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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	NPOWR-8-CON
		Application Number	
Title of Invention	METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING		
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Prefix	Given Name	Middle Name	Family Name	Suffix		
	Dwight		Marcus			
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service						
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Citizenship under 37 CFR 1.41(b) i		US				
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Application Information:

Title of the Invention	METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING		
Attorney Docket Number	NPOWR-8-CON	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	8	Suggested Figure for Publication (if any)	

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	NPOWR-8-CON
		Application Number	
Title of Invention	METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING		

Publication Information:

☐	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

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Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	12138925	2008-06-13
Prior Application Status	Expired	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	60934456	2007-06-13
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			Add

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This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).			
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Application Number	Country ⁱ	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	NPOWR-8-CON
		Application Number	
Title of Invention	METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING		

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Assignee 1

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If the Assignee is an Organization check here. ☒

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A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

Signature	/Robert E. Rosenthal/		Date (YYYY-MM-DD)	2012-03-23
First Name	Robert E.	Last Name	Rosenthal	Registration Number
			33450	

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As a below named inventor, I hereby declare, of my own knowledge or on information and belief, that:

My business/mailling address and country of citizenship are as stated below next to my name;

I am an original inventor of the subject matter which is claimed and for which a patent is sought and which is entitled:

METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING

The specification of which as filed on June 13, 2008 as Application Serial No. 12/138,925.

I have reviewed and understand the contents of the specification and the claims;

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56. The text of 37 CFR §1.56(a) states,

"A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine: 1) prior art cited in search reports of a foreign patent office in a counterpart application, and 2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office;"

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

Provisional Application No.: 60/934,456

Filing Date: June 13, 2007

This application is a continuation pursuant to 35 USC §120 of each prior application (if any is identified) identified as follows:

U.S. Serial No.:

U.S. Filing Date:

Status:

This application is a continuation-in-part pursuant to 35 USC §120 of each prior application (if any is identified) identified as follows:

U.S. Serial No:

U.S. Filing Date:

Status:

and I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 CFR §1.56(a) 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 claim foreign priority, pursuant to 35 USC §119(a)-(d) of an application for patent or inventor's certificate, and identify below said application (if any is identified) and any such foreign application (if any is identified) having a filing date before that of the application on which foreign priority is claimed;

Application No:

Filing Date:

Country:

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and I am warned that willful false statements and the like are punishable by fine or imprisonment, or both, (18 USC §1001) and may jeopardize the validity of the application or any patent issuing thereon.

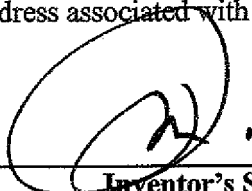
I hereby appoint:

Any attorney associated with Customer No. 45,722

Please direct all correspondence to the address associated with Customer No. 45,722

Dwight Marcus

Full Name of First Inventor



Inventor's Signature

12.20.08

Date

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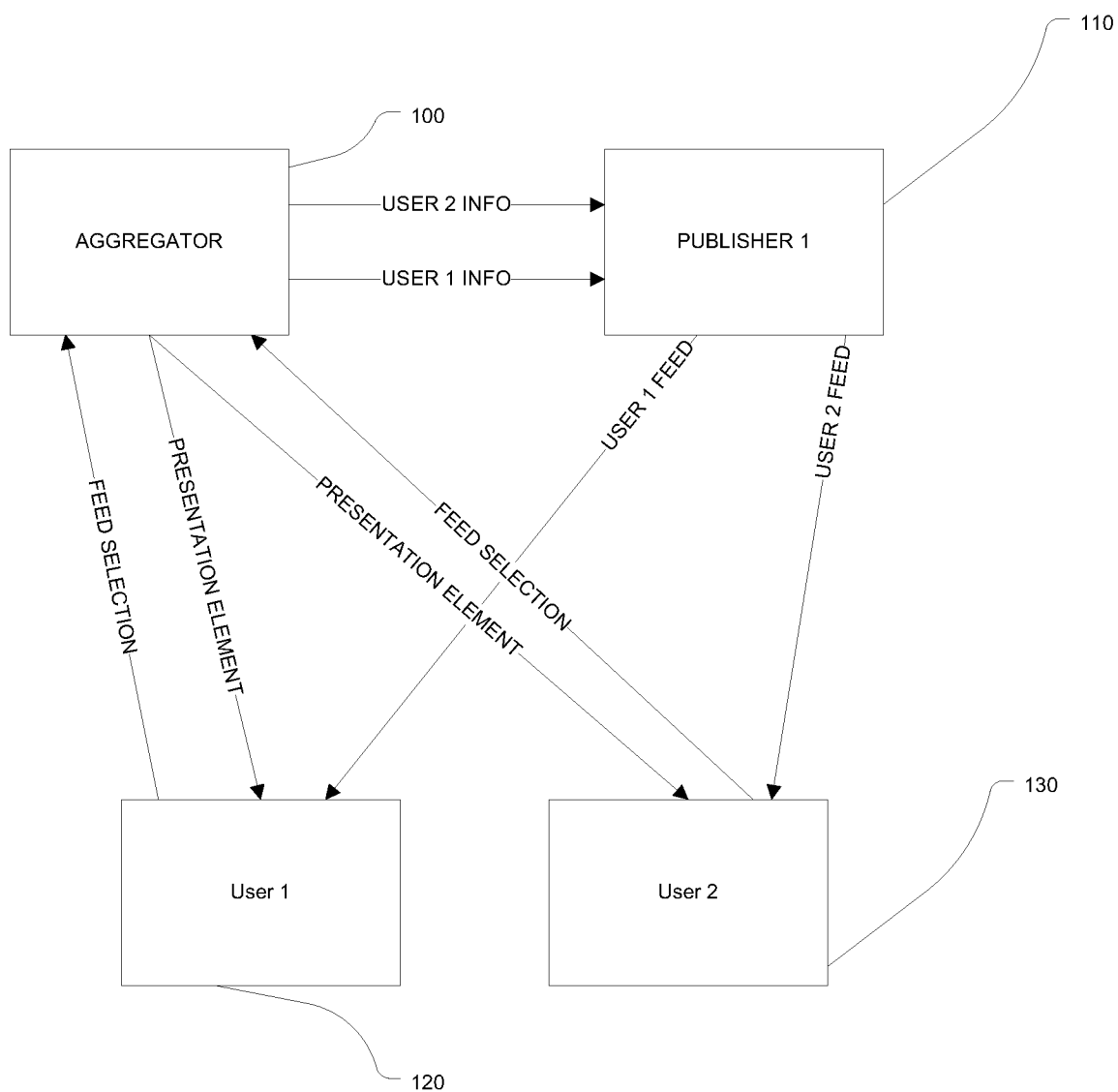
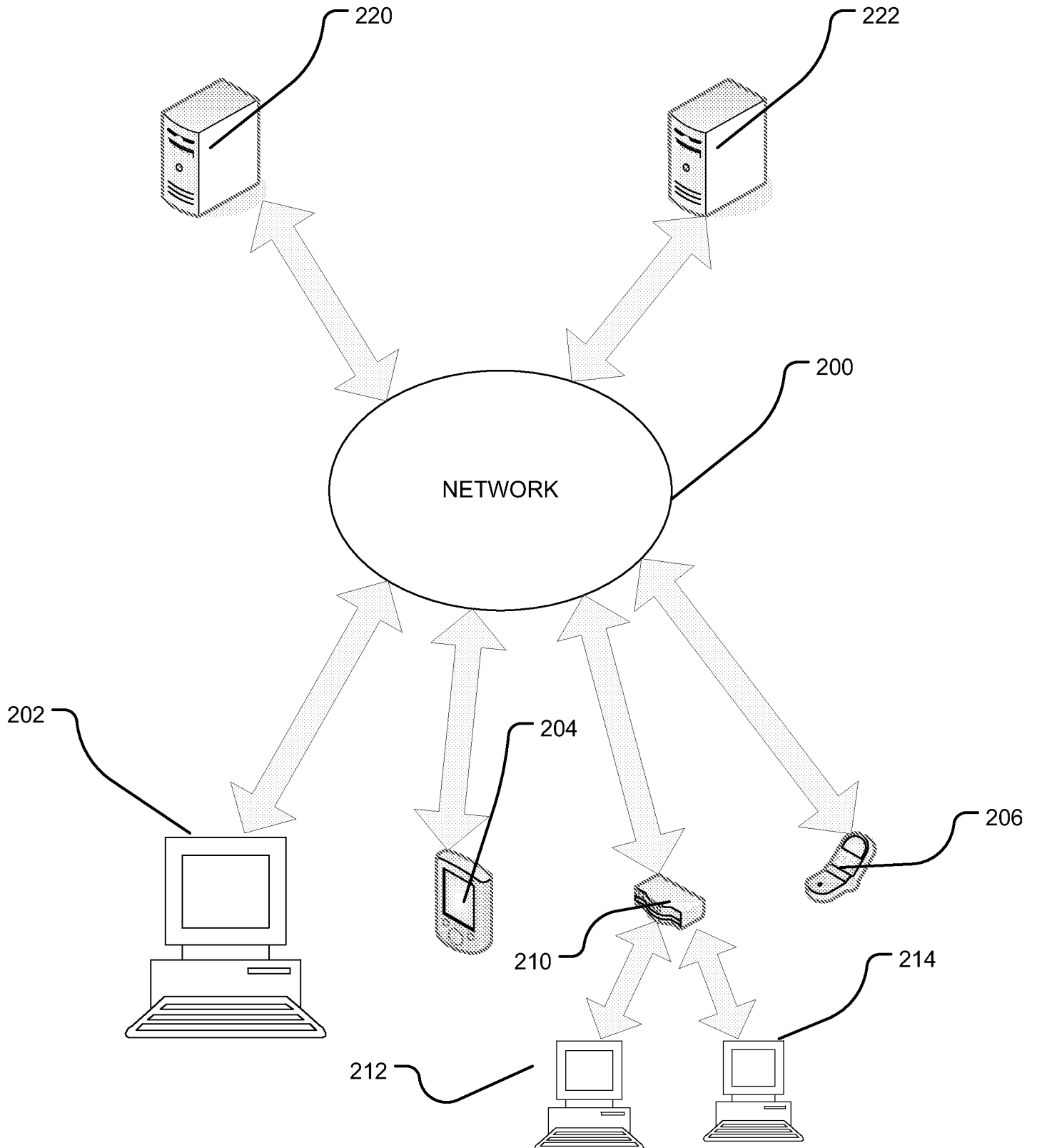
**Fig. 1**

Fig. 2

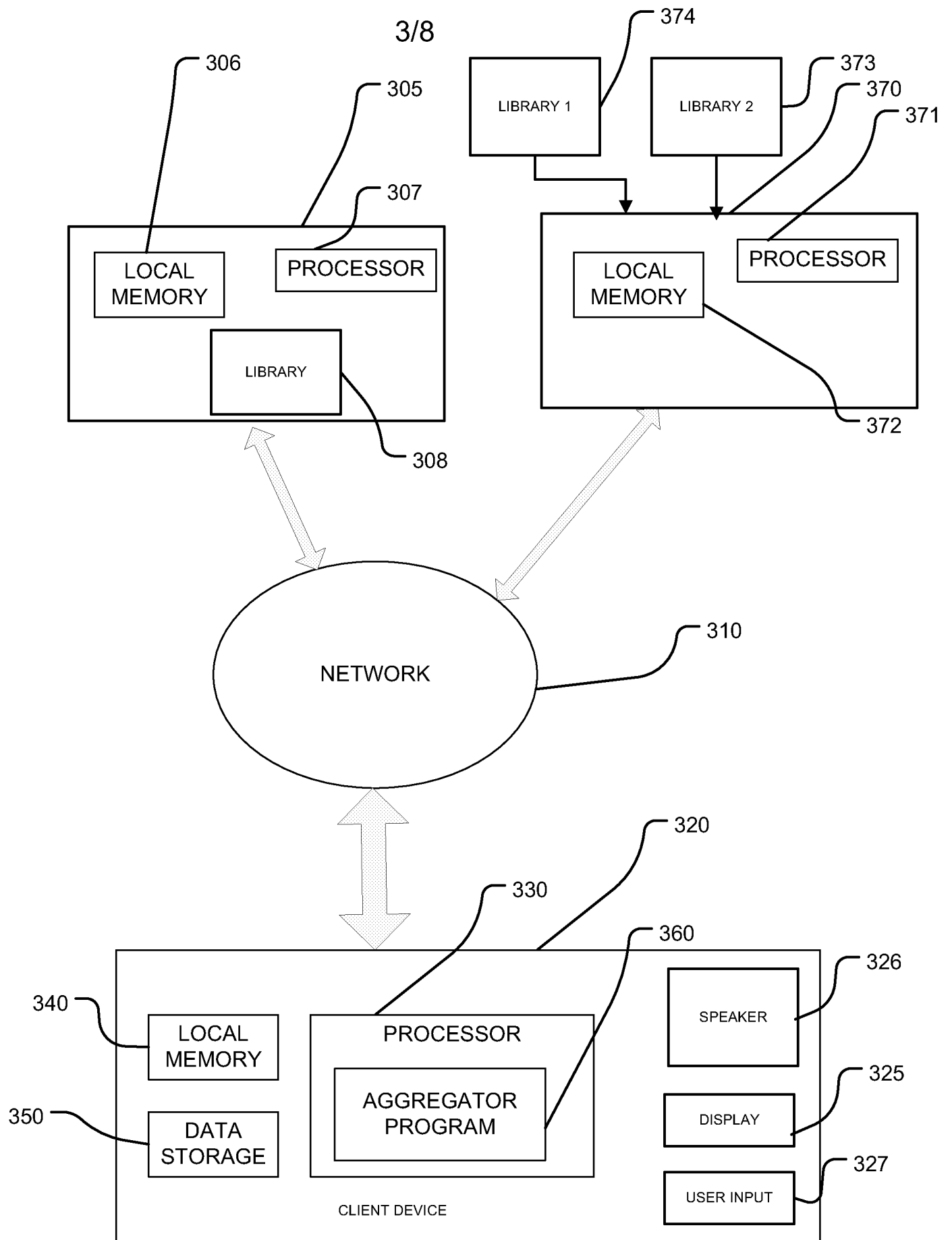
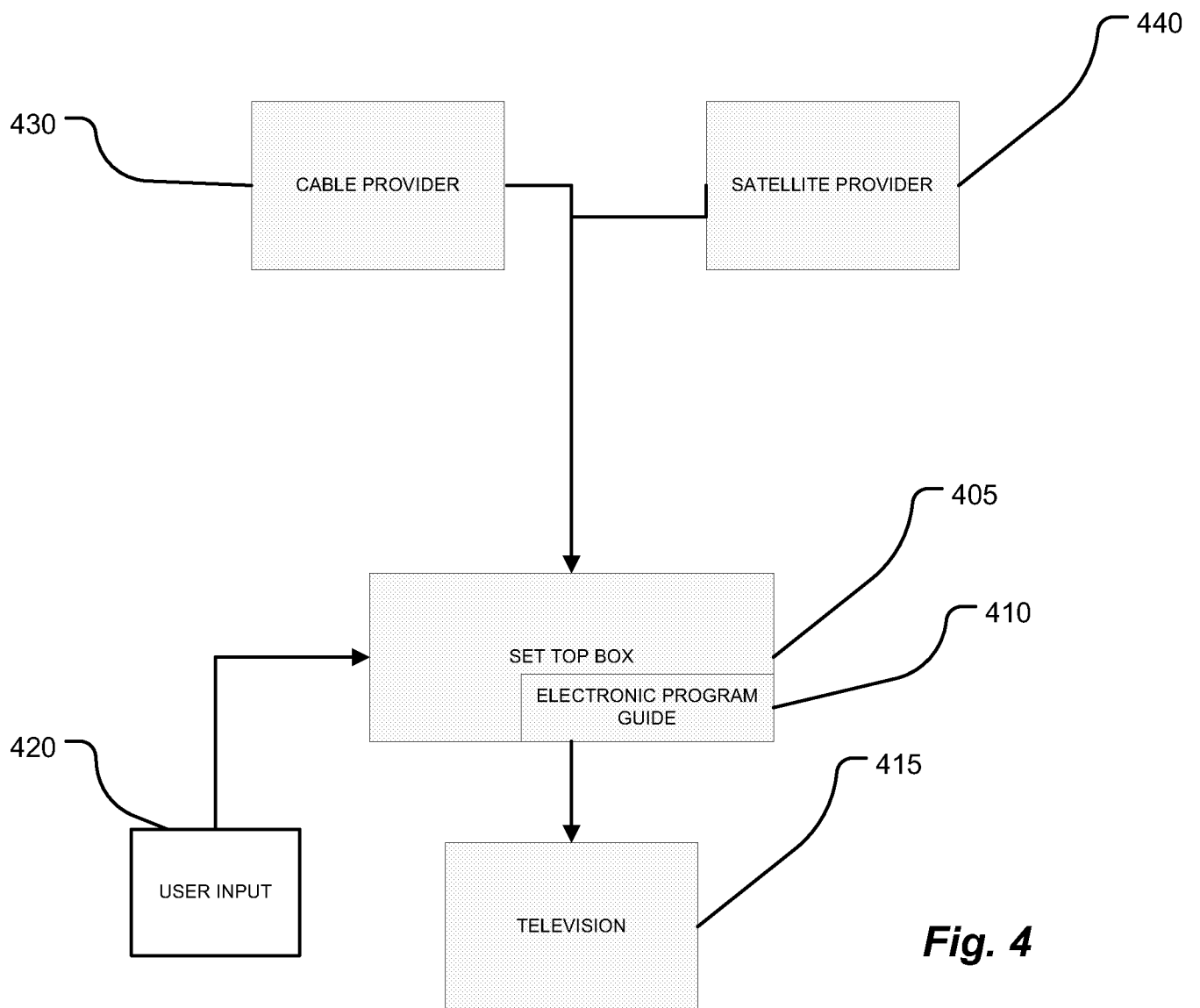


