one or more frames are from recently-displayed clips and a second clip is one of the presented recently-displayed clips .

Nevertheless, in a similar field of endeavor Rangan discloses that the one or more frames are from recently-displayed clips and a second clip is one of the presented recently-displayed clips (Col. 26 lines 29-35 lines also exhibited on figure 2 and 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing the elements mentioned above, as taught by Rangan, for the purpose of providing convenience and a better interface interaction which allows users to navigate through the system in an easier and more efficient manner.

However, it is noted that Begeja and Rangan fail to explicitly disclose a method of financing delivery of information, comprising securing payment; and delivering content to a user responsive to said securing payment.

Nevertheless, in a similar field of endeavor Lewis discloses a method of financing delivery of information, comprising securing payment; and delivering content to a user

responsive to said securing payment (The data management zone allows rental or purchase of products to home based customers, where the direct data rental provides data security and secure transactions, paragraph [0033]);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja and Rangan by specifically providing the method of securing payment, as taught by Lewis, for the purpose of protecting the financial information corresponding to the customers, where secure transactions prevent hackers from stealing personal information.

Regarding **claim 3**, Begeja, Rangan and Lewis disclose the method of claim 2; however, Begeja and Rangan fail to explicitly disclose that said method of securing comprises: debiting an account associated with said user.

Nevertheless, in a similar field of endeavor Lewis discloses that said method of securing comprises: debiting an account associated with said user (The system includes an electronically based payment system where the rental charges are made to a user's credit or debit card, see claim 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja and Rangan by specifically providing the element above, as taught by Lewis, for the purpose of automating the process of paying for the requested content, which saves time and money for the customers since there is no need to send any payments by regular mail.

Regarding **claim 4**, Begeja, Rangan and Lewis disclose the method of claim 2; moreover, Begeja discloses packaging said first clip with information from an advertiser (A corporate sponsor may offer specific types of content, where the content can be assemble and overlaid with advertisements from the sponsor, paragraph [0074]);

and receiving payment from said advertiser (Where the content being watched is the actual payment for the customer in return for watching the advertisements announcing the corporate sponsor, which is the way that standard television programming works, paragraph [0074]).

Regarding **claims 11, 12 and 13**, Begeja, Rangan and Lewis disclose all the limitations of claims 11, 12 and 13; therefore, claims 11, 12 and 13 are rejected for the same reasons stated in claims 2, 3 and 4, respectively.

5. **Claims 5 – 8, 14 – 17 and 23 – 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja in view of Hunter et al. (Pub No US 2002/0111912). Hereinafter referenced as Hunter.

Regarding **claim 5**, Begeja discloses a method comprising: automatically selecting by a processor a plurality of clips wherein a first clip of said plurality of clips is generated by said content provider (The video server extracts video clips from various video inputs corresponding to a user criterion, paragraphs [0014] [0040]);

arranging by the processor said plurality of clips into a stream of information (Video clips are stitched together into a continuous stream, paragraph [0028]);

presenting said stream of information to a user (Video clips are combined into a customized video presentation for delivery to the user, paragraph [0014]);

determining by the processor a second clip wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user (Users can have access to other portions of the video from where the video clip was originated, in other words to other video clips; on the other hand the user can also choose to watch the entire original video file corresponding to the video clip, paragraph [0028]);

delivering said second clip to said user (The user receives selected content, paragraph [0028]).

However, it is noted that Begeja fails to explicitly disclose a method of compensating a content provider, determining data not provided by the content provider; securing payment, responsive to said securing payment, delivering said data to user and compensating said content provider out of said payment

Nevertheless, in a similar field of endeavor Hunter discloses a method of compensating a content provider, determining data not provided by the content provider (Paragraphs [0015] [0151] figure 5; content owner provides data to a distributor and content owner receives payment for the use of copyrighted data)

securing payment, responsive to said securing payment, delivering said data to user (Paragraph [0054]; user submits an electronic payment before initial reception and storage of copyrighted data)

and compensating said content provider out of said payment (Paragraph [0151] figure 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing the features mentioned above, as taught by Hunter, for the purpose of making sure that a user pays for a content data before receiving it, implementing an efficient content distribution system.

Regarding **claim 6**, Begeja and Hunter disclose the method of claim 5; moreover Begeja discloses that said first clip is a voice (Clips which only include audio can also be incorporated, paragraph [0090]).

Regarding **claim 7**, Begeja and Hunter disclose the method of claim 5; moreover Begeja discloses that said first clip is a logo (The corporate sponsor logo can be embedded in the user interface or in the content itself, paragraph [0075]).

Regarding **claim 8**, Begeja and Hunter disclose the method of claim 5; however, Begeja fails to explicitly disclose that the first clip is a song.

Nevertheless, in a similar field of endeavor Hunter discloses that a first clip is a song (Paragraph [0015]; the clip may be music).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing that the first clip is a song, as taught by Hunter, for the purpose of expanding the type of content that can be distributed, since users not only respond to video content but to music content as well as a form of entertainment.

Regarding **claims 14 – 17**, Begeja and Hunter disclose all the limitations of claims 14 – 17; therefore, claims 14 – 17 are rejected for the same reasons stated in claims 5 - 8, respectively.

Regarding **claims 23 – 26**, Begeja and Hunter disclose all the limitations of claims 23 – 26; therefore, claims 23 – 26 are rejected for the same reasons stated in claims 5 - 8, respectively.

6. **Claims 9, 18 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja in view of Hunter further in view of Reichardt (Pub No US 2006/0053448). Hereinafter referenced as Reichardt.

Regarding **claim 9**, Begeja and Hunter disclose the method of claim 5; moreover Begeja discloses a first clip (Paragraphs [0014] [0028]).

However, Begeja and Hunter fail to explicitly disclose that said first clip is a human likeness. Nevertheless, in a similar field of endeavor Reichardt discloses that said first clip is a human likeness (Paragraph [0038] fig 7; celebrity images).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja and Hunter by specifically providing the element above, as taught by Reichardt, for the purpose of implementing an attractive interface that motivates and incites viewers to interact with the interface frequently in an easy and effective manner.

Regarding **claims 18 and 27**, Begeja and White disclose all the limitations of claims 18 and 27; therefore, claims 18 and 27 are rejected for the same reasons stated in claim 9.

8. **Claims 20 – 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja further in view of Lewis.

Regarding **claim 20**, Begeja discloses computer readable code configured to cause a computer (Paragraph [0031]) to select a plurality of clips (The video server extracts video clips from various video inputs corresponding to a user criterion, paragraph [0014]);

computer readable code configured to cause a computer to arrange said plurality of clips into a stream of information (Where the previously mentioned video clips are stitched together into a continuous stream, paragraph [0028]);

computer readable code configured to cause a computer to present said stream of information to a user (Where the video clips are combined into a customized video presentation for delivery to the user, paragraph [0014]);

computer readable code configured to cause a computer to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is part of said stream of information and wherein said second clip is selected by said user (Users can have access to other portions of the video from where the video clip was originated; moreover, the user can choose to watch the entire original video file corresponding to the video clip, paragraph [0028]);

and computer readable code configured to cause a computer to deliver said first clip to said user (The user can choose to watch the entire original video file corresponding to the video clip, paragraph [0028])

and in a second plurality of clips arranged into a stream of information (Paragraph [0028]; users may have access to the complete original video of a video clip by choosing an option within the user interface, where the complete video includes said video clip).