Fig. 3

**Fig. 4**

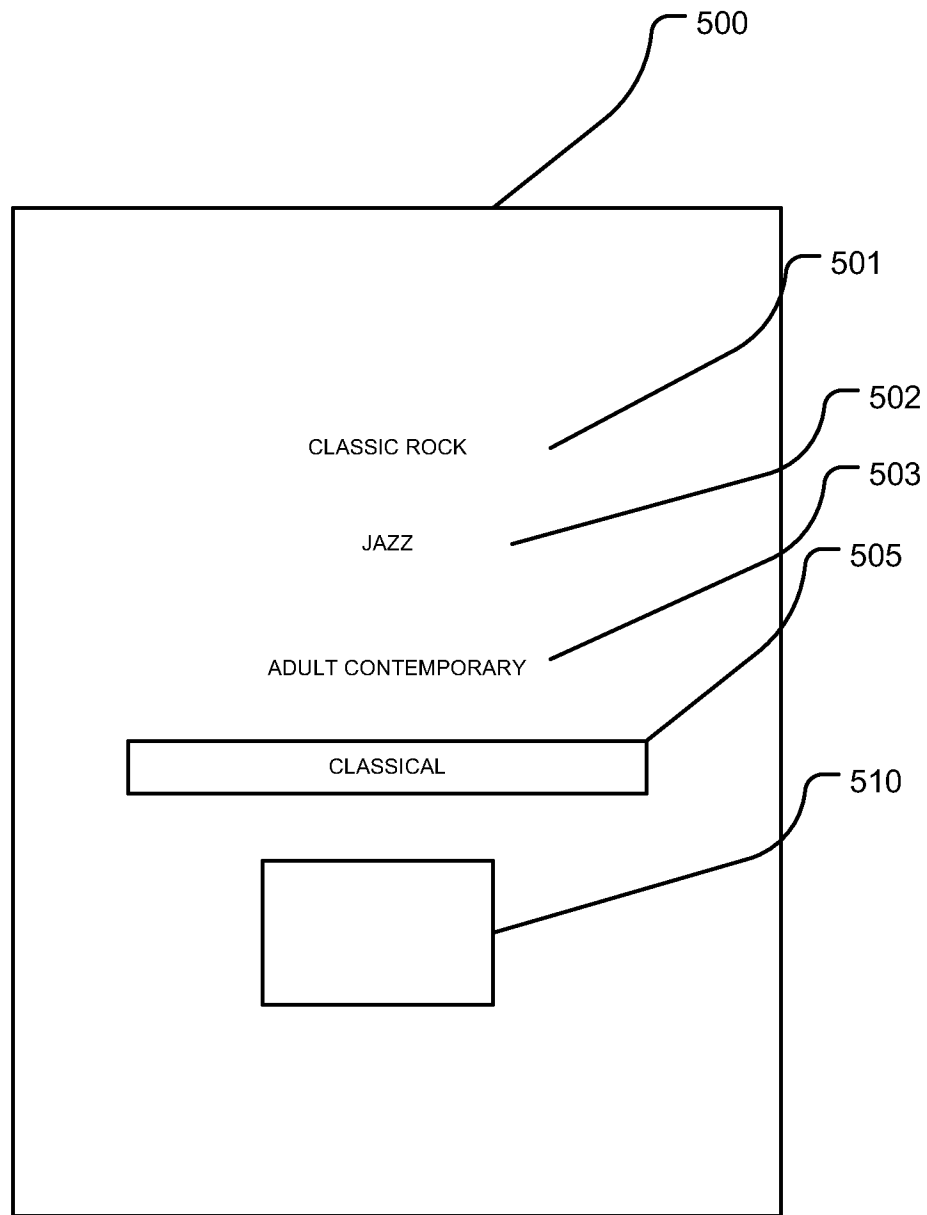


Fig. 5

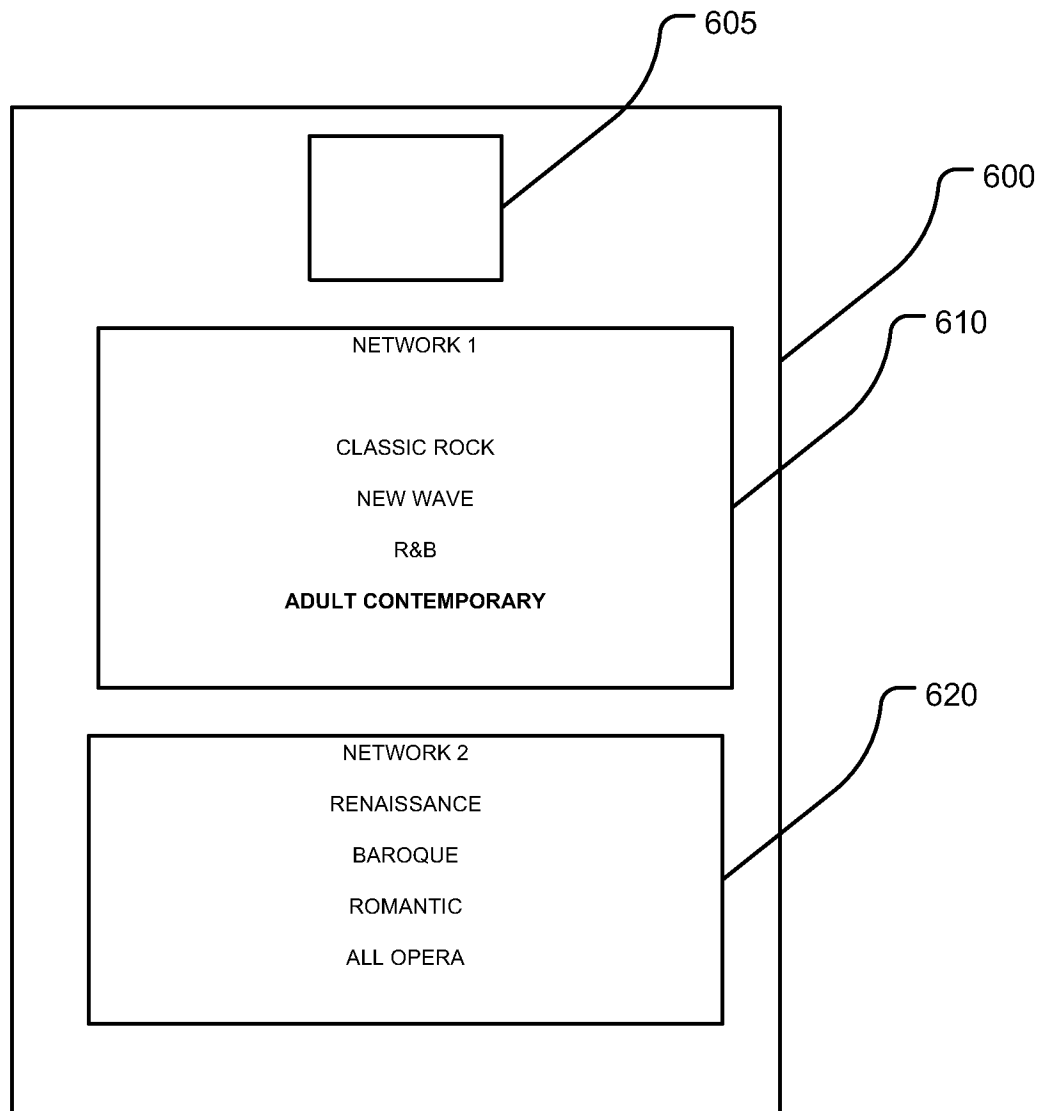
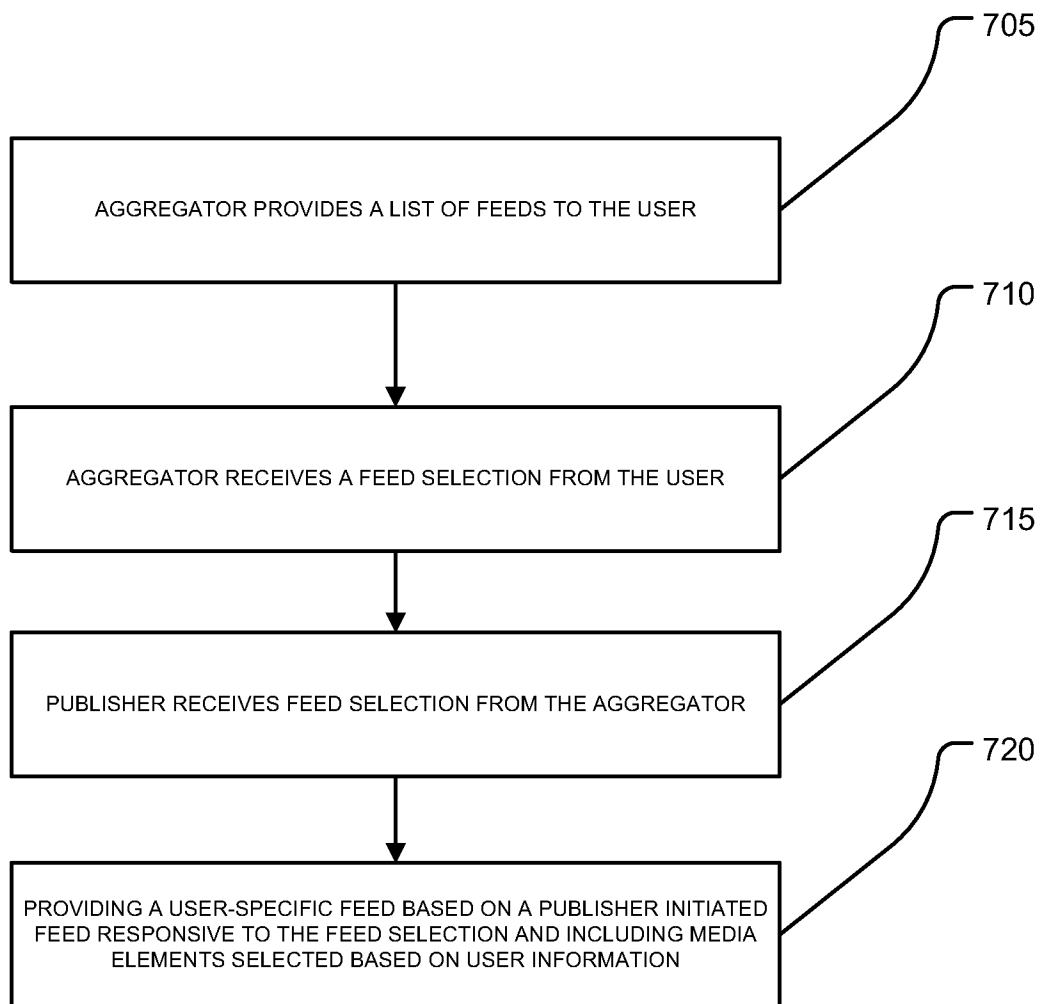
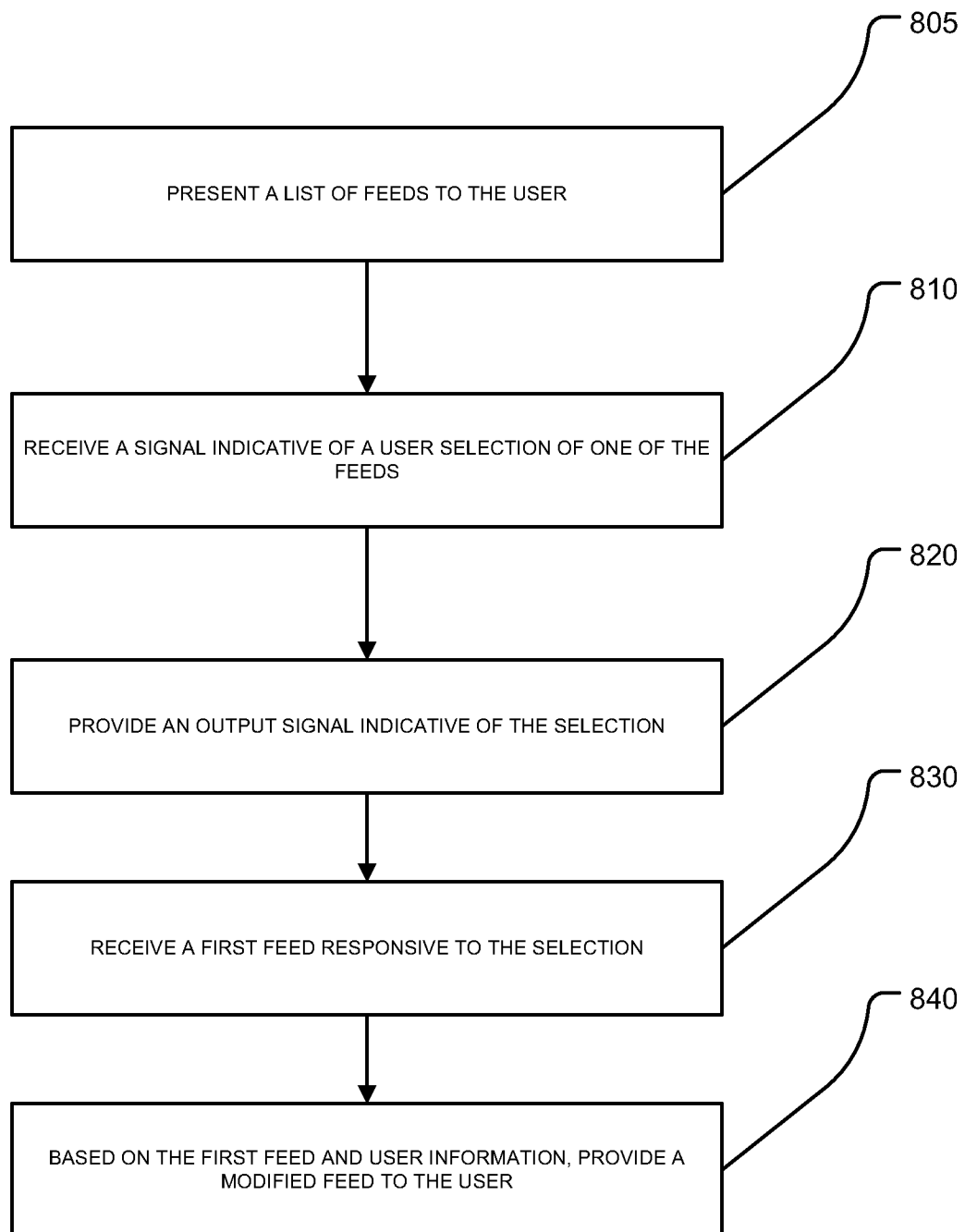


Fig. 6

**Fig. 7**

**Fig. 8**

METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING

RELATED APPLICATIONS

[0001] This application is a continuation application of co-pending U.S. Patent Application No. 12/138,925, entitled METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING, filed June 13, 2008, which application claims benefit of and priority from U.S. Provisional Patent Application No. 60/934,456, filed June 13, 2007. The entire contents of all of the foregoing applications are hereby incorporated by reference herein for all purposes.

FIELD OF THE INVENTION

[0002] The present invention relates to providing of media programming.

BACKGROUND OF THE INVENTION

[0003] Methods and systems for generation of media programming have been disclosed in my U.S. Patent No. 6,032,156, which is hereby incorporated by reference herein in its entirety. In some embodiments, a library of media elements, which may include brief video clips, brief audio recordings, and other types of media, may be maintained. The media elements are tagged, and a database maintains the tags. Various parameters and instructions for assembly of media elements into programming may be provided, such as through templates, and the media elements are assembled into media programming.

SUMMARY OF THE INVENTION

[0004] In an embodiment, a method of generating media programming is provided. A client receives from an aggregator a menu of selectable feeds. A selection of one of the selectable feeds is received at the aggregator. In response to the selection, a client is provided with media programming generated by a publisher. Information relating to the client, which may include, by way of example, user selections or user information, is furnished to the publisher. In response to receiving the user selections or user information, the publisher provides media programming, dependent at least in part on the received user selection or user information.

[0005] In an embodiment, a method of generating media programming includes the steps of providing by an aggregator to a client a list of feeds; receiving by the aggregator from the client a selection of one of the feeds; receiving by a publisher from the aggregator the feed selection; and providing to the client media programming based on a publisher-initiated feed responsive to the feed selection and including media elements selected and concatenated with the feed responsive to the client information.

[0006] In an embodiment, a system for providing media programming includes an aggregator having a memory and a processor, the processor adapted for presenting a plurality of feeds to a user, receiving a signal having data indicative of a selection of one of the feeds, and providing an output signal including data indicative of the selection and of user data; a publisher having a memory and a processor, the publisher processor adapted to receive the output signal from the aggregator, and, responsive to the data indicative of the selection and of user data, access from the memory at least one algorithm for selection and sequencing of media elements, assembling the media elements, and providing a feed to the user.

[0007] In an embodiment, a method for aggregating media programming includes presenting to a user a list of feeds; receiving an input signal indicative of a selection of one of the feeds from the list; providing an output signal indicative of the selection; receiving, responsive to the output signal, at least a first feed; and based on the first feed and user information, providing a modified feed to the user.

BRIEF DESCRIPTION OF THE FIGURES

[0008] Fig. 1 is a schematic representation illustrating an embodiment of the invention.

[0009] Fig. 2 is a schematic representation illustrating an exemplary system in which an embodiment of the invention having an aggregator at a web server may be implemented.

[0010] Fig. 3 is a schematic representation illustrating a system in which a method and system in which software local to a client device performs an aggregation function may be implemented.

[0011] Fig. 4 is a simplified schematic representation of a television-based system in which a method and system according to the invention may be implemented.

[0012] Fig. 5 shows an exemplary display featuring a presentation element generated by an aggregator.

[0013] Fig. 6 shows an alternative exemplary display featuring a presentation element generated by an aggregator having feeds from two publishers.

[0014] Fig. 7 is a process flow diagram illustrating steps in a method of an embodiment of the invention.

[0015] Fig. 8 is a process flow diagram illustrating steps in a method of another embodiment of the invention.

DETAILED DESCRIPTON OF EMBODIMENTS

[0016] It is to be understood that the figures and descriptions of the present invention have been simplified to illustrate elements that are relevant for a clear understanding of the present invention, while eliminating, for the purpose of clarity, many other elements found in typical computer systems, television networks, and methods for generating and downloading content. Those of ordinary skill in the art may recognize that other elements and/or steps are desirable and/or required in implementing the present invention. However, because such elements and steps are well known in the art, and because they do not facilitate a better understanding of the present invention, a discussion of such elements and steps is not provided herein.

[0017] In an implementation shown in Fig. 1, an aggregator 100 is shown. The term “aggregator” is described below. An aggregator provides a presentation element to user 1 120 and user 2 130. User 1 120 and user 2 130 may be users having client devices, which may include laptop or desktop computer systems, PDAs, cellular telephones, set-top boxes (which term includes boards incorporated in display devices and having the functionality of set-top boxes). A presentation element provides a selection of one or more feeds to the user. User 1 120 and user 2 130 each provide a selection of a feed to aggregator 100. Aggregator 100 provides information relating to each user to publisher 110. Based on the selected feed and the user information, publisher 110 provides individual feeds to user 1 120 and user 2 130, which feeds are responsive at least in part to the user information, in addition to feed selection. The feeds may include media elements selected and concatenated by the publisher

responsive to at least both feed selection and user information. In an embodiment, the same feed selection by User 1 120 and user 2 130 results in the providing of different feeds by publisher 110 to the different users. The feeds may include a concatenated sequence of media elements, in which the order and selection of media elements is determined by algorithms implemented in software operating at the publisher; the algorithms may include as variables the user information. In an embodiment, the user information excludes user rights or subscription information. The content of a media feed may include a video feed, an audio only feed, a sequence of still images, and a combination of one or more of audio, video and still images.

[0018] One or more sources of programming, referred to as aggregators, which may be, by way of non-limiting example, web servers providing websites to client devices on a network, such as the Internet, a channel, an electronic program guide, or software incorporated locally on a user's system, including standalone applications or add-ons, provide a presentation element. The presentation element may include selections of sources of media programming, such as by a menu or selectable icons. The aggregator may store only a portion of available content, which may be termed media assets, locally on the memory associated with the aggregator server. The aggregator server may be a web server that hosts a website that experiences high traffic volume. The user or viewer is redirected (such as by code provided to a browser to redirect the user to a different URL, or by providing instructions and addresses for a user to furnish to the browser) to a source of the media assets. The source may be, for example, a server having a different network address, a channel from which data is received remotely, a cache stored on a client device or long-term storage device. These locations, as noted, may be client-based, for example through the use of embedded software in browsers and other client-resident software or firmware that creates a locus of media aggregation at the client's device. Microsoft Windows XP Media Center Edition is an example of client-resident software that has the capability of aggregating media elements at the client's device. It may be appreciated that a local aggregating device may aggregate locally-resident elements, elements received from a remote source, or combinations of local and remote elements.

[0019] Referring, for example, to Fig. 2, an exemplary system in which an embodiment of the invention may be implemented is illustrated. In Fig. 2, network 200, which may be the Internet, a WAN, a LAN, or other network, has client devices 202, 204, 206 in communication therewith. Client devices may include a computer system 202, a personal digital assistant 204, and a cell phone 206. Router 210 is also in communication with network 200, and computer systems 212, 214 are in communication with network 200 via router 210. Each client device 202, 204, 206, 212, 214 includes a processor, memory, display, user inputs and communications interface. Each processor may be adapted to execute client software to display pages served by suitable web servers, for example. The system may also include servers 220, 222, which may be, for example, web servers. In an exemplary embodiment, server 220 may be a web server, the processor of which is executing aggregator software to provide a listing of available feeds to one or more of client devices 202, 204, 205, 212, 214. The listing of available feeds may be stored in a local memory of server 220, or in another location accessible via network 200 to the processor of server 220. In response to entry of a command on a user input, such as a keyboard, mouse click, pen, or other command on one of the client devices, a signal is sent via network 200 to server 220 including data indicative of a selection of a feed and user information. In an embodiment, user information may be stored in memory at either the client device or the server 220. Web server 222 may be a publisher, which may assemble media programming responsive to feed selection and user information transmitted via network 200.

[0020] Referring now to Fig. 3, a diagram of a system in which an aggregator is provided in the form of a program stored in memory at a client device and having instructions which, when executed by a processor at the client device, cause the processor to perform the functions of an aggregator processor. Network 310 has in communication therewith exemplary client device 320. Network 310 may be the Internet, for example. Client device 320 may be any of the client devices illustrated in Fig. 2, for example. Client device 320 has a processor 330, local memory 340, and data storage 350, such as a hard drive. Aggregator program 360 is stored in local memory 340 or data storage 350 and executed by processor 330. Aggregator program

360 includes instructions which, when executed by processor 330, cause the aggregator function described herein to be performed by client device 320. For example, aggregator program 360 causes display 325 to display a list of feeds, and receives a feed selection provided via user input 327. User input 327 may be a wired or wireless mouse or other pointing device, keyboard, touch screen, or other user input.

[0021] Publisher servers 305, 370 are in communication with client device 320 via network 310, and may be web servers, by way of example. Server 305 has processor 307, local memory 306, and local library 308 of media elements. Local library 308 may be a large, high speed data storage device including audio, video, still and other media elements stored in digital memory locations. Local memory 306 may include algorithms and templates for assembly of media elements in library 308 into programming.

Processor 307 may access one or more programs having instructions, which, when executed by processor 307, cause processor 307 to receive a selection and client information provided by aggregator program 360. Processor 307 may then assemble elements from library 308 in accordance with algorithms, templates and other instructions included in local memory 306 to create a feed dependent on the received feed selection and client information. Media elements in library 308 may be tagged, and an associated database containing tags and/or other identifying information may be included in local memory 306. A media feed may be provided to client device 320 and provided to the user via display 325 and speakers 326, for example.

[0022] Publisher 370 is an example of a publisher that generates a feed based on two or more libraries at another location. Publisher server 370, which may be a web server, includes processor 371 and local memory 372. Publisher server 370 is in communication with exemplary additional libraries, library 1 374 and library 2 373. Libraries 373, 374 may be associated servers including high speed data storage devices having audio, video, still and other media elements stored in digital memory locations. In an embodiment, a publisher may have a wide variety of feeds available, and may have individual libraries dedicated to storing media elements for different feeds. By way of example, libraries 373, 374 may have media elements relating to different genres of music. Local memory 372 may include algorithms and templates for assembly of media elements in libraries 373, 374 into programming. Processor 371

may access one or more programs having instructions, which, when executed by processor 371, cause processor 371 to receive a selection and client information provided by aggregator program 360. Processor 371 may then assemble elements from one or both of libraries 373, 374 in accordance with algorithms, templates and other instructions included in local memory 372 to create a feed dependent on the received feed selection and client information. Media elements in the libraries 373, 374 may be tagged, and an associated database containing tags and/or other identifying information may be included in local memory 372. A media feed may be provided to client device 320 and provided to the user via display 325 and speakers 326, for example.

[0023] Referring now to Fig. 4, a television-based system in which a method and system according to the invention may be implemented is illustrated. Set-top box 405 has a processor which is running electronic program guide (EPG) 410. Set top box 405 may be a physical box, or a board or other device physically incorporated into television 415. EPG 410 serves the function of an aggregator. EPG 410 may cause a list of feeds to be displayed on television 415, and the user may be able to navigate and select the list of feeds employing user input 420, such as a handheld remote control. The set top box then provides the selection and user information to exemplary programming providers, such as cable provider 430 or satellite provider 440. Cable provider 430 and satellite provider 440 each have processors and software suitable for generating feeds based on existing channels and/or additional stored media elements; the selected feed is then provided as a customized channel to the user. It will also be appreciated that the feed generation function may be located in set top box 405. For example, suitable software may be provided running on the set top box to assemble

[0024] In an embodiment, one or more media feeds may be provided to a location or site, or originate from such location, that are suitable for the purposes of discovery and showcasing the contents of a remote channel, a remote site, a remote server or database. It may be desirable to maintain an economy of feeds; for example, bandwidth may be limited. For example, in the context of Fig. 3, each publisher server 305, 370 may provide a feed of limited bandwidth that is received by client device 320 and displayed. The provided feed might be a relatively short sequence that can be

stored locally, may be of relatively low resolution, or otherwise adapted to conserve bandwidth. The aggregator program 360 may still provide information specific to individual users, or viewers. Such information might be stored user profiles, records of queries, and/or usage patterns such as viewing requests, skip requests, channel-changing activities and/or click actions. That information is operated on by stored media generation software executed by processor 307 or processor 371 to provide a subsequently customized feed optimized for such user/viewer. This is done in such a way that each individual viewer or similar viewer group receives media programming optimized for them – yet without occupying more aggregation location/site ‘real estate’ than is needed for a general media feed. As noted above, U.S. Patent No. 6,032,156 provides exemplary methods of generating a media stream, such as a video stream, adapted for a specific user/viewer into a unicast concatenated media stream.

[0025] As noted above, an aggregating source is provided. The source may be, by way of example, a web server, such as server 220 shown in Fig. 2, available via the Internet or other network, a channel, an electronic program guide (such as EPG 410 of Fig. 4), or software (such as program 360 of Fig. 3) incorporated locally on a user’s system, including standalone applications or add-ons. An entity, such as without limitation a media company or media destination brand, may operate, sponsor, support or otherwise be involved with such a web server, channel, electronic program guide, and/or desktop or other local application. Such a web server, channel, electronic program guide, or local application may be referred to as an ‘aggregator’. An aggregator provides numerous sources of media content on a front page or other user-accessible presentation element. For example, referring to Fig. 5, an exemplary display 500 showing a presentation element generated by an aggregator is shown. In this example, music feeds 501, 502, 503, 505 are available. Feed 505 has been highlighted, and the user may select feed 505, such as by clicking on a mouse or on an enter button on a television remote control, or may scroll up to highlight a different feed. In an implementation, the highlighted feed may be presented on the display, such as in window 510.

[0026] Such sources of media content are suitable for the presentation, and/or consumption, of viewing/listening/interaction opportunities. The sources may be entirely

or partly provided by sources remote from the aggregator. Such other sources may be maintained by entities other than the entity that sponsors or supports the aggregator. By way of example, some or all of the media sources thus presented are drawn from remote sources by a suitable method or device, such as, without limitation XML feeds, RSS feeds, Atom feeds, Podcasts, simple video/audio feeds or streams or syndication technologies. These methods may be referred to herein as “feeds.” An XML feed is an example of a feed. The sources of feeds will be termed “publishers.”

[0027] In the examples noted, an aggregator permits a user to cause a signal to be provided to an aggregator processor requesting a selected feed through an action such as a mouse click on a web page displaying a menu of feeds, or by providing a channel selection signal to a television displaying an electronic program guide. In an embodiment, an aggregator may include a printed or static reference to a feed. Once the user follows the information provided in the printed or static reference to select the feed, user information or selections may be furnished to the publisher, and the method and system may be implemented as described herein. By way of example, the static reference may be a web address or a channel.