However, it is noted that Begeja fails to explicitly disclose a computer readable medium configured to finance information delivery, said computer readable medium comprising: computer readable code configured to cause a computer to secure payment and deliver content to a user responsive to said securing payment.

Nevertheless, in a similar field of endeavor Lewis discloses a computer readable medium configured to finance information delivery (Paragraph [0146]), said computer readable medium comprising: computer readable code configured to cause a computer to secure payment and deliver content to a user responsive to said securing payment (The data management zone allows rental or purchase of products to home based customers, where the direct data rental provides data security and secure transactions, paragraph [0033]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing the method of securing payment, as taught by Lewis, for the purpose of protecting the financial information corresponding to the customers, where secure transactions prevent hackers from stealing personal information.

Regarding **claims 21 and 22**, Begeja and Lewis disclose all the limitations of claims 21 and 22; therefore, claims 21 and 22 are rejected for the same reasons stated in claims 3 and 4, respectively.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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.

Junior O Mendoza
Examiner
Art Unit 2423

/J. O. M./
February 2, 2010

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10874819	MARCUS, DWIGHT
	Examiner	Art Unit
	JUNIOR O MENDOZA	2423

✓	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	01/14/2008	10/24/2008	05/14/2009	02/02/2010					
	1	✓	✓	✓	✓					
	2	✓	✓	✓	✓					
	3	✓	✓	✓	✓					
	4	✓	✓	✓	✓					
	5	✓	✓	✓	✓					
	6	✓	✓	✓	✓					
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	25	✓	✓	✓	✓					
	26	✓	✓	✓	✓					
	27	✓	✓	✓	✓					
	28	✓	-	-	-					
	29	✓	-	-	-					

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10874819	MARCUS, DWIGHT
	Examiner	Art Unit
	JUNIOR O MENDOZA	2423

SEARCHED

Class	Subclass	Date	Examiner
725	41	2/2/2010	JM

SEARCH NOTES

Search Notes	Date	Examiner
Updated EAST Text Search	2/2/2010	JM
Inventor Search	2/2/2010	JM
Class 725 Plus Text Search	2/2/2010	JM
Class 705 Plus Text Search	5/14/2009	JM

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S99	11	hejna.in. and tdm	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2010/02/02 16:50
S98	0	hejna.in. and (personal private virtual) with channel	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2010/02/02 16:50
S97	54	hejna.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2010/02/02 16:50
S96	1	"5,995,134".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2010/02/01 19:17
S95	207	"725"/42.ccls. and @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2010/02/01 18:57
S94	141	S89 and (trailer preview) near2 (channel stream)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2010/02/01 18:24
S93	166	"725"/41.ccls. and @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2010/02/01 18:18
S92	5	("5035624" | "5982364" | "6353632" | "6366296").PN. OR ("7185283").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/02/01 18:15

S91	26	S89 and (thumbnail snap) with (trailer preview)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2010/02/01 18:00
S90	1	S89 and (thumbnail snap) with (trailer preview) same (purchas$4 buy$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2010/02/01 17:59
S89	11421	"725"/$.ccls. and @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2010/02/01 17:56
S88	0	2003/00163815	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2010/02/01 16:36
S87	2	2003/0163815	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2010/02/01 16:36
S86	1	11/847590	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2010/02/01 16:01

2/2/2010 7:17:44 PM
C:\Documents and Settings\jmendoza\My Documents\EAST\Workspaces\10874819 Mini-clips for Content Delivery (GUI) -- 2 --.wsp

TikTok Ex. 1004, Page 366 of 440

PTO/SB/30EFS (07-09)
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REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	10/874,819	Filing Date	2004-06-23	Docket Number (if applicable)	NPOWR-4-US	Art Unit	2423
First Named Inventor	Dwight Marcus			Examiner Name	Junior O. Mendoza		

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 503208

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

PTO/SB/30EFS (07-09)
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Signature of Registered U.S. Patent Practitioner			
Signature	/Robert E. Rosenthal/	Date (YYYY-MM-DD)	2010-08-17
Name	Robert E. Rosenthal	Registration Number	33450

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.

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

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

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

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

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	**Dwight Marcus**	Art Unit:	**2423**
Serial No.:	**10/874,819**	Confirmation No.:	**5129**
Filed:	**June 23, 2004**	Examiner:	**Junior O. Mendoza**
		Docket No.:	**NPOWR-4-US**
For:	**METHOD AND APPARATUS FOR EFFICIENT, ENTERTAINING INFORMATION DELIVERY**		

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

AMENDMENT AND RESPONSE ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION (RCE)

Response to the Office Action mailed February 17, 2010 is timely due August 17, 2010, in view of the petition for three-month extension of time and fee therefor filed herewith. Accordingly, this paper is deemed to be timely filed. A Request for Continued Examination and the fees therefor are filed herewith. Should there be any additional fees due and owing with respect to this paper, the Office is authorized to charge such fees to Deposit Account No. 50-3208. Reconsideration of the application in view of this Amendment is respectfully requested.

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

Remarks/Arguments begin on page 14 of this paper.

Listing and Amendments to the Claims

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

1. (CURRENTLY AMENDED) A method of delivering information comprising:

selecting by a computer a plurality of clips;

concatenating ~~arranging~~ by the computer said plurality of clips into [[a]] first programming ~~stream of information~~;

presenting by the computer said first programming ~~stream of information~~ to a user in a first area of a display area;

simultaneously with said step of presenting said first programming ~~said stream of information~~, presenting by the computer to the user in a second area in the display area one or more frames from recently-displayed clips from the first programming ~~stream of information~~;

determining by the computer a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user;

selecting and concatenating, in accordance with a template, ~~arranging~~ by the computer a plurality of clips including the first clip into [[a]] second programming ~~stream of information~~; and

delivering by the computer said second programming ~~stream of information~~ including said first clip to said user.

2. (PREVIOUSLY PRESENTED) A method of financing delivery of information comprising:

selecting by a computer a plurality of clips;

arranging by the computer said plurality of clips into a stream of information;

presenting by the computer said stream of information to a user in a first area of a display area;

simultaneously with said step of presenting said stream of information, presenting by the computer to the user in a second area in the display area one or more frames from recently-displayed clips from the stream of information;

determining by the computer a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user;

securing payment; and

delivering by the computer said first clip to said user responsive to said securing payment.

3. (ORIGINAL) A method of claim 2 wherein said method of securing comprises:

debiting an account associated with said user.

4. (ORIGINAL) A method of claim 2 wherein said method of securing comprises:

packaging said first clip with information from an advertiser; and

receiving payment from said advertiser.

5. (PREVIOUSLY PRESENTED) A method of compensating a content provider comprising:

automatically selecting by a processor a plurality of clips wherein a first clip of said plurality of clips is generated by said content provider;

arranging by the processor said plurality of clips into a stream of information;

presenting said stream of information to a user;

determining by the processor a second clip wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user;

securing payment;

responsive to said securing payment, delivering said second clip to said user; and

compensating said content provider out of said payment.

6. (ORIGINAL) The method of claim 5 wherein said first clip is a voice.

7. (ORIGINAL) The method of claim 5 wherein said first clip is a logo.

8. (ORIGINAL) The method of claim 5 wherein said first clip is a song.

9. (PREVIOUSLY PRESENTED) The method of claim 5 wherein said first clip is a human likeness.