[0028] A presentation element of an aggregator may include, for a given publisher, one or more placements or positions on the presentation element. In some circumstances, there may be competition among publishers for positions on the presentation element. The presentation element may be a menu page, for example, or a graphical layout presenting multiple positions from one or more publishers. The presentation element may be dynamic; for example, the presentation element may scroll through different selections, or may present a sequence of different pages with different menus of feeds. Different entities that control publishers may be desirous of obtaining the visibility coming from inclusion in the presentation element, as well as obtaining a relatively prominent position within the presentation element. In some instances, there may be competition among entities controlling publishers for prominence (including position, size of display, visual prominence of display, effects associated with a display, and otherwise) on a presentation element of an aggregator. An aggregator may provide a limited number of feeds, in order to make the presentation element more desirable. For example, referring to Fig. 6, a presentation element 600, which may be a web page, is

shown. The publisher identified as Network 1 has a list of feeds on the first area 610 of the presentation element. The publisher identified as Network 2 has a list of feeds on a second area 620 of the presentation element 600. The user has scrolled or moved a mouse so as to highlight in first area 610 the feed identified as “adult contemporary.” In an embodiment, the highlighted feed is presented in box 605.

[0029] A possible consideration in the selection and prominence of feeds may be desirability of such feeds for the likely customers of the site, or the possible revenue obtained from an arrangement with the publisher. In some cases, an entity that has a variety of media offerings may, for any number of reasons, have a number of feeds at a presentation element that is less than the number of media offerings which it wishes to make available through the presentation element. In some exemplary cases, an entity that has a variety of media offerings may desire to make more than one type of media offering available through a single placement on a presentation element. A method and system disclosed herein provides, by way of example, a way of providing more than one type of media offering through a single placement. For example, the entity controlling a publisher may be provided with the ability to provide multiple media offerings, such as by using a method or system for creating media programming from a library of media elements, such as in my prior patent incorporated by reference above. Alternatively, communication from a user may permit a user to select between one or more streams, feeds or channels of media programming. A method or system in accordance with an embodiment advantageously may permit a single placement to provide to the user multiple streams or selections of media programming.

[0030] In an embodiment, in response to the selection, the publisher may provide a first feed having content from at least second and third feeds, and, in response to a further user selection, provides content preferentially from one of the second and third feeds. An entity providing continuous programming in the form of several channels (at least second and third feeds), each showing music videos in a particular style, may have a single placement at a presentation element of an aggregator. The entity providing the programming may control a publisher. The publisher may include a server running software capable of selecting media elements, different media streams, or other types of content, in response to received user selection or information. An aggregator,

as noted above, might be a website generated by a server, or an electronic program guide. The single placement may represent a single feed, such as a single XML video feed (i.e., a first feed). The single XML video feed might provide, in response to an initial selection from a user, programming including a representative mix of music video styles – Folk, Country, Rock, Pop etc. – which might represent all available styles, or may be in an order or frequency selected to be of likely interest to viewers/users of the aggregator, based, for example, on demographic information about such viewers or users. As media elements representative of different feeds are presented, an icon or other element may be presented on a display; upon mouse clicking or other selection action, a signal is transmitted to the publisher indicative of selection of a particular one of the feeds, and in response only elements from that feed are provided.

[0031] The user selection may be made by clicking on a mouse when a cursor is positioned on an aggregator page over an icon or thumbnail representing the feed. The aggregator receives the user selection of the feed. The aggregator may provide the feed, or the user may be handed off to the publisher to provide the feed to the user.

[0032] In one embodiment, in response to the received selection of a feed, the publisher provides a predetermined feed during a first time period, and provides a feed responsive to the received client information in a second time period. Thus, the same initial feed may be provided to all users who make a particular selection. In another embodiment, the publisher may receive information pertaining to the user and provide some level of customization of the feed. By way of example, the publisher may have two or more predetermined streams of media available, and may select one of those streams based on the received user data. In another embodiment, the publisher may have a library of media elements, and may assemble media programming made up of those media elements based on the received information pertaining to the user. The received information may include browsing history pertaining to the user; for example, if the user has browsed pages on the aggregator's site prior to selecting a feed, the pages, or information relating to the content of those pages, may be provided to the publisher. A cookie identifying the user and known to the publisher, if available, may be provided to the publisher. Initially, the feed may provide a video playing, or recently played, on the feed which is assumed to provide a content center of interest to the

visitor. The content center may be a particular element that was being displayed at the time that the user selected the feed. The user information may include an identification of the element being displayed at the time of selection. Tags associated with that element may be employed by a processor, such as processor 307 of Fig. 3, to generate a customized feed. For example, in the example of Fig. 5, the classical program playing in window 510 when the classical feed 505 is highlighted and selected may have been a video of a 1985 performance of Ricardo Muti conducting the Philadelphia Orchestra playing a Brahms symphony. The resulting information may include interest in 1980's performances, performances by Muti, performances by the Philadelphia Orchestra, performances of Brahms works, performances of other late Romantic composers, merely by way of example.

[0033] A processor may receive a signal including data indicative of the content element, such as a video, still photo, song or other audio element, that generated, or in probability generated, a mouse-click or similar user-driven event. It will be appreciated that the element that generated the user decision may have concluded in a window prior to the mouse click; the received information may not necessarily include synchronization between the timing of a mouse click and the time of display of the element. In response to the selection, the aggregator may transfer the source of programming to a publisher, such as publisher server 222 of Fig. 2, or the feed is communicated via the aggregator program. In an embodiment, the selection by the user of a feed on a presentation element may activate a customized feed, or may cause delivery of an existing feed, while a publisher processor processes the user information to start customizing the existing feed; the customization process may be considered an intelligent learning process, as more information is collected to refine the user's interests.

[0034] User actions may have been collected by, for example, logging in or creation of user profiles, swapping of cookies for the purpose of determining action history, or simple action collection, such as mouse motions, click patterns or channel selection. If user actions or profiles have been polled or collected in any manner, then in the event that multiple feeds are available each containing different forms of content (whether taken as a whole as final streams, or unitarily, as in individually cached video clips or

stream segments) - or from locally-cached media content of various types – then this information is passed to, for example, a client-side media assembly engine or switching system or handed off to the remote feed's source, which would typically be configured with the media assembly engine described above. Media elements may be categorized in a wide variety of different manners, such as either aesthetically/subjectively, e.g., feature films of slightly different subjective character, or objectively, such as exercise or cooking content. It will be appreciated that a media assembly engine may be provided at a client's device, at the aggregator's server, or at the publisher's server, for example.

[0035] User information that may be passed to the publisher may include, by way of example, viewing history, user preference data, search queries or patterns. By way of example, the aggregator or publisher may have pre-existing data relating to the user. For example, a search engine provider may have information pertaining to searches previously carried out by the user, and may make such information available for use by the publisher, or by another party in connection with determination of the content of a stream. In the context of Fig. 4, cable provider 430 or satellite provider 440 may have stored information regarding past viewing records of the user, which may be accessed by a processor and employed in generation of a feed.

[0036] In some embodiments, a publisher or other provider of a feed may have a predetermined feed which is provided initially, or is provided to a user in the absence of any user information. The predetermined feed may be determined based on factors not related to user information, such as time or date. An algorithm for providing a wholly or partly customized stream may provide for modification of one or more elements of the predetermined feed if certain conditions relating to user information are met. The initial feed or stream may be modified based on user information provided at the outset of the feed.

[0037] Two exemplary methods for generating a feed are the following.

[0038] First, a media assembly engine such as the one disclosed in U.S. Patent No. 6,032,156 can be implemented, either locally, such as on a client system, or remotely, such as on a web server, to modify the contents of a stream with any combination of switching (with or without caching) between media feeds such as video RSS feeds to the aggregation location. The method may be implemented using media source files

from any location. The files may be, for example, client-cached, streamed from multiple servers, or both client cached and streamed from multiple servers, simultaneously within a given stream.

[0039] The location of the media files and the media assembly engine may be transparent to the user. By way of example, user information may be passed to the appropriate client-side or server-side location for incorporation into the logic of a media assembly engine without the user taking any action.

[0040] Second, the user-selected media feed may be modified at one or more locations, such as a source external to the client and the aggregation server, or at the aggregator's server, by implementing a media assembly engine, to make media selections that are in accord with the choices individual and/or statistical to the feed itself. In the example of Fig. 3, a feed may be generated by library 1 374, and may be modified by a media assembly engine at any of media assembly engine 374, server 370, or client device 320.

[0041] In connection with a media assembly engine implemented locally to the user, the user experience can be customized by altering the source of the media elements through individually self-modifying streams as described in U.S. Patent No. 6,032,156. The user experience may also be customized by switching between feeds to the aggregation site. This customization approach may employ appropriate stream metadata to identify the 'character' of the stream's content and local caching to facilitate aesthetically-suitable switching. In an embodiment, stream metadata may be by a media assembly engine by deriving keywords from the content of the stream itself. Additional keywords might be generated from a map of synonyms or related terms. By way of example, keywords derived from a 'Food Channel' might include 'cooking', 'dining', 'nutrition' and 'French cuisine' in addition to 'food', 'TBS' and 'food channel' obtained directly from the content.

[0042] Caching may be desirable as the content on multiple feed or cached sources are not typically synchronized. It may thus be desirable for a processor of a media assembly engine to employ a nominal delay on the general presentation of the entire media stream. Client-side caching of multiple streams may be provided to allow optimal points to be made available for inter-stream switching or concatenation. In an

embodiment, feed sources may be switched without regard to aesthetic effect. Image recognition algorithms and speech recognition algorithms may be employed to identify disjunction in scene, narrator or talent changes; when such disjunction is identified, algorithms that provide suitable transition effects may be accessed and applied to the feed. As the content on multiple feed or cached sources are not typically synchronized it may be desirable to employ a nominal delay on the general presentation of the entire media stream, or to use client-side caching of multiple streams to allow optimal points to be made available for inter-stream switching or concatenation. In an embodiment, feed sources may be switched without regard to aesthetic effect.

[0043] In one implementation, any given feed to the aggregator is dynamically switchable (see U.S. Patent No. 6,032,156 for one method) at its source. Based on user information, such as a record of browsing or a user profile furnished to the source, and suitable algorithms, the stream may be customized to a unicast or narrowcast stream. The stream may be renamed, either at the source site or elsewhere. Information associating the user and the renamed stream may be provided by the source to the aggregator, so that the aggregator may properly associate the renamed stream with the appropriate user or users. The aggregator may use such methods as user profiles, cookies, or proxy IDs. The new stream is returned to the aggregator. In this implementation, typically a page or pages may be customized for the user or viewer and suitably identified. In a web-based system, the page may be assigned a unique URL. The pages may be for display on any suitable device, including a computer, PDA, cell phone, or television receiving signals from a set-top box.

[0044] In an embodiment, multiple streams, which may be customizable or predetermined, are provided to an aggregator; based on user information, such as user actions or user profile, the streams are modified, if they are customizable. If the streams are not customizable, a concatenation of portions of the multiple streams is provided. This concatenation may be implemented by assembling or switching between those multiple streams at the client side, such as by using a switching system or a media assembly engine. This concatenation may also be implemented by passing information corresponding to the user's use, or anticipated usage pattern, of the multiple streams from a client to the aggregation server or source; a media assembly engine at

the aggregation server or source may concatenate based on this information and one or more algorithms. Concatenated or customized feeds are then passed back to the aggregation site, which may be a page or pages (whether, for example, on a user's computer, PDA, cell phone, or set-top box) customized for that user/viewer.

[0045] In one implementation, media elements or streams, or libraries of elements and streams, may be cached at the aggregator. A non-limiting example of an offline aggregator is a media player, such as a compact portable digital media player, including for example a player for digital music files, such as those sold by Apple Inc. under the iPod ® brand, with access only to files in its memory. In some implementations, a mix of both client-based caching and online or remote sources for media files may be employed. For example, in the system of Fig. 3, aggregator program 360 may create a customized media stream or feed based on one or more feeds received from publishers 305, 370, and media elements stored in data storage 350. It will be appreciated that in any implementation assembly of either local or remote media assets, or both, can be accomplished on a client computer system or device through the use of an assembly engine or switcher. Assembly may also be implemented by passing media files, or identifying information or proxies for the media files, to a remote server or group of servers (such as the aggregation server(s)). The media files may be assembled at the remote server or group of servers into a new stream. Such a new stream defines a new composite experience. This composite experience may include viewing, listening, playing, and/or a combination of all of those. The new stream might be an entirely separate stream, or may be combined with one, several, or all streams arriving at the aggregation site to provide customized streams. In this case a page or pages (whether, for example, on a user's computer, PDA, cell phone, or television displaying signals from a set-top box) may be generated by the aggregator, which page has been customized for that user/viewer. This new 'home page' or other presentation form might be customized to reflect the desires and/or needs of the particular user/viewer. It will be appreciated that customization of a home page may include customization resulting in home pages each presented only to one user/viewer, or to customization such that the same home page is presented to more than one viewer or user. Differing home pages may be generated and provided to different viewers.

An Example Using a Dynamic RSS-Feed Methodology

[0046] In an example of multiple streams provided to an aggregator and then modified or concatenated, a remote channel presents various music videos in a mix of styles. There may be one or more feeds to the aggregator, but within the limits described above, each feed contains predetermined content, not customized for a viewer or user.

[0047] A user viewing an aggregator home page ‘clicks’ on the remote video feed presenting the music videos. More precisely, a user generally clicks on the representation of content, or of a unit of content to initiate, or foreground, the stream within the feed. In this example, the channel arrives by an XML feed called ‘Music TV Channel X’. ‘X’ here represents the initial state of the undifferentiated, or predetermined without use of viewer or user information, music feed.

[0048] Upon clicking on ‘Music TV Channel X’ the user is presented the stream of the music channel. In this example, user information, such as the user’s profile or query or viewing history is returned to the remote server of the Music TV Channel. Here, with or without the initial state metadata described above, the user receives the undifferentiated or predetermined feed.

[0049] Now the user begins to interact with the stream. The stream may include options and controls for the viewer. The signals from the viewer may be received and processed at the aggregator, or may be passed to the originating feed server. As each interaction occurs, appropriate metadata representing these actions (individually or collectively smoothed or conditioned) is passed to the originating server or a remote server. The metadata may provide answers to questions such as the following: Did the user select a musical genre from a menu? Did the user click on a short-form excerpt of a video and view all or substantially all of the long-form of the video? Such short form excerpts are described, for example, in my U.S. Patent Application Serial No. 11/649,727, filed January 4, 2007, which application, along with the applications incorporated by reference therein, is incorporated by reference herein. Did the user skip a short form video or cancel out swiftly from a long-form video, thus indicating perhaps unsuitability?

Did the user search for a particular artist or song name? It will be appreciated that other information may be obtained.

[0050] All of this usage information may be passed back to the originating server or a remote server and stored by the server processor in a local memory at the server. The processor of the server may commence customizing or optimizing the stream. The originating server now dynamically assigns a new feed ID, or name, which may, for example, be an appended ID to the feed's name – in this case 'Music TV Channel X', where 'X' might now be, for example, a (probably new) unique character/numeric string associating the new feed with the user by any mean. 'X' however, may represent any method of identifying the feed with an identifier unique to a user, user group, or any suitable representation of such a user or group. The feed URL might remain the same, but the elements contained within the resultant feed the next time it is retrieved/refreshed by the same user or user proxy are in some way modified in response to the viewer query/interaction.

[0051] If the engine is at the publisher, the information is passed from the aggregator, e.g., by a cookie.

[0052] In the generation of the feed, various user information may be considered. User information may include the media displayed prior to the click, the click pattern of the user on the aggregator site, or on other feeds or sites. User information may include information stored by a search engine provider, including topics of interest relative to past searching.

[0053] Appropriate parameters may be set at the aggregating server to allow the featured channel with the default 'X' value to be replaced dynamically by the channel with the new 'X' value. Such replacement might be implemented on a new dedicated page or in the original position of the feed on the page. Thus the single original feed featured on the aggregating site or location is replaced by multiple unicast or narrowcast feeds each associated with a user or group of like users. Each such feed may include a dynamically-varying sequence of media elements; the selection and order of the elements may be unique for each user. Templates may be stored at the media generation engine which control the generation of the sequences. A feed may include media elements selected based on user information including, by way of example,

current viewer behavior only, or a longer record of viewer interests, or a combination of both, to provide a sequence of media elements suitable to that viewer's instantaneous and/or long-term desires.

Targeted Advertising Implementations

[0054] One or more feeds may include elements that are tagged or labeled to indicate the generation of revenue or royalty. In general terms, such labels indicate that an advertiser has an obligation to provide payment or other value if a revenue-generating element is employed; such labels also may indicate that a payment or other value is due to a content provider or other owner of rights. Elements requiring other types of transactions may also be incorporated. These elements that generate royalty or revenue or other types of transactions include, without limitation, media clips, sidebars, overlays, audio elements, animation elements, and/or graphical elements residing/displaying within or outside of a player region. Such elements may include sponsorship elements, advertising, pay-per-view media and the like. Such elements may be inserted by an engine in any feed or stream described herein. The methods described herein allow such elements to be inserted dynamically, which allows user-responsive or user-sensitive variants in positioning, frequency, type, demographic targeting, geo-targeting and psychographic targeting to be effectively applied to the feeds on a user by user basis. Users might be grouped initially by a first parameter or set of parameters only. For example, users may be grouped, by geo-targeting parameters, based on estimated geographic location, upon an initial visit to the aggregator. As additional user and usage data is collected, users may be grouped with greater refinement. Positioning of elements may include dynamic temporal and spatial positioning within the content of a stream. Dynamic temporal or spatial positioning of elements on an aggregation location or site in accordance with user information may also be provided. It should be mentioned that revenue/royalty-generating media elements need not be treated differently, except in respect to their revenue generating aspects, than other media elements. Revenue/royalty-generating elements may be inserted in one or more feeds and/or streams dynamically in the same way as other media elements. The methods and systems disclosed herein advantageously for

advertisers represent a highly optimized delivery opportunity. Because users can be targeted by profile, use patterns and contextually – even across the elapsed time of the stream – the value of these ad/promotional elements is optimized. This refined targeting results in higher cost-per-exposure (by any metric) and thus more profitability for ad purveyors (like agencies and media networks) and higher return on investment for advertisers.

[0055] Referring now to Fig. 7, an exemplary process flow will be illustrated. In the process flow, a list of feeds is provided to the client device by an aggregator 705. The aggregator receives a client selection of one of the listed feeds 710. The aggregator provides the selection to a publisher 715. In an embodiment, the aggregator may also provide client information to the publisher, for the publisher to use in generating a user-specific stream. A feed is then provided to the user, based at least on a stream from the publisher and media elements selected based on the user information 720. In an embodiment, the publisher may generate a stream including selection of media elements based on the user information. In an alternative embodiment, the publisher may provide a predetermined stream to a client device, which selects additional media elements based on user information to create the user-specific stream.

Referring now to Fig. 8, another exemplary process flow will be illustrated. This process flow is a method for aggregating media programming. In a first step, which may be performed by an aggregator, a list of feeds is presented to a user 805. An input signal is received, indicative of a selection of one of the feeds from the list 810. The signal may also be received by the aggregator. An output signal is provided indicative of the selection 820. This step may also be performed by an aggregator, and the signal may be provided to a publisher. At least a first feed is received responsive to the output signal 830. The first feed may be received from a publisher at a client device, at an aggregator, or other media assembly engine. Based on the first feed and user information, a modified feed is provided to the user 840. This step may be performed by a media assembly engine at a client device, at an aggregator, or at a component of a publisher. For example, in the context of Fig. 3, a feed may be provided from library 1 374, and a media assembly engine may run on publisher 370 to generate the modified feed.

[0056] The methods and systems described above may be implemented with computer storage products or computer readable media that contain program code or computer software for causing a processor to perform the various computer-implemented operations. The computer-readable medium is any data storage device that can store data which can thereafter be read by a computer system such as a microprocessor. The media and program code may be those specially designed and constructed for the purposes of the present invention, or they may be of the kind well known to those of ordinary skill in the computer software arts. Examples of computer-readable media include, but are not limited to magnetic media such as hard disks, floppy disks, and magnetic tape; optical media such as CD-ROM disks; magneto-optical media; and specially configured hardware devices such as application-specific integrated circuits (ASICs), programmable logic devices (PLDs), and ROM and RAM devices. Examples of program code include both machine code, as produced, for example, by a compiler, or files containing higher-level code that may be executed using an interpreter. Steps in the computer-implemented methods may be implemented in processors running software stored locally, and/or in configurations such as application service providers, in which certain steps are executed on processors communicating with one another over a network such as the Internet. Either stand-alone computers or client/server systems, or any combination thereof, may be employed.

[0057] It will be appreciated that any of the steps in the methods described above may be implemented by one or more processors executing instructions stored in computer-readable memories. It will be appreciated that any of the method steps described above may be implemented by means for performing the step, wherein the means for performing the step include a processor operating in accordance with instructions contained in computer program code.

[0058] The methods and systems described herein may employ any suitable communications interface and hardware. By way of non-limiting example, communications may be implemented in a network, such as the Internet, employing the TCP/IP protocol.

[0059] Media elements may be stored in any suitable medium, which may include magnetic media, and both digital and analog media. Media elements may be stored and transmitted in a compressed format, such as the MPEG-3 format for video, or may be stored and transmitted in uncompressed formats.

[0060] In embodiments having multiple media generators, it will be appreciated that there are numerous possible distributions of the functions of generating media. For example, all media elements may be stored in a single library in the memory associated with one device, which device generates all programming. Alternatively, an entire library of media elements, or portions of a library of media elements, may be stored in association with one or more additional media generators. Protocols may be provided for distribution of media elements between different stored libraries of media elements. A library of media elements is any set of more than one media element.

[0061] It will be appreciated that the embodiments described and illustrated herein are merely exemplary.

Claims

What is claimed is:

1. A method of generating media programming, comprising:
providing by an aggregator to a client a list of feeds;
receiving by the aggregator from the client a selection of one of the feeds;
receiving by a publisher from the aggregator the feed selection; and
providing to the client media programming based on a publisher-initiated feed responsive to the feed selection and including media elements selected and concatenated with the feed responsive to the client information.

Abstract

A method of generating media programming includes the steps of providing by an aggregator to a client a list of feeds; receiving by the aggregator from the client a selection of one of the feeds; receiving by a publisher from the aggregator the feed selection; and providing to the client media programming based on a publisher-initiated feed responsive to the feed selection and including media elements selected and concatenated with the feed responsive to the client information.

Electronic Acknowledgement Receipt

EFS ID:	12376537
Application Number:	13428228
International Application Number:	
Confirmation Number:	5836
Title of Invention:	METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING
First Named Inventor/Applicant Name:	Dwight Marcus
Customer Number:	45722
Filer:	ROBERT EVAN ROSENTHAL/Ellen Draeger
Filer Authorized By:	ROBERT EVAN ROSENTHAL
Attorney Docket Number:	NPOWR-8-CON
Receipt Date:	23-MAR-2012
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Time Stamp:	12:57:53
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	00087359.PDF	894962 9069915f214a9c34b48f5b4c852483daadf61c7	no	4

Warnings:

Information:

2	Oath or Declaration filed	00087354.PDF	97061 df25678dd71ee520f75882b4d4cb0b03149a8d4e	no	3
Warnings:					
Information:					
3	Drawings-only black and white line drawings	00087352.PDF	65734 144910bcb3da579e074c920ec830c1798370be7a	no	8
Warnings:					
Information:					
4		00087949.PDF	130443 27ce4d1e2926a1bdd6d7fbc49af8554192d86b67	yes	24
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	22	
	Claims		23	23	
	Abstract		24	24	
Warnings:					
Information:					
Total Files Size (in bytes):			1188200		
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. <u>New Applications Under 35 U.S.C. 111</u> 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. <u>National Stage of an International Application under 35 U.S.C. 371</u> 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. <u>New International Application Filed with the USPTO as a Receiving Office</u> 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.					