10. (CURRENTLY AMENDED) An information delivery system comprising:

a selection unit configured to select a plurality of clips;

an arranging unit configured to concatenate ~~arrange~~ said plurality of clips into [[a]] first programming ~~stream of information~~;

a presentation unit configured to present said first programming ~~stream of information~~ to a user in a first area of a display area and simultaneously present to the

user in a second area in the display area one or more frames from recently-displayed clips from the first programming ~~stream of information~~;

determining a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user;

a determiner configured to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user;

said selection unit being configured to select a plurality of clips including said first clip and said arranging unit being configured to concatenate, in accordance with a template, ~~arrange~~ said plurality of clips including said first clip into [[a]] second programming ~~stream of information~~; and

a delivery unit configured to deliver said second programming ~~stream of information~~ including said first clip to said user.

11. (PREVIOUSLY PRESENTED) An information delivery financing system comprising:

a selection unit configured to select a plurality of clips;

an arranging unit configured to arrange said plurality of clips into a stream of information;

a presentation unit configured to present said stream of information to a user in a first area of a display area and simultaneously present to the user in a second area in the display area one or more frames from recently-displayed clips from the stream of information;

a determiner configured to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is one of the presented recently-displayed clips and wherein said second clip is selected by said user;

a payment securing unit configured to secure payment; and

a delivery unit configured to deliver said first clip to said user responsive to said payment securing unit securing payment.

12. (ORIGINAL) An information delivery financing system of claim 11 wherein said payment securing unit comprises:

a debiting unit configured to debit an account associated with said user.

13. (ORIGINAL) An information delivery financing system of claim 11 wherein said payment securing unit comprises:

a packaging unit configured to package said first clip with information from an advertiser; and

a payment receiving unit configured to receive payment from said advertiser.

14. (PREVIOUSLY PRESENTED) A content provider compensation system comprising:

a selection unit configured to select a plurality of clips wherein a first clip of said plurality of clips is generated by a content provider;

an arranging unit configured to arrange said plurality of clips into a stream of information;

a presentation unit configured to present said stream of information to a user;

a determiner configured to determine a second clip wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user;

a payment securing unit configured to secure payment;

a delivery unit configured to deliver said second clip to said user responsive to securing payment; and

a compensation unit configured to compensate said content provider out of said payment.

15. (ORIGINAL) The content provider compensation system of claim 14 wherein said first clip is a voice.

16. (ORIGINAL) The content provider compensation system of claim 14 wherein said first clip is a logo.

17. (ORIGINAL) The content provider compensation system of claim 14 wherein said first clip is a song.

18. (PREVIOUSLY PRESENTED) The content provider compensation system of claim 14 wherein said first clip is a human likeness.

19. (CURRENTLY AMENDED) A computer readable medium having computer readable program code embodied therein configured to deliver information, said computer readable medium comprising:

computer readable code configured to cause a computer to select a plurality of clips;

computer readable code configured to cause a computer to concatenate ~~arrange~~ said plurality of clips into [[a]] first programming ~~stream of information~~;

computer readable code configured to cause a computer to present said first programming ~~stream of information~~ to a user in a first area of a display area and simultaneously present to the user in a second area in the display area one or more frames from recently-displayed clips from the first programming ~~stream of information~~;

computer readable code configured to cause a computer to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is one of

the presented recently-displayed clips and wherein said second clip is selected by said user;

computer-readable code configured to cause a computer to select and concatenate, in accordance with a template, ~~arrange~~ a plurality of clips including the first clip into [[a]] second programming ~~stream of information~~; and

computer readable code configured to cause a computer to deliver said second programming ~~stream of information~~ including said first clip to said user.

20. (CURRENTLY AMENDED) A computer readable medium having computer readable program code embodied therein configured to finance information delivery, said computer readable medium comprising:

computer readable code configured to cause a computer to select a plurality of clips;

computer readable code configured to cause a computer to concatenate ~~arrange~~ said plurality of clips into [[a]] first programming ~~stream of information~~;

computer readable code configured to cause a computer to present said first programming ~~stream of information~~ to a user;

computer readable code configured to cause a computer to determine a first clip wherein said first clip is associated with a second clip wherein said second clip is part of said first programming ~~stream of information~~ and wherein said second clip is selected by said user;

computer readable code configured to cause a computer to secure payment; and

computer readable code configured to cause a computer to deliver said first clip to said user responsive to said securing payment and in a second plurality of clips selected and concatenated in accordance with a template ~~arranged~~ into [[a]] second programming ~~stream of information~~.

21. (PREVIOUSLY PRESENTED) A computer readable medium of claim 20 wherein said computer readable code configured to cause a computer to secure comprises:

computer readable code configured to cause a computer to debit an account associated with said user.

22. (PREVIOUSLY PRESENTED) A computer readable medium of claim 20 wherein said computer readable code configured to cause a computer to secure comprises:

computer readable code configured to cause a computer to package said first clip with information from an advertiser; and

computer readable code configured to cause a computer to receive payment from said advertiser.

23. (PREVIOUSLY PRESENTED) A computer readable medium having computer readable program code embodied therein configured to compensate a content provider, said computer readable medium comprising:

computer readable code configured to cause a computer to select a plurality of clips wherein a first clip of said plurality of clips is generated by said content provider;

computer readable code configured to cause a computer to arrange said plurality of clips into a stream of information;

computer readable code configured to cause a computer to present said stream of information to a user;

computer readable code configured to cause a computer to determine a second clip wherein said second clip is associated with a third clip wherein said third clip is part of said stream of information and wherein said third clip is selected by said user;

computer readable code configured to cause a computer to secure payment;

computer readable code configured to cause a computer to deliver, responsive to said securing payment, said second clip to said user; and

computer readable code configured to cause a computer to compensate said content provider out of said payment.

24. (PREVIOUSLY PRESENTED) The computer readable medium of claim 23 wherein said first clip is a voice.

25. (PREVIOUSLY PRESENTED) The computer readable medium of claim 23 wherein said first clip is a logo.

26. (PREVIOUSLY PRESENTED) The computer readable medium of claim 23 wherein said first clip is a song.

27. (PREVIOUSLY PRESENTED) The computer readable medium of claim 23 wherein said first clip is a human likeness.

28-29 (CANCELED)

Remarks/Arguments

Status of Claims

Claims 1-27 are pending.

Claims 1-27 stand rejected.

Claims 28-29 were previously canceled.

Claims 1, 10 and 19-20 have been amended without prejudice or disclaimer.

REMARKS

Telephone Interview

The Applicant thanks Examiners Koenig and Mendoza for the courtesy of a telephonic interview conducted with the undersigned on August 17, 2010.

In the interview, claim 1 and the Begeja reference were discussed. In particular, the undersigned noted that Begeja, in Paragraph [0028], teaches providing a pre-existing program, while the claim 1 is directed to providing programming from selected and concatenated clips. Suggestions were made by the Examiners as to claim language that may assist in better distinguishing claim 1 over the prior art of record. No agreement was reached.

Rejection of Claims 1, 10 and 19 under 35 U.S.C. 103(a).

Claims 1, 10 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2003/0163815 (Begeja) in view of U.S. Patent No. 6,154,771 (Rangan et al.).