SCORE Placeholder Sheet for IFW Content

Application Number: 13428228

Document Date: 3/23/2012

The presence of this form in the IFW record indicates that the following document type was received in electronic format on the date identified above. This content is stored in the SCORE database.

- Drawings – Other than Black and White Line Drawings

Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

To access the documents in the SCORE database, refer to instructions developed by SIRA.

At the time of document entry (noted above):

- Examiners may access SCORE content via the eDAN interface.
- Other USPTO employees can bookmark the current SCORE URL (<http://es/ScoreAccessWeb/>).
- External customers may access SCORE content via the Public and Private PAIR interfaces.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
13/428,228	03/23/2012	2447	0.00	NPOWR-8-CON	1	1

CONFIRMATION NO. 5836

45722
Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

FILING RECEIPT



Date Mailed: 04/04/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Dwight Marcus, Santa Barbara, CA;

Assignment For Published Patent Application

NTECH PROPERTIES, INC., Santa Barbara, CA

Power of Attorney: The patent practitioners associated with Customer Number 45722

Domestic Priority data as claimed by applicant

This application is a CON of 12/138,925 06/13/2008 PAT 8145704
which claims benefit of 60/934,456 06/13/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 04/03/2012

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/428,228**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING

Preliminary Class

709

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit [SelectUSA.gov](https://www.selectusa.gov).



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	ATTY. DOCKET NO./TITLE
13/428,228	03/23/2012	Dwight Marcus	NPOWR-8-CON

CONFIRMATION NO. 5836

FORMALITIES LETTER



OC000000053514184

45722
Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

Date Mailed: 04/04/2012

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 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 \$95 to complete the basic filing fee for a small entity.

The applicant needs to satisfy supplemental fees problems indicated below.

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

- A surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted.

SUMMARY OF FEES DUE:

Total fee(s) required within **TWO MONTHS** from the date of this Notice is **\$595** for a small entity

- \$95 Statutory basic filing fee.
- \$65 Surcharge.
- The application search fee has not been paid. Applicant must submit \$310 to complete the search fee.
- The application examination fee has not been paid. Applicant must submit \$125 to complete the examination fee for a small entity in compliance with 37 CFR 1.27.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/mkoroma/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 13/428,228				
APPLICATION AS FILED - PART I										
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)			
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	95		N/A				
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	310		N/A				
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	125		N/A				
TOTAL CLAIMS (37 CFR 1.16(j))	1	minus 20 = *	x 30 =	0.00	OR					
INDEPENDENT CLAIMS (37 CFR 1.16(h))	1	minus 3 = *	x 125 =	0.00						
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00						
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00						
			TOTAL	530		TOTAL				
* If the difference in column 1 is less than zero, enter "0" in column 2.										
APPLICATION AS AMENDED - PART II										
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY		
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=	OR	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee (37 CFR 1.16(s))							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY		
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=	OR	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee (37 CFR 1.16(s))							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.										

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Dwight Marcus	Confirmation No.:	5836
		Group Art Unit:	2447
Serial No.	13/428,228	Atty. Dkt:	NPOWR-8-CON
Filing Date:	March 23, 2012	Examiner:	To Be Assigned
For:	Method And System for Providing Media Programming		

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

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

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application as mailed April 4, 2012, response to which is due by November 5, 2012 (November 4, 2012 being a Sunday), with accompanying five (5) month extension of time, Applicant submits the following in response to the Notice:

1. Authorization to charge Deposit Account Number 50-3208 the following fees totaling \$598 due in connection with the above referenced application:
 - a. Statutory basic filing fee of \$98;
 - b. Search fee of \$310;
 - c. Examination fee of \$125; and
 - d. Surcharge fee of \$65

The Commissioner is also hereby authorized to charge the fee of \$1,365 for a five (5) month extension of time for a small entity to Deposit Account No. 50-3208. In

addition, the Commissioner is hereby authorized to charge any additional fees due in connection with the above referenced application or credit any overpayments to Deposit Account No. 50-3208.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,



Robert E. Rosenthal
Reg. No. 33,450
Howard IP Law Group, P.C.
P.O. Box 226
Fort Washington, PA 19034
(215) 542-5824
(215) 542-5825 (fax)

Dated: November 5, 2012

Electronic Patent Application Fee Transmittal

Application Number:	13428228			
Filing Date:	23-Mar-2012			
Title of Invention:	METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING			
First Named Inventor/Applicant Name:	Dwight Marcus			
Filer:	ROBERT EVAN ROSENTHAL			
Attorney Docket Number:	NPOWR-8-CON			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	98	98
Utility Search Fee	2111	1	310	310
Utility Examination Fee	2311	1	125	125
Pages:				
Claims:				
Miscellaneous-Filing:				
Late filing fee for oath or declaration	2051	1	65	65
Petition:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 5 months with \$0 paid	2255	1	1365	1365
Miscellaneous:				
Total in USD (\$)				1963

Electronic Acknowledgement Receipt

EFS ID:	14144675
Application Number:	13428228
International Application Number:	
Confirmation Number:	5836
Title of Invention:	METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING
First Named Inventor/Applicant Name:	Dwight Marcus
Customer Number:	45722
Filer:	ROBERT EVAN ROSENTHAL
Filer Authorized By:	
Attorney Docket Number:	NPOWR-8-CON
Receipt Date:	05-NOV-2012
Filing Date:	23-MAR-2012
Time Stamp:	11:43:54
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 1963
RAM confirmation Number	9977
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	Applicant Response to Pre-Exam Formalities Notice	00103759.PDF	39618	no	2
			8416dd4a16d96af115172feb84c3f96e93e9d350		

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	38952	no	2
			610ed8a0d54976b484c4ad5d4d93233b7cd8b0b0		

Warnings:

Information:

Total Files Size (in bytes):			78570
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

Electronic Acknowledgement Receipt

EFS ID:	14144675
Application Number:	13428228
International Application Number:	
Confirmation Number:	5836
Title of Invention:	METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING
First Named Inventor/Applicant Name:	Dwight Marcus
Customer Number:	45722
Filer:	ROBERT EVAN ROSENTHAL
Filer Authorized By:	
Attorney Docket Number:	NPOWR-8-CON
Receipt Date:	05-NOV-2012
Filing Date:	23-MAR-2012
Time Stamp:	11:43:54
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 1963
RAM confirmation Number	9977
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	Applicant Response to Pre-Exam Formalities Notice	00103759.PDF	39618	no	2
			8416dd4a16d96af115172feb84c3f96e93e9d350		

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	38952	no	2
			610ed8a0d54976b484c4ad5d4d93233b7cd8b0b0		

Warnings:

Information:

Total Files Size (in bytes):			78570
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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

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New International Application Filed with the USPTO as a Receiving Office

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

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 13/428,228	
APPLICATION AS FILED - PART I							
(Column 1)		(Column 2)		SMALL ENTITY		OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	98		N/A	
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	310		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	125		N/A	
TOTAL CLAIMS (37 CFR 1.16(j))	1	minus 20 = *	x 31	= 0.00	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	1	minus 3 = *	x 125	= 0.00			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00			
			TOTAL	533		TOTAL	
* If the difference in column 1 is less than zero, enter "0" in column 2.							
APPLICATION AS AMENDED - PART II							
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)
	Total (37 CFR 1.16(i))	*	Minus **	=	x	=	OR
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x	=	OR
	Application Size Fee (37 CFR 1.16(s))						OR
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						OR
			TOTAL ADD'L FEE			OR	TOTAL ADD'L FEE
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)
	Total (37 CFR 1.16(i))	*	Minus **	=	x	=	OR
	Independent (37 CFR 1.16(h))	*	Minus ***	=	x	=	OR
	Application Size Fee (37 CFR 1.16(s))						OR
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						OR
			TOTAL ADD'L FEE			OR	TOTAL ADD'L FEE
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.							



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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
13/428,228	03/23/2012	2447	598	NPOWR-8-CON	1	1

CONFIRMATION NO. 5836

UPDATED FILING RECEIPT



45722
Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

Date Mailed: 11/15/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

Dwight Marcus, Santa Barbara, CA;

Applicant(s)

Dwight Marcus, Santa Barbara, CA;

Assignment For Published Patent Application

NTECH PROPERTIES, INC., Santa Barbara, CA

Power of Attorney: The patent practitioners associated with Customer Number 45722

Domestic Priority data as claimed by applicant

This application is a CON of 12/138,925 06/13/2008 PAT 8145704
which claims benefit of 60/934,456 06/13/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 04/03/2012

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/428,228**

Projected Publication Date: 02/21/2013

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING

Preliminary Class

709

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/428,228	03/23/2012	Dwight Marcus	NPOWR-8-CON

CONFIRMATION NO. 5836

45722
Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

PUBLICATION NOTICE



OC000000059444699

Title:METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING

Publication No.US-2013-0046851-A1

Publication Date:02/21/2013

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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13/428,228

03/23/2012

Dwight Marcus

NPOWR-8-CON

5836

45722

7590

03/14/2013

Howard IP Law Group

P.O. Box 226

Fort Washington, PA 19034

EXAMINER

JEAN GILLES, JUDE

ART UNIT

PAPER NUMBER

2447

MAIL DATE

DELIVERY MODE

03/14/2013

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. 13/428,228	Applicant(s) MARCUS, DWIGHT	
	Examiner JUDE JEAN GILLES	Art Unit 2447	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2012.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

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

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 4) ☐ Other: ____.

DETAILED ACTION

1. This Office Action is in reply to communication filed on 03/23/2012.

Claim Rejections - 35 USC § 102

2. 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.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by WeakLiem et al., US 20070192401 A1.

4. Regarding claim 1, Weakliem teaches a method of generating media programming (fig. 1), comprising: providing by an aggregator to a client a list of feeds (0020, 0037, 0043); receiving by the aggregator from the client a selection of one of the feeds (0011, 0020, 0037, 0043); receiving by a publisher from the aggregator the feed selection; and providing to the client media programming based on a publisher-initiated feed responsive to the feed selection and including media elements selected and concatenated with the feed responsive to the client information (abstract, 0026, 0037, 0043).

Conclusion

5. ***This action is made Non-Final.*** Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Hwang, can be reached on **(571) 272-4036**. The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-3301**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800.

/Jude J Jean-Gilles/

Primary Examiner, Art Unit 2447

March 11, 2013

Notice of References Cited	Application/Control No. 13/428,228		Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT	
	Examiner JUDE JEAN GILLES		Art Unit 2447	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2008/0140674	06-2008	Ishikawa, Yuuki	707/10
*	B	US-2007/0192401	08-2007	Weakliem et al.	709/202
*	C	US-8,386,588	02-2013	Cooley, Daniel J.	709/218
*	D	US-7,937,582	05-2011	Lee, Bob	713/155
	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.

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	3	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber member) adj6 (selection adj4 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:25
L2	3	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 (selection adj4 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:26
L3	0	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 (list adj4 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:26
L4	3	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 ((list selection) adj4 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:27
L5	0	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 ((list selection) adj4 feed) same (reply\$3 respon\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:28
L6	1160	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near30 (feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:33
L7	78	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj3 feed	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:33
L8	174	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) near7 feed	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:33
L9	23	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) near7 feed adj4 (select\$3 list respon\$3 reply\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:33
L10	6	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) near7 feed adj4 (request\$3 select\$3) same (respon\$3 reply\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:34

L11	0	"20070192401" and (aggregat\$3 near7 client near7 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 13:17
L12	0	"20070192401" and (aggregat\$3 same client near7 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 13:18
L13	1	"20070192401" and (aggregat\$3 same user near7 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 13:18

3/ 11/ 2013 1:21:11 PM

<i>Index of Claims</i> 	Application/Control No. 13428228	Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT
	Examiner JUDE JEAN GILLES	Art Unit 2447

✓	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	03/11/2013							
	1	✓							

Search Notes 	Application/Control No. 13428228	Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT
	Examiner JUDE JEAN GILLES	Art Unit 2447

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
709	217 and 203	3/11/2013	JG

SEARCH NOTES		
Search Notes	Date	Examiner
EAST text and claim search	3/11/2013	JG

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
709	217 and 203	3/11/2013	JG
370	230, 352, and 465	3/11/2013	JG

	/JUDE JEAN GILLES/ Primary Examiner.Art Unit 2447
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Docket No.: 243449.000053

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Dwight Marcus

Application No.: 13/428,228

Confirmation No.: 5836

Filed: March 23, 2012

Art Unit: 2447

For: METHOD AND SYSTEM FOR PROVIDING
MEDIA PROGRAMMING

Examiner: JEAN GILES, Jude

RESPONSE

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

Dear Sir:

This is Applicant's Response to the Non-Final Office Action dated March 14, 2013. This application is a continuation of U.S. Patent Application No. 12/138,925, now U.S. Patent No. 8,145,704 entitled Method And System For Providing Media Programming, filed June 13, 2008, which claims priority from U.S. Provisional Application No. 60/934,456, filed June 13, 2007.

Amendments to the Claims are reflected in the listing of the claims beginning on **page 2**.

Remarks begin on **page 4** of this paper.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 20-1507 and please credit any excess fees to such deposit account.

AMENDMENTS TO THE CLAIMS

1. (Amended) A method of generating media programming, comprising:
~~providing~~ delivering by an aggregator to a client a list of feeds;
receiving by the aggregator from the client a selection of one of the feeds;
~~receiving~~ acquiring by a publisher from the aggregator the feed selection; ~~and~~
collecting by the publisher from the aggregator client information, wherein said client information comprises user information; and
providing to the client individual customized media programming based on a publisher-initiated feed responsive to the feed selection and including media elements selected, ordered, and concatenated with the feed that are responsive at least in part to the ~~client~~ user information.
2. (New) The method according to claim 1, further comprising furnishing a plurality of the media elements according to parameters and instructions for assembling media programming.
3. (New) The method according to claim 2, wherein the parameters and instructions comprise a template.
4. (New) The method according to claim 3, wherein the template is processed according to collected user information and at least one algorithm for selection and sequencing of media elements, assembling the media elements, and providing a feed to the user.
5. (New) The method according to claim 1, wherein a first feed responsive to the selection of one of the feeds is furnished during a first time period and a second feed comprising the individual customized media programming is furnished during a second time period.
6. (New) The method according to claim 1, wherein the user information comprises a user profile.

7. (New) The method according to claim 1, wherein the user information comprises user preference data.

8. (New) The method according to claim 1, wherein the media programming comprises multiple streams of media elements.

9. (New) The method according to claim 8, wherein portions of the multiple streams are concatenated according to user information.

10. (New) The method according to claim 1, wherein the media elements comprise transitions, and the media elements are dynamically positioned, temporally or spatially, within the context of the media programming.

REMARKS

Claim 1 has been amended for clarity and to more particularly point out and distinctly claim the subject matter of the invention.

The step of “providing by an aggregator” has been changed to “delivering by an aggregator,” in order to more clearly distinguish this step from the step of “providing to the client.” Similarly, the step of “receiving by a publisher” has been changed to “acquiring by a publisher,” in order to distinguish this step from the step of “receiving by the aggregator.” *These verb substitutions do not change the scope and meaning of the claim.* For convenience, each step of the claim now begins with a different verb, so that each verb can be use as a shorthand to identify the step, e.g. the “acquiring” step or the “receiving” step.

Claim 1 has also been amended to add the step of “collecting by the publisher from the aggregator client information, wherein said client information comprises user information.” This step is supported by the Specification at ¶ [0004] (information relating to the client, including user information, is furnished to the publisher); ¶ [0017] (the aggregator provides information relating to each user to the publisher). See also, id. at ¶¶ [0021-0022]; [0027]; [0032]’ [0044]; Fig. 1.

A person of ordinary skill in the art will appreciate that a “client” comprises a device that can receive input from a “user” and can display an output. The “user” is a person that uses a client device. See, e.g. Fig. 3; ¶ [0019].

“Client information” relates to information about a client device and user information relates to information about one or more users. A given user may use different clients and a given client may have different users. According to the specification, client information can include user selections and user information. See, Specification, ¶ [0004]. Client and user information can be independent of each other, such as information that identifies a particular client or user. Client and user information can become dependent, or user information may coincide with client information, at least temporarily, for example when a user is associated with or is using a client.

Claim 1 has been amended to clarify that the client information collected by the publisher includes “user information,” meaning information about one or more users and not just information about a client that is independent of, or not associated with, any user or users.

According to the Specification, “User information that may be passed to the publisher may include, by way of example, viewing history, user preference data, search queries or patterns.” Specification, ¶ [0035]. See also, ¶ [0024] (information specific to individual users or viewers); ¶ [0043] (record of browsing or a user profile); ¶ [0044] (user actions or user profile); ¶¶ [0049-0050] (usage information); ¶ [0052] (displayed media, click pattern, past searches, topics of interest). The user information “*excludes* user rights or subscription information.” See, ¶ [0017] (emphasis added).

Finally, the “providing” step in claim 1 has been amended to state: “providing to the client individual customized media programming” that includes media elements “selected, ordered, and concatenated with the feed,” and that are “responsive at least in part to the ~~client~~ user information.” This amendment is supported by the disclosure. See, Specification at ¶¶ [0004]; [0017]; Fig. 7 (step 720) and Fig. 8 (step 840) (responsive at least in part to user information); ¶¶ [0024] and [0032-0033] (customized feed); and ¶¶ [0017] and [0053] (order and selection of media elements; temporal and spatial positioning).

New claim 2 specifies “furnishing a plurality of the media elements according to parameters and instructions for assembling media programming.” Claim 3 adds a template, and claim 4 adds an algorithm. This is supported by the Specification, e.g. at ¶¶ [0003], [0004], [0006]; [0017]; [0021-0022]; and [0036].

Claim 5 provides first and second feeds during first and second time periods. The first feed is based on a user selection and the second feed individual and customized to the user, based on the user information. See, Specification, at ¶ [0032].

Claims 6 and 7 provide certain types of user information. See, Specification, at ¶¶ [0024]; [0035]; [0043]; [0044]; [0052].

Claims 8 and 9 provide that the media programming can be delivered as multiple streams or portions of streams. See, Specification, at ¶¶ [0029]; [0034]; [0042]; and [0044].

Claim 10 provides for transitions in the media programming, as well as in-context temporal or spatial positioning of media elements comprising the media programming. See, Specification, at ¶¶ [0042] and [0054].

Amended claim 1 and new claims 2-10 are supported by the Specification and do not add “new matter.”

Rejection Based on Weakliem

Claim 1 is rejected under 35 U.S.C. §102(e) as being anticipated by Weakliem et al., US 2007019240.¹

According to the Examiner, Weakliem teaches a method of generating media programming using the same steps as claim 1. The steps of providing by an aggregator to a client a list of feeds, and of receiving by the aggregator from the client a selection of one of the feeds, are said to be found at ¶¶ [0011, 0020, 0037, 0043] of the reference. The steps of receiving by a publisher from the aggregator the feed selection, and providing to the client media programming based on a publisher-initiated feed responsive to the feed selection, and including media elements selected and concatenated with the feed responsive to the client information, are said to be found in the Abstract, and at Abstract, and ¶¶ [0026, 0037, 0043]. Office Action, at 2.

The Applicant respectfully disagrees with the Examiner. Original claim 1 specified that the media elements, among other things, are “concatenated” according to user information. The ordinary meaning of “concatenate” is this: “to link together, to unite in a successive series or chain, as things depending on each other.” See, Webster’s New Twentieth Century Dictionary (Unabridged), 2d Ed., William Collins + World Publishing Co., Inc. (1977), p. 735 (copy attached). According to the Specification, the invention provides “a concatenated *sequence* of media elements, in which the *order* and selection of media elements is determined by algorithms [and] the algorithms may include as variables the user information.” Specification, at ¶ [0017]. As claimed, the “concatenated” media elements are not just selected, they are ordered in a coherent sequence, in relation to and depending upon each other, and upon user information.

Weakliem does not concatenate media elements to provide media programming. Content in Weakliem is flagged with a “status identifier” to indicate that particular content from a media feed has been read by a user. This allows a user to skip previously viewed content, e.g. web content. Thus, “old” content may not displayed, but otherwise the content of the feed is presented, in the same order, or in no particular order. This is not a concatenation as claimed. Further, the claim

¹ This application was filed before March 16, 2013 and is subject to “old” 35 U.S.C. §102 (first-to-invent); it is not subject to “new” §102 (first-to-file). Federal Register, Vol. 78, No. 31, at 11024 et seq. (February 14, 2013). In making the present rejection, it appears the Examiner quoted the provisions of “new” §102(e). Applicant takes the rejection as made under “old” §102(e).

requires user information for concatenation, not just for selecting or rejecting stale content as in Weakliem.

Claim 1 has been amended to emphasize that the media elements which are “selected and concatenated” according to user information are also “ordered.” Selected media elements are placed in a sequence that depends, not just on user information, but also (from the meaning of “concatenate”) on the context of the media programming and the nature of media elements that are available and suitable for concatenation with the feed and with each other, and in keeping with user information. As amended, the assembly of media elements is responsive “at least in part” to the user information. Consistent with the claimed “concatenating,” the user information is one consideration, but not the only one, for determining the ordered presentation of content.

Weakliem does not use the terms “concatenate,” “order,” or “sequence” and does not otherwise provide the claimed combination of steps, leading to “individual customized” media programming as claimed, as opposed to a simply skipping discrete content in a feed that otherwise is unchanged.

For steps of claim 1 that include concatenation, the Examiner relied on the Abstract, and ¶¶ [0026, 0037, 0043] of Weakliem. The Abstract discloses sending “status identifiers” to a user agent to indicate whether there is content available that a particular user agent has not received. Paragraph [0026] describes selecting content feeds according to a subscription. These disclosures do not amount to the claimed “providing” step and do not describe concatenation. Paragraph [0037] does not do so either. It similarly describes sending “status identifiers” for feeds having content that a user agent has not seen before. Finally, ¶ [0043] describes synchronizing content among a plurality of user agents, apparently by providing status identifiers to indicate whether a user has or has not viewed certain content. This method of selecting (or rejecting) content is not a combination of steps by which media elements are concatenated, at least in part according to user information, resulting in individual customized media programming. The presently claimed method is not found in Weakliem, nor particularly in the passages cited by the Examiner.

The Applicant respectfully requests the Examiner to reconsider and withdraw the pending rejection based on Weakliem.