Claims 1, 10 and 19 have been amended to recite that clips are selected and concatenated in accordance with a template to provide second programming. Specification support is found, for example, at Paragraph [00015]. In contrast, the "More" button of Begeja, noted in Paragraph [0028], merely results in the delivery of pre-existing programming, and does not involve the selection of clips or the use of a template. Accordingly, even if Begeja and Rangan could properly be combined as proposed by the Examiner, the combination would not provide each and every limitation of claims 1, 10 and 19 as amended.

For at least the foregoing reasons, reconsideration and withdrawal of the rejections of claims 1, 10 and 19 is respectfully requested.

Rejection of Claims 2-4 and 11-13 under 35 U.S.C. 103(a).

Claims 2-4 and 11-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja in view of Rangan et al, in further view of U.S. Publication No. 2005/0198677 (Lewis).

As to claim 2, the rejection is respectfully traversed, at least on the grounds that the rejection does not meet the requirements for a proper prima facie rejection under Section 103.

The requirements for a proper Section 103 rejection are set forth at MPEP 2142 as follows:

> The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at ___ , 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

The Examiner has failed to identify a proper teaching, suggestion or motivation in the prior art, or present articulated reasoning with some rational underpinning, to combine Begeja, Rangan and Lewis as proposed. Absent the hindsight gleaned from the present disclosure, one of ordinary skill in the art would not modify Begeja in view of Rangan and Lewis as proposed.

The sum total of the reasoning presented by the Office Action to support the proposed combination is as follows: "Therefore, it would have bee obvious to one of ordinary skill in the art at the time the invention was made to modify Begeja by specifically providing the elements mentioned above, as taught by Rangan, for the purpose of providing convenience and a better interface interaction which allows users to navigate through the system in an easier and more efficient manner." (Office Action, Page 8). This conclusory allegation of convenience and a better interface interaction does not meet the standard of articulated reasoning with some rational underpinning required by MPEP Section 2142. There is no articulated reasoning provided as to why

one of ordinary skill in the art, familiar with Begeja's teaching, shown in Fig. 5, of a display of clips listed by topic, would modify Begeja in light of Rangan's teaching of temporarily providing recent scenes to permit recording, either for convenience or to allow users to navigate through the system in an easier and more efficient manner. Indeed, Rangan does not facilitate navigation or convenience of selecting clips by topic. In Rangan, the thumbnail images 74 are of scenes that have been detected automatically, such as by a scene change detection module (col. 27, line 59 to col. 28, line 3), or manually (col. 26, lines 7-13). Video corresponding to thumbnail images is buffered on local storage, and the user clicking on a thumbnail causes a system to start recording from that scene (col. 26, lines 34-36). Rangan provides no option of selecting a previously-viewed clip for viewing, and thus does not facilitate navigation. Indeed, in Rangan, each oldest scene is discarded in first-in, first-out fashion (col. 26, lines 32-36), which is not more convenient for the user seeking clips regarding a selected topic, as Begeja teaches (Paragraph [0066]).

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of claim 2 are respectfully solicited.

Claims 3-4 depend from allowable base claim 2, and are allowable at least by virtue of their dependence from an allowable base claim.

Independent claim 11 includes limitations similar to those of claim 2, and is allowable for at least the reasons that claim 2 is allowable.

Claims 12-13 depend from allowable base claim 11, and are allowable at least by virtue of their dependence from that allowable base claim.

Rejection of Claims 5-8, 14-17 and 23-26 under 35 U.S.C. 103(a).

Claims 5-8, 14-17 and 23-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja in view of Hunter et al. (U.S. Publication No. 2002/0111912).

As to claim 5, the rejection is respectfully traversed on the grounds that (1) the proposed combination fails to teach all the limitations of the claim, and (2) the Examiner has failed to identify a proper teaching, suggestion or motivation in the prior art, or present articulated reasoning with some rational underpinning, to combine Begeja and Hunter as proposed. Accordingly, the rejection does not meet the requirements for a proper prima facie rejection under Section 103.

As noted, for example, in the Amendment filed November 30, 2009, the method of claim 5 may be applied, by way of non-limiting example, to conditionally compensate the content provider for use of the recited first clip in a stream of content if the user selects a third clip from the stream of information, which third clip is associated with a second clip, and further if payment is secured for delivery of the second clip. In an implementation, by way of non-limiting example, the first clip may be one or more of a well-known song (see claim 8), the voice of a celebrity (see claim 6), the likeness of a celebrity (see claim 9), or a well-known logo (see claim 7), in a stream of information. The user may select a third clip, which is also part of the stream of information. The processor, in response to the selection of the third clip, may determine a second clip associated with the third clip. The third clip may be, by way of non-limiting example, an

excerpt from a program. The second clip may be a complete program. Payment may be secured, and the second clip provided responsive to securing payment. The content provider provides the first clip which serves to attract the user to review of the third clip, which in turn attracts the user to purchase of the second clip.

The Examiner has taken the position, in the response to arguments section of the Office Action, that Begeja teaches the presentation of a first and third clip, and the availability of a second clip. The Examiner then states that Hunter teaches providing payments to content owners for the use of their copyrighted data. However, this analysis overlooks the fact that in claim 5, the provider of the *first* clip is compensated, and the *second* clip is provided to the user responsive to payment. Begeja is entirely silent as to compensation, and Hunter teaches compensation for the delivered material, i.e., the full quality CD (Paragraph [0015]). Accordingly, even if Begeja and Hunter are combined as proposed by the Examiner, the combination does not teach compensating the provider of the first clip as recited in claim 5.

In addition, the reasoning presented by the Examiner for the combination would not render it obvious to compensate the provider of the *first* clip. The Office Action states, on page 12, that the purpose of the modification is to make "sure that a user pays for a content data before receiving it, implementing an efficient content distribution system." In claim 5, the user has already received the *first* clip, for which the provider is compensated, *before* submitting the payment. Accordingly, the furnished rationale does not provide a reason why one of ordinary skill in the art would compensate the provider

of the first clip, and thus fails to meet the requirements of MPEP 2142, quoted above in connection with claim 2.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of claim 5 are respectfully requested.

Claims 6-8 depend from claim 5. Reconsideration and withdrawal of the rejection of claims 6-8 are respectfully solicited at least by virtue of the dependence of these claims from allowable base claim 5.

Independent claim 14 includes limitations similar to those of claim 5. Reconsideration and withdrawal of the rejection of claim 14 are respectfully requested for at least the same reasons that the rejection of claim 5 should be withdrawn.

Claims 15-17 depend from claim 14. Reconsideration and withdrawal of the rejection of claims 15-17 are respectfully solicited at least by virtue of the dependence of these claims from allowable base claim 14.

Claim 23 includes limitations similar to those of claim 5. Reconsideration and withdrawal of the rejection of claim 23 are respectfully requested for at least the same reasons that the rejection of claim 5 should be withdrawn.

Claims 24-26 depend from claim 23. Reconsideration and withdrawal of the rejection of claims 24-26 are respectfully solicited at least by virtue of the dependence of these claims from allowable base claim 23.

Rejection of Claims 9, 18 and 27 under 35 U.S.C. 103(a).

Claims 9, 18 and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja in view of Hunter et al. in further view of U.S. Publication No. 2006/0053448 (Reichardt).

Claims 9, 18 and 27 depend respectively from claims 5, 14 and 23. Reconsideration and withdrawal of the rejections of claims 9, 18 and 27 are respectfully solicited at least by virtue of the dependence of these claims from their respective allowable base claims.

Rejection of Claims 20-22 under 35 U.S.C. 103(a).