Conclusion

This application is believed to be in condition for allowance. If any issues remain which may be addressed by an Examiner's amendment or a supplementary amendment, or if the Examiner has any concerns which would benefit from an interview with Applicant's representative, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

TROUTMAN SANDERS LLP

/Robert Schaffer/

Robert Schaffer

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405 Lexington Avenue
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Phone: 212-704-6000

Facsimile: 212-704-6288

Date: September 16, 2013

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ISBN 0-529-04852-3

9

Electronic Patent Application Fee Transmittal

Application Number:	13428228			
Filing Date:	23-Mar-2012			
Title of Invention:	METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING			
First Named Inventor/Applicant Name:	Dwight Marcus			
Filer:	Katherine Harihar/Angelina Stantini			
Attorney Docket Number:	NPOWR-8-CON			
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	700	700

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				700

Electronic Acknowledgement Receipt

EFS ID:	16858985
Application Number:	13428228
International Application Number:	
Confirmation Number:	5836
Title of Invention:	METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING
First Named Inventor/Applicant Name:	Dwight Marcus
Customer Number:	45722
Filer:	Katherine Harihar/Angelina Stantini
Filer Authorized By:	Katherine Harihar
Attorney Docket Number:	NPOWR-8-CON
Receipt Date:	16-SEP-2013
Filing Date:	23-MAR-2012
Time Stamp:	11:55:05
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 700
RAM confirmation Number	10489
Deposit Account	201507
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)

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Extension of Time	PTO-3MOEOT-NTECH53.PDF	99226	no	2
			7f07f1086bde7afa2fb58da6d9d9667624fdb38a		
Warnings:					
Information:					
2		PTO-RESPONSE-NTECH53.PDF	513516	yes	10
			55e5c799fb9033cc68f90bbc25c46b7143570ad2		
	Multipart Description/PDF files in .zip description				
	Document Description	Start	End		
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1		
	Claims	2	3		
	Applicant Arguments/Remarks Made in an Amendment	4	10		
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30339	no	2
			e001c6d2d8d4626f3402338f72e00a132d3ac42f		
Warnings:					
Information:					
Total Files Size (in bytes):			643081		
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. <u>New Applications Under 35 U.S.C. 111</u> 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. <u>National Stage of an International Application under 35 U.S.C. 371</u> 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. <u>New International Application Filed with the USPTO as a Receiving Office</u> 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.					

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 243449.000053																																		
Application Number 13/428,228; Conf. No. 5836	Filed 03-23-2012																																			
For METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING																																				
Art Unit 2447	Examiner JEAN GILLES, JUDE																																			
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below): <table style="width: 100%; border-collapse: collapse;"><thead><tr><th></th><th style="text-align: center;"><u>Fee</u></th><th style="text-align: center;"><u>Small Entity Fee</u></th><th style="text-align: center;"><u>Micro Entity Fee</u></th><th></th></tr></thead><tbody><tr><td>☐ One month (37 CFR 1.17(a)(1))</td><td style="text-align: center;">\$200</td><td style="text-align: center;">\$100</td><td style="text-align: center;">\$50</td><td>\$ _____</td></tr><tr><td>☐ Two months (37 CFR 1.17(a)(2))</td><td style="text-align: center;">\$600</td><td style="text-align: center;">\$300</td><td style="text-align: center;">\$150</td><td>\$ _____</td></tr><tr><td>☒ Three months (37 CFR 1.17(a)(3))</td><td style="text-align: center;">\$1,400</td><td style="text-align: center;">\$700</td><td style="text-align: center;">\$350</td><td>\$ 700</td></tr><tr><td>☐ Four months (37 CFR 1.17(a)(4))</td><td style="text-align: center;">\$2,200</td><td style="text-align: center;">\$1,100</td><td style="text-align: center;">\$550</td><td>\$ _____</td></tr><tr><td>☐ Five months (37 CFR 1.17(a)(5))</td><td style="text-align: center;">\$3,000</td><td style="text-align: center;">\$1,500</td><td style="text-align: center;">\$750</td><td>\$ _____</td></tr></tbody></table> ☒ Applicant asserts small entity status. See 37 CFR 1.27. ☐ Applicant certifies micro entity status. See 37 CFR 1.29. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously. ☐ A check in the amount of the fee is enclosed. ☐ Payment by credit card. Form PTO-2038 is attached. ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>201507</u>. ☒ Payment made via EFS-Web. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. I am the ☐ applicant/inventor. ☐ assignee of record of the entire interest. See 37 CFR 3.71. 37 CFR 3.73(b) statement is enclosed (Form PTO/SB/96). ☐ attorney or agent of record. Registration number _____. ☒ attorney or agent acting under 37 CFR 1.34. Registration number <u>31194</u>. <table style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 5px;"><u>/Robert Schaffer/</u> Signature</td><td style="width: 50%; padding: 5px;"><u>September 16, 2013</u> Date</td></tr><tr><td style="padding: 5px;"><u>Robert Schaffer</u> Typed or printed name</td><td style="padding: 5px;"><u>212-704-6252</u> Telephone Number</td></tr></table> NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*. ☐ * Total of _____ forms are submitted.				<u>Fee</u>	<u>Small Entity Fee</u>	<u>Micro Entity Fee</u>		☐ One month (37 CFR 1.17(a)(1))	\$200	\$100	\$50	\$ _____	☐ Two months (37 CFR 1.17(a)(2))	\$600	\$300	\$150	\$ _____	☒ Three months (37 CFR 1.17(a)(3))	\$1,400	\$700	\$350	\$ 700	☐ Four months (37 CFR 1.17(a)(4))	\$2,200	\$1,100	\$550	\$ _____	☐ Five months (37 CFR 1.17(a)(5))	\$3,000	\$1,500	\$750	\$ _____	<u>/Robert Schaffer/</u> Signature	<u>September 16, 2013</u> Date	<u>Robert Schaffer</u> Typed or printed name	<u>212-704-6252</u> Telephone Number
	<u>Fee</u>	<u>Small Entity Fee</u>	<u>Micro Entity Fee</u>																																	
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<u>Robert Schaffer</u> Typed or printed name	<u>212-704-6252</u> Telephone Number																																			

This collection of information is required by 37 CFR 1.136(a). 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 6 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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The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 13/428,228	Filing Date 03/23/2012	☐ To be Mailed
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ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO**APPLICATION AS FILED – PART I**

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	09/16/2013	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 10	Minus	** 20	= 0	X \$40 =	0
	Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0	X \$210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
TOTAL ADD'L FEE						0	

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =
	☐ Application Size Fee (37 CFR 1.16(s))					
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
TOTAL ADD'L FEE						

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/JERMAINE MINOR/

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/428,228	03/23/2012	Dwight Marcus	NPOWR-8-CON	5836
45722	7590	11/04/2013		
Howard IP Law Group P.O. Box 226 Fort Washington, PA 19034			EXAMINER	
			JEAN GILLES, JUDE	
			ART UNIT	PAPER NUMBER
			2447	
			MAIL DATE	DELIVERY MODE
			11/04/2013	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. 13/428,228	Applicant(s) MARCUS, DWIGHT	
	Examiner JUDE JEAN GILLES	Art Unit 2447	AIA (First Inventor to File) Status No

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 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 09/16/2013.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-10 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) _____ is/are allowed.
- 7) ☒ Claim(s) 1-10 is/are rejected.
- 8) ☐ Claim(s) _____ is/are objected to.
- 9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

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

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

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

Certified copies:

- a) ☐ All b) ☐ Some c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 4) ☐ Other: _____ |

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

DETAILED ACTION

1. This Office Action is in reply to communication filed on 07/05/2013.

Response to Amendment

2. In this reply, claim 1 is amended. Claims 2-10 are new. Claims 1-10 are pending and represent: "METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING".

Response to argument

3. Applicant's arguments with respect to claims 1-10 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection. The arguments are moot in light of the new rejection, necessitated by applicants' amendment to the claims. The Examiner employs new references of Wright and Ward to reject claims.

Claim Rejections - 35 USC § 103

1. The following is a quotation of pre-AIA 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 negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Wright et al (Wright), US 7617190 B2, in view of Ward et al (Ward), US 20050240456 A1.

Regarding claim 1, Wright teaches the invention substantially as claimed. Wright discloses a method of generating media programming, comprising: delivering by an aggregator to a client a list of feeds (col. 11, lines 45-55); receiving by the aggregator from the client a selection of one of the feeds (col. 11, lines 45-55); acquiring by a publisher from the aggregator the feed selection (col. 11, lines 45-55; col. 14,

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lines 34-51); and collecting by the publisher from the aggregator client information (col. 11, lines 45-55). Wright appears not to disclose the step wherein said client information comprises user information; and providing to the client individual customized media programming based on a publisher-initiated feed responsive to the feed selection and including media elements selected, ordered, and concatenated with the feed that are responsive at least in part to the user information. However, this feature is well-known in the art, as evidenced by Ward. In the same field of endeavor, Ward teaches "Like the "overview" screen, the "preferences" screen 1500 may include a user-specific greeting and session information 1505, which may include personalized information such as a welcome message referencing the user's name and/or user identification; this information may be available to the system as a result of the user being required to enter a user identification and password to gain access to and use of the independent research aggregation, analysis and delivery system as part of a login session" (see Ward, par. 0130). Accordingly, it would have obvious for an ordinary skilled in the art, at the time the invention was made to have incorporated this feature of Ward within the system of Wright, for the purpose of presenting user customized feed data for publishing to a client. Claim 1 is rejected.

Regarding claims 2-10, the combination Wright-Ward teaches:

2. (New) The method according to claim 1, further comprising furnishing a plurality of the media elements according to parameters and instructions for assembling media programming (Wright, col. 5, lines 1-13).
3. (New) The method according to claim 2, wherein the parameters and instructions comprise a template (Ward, fig. 4).
4. (New) The method according to claim 3, wherein the template is processed according to collected user information and at least one algorithm for selection and sequencing of media elements, assembling the media elements, and providing a feed to the user (Ward, fig. 4).

5. (New) The method according to claim 1, wherein a first feed responsive to the selection of one of the feeds is furnished during a first time period and a second feed comprising the individual customized media programming is furnished during a second time period (see Ward, par. 0130).

6. (New) The method according to claim 1, wherein the user information comprises a user Profile (see Ward, par. 0130).

7. (New) The method according to claim 1, wherein the user information comprises user preference data (see Ward, par. 0130).

8. (New) The method according to claim 1, wherein the media programming comprises multiple streams of media elements (see Ward, fig. 3).

9. (New) The method according to claim 8, wherein portions of the multiple streams are concatenated according to user information (Wright, col. 6, lines 17-25).

10. (New) The method according to claim 1, wherein the media elements comprise transitions, and the media elements are dynamically positioned, temporally or spatially, within the context of the media programming (see Ward, par. 0130).

Conclusion

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

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Hwang, can be reached on **(571) 272-4036**. The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-3301**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800.

/Jude J Jean-Gilles/

Primary Examiner, Art Unit 2447

October 31, 2013

Notice of References Cited	Application/Control No. 13/428,228		Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT	
	Examiner JUDE JEAN GILLES		Art Unit 2447	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,617,190	11-2009	Wright et al.	1/1
*	B	US-2005/0240456	10-2005	Ward et al.	705/007
*	C	US-2008/0010337	01-2008	Hayes et al.	709/202
	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.

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1	"7617190".pn. and (publish\$3 same feed same aggregator)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/11/01 00:10
L2	1	"7617190".pn. and ((client participan user) adj4 (data information))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/11/01 00:19
L3	1	"7617190".pn. and ((client participant user) adj4 (data information))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/11/01 00:19
L4	5	("2008/0010337").URPN.	USPAT	OR	OFF	2013/11/01 00:41
L5	4	"7617190".pn. "20050240456"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/11/01 00:57
L6	1	("7617190".pn. "20050240456") and media	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/11/01 01:00
L7	0	("7617190".pn. "20050240456") and media same feed	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/11/01 01:00
L8	1	("7617190".pn. "20050240456") and (parameters instructions) same program\$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	ON	2013/11/01 01:07

			IBM_TDB			
L10	0	("7617190".pn. "20050240456") and algorithm	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/11/01 01:17
L11	2	("7617190".pn. "20050240456") and stream\$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/11/01 01:34
L12	0	("7617190".pn. "20050240456") and stream\$4 near30 data	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/11/01 01:34
L13	1	("7617190".pn. "20050240456") and stream\$4 near30 information	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/11/01 01:34
S1	3	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber member) adj6 (selection adj4 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:25
S2	3	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 (selection adj4 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:26
S3	0	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 (list adj4 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:26
S4	3	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 ((list selection) adj4 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:27
S5	0	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 ((list selection) adj4 feed) same (reply\$3 respon\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO;	OR	ON	2013/03/11 12:28

			JPO; DERWENT; IBM_TDB			
S6	1160	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near30 (feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:33
S7	78	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj3 feed	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:33
S8	174	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) near7 feed	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:33
S9	23	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) near7 feed adj4 (select\$3 list respon\$3 reply\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:33
S10	6	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) near7 feed adj4 (request\$3 select\$3) same (respon\$3 reply\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:34
S11	0	"20070192401" and (aggregat\$3 near7 client near7 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 13:17
S12	0	"20070192401" and (aggregat\$3 same client near7 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 13:18
S13	1	"20070192401" and (aggregat\$3 same user near7 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 13:18
S14	0	"20070192401" and (aggregat\$3 near7 client near7 feed)	US-PGPUB; USPAT;	OR	ON	2013/10/31 17:47

			USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
S15	3085	publish\$3 near5 aggregat\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 17:49
S16	1154	(publish\$3 collect\$3 acquir\$3 deliver\$3 provid\$3) near5 aggregat\$3 near7 ((client device node apparatus) adj4 (information data message content))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 17:51
S17	150	(publish\$3 collect\$3 acquir\$3 deliver\$3 provid\$3) near5 aggregat\$3 near7 ((client device node apparatus) adj4 (information data message content)) same (user adj4 (information data message content))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 17:52
S18	165	(publish\$3 collect\$3 acquir\$3 deliver\$3 provid\$3) near5 aggregat\$3 near7 ((client device node apparatus) adj4 (information data message content)) same ((user member subscriber participant)adj4 (information data message content))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 17:52
S19	2	(publish\$3 collect\$3 acquir\$3 deliver\$3 provid\$3) near5 aggregat\$3 near7 feed near20 ((client device node apparatus) adj4 (information data message content)) same ((user member subscriber participant)adj4 (information data message content))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 17:53
S20	0	"7617190".pn. and profil\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:03
S21	0	"7617190".pn. and profile	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:04
S22	0	("7617190".pn. "20070192401") and profile	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:04

S23	0	("7617190".pn. "20070192401") and preference	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:05
S24	35	(publish\$3 collect\$3 acquire\$3 deliver\$3 provid\$3) near5 aggregat\$3 near7 feed near20 ((client device node apparatus) adj4 (information data message content)) and ((user member subscriber participant)adj4 (information data message content))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:05
S25	0	(publish\$3 collect\$3 acquire\$3 deliver\$3 provid\$3) near5 aggregat\$3 near7 feed near20 ((client device node apparatus) adj4 (information data message content)) same (profile preference) and ((user member subscriber participant)adj4 (information data message content))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:05
S26	0	(publish\$3 collect\$3 acquire\$3 deliver\$3 provid\$3) near5 aggregat\$3 near7 feed near20 ((client device node apparatus) adj4 (information data message content)) same (profile preference) and publisher same((user member subscriber participant)adj4 (information data message content))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:06
S27	0	(publish\$3 collect\$3 acquire\$3 deliver\$3 provid\$3) near5 aggregat\$3 near7 feed near20 ((client device node apparatus) adj4 (information data message content)) same (profile preference) and publisher same aggregat\$3 same ((user member subscriber participant)adj4 (information data message content))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:06
S28	3	(publish\$3 collect\$3 acquire\$3 deliver\$3 provid\$3) near5 aggregat\$3 near7 feed near20 ((client device node apparatus) adj4 (information data message content)) and (profile preference) and publisher same aggregat\$3 same ((user member subscriber participant)adj4 (information data message content))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:14
S29	3	(publish\$3 collect\$3 acquire\$3 deliver\$3 provid\$3) near5 aggregat\$3 near7 feed near20 ((client device node apparatus) adj4 (information data message content)) and (profile preference) same publisher same aggregat\$3 same ((user member subscriber participant)adj4 (information data message content))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:14
S30	20	(publish\$3 collect\$3 acquire\$3 deliver\$3 provid\$3) near5 aggregat\$3 near7 feed near20 ((client device node apparatus) adj4 (information data message content)) and ((user member subscriber participant)adj4 (information data message content)) same (profile preference)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:15

S31	417106	(publish\$3 collect\$3 acquir\$3 deliver\$3 provid\$3) near5 aggregat\$3 near7 feed near20 ((client device node apparatus) adj4 (information data message content)) and ((user member subscriber participant)adj4 (information data message content)) same (profile preference) ssame template	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:30
S32	0	(publish\$3 collect\$3 acquir\$3 deliver\$3 provid\$3) near5 aggregat\$3 near7 feed near20 ((client device node apparatus) adj4 (information data message content)) and ((user member subscriber participant)adj4 (information data message content)) same (profile preference) same template	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:30
S33	4	(publish\$3 collect\$3 acquir\$3 deliver\$3 provid\$3) near5 aggregat\$3 near7 feed near20 ((client device node apparatus) adj4 (information data message content)) and ((user member subscriber participant)adj4 (information data message content)) same (profile preference) and template	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:31
S34	0	("20070192401") and (aggregat\$3 same publish\$3 same user same client)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:34
S35	0	("20070192401") and (aggregat\$3 same publish\$3 same user)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:34
S36	1	("20070192401") and (aggregat\$3 same user)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:35
S37	0	("20070192401") and (aggregat\$3 same user same publish\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:35
S38	1	("20070192401") and (user same publish\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 19:35
S39	1	"7617190" and (client same feed same aggregator)	US-PGPUB; USPAT;	OR	ON	2013/10/31 20:09

			USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
S40	0	"7617190".pn. and (client same feed same aggregator)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 20:26
S41	1	"7617190".pn. and (feed same aggregator)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 20:26
S42	1	"7617190".pn. and (user same feed same aggregator)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/10/31 20:26

11/ 1/ 2013 2:13:27 AM
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<i>Index of Claims</i> 	Application/Control No. 13428228	Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT
	Examiner JUDE JEAN GILLES	Art Unit 2447

✓	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	03/11/2013	11/01/2013						
	1	✓	✓						
	2		✓						
	3		✓						
	4		✓						
	5		✓						
	6		✓						
	7		✓						
	8		✓						
	9		✓						
	10		✓						

Search Notes 	Application/Control No. 13428228	Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT
	Examiner JUDE JEAN GILLES	Art Unit 2447

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
709	217 and 203	3/11/2013	JG

SEARCH NOTES		
Search Notes	Date	Examiner
EAST text and claim search	3/11/2013	JG
EAST text and claim search	11/1/2013	JG

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
709	217 and 203	3/11/2013	JG
370	230, 352, and 465	3/11/2013	JG

	/JUDE JEAN GILLES/ Primary Examiner.Art Unit 2447
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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.

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 Number:

06980

OR



Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:



The address associated with Customer Number:

06980

OR

☐ Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

Assignee Name and Address:

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.

The individual whose signature


 Verified by PTO
 12/55/2013

Assignee of Record

below is authorized to act on behalf of the assignee

Signature	Dwight Marcus	Date	12-5-13
Name	Dwight Marcus	Telephone	888-907-6616
Title	CEO		

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.**

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

Privacy Act Statement

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Electronic Acknowledgement Receipt

EFS ID:	18073714
Application Number:	13428228
International Application Number:	
Confirmation Number:	5836
Title of Invention:	METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING
First Named Inventor/Applicant Name:	Dwight Marcus
Customer Number:	45722
Filer:	James M. Bollinger/Gail Chamberlain
Filer Authorized By:	James M. Bollinger
Attorney Docket Number:	NPOWR-8-CON
Receipt Date:	30-JAN-2014
Filing Date:	23-MAR-2012
Time Stamp:	16:58:52
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Assignee showing of ownership per 37 CFR 3.73.	373statement53.pdf	98194 23fd86dd7ee775c01ed3a676eb9771250f a31b	no	2

Warnings:

Information:

2	Power of Attorney	dwightmarcusNTECHGeneralP OA21.pdf	1157907 dca337d58983a8a2f1d6fcc60e34adce6d81 2c42	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				1256101	
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. <u>New Applications Under 35 U.S.C. 111</u> 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. <u>National Stage of an International Application under 35 U.S.C. 371</u> 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. <u>New International Application Filed with the USPTO as a Receiving Office</u> 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.					

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.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Dwight Marcus

Application No./Patent No.: 13/428,228

Filed/Issue Date: 03-23-2012

Titled: METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING

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 in;
2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 022153, Frame 0047, or for which a copy therefore is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/kharihar/

Signature

January 30, 2014

Date

Katherine Harihar, Reg. No. 71140

Printed or Typed Name

Patent Attorney

Title

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/428,228	03/23/2012	Dwight Marcus	NPOWR-8-CON

CONFIRMATION NO. 5836

MISCELLANEOUS NOTICE



OC000000066424161

45722
Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

Date Mailed: 02/04/2014

A communication which cannot be delivered in electronic form has been mailed to the applicant.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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13/428,228	03/23/2012	Dwight Marcus	NPOWR-8-CON

CONFIRMATION NO. 5836

45722
 Howard IP Law Group
 P.O. Box 226
 Fort Washington, PA 19034



OC000000066424161

Cc: TROUTMAN SANDERS LLP
 600 PEACHTREE STREET
 SUITE 5200
 ATLANTA, GA 30308

Date Mailed: 02/04/2014

DENIAL OF REQUEST FOR POWER OF ATTORNEY

The request for Power of Attorney filed 01/30/14 is acknowledged. However, the request cannot be granted at this time for the reason stated below.

- ☐ The Power of Attorney you provided did not comply with the new Power of Attorney rules that became effective on June 25, 2004. See 37 CFR 1.32.
- ☐ The revocation is not signed by the applicant, the assignee of the entire interest, or one particular principal attorney having the authority to revoke.
- ☒ The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received.
- ☐ The person signing for the assignee has omitted their empowerment to sign on behalf of the assignee.
- ☐ The inventor(s) is without authority to appoint attorneys since the assignee has intervened as provided by 37 CFR 3.71.
- ☐ The signature(s) of _____, a co-inventor in this application, has been omitted. The Power of Attorney will be entered upon receipt of confirmation signed by said co-inventor(s).
- ☐ The person(s) appointed in the Power of Attorney is not registered to practice before the U.S. Patent and Trademark Office.

Questions relating to this Notice should be directed to the Application Assistance Unit.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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

Application Number	13/428,228	Filing Date	2012-03-23	Docket Number (if applicable)	243449.000053	Art Unit	2447
First Named Inventor	Dwight Marcus			Examiner Name	JEAN GILLES, JUDE		

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 201507

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

Signature of Registered U.S. Patent Practitioner			
Signature	/Robert Schaffer/	Date (YYYY-MM-DD)	2014-05-05
Name	Robert Schaffer	Registration Number	31194

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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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 Number:

06980

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number:

06980

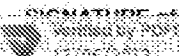
OR

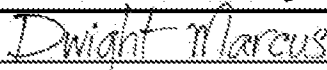
☐ Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone			Email

Assignee Name and Address:

NTECH PROPERTIES, INC.
4347 RYTHEON ROAD
OXNARD, CALIFORNIA 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.

The individual whose signature  is signed by PTO/USPTO below is authorized to act on behalf of the assignee.

Signature		Date	12-5-13
Name	Dwight Marcus	Telephone	888-907-6616
Title	CEO		

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Applicant/Patent Owner: Dwight Marcus

Application No./Patent No.: 13/428,228 Filed/Issue Date: 03-23-2012

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NTECH PROPERTIES, INC, a Corporation

(Name of Assignee)

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[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Robert Schaffer/

Signature

May 5, 2014

Date

Robert Schaffer

Printed or Typed Name

Patent Attorney

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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Electronic Patent Application Fee Transmittal

Application Number:	13428228			
Filing Date:	23-Mar-2012			
Title of Invention:	METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING			
First Named Inventor/Applicant Name:	Dwight Marcus			
Filer:	James M. Bollinger/Gail Chamberlain			
Attorney Docket Number:	NPOWR-8-CON			
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	700	700

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for Continued Examination	2801	1	600	600
Total in USD (\$)				1300

Electronic Acknowledgement Receipt

EFS ID:	18945776
Application Number:	13428228
International Application Number:	
Confirmation Number:	5836
Title of Invention:	METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING
First Named Inventor/Applicant Name:	Dwight Marcus
Customer Number:	45722
Filer:	James M. Bollinger/Gail Chamberlain
Filer Authorized By:	James M. Bollinger
Attorney Docket Number:	NPOWR-8-CON
Receipt Date:	05-MAY-2014
Filing Date:	23-MAR-2012
Time Stamp:	16:53:57
Application Type:	Utility under 35 USC 111(a)

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Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 1300
RAM confirmation Number	4121
Deposit Account	201507
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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Response After Final Action	PTOResponseFinalRS120213.pdf	706571	no	12
			7bd82b3055bc9119528afdfa0f58a2674dd7831d		
Warnings:					
Information:					
2	Extension of Time	EOT53.pdf	187325	no	2
			9679e6a42171c5b985737d6e3bc71e7de644afd1		
Warnings:					
Information:					
3	Request for Continued Examination (RCE)	RCE53.pdf	697920	no	3
			0415ac1bd297b84ad0843041ef9562f144bd4f62		
Warnings:					
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4	Power of Attorney	POA53.pdf	2810028	no	2
			6b98ceb658a2bd566ead3192f7e8c9e0f178a3b9		
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5	Assignee showing of ownership per 37 CFR 3.73.	373bstatement53.pdf	889524	no	2
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Warnings:					
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Docket No.: 243449.000053

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Dwight Marcus

Application No.: 13/428,228

Confirmation No.: 5836

Filed: March 23, 2012

Art Unit: 2447

For: METHOD AND SYSTEM FOR PROVIDING
MEDIA PROGRAMMING

Examiner: JEAN GILES, Jude

RESPONSE

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

Dear Sir:

This is Applicant's Response to the Final Office Action dated November 4, 2013. This application is a continuation of U.S. Patent Application No. 12/138,925, now U.S. Patent No. 8,145,704 entitled Method And System For Providing Media Programming, filed June 13, 2008, which claims priority from U.S. Provisional Application No. 60/934,456, filed June 13, 2007.

Amendments to the Claims are reflected in the listing of the claims beginning on **page 2**.

Remarks begin on **page 4** of this paper.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 20-1507 and please credit any excess fees to such deposit account.

AMENDMENTS TO THE CLAIMS

1. (Previously Presented) A method of generating media programming, comprising:
delivering_by an aggregator to a client a list of feeds;
receiving by the aggregator from the client a selection of one of the feeds;
acquiring_by a publisher from the aggregator the feed selection; ~~and~~
collecting by the publisher from the aggregator client information, wherein said client information comprises user information; and
providing to the client individual customized media programming based on a publisher-initiated feed responsive to the feed selection and including media elements selected, ordered, and concatenated with the feed that are responsive at least in part to the user information.
2. (Previously Presented) The method according to claim 1, further comprising furnishing a plurality of the media elements according to parameters and instructions for assembling media programming.
3. (Previously Presented) The method according to claim 2, wherein the parameters and instructions comprise a template.
4. (Previously Presented) The method according to claim 3, wherein the template is processed according to collected user information and at least one algorithm for selection and sequencing of media elements, assembling the media elements, and providing a feed to the user.
5. (Previously Presented) The method according to claim 1, wherein a first feed responsive to the selection of one of the feeds is furnished during a first time period and a second feed comprising the individual customized media programming is furnished during a second time period.
6. (Previously Presented) The method according to claim 1, wherein the user information comprises a user profile.

7. (Previously Presented) The method according to claim 1, wherein the user information comprises user preference data.

8. (Previously Presented) The method according to claim 1, wherein the media programming comprises multiple streams of media elements.

9. (Previously Presented) The method according to claim 8, wherein portions of the multiple streams are concatenated according to user information.

10. (Previously Presented) The method according to claim 1, wherein the media elements comprise transitions, and the media elements are dynamically positioned, temporally or spatially, within the context of the media programming.

REMARKS**A. Final Office Action.****B. Rejection Based on Wright and Ward.**

Claims 1-10 are rejected under pre-AIA 35 U.S.C. 103(a) as being obvious and unpatentable over Wright, US 7617190 in view of Ward, US 20050240456. Office Action at 2.

According to the Examiner, Wright teaches substantially the invention of claim 1, by disclosing a method of generating media programming, comprising: delivering by an aggregator to a client a list of feeds (col. 11, lines 45-55); receiving by the aggregator from the client a selection of one of the feeds (col. 11, lines 45-55); acquiring by a publisher from the aggregator the feed selection (col. 11, lines 45-55; col. 14, lines 34-51); and collecting by the publisher from the aggregator client information (col. 11, lines 45-55). Id.

Wright is missing that the client information comprises user information, and does not disclose providing to the client individual customized media programming based on a publisher-initiated feed responsive to the feed selection and including media elements selected, ordered, and concatenated with the feed that are responsive at least in part to the user information. Id. The Examiner considers this to be well-known from Ward: "the 'preferences' screen 1500 may include a user-specific greeting and session information 1505, which may include personalized information such as a welcome message referencing the user's name and/or user identification; this information may be available to the system as a result of the user being required to enter a user identification and password to gain access to and use of the independent research aggregation, analysis and delivery system as part of a login session" Id., at 3 (citing Ward, ¶ [0130]).

A plurality of media elements (claim 2) is said to be found in Wright, col. 5, lines 1-13). A template for parameters and instructions (claim 3) is said to be found in Ward, Fig. 4. Processing the template is according to collected user information and at least one algorithm for selection and sequencing of media, etc. (claim 4) is also said to be found in Ward, Fig. 4. Providing first and second feeds during first and second time periods (claim 5) is said to be found in Ward, ¶ [0130]. A user profile (claim 6) is also said to be found in Ward, ¶ [0130], as is user preference data (claim 7). Multiple streams of media elements (claim 8) is said to be found in Ward, Fig. 3. Concatenation of

multiple streams according to user information (claim 9) is said to be found in Wright, col. 6, lines 17-25. Finally, the dynamically positioned transitions, within the context of the media programming (claim 10) is said to be found in Ward, par. 0130.

Claim 1 has been amended for clarity and to more particularly point out and distinctly claim the subject matter of the invention.

The step of “providing by an aggregator” has been changed to “delivering by an aggregator,” in order to more clearly distinguish this step from the step of “providing to the client.” Similarly, the step of “receiving by a publisher” has been changed to “acquiring by a publisher,” in order to distinguish this step from the step of “receiving by the aggregator.” *These verb substitutions do not change the scope and meaning of the claim.* For convenience, each step of the claim now begins with a different verb, so that each verb can be use as a shorthand to identify the step, e.g. the “acquiring” step or the “receiving” step.

Claim 1 has also been amended to add the step of “collecting by the publisher from the aggregator client information, wherein said client information comprises user information.” This step is supported by the Specification at ¶ [0004] (information relating to the client, including user information, is furnished to the publisher); ¶ [0017] (the aggregator provides information relating to each user to the publisher). See also, *id.* at ¶¶ [0021-0022]; [0027]; [0032]’ [0044]; Fig. 1.

A person of ordinary skill in the art will appreciate that a “client” comprises a device that can receive input from a “user” and can display an output. The “user” is a person that uses a client device. See, e.g. Fig. 3; ¶ [0019].

“Client information” relates to information about a client device and user information relates to information about one or more users. A given user may use different clients and a given client may have different users. According to the specification, client information can include user selections and user information. See, Specification, ¶ [0004]. Client and user information can be independent of each other, such as information that identifies a particular client or user. Client and user information can become dependent, or user information may coincide with client information, at least temporarily, for example when a user is associated with or is using a client.

Claim 1 has been amended to clarify that the client information collected by the publisher includes “user information,” meaning information about one or more users and not just information about a client that is independent of, or not associated with, any user or users.

According to the Specification, “User information that may be passed to the publisher may include, by way of example, viewing history, user preference data, search queries or patterns.” Specification, ¶ [0035]. See also, ¶ [0024] (information specific to individual users or viewers); ¶ [0043] (record of browsing or a user profile); ¶ [0044] (user actions or user profile); ¶¶ [0049-0050] (usage information); ¶ [0052] (displayed media, click pattern, past searches, topics of interest). The user information “*excludes* user rights or subscription information.” See, ¶ [0017] (emphasis added).

Finally, the “providing” step in claim 1 has been amended to state: “providing to the client individual customized media programming” that includes media elements “selected, ordered, and concatenated with the feed,” and that are “responsive at least in part to the ~~client~~ user information.” This amendment is supported by the disclosure. See, Specification at ¶¶ [0004]; [0017]; Fig. 7 (step 720) and Fig. 8 (step 840) (responsive at least in part to user information); ¶¶ [0024] and [0032-0033] (customized feed); and ¶¶ [0017] and [0053] (order and selection of media elements; temporal and spatial positioning).

New claim 2 specifies “furnishing a plurality of the media elements according to parameters and instructions for assembling media programming.” Claim 3 adds a template, and claim 4 adds an algorithm. This is supported by the Specification, e.g. at ¶¶ [0003], [0004], [0006]; [0017]; [0021-0022]; and [0036].

Claim 5 provides first and second feeds during first and second time periods. The first feed is based on a user selection and the second feed individual and customized to the user, based on the user information. See, Specification, at ¶ [0032].

Claims 6 and 7 provide certain types of user information. See, Specification, at ¶¶ [0024]; [0035]; [0043]; [0044]; [0052].

Claims 8 and 9 provide that the media programming can be delivered as multiple streams or portions of streams. See, Specification, at ¶¶ [0029]; [0034]; [0042]; and [0044].

Claim 10 provides for transitions in the media programming, as well as in-context temporal or spatial positioning of media elements comprising the media programming. See, Specification, at ¶¶ [0042] and [0054].

Amended claim 1 and new claims 2-10 are supported by the Specification and do not add “new matter.”

Rejection Based on Weakliem

Claim 1 is rejected under 35 U.S.C. §102(e) as being anticipated by Weakliem et al., US 2007019240.¹

According to the Examiner, Weakliem teaches a method of generating media programming using the same steps as claim 1. The steps of providing by an aggregator to a client a list of feeds, and of receiving by the aggregator from the client a selection of one of the feeds, are said to be found at ¶¶ [0011, 0020, 0037, 0043] of the reference. The steps of receiving by a publisher from the aggregator the feed selection, and providing to the client media programming based on a publisher-initiated feed responsive to the feed selection, and including media elements selected and concatenated with the feed responsive to the client information, are said to be found in the Abstract, and at Abstract, and ¶¶ [0026, 0037, 0043]. Office Action, at 2.

The Applicant respectfully disagrees with the Examiner. Original claim 1 specified that the media elements, among other things, are “concatenated” according to user information. The ordinary meaning of “concatenate” is this: “to link together, to unite in a successive series or chain, as things depending on each other.” See, Webster’s New Twentieth Century Dictionary (Unabridged), 2d Ed., William Collins + World Publishing Co., Inc. (1977), p. 735 (copy attached). According to the Specification, the invention provides “a concatenated *sequence* of media elements, in which the *order* and selection of media elements is determined by algorithms [and] the algorithms may include as variables the user information.” Specification, at ¶ [0017]. As claimed, the “concatenated” media elements are not just selected, they are ordered in a coherent sequence, in relation to and depending upon each other, and upon user information.

¹ This application was filed before March 16, 2013 and is subject to “old” 35 U.S.C. §102 (first-to-invent); it is not subject to “new” §102 (first-to-file). Federal Register, Vol. 78, No. 31, at 11024 et seq. (February 14, 2013). In making the present rejection, it appears the Examiner quoted the provisions of “new” §102(e). Applicant takes the rejection as made under “old” §102(e).

Weakliem does not concatenate media elements to provide media programming. Content in Weakliem is flagged with a “status identifier” to indicate that particular content from a media feed has been read by a user. This allows a user to skip previously viewed content, e.g. web content. Thus, “old” content may not displayed, but otherwise the content of the feed is presented, in the same order, or in no particular order. This is not a concatenation as claimed. Further, the claim requires user information for concatenation, not just for selecting or rejecting stale content as in Weakliem.

Claim 1 has been amended to emphasize that the media elements which are “selected and concatenated” according to user information are also “ordered.” Selected media elements are placed in a sequence that depends, not just on user information, but also (from the meaning of “concatenate”) on the context of the media programming and the nature of media elements that are available and suitable for concatenation with the feed and with each other, and in keeping with user information. As amended, the assembly of media elements is responsive “at least in part” to the user information. Consistent with the claimed “concatenating,” the user information is one consideration, but not the only one, for determining the ordered presentation of content.

Weakliem does not use the terms “concatenate,” “order,” or “sequence” and does not otherwise provide the claimed combination of steps, leading to “individual customized” media programming as claimed, as opposed to a simply skipping discrete content in a feed that otherwise is unchanged.

For steps of claim 1 that include concatenation, the Examiner relied on the Abstract, and ¶¶ [0026, 0037, 0043] of Weakliem. The Abstract discloses sending “status identifiers” to a user agent to indicate whether there is content available that a particular user agent has not received. Paragraph [0026] describes selecting content feeds according to a subscription. These disclosures do not amount to the claimed “providing” step and do not describe concatenation. Paragraph [0037] does not do so either. It similarly describes sending “status identifiers” for feeds having content that a user agent has not seen before. Finally, ¶ [0043] describes synchronizing content among a plurality of user agents, apparently by providing status identifiers to indicate whether a user has or has not viewed certain content. This method of selecting (or rejecting) content is not a combination of steps by which media elements are concatenated, at least in part according to user information,

resulting in individual customized media programming. The presently claimed method is not found in Weakliem, nor particularly in the passages cited by the Examiner.

The Applicant respectfully requests the Examiner to reconsider and withdraw the pending rejection based on Weakliem.

Conclusion

This application is believed to be in condition for allowance. If any issues remain which may be addressed by an Examiner's amendment or a supplementary amendment, or if the Examiner has any concerns which would benefit from an interview with Applicant's representative, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

TROUTMAN SANDERS LLP

/Robert Schaffer/

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F

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 243449.000053
Application Number 13/428,228	Filed 2012-03-23	
For METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING		
Art Unit 2447	Examiner JEAN GILLES, JUDE	

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☐ attorney or agent of record. Registration number _____.

☒ attorney or agent acting under 37 CFR 1.34. Registration number 31,194.

/Robert Schaffer/

May 5, 2014

Signature

Date

Robert Schaffer

(212) 704-6252

Typed or printed name

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NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

☐ * Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). 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 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

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

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

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

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 13/428,228	Filing Date 03/23/2012	☐ To be Mailed
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ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO**APPLICATION AS FILED – PART I**

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	05/05/2014	CLAIMS REMAINING AFTER AMENDMENT	Minus	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 10	Minus	** 20	= 0	x \$40 =	0
	Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0	x \$210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	Minus	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =
	☐ Application Size Fee (37 CFR 1.16(s))					
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
						TOTAL ADD'L FEE

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/PARTHENIA D. MERRILL/

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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/428,228	03/23/2012	Dwight Marcus	NPOWR-8-CON

CONFIRMATION NO. 5836

POA ACCEPTANCE LETTER



OC000000068287158

6980
TROUTMAN SANDERS LLP
600 Peachtree Street
Suite 5200
Atlanta, GA 30308

Date Mailed: 05/13/2014

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/05/2014.

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.

/nhassani/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
13/428,228	03/23/2012	Dwight Marcus	NPOWR-8-CON

CONFIRMATION NO. 5836

POWER OF ATTORNEY NOTICE



OC000000068287126

Date Mailed: 05/13/2014

45722
Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/05/2014.

- 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).

/nhassani/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

6980 7590 05/29/2014
TROUTMAN SANDERS LLP
600 Peachtree Street
Suite 5200
Atlanta, GA 30308

EXAMINER

JEAN GILLES, JUDE

ART UNIT

PAPER NUMBER

2447

DATE MAILED: 05/29/2014

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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13/428,228

03/23/2012

Dwight Marcus

243449.000053

5836

TITLE OF INVENTION: METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	08/29/2014

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

6980 7590 05/29/2014
TROUTMAN SANDERS LLP
600 Peachtree Street
Suite 5200
Atlanta, GA 30308

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/428,228	03/23/2012	Dwight Marcus	243449.000053	5836

TITLE OF INVENTION: METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	08/29/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
JEAN GILLES, JUDE	2447	709-217000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.	2. For printing on the patent front page, list (1) The names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____ (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____ 3 _____
---	---

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted: ☐ Issue Fee ☐ Publication Fee (No small entity discount permitted) ☐ Advance Order - # of Copies _____	4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above) ☐ A check is enclosed. ☐ Payment by credit card. Form PTO-2038 is attached. ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).
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5. Change in Entity Status (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/428,228	03/23/2012	Dwight Marcus	243449.000053	5836

6980 7590 05/29/2014
TROUTMAN SANDERS LLP
600 Peachtree Street
Suite 5200
Atlanta, GA 30308

EXAMINER

JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
----------	--------------

2447

DATE MAILED: 05/29/2014

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. 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.

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

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

Notice of Allowability	Application No. 13/428,228	Applicant(s) MARCUS, DWIGHT	
	Examiner JUDE JEAN GILLES	Art Unit 2447	AIA (First Inventor to File) Status No

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/05/2014.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 1-10. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
Certified copies:
a) ☐ All b) ☐ Some *c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892) 2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____	5. ☐ Examiner's Amendment/Comment 6. ☒ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____
---	---

/ JUDE JEAN GILLES/ Primary Examiner, Art Unit 2447	
--	--

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

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: The closest prior art of record, Denny, US 7,558,837 B1 does not teach or suggest in detail:

"...collecting by the publisher from the aggregator client information, wherein said client information comprises user information; and providing to the client individual customized media programming based on a publisher-initiated feed responsive to the feed selection and including media elements selected, ordered, and concatenated with the feed that are responsive at least in part to the user information.", in combination with all the elements of each independent claim as filed by Applicant on 05/05/2014. The claim has been considered persuasive, in light of its limitations, as well as enabling portions of the specification.

3. The dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claims as well as for the further limitations set forth.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Allowed Claims

4. Claims 1-10 allowed.

Conclusion

5. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Hwang, can be reached on (571) 272-4026. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3301. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800. 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)?

/Jude J Jean-Gilles/

Application/Control Number: 13/428,228

Page 4

Art Unit: 2447

Primary Examiner, Art Unit 2447

May 17, 2014

Notice of References Cited	Application/Control No. 13/428,228		Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT	
	Examiner JUDE JEAN GILLES		Art Unit 2447	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,558,837	07-2009	Denny, Michael S.	709/217
*	B	US-8,200,775	06-2012	Moore, James F.	709/217
*	C	US-8,111,686	02-2012	Chavda et al.	370/352
*	D	US-8,200,775	06-2012	Moore, James F.	709/217
	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.

Issue Classification 	Application/Control No. 13428228	Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT	
	Examiner JUDE JEAN GILLES	Art Unit 2447	

CPC						
Symbol					Type	Version
H04N		21		482	I	2013-01-01
H04N		21		44222	I	2013-01-01
H04N		7		17318	F	2013-01-01
H04N		21		6125	I	2013-01-01
H04N		21		25891	I	2013-01-01

CPC Combination Sets					
Symbol		Type	Set	Ranking	Version

NONE		Total Claims Allowed:	
(Assistant Examiner)		10	
(Date)			
/JUDE JEAN GILLES/ Primary Examiner.Art Unit 2447		05/17/2014	O.G. Print Claim(s)
(Primary Examiner)		(Date)	O.G. Print Figure
		1	1

Search Notes 	Application/Control No. 13428228	Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT
	Examiner JUDE JEAN GILLES	Art Unit 2447

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner
(G06Q30/02 OR G06Q30/0273 OR G06Q30/0601).CPC.	5/17/2014	JG

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
709	217 and 203	3/11/2013	JG

SEARCH NOTES		
Search Notes	Date	Examiner
EAST text and claim search	3/11/2013	JG
EAST text and claim search	11/1/2013	JG
EAST text and claim search	5/17/2014	JG

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
709	217 and 203	3/11/2013	JG
370	230, 352, and 465	3/11/2013	JG
714	726, 752, and 702	5/17/2014	JG
707	722	5/17/2014	JG

	/JUDE JEAN GILLES/ Primary Examiner.Art Unit 2447
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<i>Index of Claims</i> 	Application/Control No. 13428228	Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT
	Examiner JUDE JEAN GILLES	Art Unit 2447

✓	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	03/11/2013	11/01/2013	05/17/2014						
	1	✓	✓	=						
	2		✓	=						
	3		✓	=						
	4		✓	=						
	5		✓	=						
	6		✓	=						
	7		✓	=						
	8		✓	=						
	9		✓	=						
	10		✓	=						



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BIB DATA SHEET

CONFIRMATION NO. 5836

SERIAL NUMBER 13/428,228	FILING or 371(c) DATE 03/23/2012 RULE	CLASS 709	GROUP ART UNIT 2447	ATTORNEY DOCKET NO. 243449.000053		
APPLICANTS INVENTORS Dwight Marcus, Santa Barbara, CA; ** CONTINUING DATA ***** This application is a CON of 12/138,925 06/13/2008 PAT 8145704 which claims benefit of 60/934,456 06/13/2007 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED *** SMALL ENTITY ** 04/03/2012						
Foreign Priority claimed ☐ Yes ☒ No 35 USC 119(a-d) conditions met ☐ Yes ☒ No Verified and Acknowledged <u>/JUDE JEAN GILLES/</u> Examiner's Signature		☐ Met after Allowance JG Initials	STATE OR COUNTRY CA	SHEETS DRAWINGS 8	TOTAL CLAIMS 1	INDEPENDENT CLAIMS 1
ADDRESS TROUTMAN SANDERS LLP 600 Peachtree Street Suite 5200 Atlanta, GA 30308 UNITED STATES						
TITLE METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING						
FILING FEE RECEIVED 598	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit			

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	3	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 ((list selection) adj4 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:17
L2	3	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber participant) adj6 ((list selection) adj4 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:18
L3	270	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:26
L4	140	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:26
L5	0	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 client adj4 (data information content messag\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:27
L6	0	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj7 client adj4 (data information content messag\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:27
L7	1	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)same client adj4 (data information content messag\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:27
L8	140	publish\$3 near7 aggregat\$3 near7	US-PGPUB;	OR	ON	2014/05/17

		(receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)	USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			08:33
L9	3	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)same client	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:34
L10	0	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)same feed adj4 select\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:36
L11	140	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)andfeed adj4 select\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:37
L12	3	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)and feed adj4 select\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:37
L13	3	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)and publisher adj5 feed adj4 select\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:38
L14	3	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)and publish\$3 adj5 feed adj4 select\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:38
L16	48360	((709/217) or (709/202) or (709/204) or (709/203) or (709/230) or (709/252) or (709/265) or (709/219) or (370/230) or (370/352) or (370/465) or (714/726) or (714/752) or (714/702) or (707/722)).CCLS.	USPAT; USOCR	OR	OFF	2014/05/17 08:41
L17	86855	((709/217) or (709/202) or (709/204) or (709/203) or (709/230) or (709/252) or (709/265) or (709/219) or (370/230) or (370/352) or (370/465) or (714/726) or (714/752) or (714/702) or (707/722)).CCLS.	US-PGPUB; USPAT	OR	OFF	2014/05/17 08:42
L18	16	17 and 3	USPAT	OR	OFF	2014/05/17