Claims 20-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja in further view of Lewis.

Claim 20 has been amended similarly to claim 1. Reconsideration and withdrawal of the Section 103 rejection of claim 20 are respectfully requested for at least the same reasons that the rejection of claim 1 should be withdrawn.

Claims 21-22 depend from claim 20. Reconsideration and withdrawal of the rejection of claims 21-22 are respectfully solicited at least by virtue of their dependence from allowable base claim 20.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the

arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

CONCLUSION

Having fully addressed the Examiner's objections and rejections it is believed that, in view of the preceding amendments and these remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited.

Respectfully submitted,

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Date: August 17, 2010

Electronic Patent Application Fee Transmittal

Application Number:	10874819
Filing Date:	23-Jun-2004
Title of Invention:	Method and apparatus for efficient, entertaining information delivery
First Named Inventor/Applicant Name:	Dwight Marcus
Filer:	ROBERT EVAN ROSENTHAL
Attorney Docket Number:	NPOWR-4-US

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with $0 paid	2253	1	555	555

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Request for continued examination	2801	1	405	405
		Total in USD ($)		**960**

Electronic Acknowledgement Receipt

EFS ID:	8238390
Application Number:	10874819
International Application Number:	
Confirmation Number:	5129
Title of Invention:	Method and apparatus for efficient, entertaining information delivery
First Named Inventor/Applicant Name:	Dwight Marcus
Customer Number:	45722
Filer:	ROBERT EVAN ROSENTHAL/Ellen Draegert
Filer Authorized By:	ROBERT EVAN ROSENTHAL
Attorney Docket Number:	NPOWR-4-US
Receipt Date:	17-AUG-2010
Filing Date:	23-JUN-2004
Time Stamp:	18:19:47
Application Type:	Utility under 35 USC 111(a)

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Payment Type	Deposit Account
Payment was successfully received in RAM	$960
RAM confirmation Number	4914
Deposit Account	503208
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 1.19 (Document supply 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	Request for Continued Examination (RCE)	00038551.PDF	697848 f304b85943dbb7e69a14610cb10477f774845f18	no	3
Warnings:					
Information:					
2		00038550.PDF	501162 9c3d7305429e0ce8823b981a4e80d69b9a45411c	yes	23

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment Submitted/Entered with Filing of CPA/RCE	1	1
Claims	2	13
Applicant Arguments/Remarks Made in an Amendment	14	23

Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	32418 397f3dc1ed48d1518833f7d41eadf417911cf173	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	1231428	

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

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

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
10/874,819	06/23/2004	

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

AMENDMENT	08/17/2010	(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))	* 27	Minus	** 29	= 0	X $26 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 9	Minus	***9	= 0	X $110 =	0	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	0	OR	TOTAL ADD'L FEE	

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

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/DONNA D. SMALLS LOGAN/

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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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/874,819	06/23/2004	Dwight Marcus	NPOWR-4-US	5129

45722 7590 08/19/2010

Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

EXAMINER	
MENDOZA, JUNIOR O	
ART UNIT	PAPER NUMBER
2423	
MAIL DATE	DELIVERY MODE
08/19/2010	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.

Interview Summary	Application No.	Applicant(s)	
	10/874,819	MARCUS, DWIGHT	
	Examiner	Art Unit	
	Junior Mendoza	2423	

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

(1) *Junior Mendoza*. (3)*Robert E. Rosenthal*.

(2) *Andrew Koenig*. (4)_____.

Date of Interview: *17 August 2010*.

Type: a)☒ Telephonic b)☐ Video Conference
c)☐ Personal [copy given to: 1)☐ applicant 2)☐ applicant's representative]

Exhibit shown or demonstration conducted: d)☐ Yes e)☒ No.
If Yes, brief description: _____.

Claim(s) discussed: *Proposed amendment to claim 1*.

Identification of prior art discussed: *Begeja of record*.

Agreement with respect to the claims f)☐ was reached. g)☒ was not reached. h)☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: *The applicant discussed the invention with respect to arranging a second stream as an original stream. The examiners suggested potential claim language to help overcome the Begeja reference of record, however no resolution was reached. The applicant will file a formal reply*.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

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. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423

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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/874,819	06/23/2004	Dwight Marcus	NPOWR-4-US	5129

45722 7590 02/01/2011

Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

EXAMINER	
MENDOZA, JUNIOR O	
ART UNIT	PAPER NUMBER
2423	
MAIL DATE	DELIVERY MODE
02/01/2011	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	10/874,819	MARCUS, DWIGHT	
	Examiner	Art Unit	
	JUNIOR O. MENDOZA	2423	

-- 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 *17 August 2010*.

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

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

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

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

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

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

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

Application Papers

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

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

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

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

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 08/17/2010 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

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

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

3. **Claims 1, 10 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser et al. (Pub No US 2002/0019858) in view of Mackintosh et al. (Patent No US 6,317,784). Hereinafter referenced as Kaiser and Mackintosh, respectively.

Regarding **claim 1**, Kaiser discloses a method of delivering information (see abstract) comprising:

selecting by a computer a plurality of clips (Paragraphs [0051] [0052] figure 7; personal station playlist search and mapping 715);

concatenating by the computer said plurality of clips into first programming (Paragraphs [0051] [0052] figure 7; personal station playlist building 720);

presenting by the computer said first programming (current playlist) to a user in a display area (Paragraph [0034] figure 1; computing devices 110);

presenting by a computer to the user in the display area recently-displayed clips from the first programming (Paragraphs [0054] [0055] figure 8; historical record of played songs 815);

determining by the computer a first clip (song in new playlist) wherein said first clip is associated with a second clip (song in current playlist) wherein said second clip is one of the presented recently-displayed clips (historical record of played songs 815) and wherein said second clip is selected (get more button) by said user (Paragraphs [0053] [0056] figures 7 and 8; user selects the “get more” button associated with a current song or a previous song from the historical record of played songs 815, in order to build a new playlist of clips 745 with the same characteristics as the selected song);

selecting and concatenating, in accordance with a template (media mapping), by the computer a plurality of clips including the first clip into second programming (Paragraphs [0053] [0052] [0056] figures 7 and 8; new playlist);

and delivering by the computer said second programming including said first clip to said user (Paragraphs [0053] [0052] [0056] figures 7 and 8; user experiences new playlist 745).

However, it is noted that Kaiser is silent to explicitly disclose presenting by a computer a first programming to a user in a first area of a display area; simultaneously with said step of presenting said first programming, presenting by a computer to a user

in a second area in the display area one or more frames from recently-displayed clips from the first programming.

Nevertheless, in a similar field of endeavor Mackintosh also discloses a clip presenting system (figure 12) which allows the users to obtain more clips related to a selected clip (Col. 15 lines 13-36). Mackintosh further discloses presenting by a computer a first programming (current song in audio stream) to a user in a first area of a display area (Col. 22 line 61 – col. 23 line 6, figure 12; area component 526);

simultaneously with said step of presenting said first programming (current song in audio stream), presenting by a computer to a user in a second area (song history component 525) in the display area one or more frames (255a, 525b, 525c) from recently-displayed clips from the first programming (Col. 23 lines 7-25 figure 12; simultaneously displaying frames 525 of previously displayed songs).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by specifically providing the elements mentioned above, as taught by Mackintosh, for the predictable result of allowing the users to easily and effectively selects clips of content from a screen which presents current and previous clips simultaneously, without the need to force the user to navigate to other screens, allowing the interface to be more user friendly.