						08:42
L19	11	17 and 11	USPAT	OR	OFF	2014/05/17 08:42
L20	40	17 and 3	US-PGPUB; USPAT	OR	OFF	2014/05/17 08:51
L21	5	17 and 3 and select\$3 adj4 feed	US-PGPUB; USPAT	OR	OFF	2014/05/17 08:52
L22	17	(Marcus adj2 Dwight).inv. (NTECH adj2 properties).asn.	US-PGPUB; USPAT	OR	OFF	2014/05/17 09:01
L23	3	((Marcus adj2 Dwight).inv. (NTECH adj2 properties).asn.) and 8	US-PGPUB; USPAT	OR	OFF	2014/05/17 09:02
L24	3	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)and feed adj4 select\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 09:10
L25	0	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)same feed adj4 select\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 09:10
L26	99	8 AND ((G06Q30/02 OR G06Q30/0273 OR G06Q30/0269 OR G06Q30/0601 OR G06Q30/0641 OR G06Q30/0283 OR G06Q30/06 OR G06Q10/10 OR G06Q30/0241 OR G06Q30/0251 OR G06Q30/0271 OR G06Q50/01 OR G06Q10/107 OR G06Q20/02 OR G06Q20/04 OR G06Q20/0855 OR G06Q20/10 OR G06Q20/102 OR G06Q20/12 OR G06Q20/123 OR G06Q20/14 OR G06Q20/22 OR G06Q20/24 OR G06Q20/28 OR G06Q20/29 OR G06Q20/403 OR G06Q30/0242 OR G06Q30/0264 OR G06Q30/0267 OR G06Q30/0272 OR G06Q30/0275 OR G06Q30/0276 OR G06Q30/08 OR G06Q10/00 OR G06Q10/063 OR G06Q10/0631 OR G06Q10/0637 OR G06Q10/109 OR G06Q20/0453 OR G06Q20/389 OR G06Q30/016 OR G06Q30/018 OR G06Q30/0207 OR G06Q30/0214 OR G06Q30/0239 OR G06Q30/0248 OR G06Q30/0249 OR G06Q30/0257 OR G06Q30/0281 OR G06Q30/0282 OR G06Q30/04 OR G06Q40/00 OR G06Q50/14 OR G06Q50/188).CPC.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 09:12
L27	66	26 AND ((G06Q30/02 OR G06Q30/0273 OR G06Q30/0601).CPC.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 09:13
L28	66	27 and 4	US-PGPUB;	OR	ON	2014/05/17

			USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			09:21
L29	0	27 and 22	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 09:21
S1	3	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber member) adj6 (selection adj4 feed)	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:25
S2	3	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 (selection adj4 feed)	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:26
S3	0	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 (list adj4 feed)	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:26
S4	3	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 ((list selection) adj4 feed)	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:27
S5	0	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 ((list selection) adj4 feed) same (reply\$3 respon\$3)	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:28
S6	1160	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near30 (feed)	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:33
S7	78	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj3 feed	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	ON	2013/03/11 12:33

			IBM_TDB			
S8	174	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) near7 feed	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:33
S9	23	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) near7 feed adj4 (select\$3 list respon\$3 reply\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:33
S10	6	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) near7 feed adj4 (request\$3 select\$3) same (respon\$3 reply\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:34
S11	0	"20070192401" and (aggregat\$3 near7 client near7 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 13:17
S12	0	"20070192401" and (aggregat\$3 same client near7 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 13:18
S13	1	"20070192401" and (aggregat\$3 same user near7 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 13:18

5/ 17/ 2014 9:23:06 AM
C:\ Users\ jjeangilles\ Documents\ EAST\ Workspaces\ 13428228.wsp

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

Application Number	13428228	Filing Date	2012-03-23	Docket Number (if applicable)	243449.000053	Art Unit	2447
First Named Inventor	Dwight MARCUS			Examiner Name	Jude JEAN GILLES		

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 Information Disclosure Statement & SB08

☒ 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 201507

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

Signature of Registered U.S. Patent Practitioner			
Signature	/Robert Schaffer/	Date (YYYY-MM-DD)	2014-05-29
Name	Robert Schaffer	Registration Number	31194

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

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

Privacy Act Statement

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

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

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

Electronic Patent Application Fee Transmittal				
Application Number:		13428228		
Filing Date:		23-Mar-2012		
Title of Invention:		METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING		
First Named Inventor/Applicant Name:		Dwight Marcus		
Filer:		Katherine Harihar/Angelina Stantini		
Attorney Docket Number:		243449.000053		
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:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
RCE - 2nd and Subsequent Request	2820	1	850	850
Total in USD (\$)				850

Electronic Acknowledgement Receipt

EFS ID:	19159451
Application Number:	13428228
International Application Number:	
Confirmation Number:	5836
Title of Invention:	METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING
First Named Inventor/Applicant Name:	Dwight Marcus
Customer Number:	6980
Filer:	Katherine Harihar/Angelina Stantini
Filer Authorized By:	Katherine Harihar
Attorney Docket Number:	243449.000053
Receipt Date:	29-MAY-2014
Filing Date:	23-MAR-2012
Time Stamp:	14:59:45
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$850
RAM confirmation Number	1228
Deposit Account	201507
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)

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	PTO-IDSTRANS-53.pdf	97562	no	5
			870f71b91420b37c0a7d082516f7b1368337104		
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	PTO-IDSSB08-53.pdf	147104	no	5
			ff57e730993ab7e04205031a0b3b23ceb6056bcf		
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	Foreign Reference	ART-WO9619779A1.pdf	2963444	no	81
			187d54cb89a91e000dcedd8fd3ac62f44b61d18a		
Warnings:					
Information:					
4	Foreign Reference	ART-WO9323836A1.pdf	2074310	no	43
			2af49c80d2124e0226995d7470dded9978d6de9b		
Warnings:					
Information:					
5	Foreign Reference	Art-WO9608108A1.pdf	3906905	no	107
			d9f5a40d53c27c0f39e646347385dd20b2db3c4		
Warnings:					
Information:					
6	Foreign Reference	ART-WO9704596A2.pdf	3076933	no	96
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Warnings:					
Information:					
7	Foreign Reference	Art-WO9717111A1.pdf	2146752	no	46
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Information:					
8	Foreign Reference	Art-EP0564247A1.pdf	1855273	no	25
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Warnings:					
Information:					

9	Non Patent Literature	ART-NPL-CURTIS.pdf	249798	no	3
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Warnings:					
Information:					
10	Non Patent Literature	ART-NPL-ISR.pdf	63777	no	1
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Warnings:					
Information:					
11	Non Patent Literature	ART-NPL-KIRDA.pdf	401213	no	6
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Warnings:					
Information:					
12	Non Patent Literature	ART-NPL-LEE.pdf	762713	no	8
			90ec29cac919b47194bfc1f6862290db753838b4		
Warnings:					
Information:					
13	Non Patent Literature	ART-NPL-LI.pdf	289281	no	4
			37bce9c39bf89ff9a647575bfa49bdd3000fd37		
Warnings:					
Information:					
14	Non Patent Literature	ART-NPL-PAEK.pdf	1119572	no	18
			154623a9837af5e9fd5d0ab3f5e9728024ba1742		
Warnings:					
Information:					
15	Non Patent Literature	ART-NPL-PIAMSA-NGA.pdf	436228	no	5
			9e734d3dd356132f34325a1b33c7c70dd2de5e03		
Warnings:					
Information:					
16	Non Patent Literature	ART-NPL-SARACENO.pdf	346311	no	4
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Information:					
17	Non Patent Literature	ART-NPL-SMITH.pdf	1132530	no	9
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Warnings:					
Information:					

TikTok Ex. 1017, Page 168 of 215

18	Non Patent Literature	ART-NPL-WU.pdf	833482 2e223faf2440abb80d7674cc33e3aae0ff049fc4	no	10
Warnings:					
Information:					
19	Request for Continued Examination (RCE)	PTO-RCE-53.pdf	697901 46bc5742dec3692e923157afb147eb99bd4055e3	no	3
Warnings:					
Information:					
20	Fee Worksheet (SB06)	fee-info.pdf	30285 0287f078f226e1b0fac7923b34bcfc808e113e17	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			22631374		
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. <u>New Applications Under 35 U.S.C. 111</u> 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. <u>National Stage of an International Application under 35 U.S.C. 371</u> 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. <u>New International Application Filed with the USPTO as a Receiving Office</u> 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

In re Patent Application of: Dwight MARCUS |

Customer No.: 06980

Application No.: 13/428,228

Confirmation No.: 5836

Filing Date: March 23, 2012

Art Unit: 2447

For: METHOD AND SYSTEM FOR
PROVIDING MEDIA PROGRAMMING

Examiner: Jude JEAN GILLES

INFORMATION DISCLOSURE STATEMENT (IDS)

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

Dear Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed:
(Check one of the boxes A-D)

- ☐ A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above identified national application
- ☒ B. **before the mailing date of a first office action on the merits, or a first office action after filing a request for continued examination.**
- ☐ C. after (A) and (B) above, but before final rejection or allowance, and Applicant has made the necessary statement in box "i" below or paid the necessary fee in box "ii" below.

(check one of the boxes "i" and "ii" below:)

- ☐ i. Counsel states that, upon information and belief, each item of information listed herein was (check one of boxes (a) or (b))
- ☐ (a) 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 this IDS; or
- ☐ (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
- ☐ ii. Please charge Deposit Account 20-1507 for the fee set forth in 1.17(p), presently believed to be \$180 (\$90 for Small Entity).
- ☐ D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant petitions under 37 C.F.R. 1.97(d) for the consideration of this IDS. Under 37 CFR 1.17(p), please charge Deposit Account 20-1507 the fee of \$180.00 (\$90.00 for Small Entity). Counsel certifies that, upon information and belief, each item of information listed herein was

(check one of the boxes “a” and “b” below:)

- ☐ (a) 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 this IDS; or
- ☐ (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO/SB/08) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A, B and/or C and fill in blanks, if appropriate.)

- ☒ A. Pursuant to the Notice issued by the United States Patent and Trademark Office dated July 11, 2003 waiving the requirements of 37 C.F.R. § 1.98(a)(2)(i), a copy/copies of the United States Patent on PTO/SB08 is/are not being submitted.
- ☐ B. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.
- ☐ C. Certain documents were previously cited by or submitted to the Office in the following prior applications, which are relied upon under 35 U.S.C. 120:

<<INSERT SERIAL NO. & FILING DATE>>

Applicant identifies these documents by attaching hereto copies of the forms PTO-892, PTO-1449 and/or PTO/SB/08 from the files of the prior application(s) or a fresh PTO/SB/08 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

- ☐ 3. Foreign Patent Document Cite Nos. _____ are not in the English language. In accordance with 1.98(c), Applicant states:
- ☐ An English translation of each document (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.
- ☐ The requirement for a concise explanation of the relevance of any foreign language document is satisfied by the attached search report; citation of the documents cited in the search report shall not be construed as an admission that they are or are considered to be, material to patentability of the subject matter claimed herein (See MPEP §609).
- ☐ A concise explanation of the relevance of document(s) _____ is set forth as follows: [Insert concise explanation of relevance]
- ☐ A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.
- ☐ A concise explanation of document(s) _____ can be found on the attached sheet.

- ☒ 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 in the preamble to the final rules; 1135 OG 13 at 20).
- ☒ 5. Other information being provided for the examiner's consideration follows:

Applicant hereby notifies the Office that examination has begun on the below continuation and divisional applications. These applications are related applications

Attorney Docket	Serial Number	Filing date
243449.000050	09/896,838	6/29/2001
243449.000054	11/649,727	1/4/2007
243449.000042	13/195,709	8/1/2011
243449.000065	13/225,653	9/6/2011
243449.000060	13/233,636	9/15/2011
243449.000053	13/428,288 (present application)	3/23/2012

6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless other-wise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

Early and favorable consideration is earnestly solicited.

The Commissioner is authorized to charge any deficiency or credit any excess in this fee to Deposit Account No. 20-1507 of Customer No. 06980.

Dated: May 29, 2014

Respectfully submitted,

/Robert Schaffer/
Robert Schaffer
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Attorneys/Agents for Applicant

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	13/428,228
				Filing Date	2012-03-23
				First Named Inventor	Dwight MARCUS
				Art Unit	2447
Examiner Name	Jude JEAN GILLES				
Sheet	1	of	5	Attorney Docket Number	243449.000053

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A1	US D264,810	6/8/1982	Voltmann	
	A2	US 3,926,325	12/16/1975	Benson	
	A3	US 3,900,219	8/19/1975	D'Amato et al.	
	A4	US 4,290,141	11/30/3678	Anderson et al.	
	A5	US 4,377,870	3/22/1983	Anderson et al.	
	A6	US 4,566,030	1/21/1986	Nickerson et al.	
	A7	US 4,724,166	2/9/1988	deBruin	
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	A11	US 4,959,734	9/25/1990	Foster	
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	A13	US 5,034,807	7/23/1991	Von Kohorn	
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	A15	US 5,046,004	9/3/1991	Tsumura et al.	
	A16	US 5,083,491	1/28/1992	Fields	
	A17	US 5,109,482	4/28/1992	Bohrman	
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	A19	US 5,142,961	9/1/1992	Paroutaud	
	A20	US 5,153,829	10/6/1992	Furuya el al.	
	A21	US 5,206,929	4/27/1993	Langford et al.	
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	A24	US 5,236,200	8/17/1993	McGregor et al.	
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	A27	US 5,262,940	11/16/1993	Sussman	
	A28	US 5,303,042	4/12/1994	Lewis et al.	
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	A31	US 5,353,391	10/4/1994	Cohen et al.	
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	A36	US 5,414,808	5/9/1995	Williams	
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Examiner Signature				Date Considered	

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	13/428,228
				Filing Date	2012-03-23
				First Named Inventor	Dwight MARCUS
				Art Unit	2447
				Examiner Name	Jude JEAN GILLES
Sheet	2	of	5	Attorney Docket Number	243449.000053

	A38	US 5,434,678	7/18/1995	Abecassis	
	A39	US 5,440,730	8/8/1995	Elmasri et al.	
	A40	US 5,483,276	1/9/1996	Brooks el al.	
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	A47	US 5,553,221	9/3/1996	Reimer et al.	
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	A51	US 5,580,054	12/3/1996	Shneifer	
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	A53	US 5,633,726	5/27/1997	Timmermans	
	A54	US 5,634,020	5/27/1997	Norton	
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	A68	US 5,752,029	5/12/1998	Wissner	
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	A71	US 5,781,730	7/14/1998	Reimer el al.	
	A72	US 5,799,150	8/25/1998	Hamilton et al.	
	A73	US 5,799,282	8/25/1998	Rakshil el al.	
	A74	US 5,819,286	10/6/1998	Yang et al.	
	A75	US 5,826,102	10/20/1998	Escobar et al.	
	A76	US 5,852,435	12/22/1998	Vigneaux et al.	
	A77	US 5,861,880	1/19/1999	Shimizu et al.	
Examiner Signature				Date Considered	

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	13/428,228
				Filing Date	2012-03-23
				First Named Inventor	Dwight MARCUS
				Art Unit	2447
				Examiner Name	Jude JEAN GILLES
Sheet	3	of	5	Attorney Docket Number	243449.000053

A78	US 5,864,682	1/26/1999	Porter et al.	
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A83	US 5,966,121	10/12/1999	Hubbell et al.	
A84	US 5,999,909	12/7/1999	Rakshil et al.	
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A111	US 2002/0077902	6/20/2002	Marcus	
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A114	US 2002/0111912	8/15/2002	Hunter et al.	
A115	US 2003/0163815	8/28/2003	Begeja et al.	
A116	US 2003/0167202	9/4/2003	Marks et al.	
A117	US 2004/0025180	2/5/2004	Begeja et al.	

Examiner Signature		Date Considered	
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	13/428,228
				Filing Date	2012-03-23
				First Named Inventor	Dwight MARCUS
				Art Unit	2447
Examiner Name	Jude JEAN GILLES				
Sheet	4	of	5	Attorney Docket Number	243449.000053

A118	US 2005/0165626	7/28/2005	Karpf	
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A120	US 2005/0240456	10/27/2005	Ward et al.	
A121	US 2005/0262151	11/24/2005	Plastina ET AL.	
A122	US 2006/0031551	2/9/2006	Agresta et al.	
A123	US 2006/0167860	7/27/2006	Eliashberg et al.	
A124	US 2006/0184982	8/17/2006	Paz ET AL.	
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A126	US 2007/0157275	7/5/2007	Marcus	
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A128	US 2007/0192401	8/16/2007	Weakliem et al.	
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A132	US 2010/0049699	2/26/2010	Benschoter et al.	
A133	US 2012/0180083	7/12/2012	Marcus, Dwight	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	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
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	B1	WO 96/19779	1996-06-27	Bell Atlantic Network Services, Inc.		
	B2	WO 93/23836	1993-11-25	Medical Training & Services International, Inc.		
	B3	WO 96/08108	1996-03-14	Unilearn, Inc.		
	B4	WO 97/04596	1997-02-06	Oracle Corporation		
	B5	WO 97/17111	1997-05-15	Omni Rehab Systems, Inc.		
	B6	EP 564247	1993-10-06	Adobe Systems		

*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.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C1	CURTIS et al., "Multimedia Content Management-Provision of Validation and Personalisation Services", IEEE, 1999, pp. 302-306.	

Examiner Signature		Date Considered	
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	13/428,228
				Filing Date	2012-03-23
				First Named Inventor	Dwight MARCUS
				Art Unit	2447
				Examiner Name	Jude JEAN GILLES
Sheet	5	of	5	Attorney Docket Number	243449.000053

C2	International search report dated February 25,2008 for related application PCT/US 07/00207.	
C3	KIRDA, ENGIN et al., "MYXML: An XML based template engine for the generation of flexible web content" [online]. In Proceedings of 2000 (pp. 317-322). Chesapeake, VA: AACE [retrieved on 2007-09-08]. Retrieved from the Internet: <URL: http://media.inhatc.ac.kr/papers/hypermedia/KirdaOO.pdf >	
C4	LEE, TAEKYONG, "Query Processing Technique for Multimedia Presentation Graphs", Eighth International Workshop on Research Issues In Fata Engineering, Continuous Media Databases and Applications. 1998, pp. 130-138.	
C5	LI, CHUNG-SHENG et al., "Multimedia Content Description In the Infopyramid", Proceedings of the 1998 IEEE International Conference on Acoustics, Speech and Signal Processing, 1998, Vol. 6, pp. 3789-3792.	
C6	Owner's Manual, Sony Video Cassette Recorder Model SLV-662HF, 1999.	
C7	PAEK et al., "Self-Describing Schemes for Interoperable MPGE-7 Multimedia Content Descriptions", CiteSeer, Department of Electrical Engineering, Columbia University, 1999, pp. 1-18.	
C8	PIAMSA-NGA, PUNPITI, "A Parallel Model for Multimedia Database on Cluster System Environment", Proceedings IEEE International Symposium on Industrial Electronics, ISIE, 1998, Vol. 2, pp. 648-652.	
C9	Saraceno, C., "Video Content Extraction and Representation Using a Joint Audio and Video Processing", Proceedings of the 1999 IEEE International Conference on Acoustics, Speech and Signal Processing, Volume: 6, Date: 15-19, March 1999, Pages: 3033-3036.	
C10	SMITH, JOHN R. et al., "Visually Searching the Web for Content", IEEE, 1997. pp. 12-20.	
C11	WU, CHAO-HUI, "Querying Multimedia Presentations", Proceedings IEEE Conference on Protocols for Multimedia Systems-Multimedia Networking, 1997, pp. 64-73.	

*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.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 07/00207

A. CLASSIFICATION OF SUBJECT MATTER

IPC(8) - H04N 7/173 (2007.01)

USPC - 725/113

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

USPC: 725/113

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

USPC: 725/112; 725/135 (view text search terms below)

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

pubWEST(PGPB,USPT,EPAB,JPAB; PLUR=YES); DialogPRO(Engineering); Google Scholar; Text search terms: generating media programming, providing media source, media elements, tags associated media element, media source template, assembling media elements media programming, second media source, second template

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2002/0053078 A1 (HOLTZ et al.) 02 May 2002 (02.05.2002) entire document, especially Abstract, FIGS. 1, 3, 4 and 11 and para [0027], [0055], [0058], [0070], [0077]-[0078], [0080], [0082], [0086], [0096], [0112], [0114]-[0116], [0123], [0128] [0138], [0147], [0168], [0187]-[0188], [0203]-[0204], [0210], [0207], [0239]-[0240], [0253], [0281], [0290], [0308]-[0309], [0311] and [0322]	1-31
A	KIRDA, Engin et al., 'MyXML: An XML based template engine for the generation of flexible web content' [online]. In Proceedings of 2000 (pp. 317-322). Chesapeake, VA: AACE. [retrieved on 2007-09-08]. Retrieved from the Internet: <URL: http://media.inhatc.ac.kr/papers/hypermedia/Kirda00.pdf >	1-31

☐ Further documents are listed in the continuation of Box C.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"Z" document member of the same patent family

Date of the actual completion of the international search

08 September 2007 (08.09.2007)

Date of mailing of the international search report

25 FEB 2008

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US, Commissioner for Patents
P.O. Box 1450, Alexandria, Virginia 22313-1450

Facsimile No. 571-273-3201

Authorized officer:

Lee W. Young

PCT Helpdesk: 571-272-4300
PCT OSP: 571-272-7774

Form PCT/ISA/210 (second sheet) (April 2007)

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 13/428,228	Filing Date 03/23/2012	☐ To be Mailed
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ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO**APPLICATION AS FILED – PART I**

(Column 1)

(Column 2)

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	10 minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	1 minus 3 =	*	X \$ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	05/29/2014	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 10	Minus	** 20	=	X \$ =	
	Independent (37 CFR 1.16(h))	* 1	Minus	*** 3	=	X \$ =	
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
TOTAL ADD'L FEE							

(Column 1)

(Column 2)

(Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =
	☐ Application Size Fee (37 CFR 1.16(s))					
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					
TOTAL ADD'L FEE						

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/PEGGY YARBOROUGH/

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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

6980 7590 06/30/2014
TROUTMAN SANDERS LLP
600 Peachtree Street
Suite 5200
Atlanta, GA 30308

EXAMINER

JEAN GILLES, JUDE

ART UNIT

PAPER NUMBER

2447

DATE MAILED: 06/30/2014

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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13/428,228

03/23/2012

Dwight Marcus

243449.000053

5836

TITLE OF INVENTION: METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	09/30/2014

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

6980 7590 06/30/2014
TROUTMAN SANDERS LLP
 600 Peachtree Street
 Suite 5200
 Atlanta, GA 30308

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/428,228	03/23/2012	Dwight Marcus	243449.000053	5836

TITLE OF INVENTION: METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	09/30/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
JEAN GILLES, JUDE	2447	709-217000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) The names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
- ☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/428,228	03/23/2012	Dwight Marcus	243449.000053	5836

6980 7590 06/30/2014
TROUTMAN SANDERS LLP
600 Peachtree Street
Suite 5200
Atlanta, GA 30308

EXAMINER

JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
----------	--------------

2447

DATE MAILED: 06/30/2014

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. 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.

Privacy Act Statement

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

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

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

Notice of Allowability	Application No. 13/428,228	Applicant(s) MARCUS, DWIGHT	
	Examiner JUDE JEAN GILLES	Art Unit 2447	AIA (First Inventor to File) Status No

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/29/2014.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

3. ☒ The allowed claim(s) is/are 1-10. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

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

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)	5. ☐ Examiner's Amendment/Comment
2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>05/29/2014</u>	6. ☒ Examiner's Statement of Reasons for Allowance
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	7. ☐ Other _____.
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.	

/JUDE JEAN GILLES/ Primary Examiner, Art Unit 2447	
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1. The present application is being examined under the pre-AIA first to invent provisions.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 05/29/2014 was filed after the mailing date of the original application and the notice of allowance mailed on 05/29/2014. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: The closest prior art of record, Denny, US 7,558,837 B1 does not teach or suggest in detail:
"...collecting by the publisher from the aggregator client information, wherein said client information comprises user information; and providing to the client individual customized media programming based on a publisher-initiated feed responsive to the feed selection and including media elements selected, ordered, and concatenated with the feed that are responsive at least in part to the user information.", in combination with all the elements of each independent claim as filed by Applicant on 05/29/2014. The claim has been considered persuasive, in light of its limitations, as well as enabling portions of the specification.

4. The dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claims as well as for the further limitations set forth.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Allowed Claims

Claims 1-10 allowed.

Conclusion

5. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Hwang, can be reached on (571) 272-4026. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3301. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800.

Art Unit: 2447

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)?

/JUDE JEAN GILLES/

Primary Examiner, Art Unit 2447

June 16, 2014

Notice of References Cited	Application/Control No. 13/428,228		Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT	
	Examiner JUDE JEAN GILLES		Art Unit 2447	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2013/0326402	12-2013	Riggs et al.	715/810
*	B	US-2008/0140674	06-2008	Ishikawa, Yuuki	707/10
*	C	US-2007/0192401	08-2007	Weakliem et al.	709/202
*	D	US-8,667,396	03-2014	Riggs et al.	715/716
*	E	US-8,386,588	02-2013	Cooley, Daniel J.	709/218
*	F	US-7,937,582	05-2011	Lee, Bob	713/155
*	G	US-7,631,260	12-2009	Riggs et al.	715/716
*	H	US-8,356,317	01-2013	Errico et al.	725/40
*	I	US-7,594,245	09-2009	Sezan et al.	725/46
	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.



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BIB DATA SHEET

CONFIRMATION NO. 5836

SERIAL NUMBER 13/428,228	FILING or 371(c) DATE 03/23/2012 RULE	CLASS 709	GROUP ART UNIT 2447	ATTORNEY DOCKET NO. 243449.000053		
APPLICANTS INVENTORS Dwight Marcus, Santa Barbara, CA; ** CONTINUING DATA ***** This application is a CON of 12/138,925 06/13/2008 PAT 8145704 which claims benefit of 60/934,456 06/13/2007 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED *** SMALL ENTITY ** 04/03/2012						
Foreign Priority claimed ☐ Yes ☒ No 35 USC 119(a-d) conditions met ☐ Yes ☒ No Verified and Acknowledged <u>/JUDE JEAN GILLES/</u> Examiner's Signature		☐ Met after Allowance JG Initials	STATE OR COUNTRY CA	SHEETS DRAWINGS 8	TOTAL CLAIMS 1	INDEPENDENT CLAIMS 1
ADDRESS TROUTMAN SANDERS LLP 600 Peachtree Street Suite 5200 Atlanta, GA 30308 UNITED STATES						
TITLE METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING						
FILING FEE RECEIVED 598	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			

Search Notes 	Application/Control No. 13428228	Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT
	Examiner JUDE JEAN GILLES	Art Unit 2447

CPC- SEARCHED		
Symbol	Date	Examiner
G06F17/30867	6/16/2014	JG

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner
(G06Q30/02 OR G06Q30/0273 OR G06Q30/0601).CPC.	5/17/2014	JG

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
709	217, 218, and 203	3/11/2013	JG

SEARCH NOTES		
Search Notes	Date	Examiner
EAST text and claim search	3/11/2013	JG
EAST text and claim search	11/1/2013	JG
EAST text and claim search	5/17/2014	JG
EAST text and claim search; NPLs	6/16/2014	JG

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
709	218, 217 and 203	6/16/2014	JG
370	230, 352, and 465	6/16/2014	JG
714	726, 752, and 702	6/16/2014	JG
707	722	6/16/2014	JG

	/JUDE JEAN GILLES/ Primary Examiner.Art Unit 2447
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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	3	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 ((list selection) adj4 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/06/16 12:30
L2	143	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/06/16 12:30
L3	1585	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near30 (feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/06/16 12:34
L4	4599	"3,926,325" "3,900,219" "4,290,141" "4,377,870" "4,566,030" "4,724,166" "4,724,491" "4,744,281" "4,850,618" "4,959,734" "5,029,014" "5,034,807" "5,041,972" "5,046,004" "5,083,491" "5,109,482" "5,132,992" "5,142,961" "5,153,829" "5,206,929" "5,208,421" "5,227,863" "5,236,200" "5,247,126" "5,253,275" "5,262,940" "5,303,042" "5,307,456" "5,317,732" "5,353,391" "5,388,197" "5,388,264" "5,390,138" "5,393,926" "5,414,808" "5,428,774"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/06/16 12:35
L5	3557	"5,864,682" "5,870,030" "5,864,868" "5,875,305" "5,949,951" "5,966,121" "5,999,909" "6,002,720" "6,293,868" "6,032,156" "6,144,702" "6,154,771" "6,314,451" "6,317,761" "6,317,784" "6,320,495" "6,379,251" "6,456,981" "6,760,916" "6,764,395" "6,813,775" "6,883,000" "7,617,190" "7,877,676" "7,937,582" "8,386,588" "7,024,677" "7,130,831" "7,380,262" "7,603,684" "7,617,190" 2001/0056577 2002/0019858 2002/0077902 2002/0087976 2002/0092019 2002/0111912 2003/0163815 2003/0167202 2004/0025180	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/06/16 12:36
L6	357	2005/0165626 2005/0198677 2005/0240456 2005/0262151 2006/0031551 2006/0167860	US-PGPUB; USPAT; USOCR;	OR	ON	2014/06/16 12:36

		2006/0184982 2007/0113250 2007/0157275 2007/0180523 2007/0192401 2008/0010337 2008/0092168 2008/0140674 2010/0049699	FPRS; EPO; JPO; DERWENT; IBM_TDB			
L7	7981	4 or 5 or 6	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/06/16 12:39
L8	143	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/06/16 13:06
L9	5	7 and L8	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/06/16 13:06
L10	5	7 and 2	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/06/16 13:06
L11	3	((Marcus adj2 Dwight).inv. (NTECH adj2 properties).asn.) and L8	US-PGPUB; USPAT	OR	OFF	2014/06/16 13:21
L12	48	2 AND ((G06Q30/02 OR G06F17/30867).CPC.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/06/16 13:22
S1	3	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber member) adj6 (selection adj4 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:25
S2	3	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 (selection adj4 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:26
S3	0	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 (list adj4 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO;	OR	ON	2013/03/11 12:26

			DERWENT; IBM_TDB			
S4	3	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 ((list selection) adj4 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:27
S5	0	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 ((list selection) adj4 feed) same (reply\$3 respon\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:28
S6	1160	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near30 (feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:33
S7	78	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj3 feed	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:33
S8	174	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) near7 feed	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:33
S9	23	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) near7 feed adj4 (select\$3 list respon\$3 reply\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:33
S10	6	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) near7 feed adj4 (request\$3 select\$3) same (respon\$3 reply\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 12:34
S11	0	"20070192401" and (aggregat\$3 near7 client near7 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 13:17
S12	0	"20070192401" and (aggregat\$3 same client near7 feed)	US-PGPUB; USPAT; USOCR;	OR	ON	2013/03/11 13:18

			FPRS; EPO; JPO; DERWENT; IBM_TDB			
S13	1	"20070192401" and (aggregat\$3 same user near7 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2013/03/11 13:18
S14	3	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber) adj6 ((list selection) adj4 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:17
S15	3	aggregat\$3 near7 (receiv\$3 select\$3 process\$3) near20 (user member subscriber participant) adj6 ((list selection) adj4 feed)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:18
S16	270	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:26
S17	140	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:26
S18	0	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 client adj4 (data information content messag\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:27
S19	0	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj7 client adj4 (data information content messag\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:27
S20	1	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)same client adj4 (data information content messag\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:27
S21	140	publish\$3 near7 aggregat\$3 near7	US-PGPUB;	OR	ON	2014/05/17

		(receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)	USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			08:33
S22	3	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)same client	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:34
S23	0	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)same feed adj4 select\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:36
S24	140	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)andfeed adj4 select\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:37
S25	3	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)and feed adj4 select\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:37
S26	3	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)and publisher adj5 feed adj4 select\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:38
S27	3	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)and publish\$3 adj5 feed adj4 select\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 08:38
S29	48360	((709/217) or (709/202) or (709/204) or (709/203) or (709/230) or (709/252) or (709/265) or (709/219) or (370/230) or (370/352) or (370/465) or (714/726) or (714/752) or (714/702) or (707/722)).CCLS.	USPAT; USOCR	OR	OFF	2014/05/17 08:41
S30	86855	((709/217) or (709/202) or (709/204) or (709/203) or (709/230) or (709/252) or (709/265) or (709/219) or (370/230) or (370/352) or (370/465) or (714/726) or (714/752) or (714/702) or (707/722)).CCLS.	US-PGPUB; USPAT	OR	OFF	2014/05/17 08:42
S31	16	S30 and S16	USPAT	OR	OFF	2014/05/17

						08:42
S32	11	S30 and S24	USPAT	OR	OFF	2014/05/17 08:42
S33	40	S30 and S16	US-PGPUB; USPAT	OR	OFF	2014/05/17 08:51
S34	5	S30 and S16 and select\$3 adj4 feed	US-PGPUB; USPAT	OR	OFF	2014/05/17 08:52
S35	17	(Marcus adj2 Dwight).inv. (NTECH adj2 properties).asn.	US-PGPUB; USPAT	OR	OFF	2014/05/17 09:01
S36	3	((Marcus adj2 Dwight).inv. (NTECH adj2 properties).asn.) and S21	US-PGPUB; USPAT	OR	OFF	2014/05/17 09:02
S37	3	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)and feed adj4 select\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 09:10
S38	0	publish\$3 near7 aggregat\$3 near7 (receiv\$3 select\$3 process\$3 provid\$3) near20 (user member subscriber participant) adj4 (data information content messag\$3)same feed adj4 select\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 09:10
S39	99	S21 AND ((G06Q30/02 OR G06Q30/0273 OR G06Q30/0269 OR G06Q30/0601 OR G06Q30/0641 OR G06Q30/0283 OR G06Q30/06 OR G06Q10/10 OR G06Q30/0241 OR G06Q30/0251 OR G06Q30/0271 OR G06Q50/01 OR G06Q10/107 OR G06Q20/02 OR G06Q20/04 OR G06Q20/0855 OR G06Q20/10 OR G06Q20/102 OR G06Q20/12 OR G06Q20/123 OR G06Q20/14 OR G06Q20/22 OR G06Q20/24 OR G06Q20/28 OR G06Q20/29 OR G06Q20/403 OR G06Q30/0242 OR G06Q30/0264 OR G06Q30/0267 OR G06Q30/0272 OR G06Q30/0275 OR G06Q30/0276 OR G06Q30/08 OR G06Q10/00 OR G06Q10/063 OR G06Q10/0631 OR G06Q10/0637 OR G06Q10/109 OR G06Q20/0453 OR G06Q20/389 OR G06Q30/016 OR G06Q30/018 OR G06Q30/0207 OR G06Q30/0214 OR G06Q30/0239 OR G06Q30/0248 OR G06Q30/0249 OR G06Q30/0257 OR G06Q30/0281 OR G06Q30/0282 OR G06Q30/04 OR G06Q40/00 OR G06Q50/14 OR G06Q50/188).CPC.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 09:12
S40	66	S39 AND ((G06Q30/02 OR G06Q30/0273 OR G06Q30/0601).CPC.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 09:13
S41	66	S40 and S17	US-PGPUB;	OR	ON	2014/05/17

			USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			09:21
S42	0	S40 and S35	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/05/17 09:21

6/ 16/ 2014 1:26:20 PM
C:\ Users\ jjeangilles\ Documents\ EAST\ Workspaces\ 13428228.wsp

PTO/SB/08A

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	13/428,228
				Filing Date	2012-03-23
				First Named Inventor	Dwight MARCUS
				Art Unit	2447
Examiner Name	Jude JEAN GILLES				
Sheet	1	of	5	Attorney Docket Number	243449.000053

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A1	US D264,810	6/8/1982	Voltmann	
	A2	US 3,926,325	12/16/1975	Benson	
	A3	US 3,900,219	8/19/1975	D'Amato et al.	
	A4	US 4,290,141	11/30/3678	Anderson et al.	
	A5	US 4,377,870	3/22/1983	Anderson et al.	
	A6	US 4,566,030	1/21/1986	Nickerson et al.	
	A7	US 4,724,166	2/9/1988	deBruin	
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	A9	US 4,744,281	5/17/1988	Isozaki	
	A10	US 4,850,618	7/25/1989	Halladay, Jr.	
	A11	US 4,959,734	9/25/1990	Foster	
	A12	US 5,029,014	7/2/1991	Lindstrom	
	A13	US 5,034,807	7/23/1991	Von Kohorn	
	A14	US 5,041,972	8/20/1991	Frost	
	A15	US 5,046,004	9/3/1991	Tsumura et al.	
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	A17	US 5,109,482	4/28/1992	Bohrman	
	A18	US 5,132,992	7/21/1992	Yurt ET AL.	
	A19	US 5,142,961	9/1/1992	Paroutaud	
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	A22	US 5,208,421	5/4/1993	Lisle el al.	
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	A24	US 5,236,200	8/17/1993	McGregor et al.	
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	A28	US 5,303,042	4/12/1994	Lewis et al.	
	A29	US 5,307,456	4/26/1994	MacKay	
	A30	US 5,317,732	5/31/1994	Gerlach el al.	
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Examiner Signature	/Jude Jean Gilles/ (06/16/2014)			Date Considered	

PTO/SB/08A

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	13/428,228
				Filing Date	2012-03-23
				First Named Inventor	Dwight MARCUS
				Art Unit	2447
Examiner Name	Jude JEAN GILLES				
Sheet	2	of	5	Attorney Docket Number	243449.000053

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A39	US 5,440,730	8/8/1995	Elmasri et al.	
A40	US 5,483,276	1/9/1996	Brooks el al.	
A41	US 5,486,645	1/23/1996	Suh el al.	
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A45	US 5,550,863	8/27/1996	Yurt ET AL.	
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A67	US 5,751,883	5/12/1998	Ottesen et al.	
A68	US 5,752,029	5/12/1998	Wissner	
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A70	US 5,765,164	6/9/1998	Prasad et al.	
A71	US 5,781,730	7/14/1998	Reimer el al.	
A72	US 5,799,150	8/25/1998	Hamilton et al.	
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A74	US 5,819,286	10/6/1998	Yang et al.	
A75	US 5,826,102	10/20/1998	Escobar et al.	
A76	US 5,852,435	12/22/1998	Vigneaux et al.	
A77	US 5,861,880	1/19/1999	Shimizu et al.	

Examiner Signature	/Jude Jean Gilles/ (06/16/2014)	Date Considered	
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PTO/SB/08A

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	13/428,228
				Filing Date	2012-03-23
				First Named Inventor	Dwight MARCUS
				Art Unit	2447
Examiner Name	Jude JEAN GILLES				
Sheet	3	of	5	Attorney Docket Number	243449.000053

A78	US 5,864,682	1/26/1999	Porter et al.	
A79	US 5,870,030	2/9/1999	DeLuca et al.	
A80	US 5,864,868	1/26/1999	Contois	
A81	US 5,875,305	2/23/1999	Winter et al.	
A82	US 5,949,951	9/7/1999	Sklar et al.	
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A108	US 7,617,190	11/10/2009	Wright et al.	
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Examiner Signature	/Jude Jean Gilles/ (06/16/2014)	Date Considered	
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	13/428,228
				Filing Date	2012-03-23
				First Named Inventor	Dwight MARCUS
				Art Unit	2447
Examiner Name	Jude JEAN GILLES				
Sheet	4	of	5	Attorney Docket Number	243449.000053

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A123	US 2006/0167860	7/27/2006	Eliashberg et al.	
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A132	US 2010/0049699	2/26/2010	Benschoter et al.	
A133	US 2012/0180083	7/12/2012	Marcus, Dwight	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	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
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	B1	WO 96/19779	1996-06-27	Bell Atlantic Network Services, Inc.		
	B2	WO 93/23836	1993-11-25	Medical Training & Services International, Inc.		
	B3	WO 96/08108	1996-03-14	Unilearn, Inc.		
	B4	WO 97/04596	1997-02-06	Oracle Corporation		
	B5	WO 97/17111	1997-05-15	Omni Rehab Systems, Inc.		
	B6	EP 564247	1993-10-06	Adobe Systems		

*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.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C1	CURTIS et al., "Multimedia Content Management-Provision of Validation and Personalisation Services", IEEE, 1999, pp. 302-306.	

Examiner Signature	/Jude Jean Gilles/ (06/16/2014)	Date Considered	
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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /JJ/
 Tik Tok Ex. 1017, Page 203 of 215

PTO/SB/08A

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	13/428,228
				Filing Date	2012-03-23
				First Named Inventor	Dwight MARCUS
				Art Unit	2447
Examiner Name	Jude JEAN GILLES				
Sheet	5	of	5	Attorney Docket Number	243449.000053

C2	International search report dated February 25,2008 for related application PCT/US 07/00207.	
C3	KIRDA, ENGIN et al., "MYXML: An XML based template engine for the generation of flexible web content" [online]. In Proceedings of 2000 (pp. 317-322). Chesapeake, VA: AACE [retrieved on 2007-09-08]. Retrieved from the Internet: <URL: http://media.inhatc.ac.kr/papers/hypermedia/KirdaOO.pdf >	
C4	LEE, TAEKYONG, "Query Processing Technique for Multimedia Presentation Graphs", Eighth International Workshop on Research Issues In Fata Engineering, Continuous Media Databases and Applications. 1998, pp. 130-138.	
C5	LI, CHUNG-SHENG et al., "Multimedia Content Description In the Infopyramid", Proceedings of the 1998 IEEE International Conference on Acoustics, Speech and Signal Processing, 1998, Vol. 6, pp. 3789-3792.	
C6	Owner's Manual, Sony Video Cassette Recorder Model SLV-662HF, 1999.	
C7	PAEK et al., "Self-Describing Schemes for Interoperable MPGE-7 Multimedia Content Descriptions", CiteSeer, Department of Electrical Engineering, Columbia University, 1999, pp. 1-18.	
C8	PIAMSA-NGA, PUNPITI, "A Parallel Model for Multimedia Database on Cluster System Environment", Proceedings IEEE International Symposium on Industrial Electronics, ISIE, 1998, Vol. 2, pp. 648-652.	
C9	Saraceno, C., "Video Content Extraction and Representation Using a Joint Audio and Video Processing", Proceedings of the 1999 IEEE International Conference on Acoustics, Speech and Signal Processing, Volume: 6, Date: 15-19, March 1999, Pages: 3033-3036.	
C10	SMITH, JOHN R. et al., "Visually Searching the Web for Content", IEEE, 1997. pp. 12-20.	
C11	WU, CHAO-HUI, "Querying Multimedia Presentations", Proceedings IEEE Conference on Protocols for Multimedia Systems-Multimedia Networking, 1997, pp. 64-73.	

*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.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	/Jude Jean Gilles/ (06/16/2014)	Date Considered	
--------------------	---------------------------------	-----------------	--

Issue Classification 	Application/Control No. 13428228	Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT	
	Examiner JUDE JEAN GILLES	Art Unit 2447	

CPC						
Symbol					Type	Version
H04N		21		25891	I	2013-01-01
H04N		21		6125	I	2013-01-01
H04N		21		44222	I	2013-01-01
H04N		21		482	I	2013-01-01
H04N		7		17318	F	2013-01-01
						
						
						
						
						
						
						
						
						
						

CPC Combination Sets					
Symbol		Type	Set	Ranking	Version
					
					

NONE		Total Claims Allowed:	
(Assistant Examiner)		10	
(Date)			
/JUDE JEAN GILLES/ Primary Examiner.Art Unit 2447		O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)		1	1
(Date)			

<i>Index of Claims</i> 	Application/Control No. 13428228	Applicant(s)/Patent Under Reexamination MARCUS, DWIGHT
	Examiner JUDE JEAN GILLES	Art Unit 2447

✓	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	03/11/2013	11/01/2013	05/17/2014	06/16/2014						
	1	✓	✓	=	=						
	2		✓	=	=						
	3		✓	=	=						
	4		✓	=	=						
	5		✓	=	=						
	6		✓	=	=						
	7		✓	=	=						
	8		✓	=	=						
	9		✓	=	=						
	10		✓	=	=						

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/428,228	03/23/2012	Dwight Marcus	243449.000053	5836

TITLE OF INVENTION: METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	09/30/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
JEAN GILLES, JUDE	2447	709-217000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Troutman Sanders LLP

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

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(B) RESIDENCE: (CITY and STATE OR COUNTRY)

NTECH PROPERTIES, INC.

Oxnard, CA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

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5. Change in Entity Status (from status indicated above)

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
- ☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

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Authorized Signature /Robert Schaffer/

Date September 26, 2014

Typed or printed name Robert Schaffer

Registration No. 31,194

Electronic Patent Application Fee Transmittal

Application Number:	13428228			
Filing Date:	23-Mar-2012			
Title of Invention:	METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING			
First Named Inventor/Applicant Name:	Dwight Marcus			
Filer:	Robert NMN Schaffer/Angelina Stantini			
Attorney Docket Number:	243449.000053			
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:				
Utility Appl Issue Fee	2501	1	480	480
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				480

Electronic Acknowledgement Receipt

EFS ID:	20255341
Application Number:	13428228
International Application Number:	
Confirmation Number:	5836
Title of Invention:	METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING
First Named Inventor/Applicant Name:	Dwight Marcus
Customer Number:	6980
Filer:	Robert NMN Schaffer/Angelina Stantini
Filer Authorized By:	Robert NMN Schaffer
Attorney Docket Number:	243449.000053
Receipt Date:	26-SEP-2014
Filing Date:	23-MAR-2012
Time Stamp:	13:35:41
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 480
RAM confirmation Number	18274
Deposit Account	201507
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1	Issue Fee Payment (PTO-85B)	PTO- ISSUEFEETRANS-243449000053 .pdf	112333 46e4726d2703af0251692a177b59f9f75bf81b82	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30403 42b7dcb59925cd22034513b270c725ebc59ff700	no	2
Warnings:					
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Total Files Size (in bytes):			142736		
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	13/428,228
				Filing Date	2012-03-23
				First Named Inventor	Dwight MARCUS
				Art Unit	2447
Examiner Name	Jude JEAN GILLES				
Sheet	1	of	5	Attorney Docket Number	243449.000053

Change(s) applied
to document,
/T.W./
10/14/2014

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
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Examiner Signature	/Jude Jean Gilles/ (06/16/2014)			Date Considered	



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ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Dwight Marcus, Santa Barbara, CA;

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