Regarding **claims 10 and 19**, Kaiser and Mackintosh disclose all the limitations of claims 10 and 19; therefore, claims 10 and 19 are rejected for the same reasons stated in claim 1.

4. **Claims 2, 11 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser and Mackintosh in view of Agresta et al. (Pub No US 2006/0031551). Hereinafter referenced as Agresta.

Regarding **claim 2**, Kaiser discloses a method for delivery of information (see abstract) comprising: selecting by a computer a plurality of clips (Paragraphs [0051] [0052] figure 7; personal station playlist search and mapping 715);

arranging by the computer said plurality of clips into a stream of information (Paragraphs [0051] [0052] figure 7; personal station playlist building 720);

presenting by the computer said stream of information (current playlist) to a user in a display area (Paragraph [0034] figure 1; computing devices 110);

presenting by the computer to the user in the display area one or more frames from recently-displayed clips from the stream of information (Paragraphs [0054] [0055] figure 8; historical record of played songs 815);

determining by the computer a first clip (song in new playlist) wherein said first clip is associated with a second clip (song in current playlist) wherein said second clip is

one of the presented recently-displayed clips (historical record of played songs 815) and wherein said second clip is selected (get more button) by said user (Paragraphs [0053] [0056] figures 7 and 8; user selects the “get more” button associated with a current song or a previous song from the historical record of played songs 815, in order to build a new playlist of clips 745 with the same characteristics as the selected song);

and delivering by the computer said first clip (song in new playlist) to said user (Paragraphs [0053] [0052] [0056] figures 7 and 8; user experiences new playlist 745).

However, it is noted that Kaiser is silent to explicitly disclose presenting by the computer said stream of information to a user in a first area of a display area; simultaneously with said step of presenting said stream of information, presenting by the computer to the user in a second area in the display area one or more frames from recently-displayed clips from the stream of information.

Nevertheless, in a similar field of endeavor Mackintosh also discloses a clip presenting system (figure 12) which allows the users to obtain more clips related to a selected clip (Col. 15 lines 13-36) and buying said clips (Col. 14 lines 19-48 figure 12; buy now button 522/326 allows users to purchase clip from a vendor). Mackintosh further discloses presenting by a computer a stream of information (current song in audio stream) to a user in a first area of a display area (Col. 22 line 61 – col. 23 line 6, figure 12; area component 526);

simultaneously with said step of presenting said stream of information (current song in audio stream), presenting by the computer to the user in a second area (song history component 525) in the display area one or more frames (255a, 525b, 525c) from

recently-displayed clips from the stream of information (Col. 23 lines 7-25 figure 12; simultaneously displaying frames 525 of previously displayed songs).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by specifically providing the elements mentioned above, as taught by Mackintosh, for the predictable result of allowing the users to easily and effectively selects clips of content from a screen which presents current and previous clips simultaneously, without the need to force the user to navigate to other screens, allowing the interface to be more user friendly.

However, it is noted that Kaiser and Mackintosh are silent to explicitly disclose a method of financing delivery of information; securing payment; and delivering by a computer a first clip to a user responsive to said securing payment.

Nevertheless, in a similar field of endeavor Agresta discloses a method of financing delivery of information (Paragraphs [0003] [0018]; personalized custom playlist clip creation and purchasing);

securing payment (Paragraphs [0021] [0040] [0041] [0050] claims 4 and 7 of Agresta; purchase playlist);

and delivering by a computer a first clip to a user responsive to said securing payment (Paragraphs [0024] [0040] claim 4 of Agresta; download custom playlist of clips).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser and Mackintosh by specifically providing the method of securing payment, as taught by Agresta, for the predictable result of

allowing users to purchase groups of clips, i.e. playlists, through an automated process for immediate access, while still providing royalties to the content providers (See Agresta - Paragraphs [0005] [0011]).

Regarding **claims 11 and 20**, Kaiser, Mackintosh and Agresta disclose all the limitations of claims 11 and 20; therefore, claims 11 and 20 are rejected for the same reasons stated in claims 1 and 2.

5. **Claims 3, 4, 12, 13, 21 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser, Mackintosh and Agresta in view of Marks et al. (Pub No US 2003/0167202). Hereinafter referenced as Marks.

Regarding **claim 3**, Kaiser, Mackintosh and Agresta disclose the method of claim 2; moreover, Mackintosh discloses the buy now option 326/522 (see figures 7 and 12); Agresta discloses a user access account to purchase custom playlists (see abstract and paragraphs [0040] [0041]). However, Kaiser, Mackintosh and Agresta are silent to explicitly disclose that a method of securing comprises: debiting an account associated with a user.

Nevertheless, in a similar field of endeavor Marks discloses a method of securing comprises: debiting an account associated with a user (Paragraphs [0052] [0083] [0084]; debiting user account for customized playlist access).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser, Mackintosh and Agresta by specifically providing the element above, as taught by Marks, for the purpose of automating the process of paying for the requested content, which saves time and money for the customers since there is no need to send any payments by regular mail.

Regarding **claim 4**, Kaiser, Mackintosh and Agresta disclose the method of claim 2; moreover, Mackintosh discloses packaging said first clip with information from an advertiser (Col. 23 lines 15-25 figure 12; encapsulating advertisements into the content stream).

However, Kaiser, Mackintosh and Agresta are silent to explicitly disclose that a method of securing comprises receiving payment from an advertiser.

Nevertheless, in a similar field of endeavor Marks discloses that a method of securing comprises receiving payment from an advertiser (Paragraphs [0023] [0024]; the user can pay for the programming by enabling the delivery of higher value advertising).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser, Mackintosh and Agresta by specifically

providing the element above, as taught by Marks, for the predictable result of allowing users have access to clips for free in exchange for receiving advertisements that may be of use to the user, thus allowing companies to promote their products in an efficient manner.

Regarding **claims 12 and 13**, Kaiser, Mackintosh, Agresta and Marks disclose all the limitations of claims 12 and 13; therefore, claims 12 and 13 are rejected for the same reasons stated in claims 3 and 4, respectively.

Regarding **claims 21 and 22**, Kaiser, Mackintosh, Agresta and Marks disclose all the limitations of claims 21 and 22; therefore, claims 21 and 22 are rejected for the same reasons stated in claims 3 and 4, respectively.

6. **Claims 5, 6, 8, 14, 15, 17, 23, 24 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser and Agresta.

Regarding **claim 5**, Kaiser discloses a method comprising: automatically selecting by a processor a plurality of clips wherein a first clip (song in current playlist) of said plurality of clips is generated by said content provider (Paragraphs [0051] [0052] figure 7; personal station playlist search and mapping 715);

arranging by the processor said plurality of clips into a stream of information (current playlist) (Paragraphs [0051] [0052] fig 7; personal station playlist building 720);

presenting said stream of information to a user (Paragraph [0034] figure 1; computing devices 110);

determining by the processor a second clip (song in new playlist) wherein said second clip is associated with a third clip (song in current playlist) wherein said third clip is part of said stream of information (current playlist)

and wherein said third clip (song in current playlist) is selected by said user (Paragraphs [0053] [0056] figures 7 and 8; user selects the “get more” button associated with a current song or a previous song from the historical record of played songs 815, in order to build a new playlist of clips 745 with the same characteristics as the selected song);

delivering said second clip to said user (Paragraphs [0053] [0052] [0056] figures 7 and 8; user experiences new playlist 745).

However, it is noted that Kaiser is silent to explicitly disclose a method of compensating a content provider, comprising: securing payment; responsive to said securing payment, delivering said second clip to said user; and compensating said content provider out of said payment.

Nevertheless, in a similar field of endeavor Agresta discloses a method of compensating a content provider (see abstract), comprising: securing payment (Paragraphs [0021] [0040] [0041] [0050] claims 4 and 7 of Agresta; purchase playlist);

responsive to said securing payment (see claim 7 of Agresta), delivering said second clip to said user (Paragraphs [0024] [0040] claim 4 of Agresta; download custom playlist of clips);

and compensating said content provider out of said payment (Paragraphs [0017] [0019] [0041], figure 5B; content provider payment and royalties).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by specifically providing the method of securing payment, as taught by Agresta, for the predictable result of allowing users to purchase groups of clips, i.e. playlists, through an automated process for immediate access, while still providing royalties to the content providers (See Agresta - Paragraphs [0005] [0011]).

Regarding **claim 6**, Kaiser and Agresta disclose the method of claim 5; moreover, Kaiser discloses that said first clip is a voice (Paragraphs [0036] [0044]; an artist clip)

Regarding **claim 8**, Kaiser and Agresta disclose the method of claim 5; moreover, Kaiser discloses that said first clip is a song (Paragraphs [0036] [0044]; an artist song)

Regarding **claims 14, 15 and 17**, Kaiser and Agresta disclose all the limitations of claims 14, 15 and 17; therefore, claims 14, 15 and 17 are rejected for the same reasons stated in claims 5, 6 and 8, respectively.

Regarding **claims 23, 24 and 26**, Kaiser and Agresta disclose all the limitations of claims 23, 24 and 26; therefore, claims 23, 24 and 26 are rejected for the same reasons stated in claims 5, 6 and 8, respectively.

7. **Claims 7, 9, 16, 18, 25 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser and Agresta in view of Mackintosh.

Regarding **claim 7**, Kaiser and Agresta disclose the method of claim 5; moreover, Kaiser discloses said first clip (see claim 5).

However, it is noted that Kaiser and Agresta are silent to explicitly disclose that a first clip may be a logo.

Nevertheless, in a similar field of endeavor Mackintosh discloses that a first clip may be a logo (Col. 23 lines 7-25 figure 12; current song logo 518 and logo frames 525 of previously displayed songs; which may also be advertisement logo 525b).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser and Agresta by specifically providing the

method of securing payment, as taught by Mackintosh, for the predictable result of including images which may easily identify different types of content, i.e. song or ads, to the user in an effectively visual manner.

Regarding **claim 9**, Kaiser and Agresta disclose the method of claim 5; moreover, Kaiser discloses said first clip (see claim 5).

However, it is noted that Kaiser and Agresta are silent to explicitly disclose that a first clip may be a human likeness.

Nevertheless, in a similar field of endeavor Mackintosh discloses that a first clip may be a human likeness (Col. 23 lines 7-25 figure 12; current song logo 518 and logo frames 525 of previously displayed songs may be a singers album cover).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser and Agresta by specifically providing the method of securing payment, as taught by Mackintosh, for the predictable result of including images which may easily identify different types of content, i.e. song or ads, to the user in an effectively visual manner.

Regarding **claims 16 and 18**, Kaiser, Agresta and Mackintosh disclose all the limitations of claims 16 and 18; therefore, claims 16 and 18 are rejected for the same reasons stated in claims 7 and 9, respectively.

Regarding **claims 25 and 27**, Kaiser, Agresta and Mackintosh disclose all the limitations of claims 25 and 27; therefore, claims 25 and 27 are rejected for the same reasons stated in claims 7 and 9, respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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.

Junior O Mendoza
Examiner
Art Unit 2423

/J. O. M./
January 20, 2011

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423

Notice of References Cited	Application/Control No. 10/874,819	Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT	
	Examiner JUNIOR O. MENDOZA	Art Unit 2423	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,317,784 B1	11-2001	Mackintosh et al.	709/219
*	B	US-2002/0019858 A1	02-2002	Kaiser et al.	709/219
*	C	US-2003/0167202 A1	09-2003	Marks et al.	705/14
*	D	US-2006/0031551 A1	02-2006	Agresta et al.	709/231
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10874819	MARCUS, DWIGHT
	Examiner	Art Unit
	JUNIOR O MENDOZA	2423

SEARCHED

Class	Subclass	Date	Examiner
725	41	2/2/2010	JM

SEARCH NOTES

Search Notes	Date	Examiner
Updated EAST Text Search	1/19/2011	JM
Inventor Search	1/19/2011	JM
Class 725 Plus Text Search	1/19/2011	JM
Class 705 Plus Text Search	1/19/2011	JM
Consulted with Hunter Lonsberry	1/19/2011	JM

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10874819	MARCUS, DWIGHT
	Examiner	Art Unit
	JUNIOR O MENDOZA	2423

✓	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	01/14/2008	10/24/2008	05/14/2009	02/02/2010	01/20/2011				
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	29	✓	-	-	-	-				

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S170	1	"20060031551" and (owner royal$4) same (pay$6 buy$4 purchas$4)	US-PGPUB; USPAT; USOCR	OR	ON	2011/01/20 16:39
S169	24	(pay$6 purchas$4 debit$4) with (new custom$4 replac $4) near3 (playlist)	US-PGPUB; USPAT; USOCR	OR	ON	2011/01/20 15:57
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S166	38	("2002/0032019").URPN.	USPAT	OR	ON	2011/01/20 15:47
S165	1	"20020032019"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/20 15:44

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S164	4	S163 and debit$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/20 14:18
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S162	291	playlist with music with (personal$6 custom$5)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/20 14:17
S161	1	S160 and debit$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/20 14:16
S160	243	microsoft.as. and playlist with music	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/20 14:16
S159	11	kaiser.in. and playlist same music	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/20 14:15
S158	13	kaiser.in. and playlist	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/20 14:15
S157	5	S155 and (purchas$4 buy$4) and debit$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 20:38
S156	35	S155 and (purchas$4 buy$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 20:36
S155	60	personal$6 near2 (playlist$4) AND @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 20:35

S154	282	personal$6 near2 (playlist$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 20:35
S153	14	personal$6 near2 music near station	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 20:33
S152	87	S151 not S149	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 20:21
S151	363	(movie video vod $4"demand"$4) with (clip preview trailer) with (recent $4 last past history) AND @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 20:21
S150	28	S149 not S144	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 20:19
S149	276	(movie video vod $4"demand"$4) near4 (clip preview trailer) with (recent $4 last past history) AND @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 20:19
S148	6	("5035624" | "5982364" | "6353632" | "6366296").PN. OR ("7185283").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2011/01/18 20:15
S147	15	("20080131072" | "5436653" | "5553281" | "5635982" | "5677708" | "5708767" | "5754939" | "5767922" | "5822123" | "5892536" | "6025837" | "6088455" | "6590573" | "6956573" | "7080392").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 20:01
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S144	248	(movie video vod $4"demand"$4) near4 (clip preview trailer) with (recent $4 last past) AND @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 19:51
S143	55	(movie video vod $4"demand"$4) near4 (clip preview trailer) with (recent $4 last past) same (window section area) AND @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 19:45
S142	109	(movie video vod $4"demand"$4) near4 (clip preview trailer) same (window section area) same (recent$4 last past) AND @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 19:45

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S140	2	09/995,481	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 19:39
S139	39	("5210829" | "5261072" | "5400402" | "5485197" | "5524195" | "5553139" | "5687235" | "5745879" | "5784546" | "5790423" | "5790664" | "5864823" | "5878429" | "5907837" | "5909638" | "5933498" | "5956716" | "5963916" | "5966440" | "6006264" | "6014651" | "6026376" | "6055314" | "6055566" | "6081840" | "6101485" | "6122648" | "6182218" | "6185602" | "6185619" | "6189008" | "6189146" | "6226618" | "6233682" | "6236805" | "6268856" | "6421067" | "6453305" | "6718551").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 19:33
S138	20	("5485197" | "5559945" | "5623595" | "5655177" | "5659539" | "5682511" | "5805804" | "5828085" | "5864682" | "5878220" | "6009473" | "6025837" | "6055577" | "6070172" | "6100884" | "6112226" | "6119154" | "6138147" | "6389458" | "6769128").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 19:26
S137	52	(movie video vod $4"demand"$4) near4 (clip preview trailer) same (window section area) same (purchas$4 buy$4) AND @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 19:21
S136	679	(movie video vod $4"demand"$4) near4 (clip preview trailer) same (window section area) and (purchas$4 buy$4) AND @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 19:21

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S135	1904	(movie video vod $4"demand"$4) near4 (clip preview trailer) same (window section area) AND @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 19:21
S134	9	(movie video vod $4"demand"$4) near4 (clip preview trailer) same purchase same histor$4 AND @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 19:19
S133	296	(movie video vod $4"demand"$4) near4 (clip preview trailer) same purchase AND @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 19:19
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S131	20	(preview trailer) near2 history AND @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 19:17
S130	31	(preview trailer) near2 history AND (VOD$4 COD PPV HOD (pay program video content) near2 (demand view watch$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 19:14
S129	0	(preview trailer) near2 history same (VOD$4 COD PPV HOD (pay program video content) near2 (demand view watch$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 19:14
S128	341	(preview trailer) near2 history	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 19:13
S127	2	12/393277	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/18 15:18
S126	1	12/130739	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/17 18:41
S125	2	("6539395" | "6721741").PN. OR ("7206775").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2011/01/14 15:33

S124	10	S122 and S123 and @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/14 15:12
S123	186	(new) near5 (station stream) with (song artist)	US-PGPUB; USPAT; USOCR	OR	ON	2011/01/14 15:12
S122	13213	(personal custom$6) near2 (station)	US-PGPUB; USPAT; USOCR	OR	ON	2011/01/14 15:11
S121	41	("20010013061" | "20020010759" | "20020103920" | "20020113824" | "20020120501" | "20020152874" | "20030005035" | "20030089218" | "20030236695" | "5616876" | "5668788" | "5751672" | "5751872" | "5918223" | "5987525" | "6118450" | "6118450" | "6192340" | "6226672" | "6243725" | "6243725" | "6356971" | "6389538" | "6421651" | "6438579" | "6505160" | "6526411" | "6545209" | "6829368" | "6941275" | "6947922" | "6983478" | "7054921" | "7096234" | "7302574" | "7324953" | "7349552" | "7362946" | "7415129" | "7454509" | "7461136" | "7587602" | "7590259").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2011/01/14 13:40
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S119	4	09/709,234	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/14 13:33
S118	1	"6,219,837".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/14 13:32
S117	93	S116 and @ad<="20030624"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/14 13:30
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S115	0	"rhapsody."	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/14 13:30
S114	0	rhapsody.as.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/14 13:30

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S113	72	("5204969" | "5557724" | "5572442" | "5699089" | "5774664" | "5822537" | "5826102" | "5918213" | "5922047" | "5928330" | "5963916" | "6012086" | "6151634" | "6161114" | "6161142" | "6166735" | "6226618").PN. OR ("6317784").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2011/01/14 13:24
S112	1	"6317784".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/14 13:21
S111	1	macintosh.in. and music and "725".clas.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/14 13:17
S110	36	macintosh.in. and play$5	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/14 13:15
S109	216	macintosh.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/14 13:15
S108	148	S107 and (preview trailer) near2 (channel stream$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/14 12:52
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S105	74	("20030089218" | "4191472" | "4775935" | "5041972" | "5124911" | "5210820" | "5237157" | "5250745" | "5278751" | "5291395" | "5410344" | "5469206" | "5483278" | "5486645" | "5534911" | "5541638" | "5550746" | "5616876" | "5634021" | "5634051" | "5634101" | "5675784" | "5719344" | "5726909" | "5749081" | "5754938" | "5758257" | "5809246" | "5822744" | "5835087" | "5848396" | "5848404" | "5864868" | "5893095" | "5897639" | "5911131" | "5913204" | "5918223" | "5931901" | "5945988" | "5963916" | "5963957" | "5969283" | "5973683" | "6020883" | "6026388" | "6026398" | "6029195" | "6049797" | "6070160" | "6085185" | "6088722" | "6240423" | "6526411" | "6657117").PN. OR ("7003515").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2011/01/14 12:43
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S101	54	pandora.as.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/14 12:39
S100	325	pandora	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; IBM_TDB	OR	ON	2011/01/14 12:39

1/20/2011 8:57:21 PM
C:\Documents and Settings\jmendoza\My Documents\EAST\Workspaces\10874819 Mini-clips for Content Delivery (GUI) -- 2 --.wsp

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Electronic Patent Application Fee Transmittal

Application Number:	10874819
Filing Date:	23-Jun-2004
Title of Invention:	Method and apparatus for efficient, entertaining information delivery
First Named Inventor/Applicant Name:	Dwight Marcus
Filer:	ROBERT EVAN ROSENTHAL
Attorney Docket Number:	NPOWR-4-US

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with $0 paid	2253	1	555	555

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**555**

Electronic Acknowledgement Receipt

EFS ID:	10641549
Application Number:	10874819
International Application Number:	
Confirmation Number:	5129
Title of Invention:	Method and apparatus for efficient, entertaining information delivery
First Named Inventor/Applicant Name:	Dwight Marcus
Customer Number:	45722
Filer:	ROBERT EVAN ROSENTHAL/Ellen Draegert
Filer Authorized By:	ROBERT EVAN ROSENTHAL
Attorney Docket Number:	NPOWR-4-US
Receipt Date:	01-AUG-2011
Filing Date:	23-JUN-2004
Time Stamp:	18:22:00
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$555
RAM confirmation Number	5303
Deposit Account	503208
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 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance 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	Fee Worksheet (SB06)	fee-info.pdf	30420 735d2584cb7c1cca62d6a4938202bfa94852803d	no	2

Warnings:

Information:

Total Files Size (in bytes):	30420

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/874,819	06/23/2004	Dwight Marcus	NPOWR-4-US	5129

45722 7590 09/13/2011

Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

EXAMINER	
MENDOZA, JUNIOR O	
ART UNIT	PAPER NUMBER
2423	
MAIL DATE	DELIVERY MODE
09/13/2011	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.

Notice of Abandonment	Application No.	Applicant(s)	
	10/874,819	MARCUS, DWIGHT	
	Examiner	Art Unit	
	JUNIOR MENDOZA	2423	

-- 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 *01 February 2011*.
   (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:

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423

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.