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.
14/175,811	02/07/2014	Jonathan S. Steuer	10004-2000104	5201

51417 7590 05/16/2019

Mauriel Kapouytian Woods LLP
15 W. 26th Street
7th Floor
New York, NY 10010

EXAMINER	
DAVIS, CHENEA	

ART UNIT	PAPER NUMBER
2421	

NOTIFICATION DATE	DELIVERY MODE
05/16/2019	ELECTRONIC

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

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

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

docket@mkwllp.com

Notice of Abandonment	Application No. 14/175,811	Applicant(s) Steuer et al.
	Examiner CHENEA DAVIS	Art Unit 2421

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

This application is abandoned in view of:

1. ☑ Applicant's failure to timely file a proper reply to the Office letter mailed on 05 November 2018.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of:(1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) if this is utility or plant application, a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. Note that RCEs are not permitted in design applications.)
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☑ No reply has been received.

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

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

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

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

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

7. ☐ The reason(s) below:

_____

/CHENEA DAVIS/
Primary Examiner, Art Unit 2421

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

PTO/AIA/22 (03-13)
Approved for use through 7/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional): 10004-2000104

Application Number: 14/175,811

Filed: February 7, 2014

For: MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD

Art Unit: 2421

Examiner: Smith, Chenea

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

		Fee	Small Entity Fee	Micro Entity Fee	
☐	One month (37 CFR 1.17(a)(1))	$200	$100	$50	$
☐	Two months (37 CFR 1.17(a)(2))	$600	$300	$150	$
☑	Three months (37 CFR 1.17(a)(3))	$1,400	$700	$350	$ 700
☐	Four months (37 CFR 1.17(a)(4))	$2,200	$1,100	$550	$
☐	Five months (37 CFR 1.17(a)(5))	$3,000	$1,500	$750	$

☑ Applicant asserts small entity status. See 37 CFR 1.27.

☐ Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. 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 50-4242.

☑ 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.

☑ attorney or agent of record. Registration number 51,711.

☐ attorney or agent acting under 37 CFR 1.34. Registration number .....

/Lawrence Gabuzda/ — Signature

May 3, 2019 — Date

Lawrence Gabuzda — Typed or printed name

212-524-6052 — Telephone Number

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

☐ * Total of _____ 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: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Electronic Patent Application Fee Transmittal	
Application Number:	14175811
Filing Date:	07-Feb-2014
Title of Invention:	MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Jonathan S. Steuer
Filer:	Lawrence R. Gabuzda/Emily Sullenberger
Attorney Docket Number:	10004-2000104
Filed as Small Entity	
Filing Fees for Utility under 35 USC 111(a)	

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

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 3 months with $0 paid	2253	1	700	700
Miscellaneous:				
			Total in USD ($)	**700**

Electronic Acknowledgement Receipt	
EFS ID:	35914639
Application Number:	14175811
International Application Number:	
Confirmation Number:	5201
Title of Invention:	MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Jonathan S. Steuer
Customer Number:	51417
Filer:	Lawrence R. Gabuzda/Emily Sullenberger
Filer Authorized By:	Lawrence R. Gabuzda
Attorney Docket Number:	10004-2000104
Receipt Date:	03-MAY-2019
Filing Date:	07-FEB-2014
Time Stamp:	17:21:42
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	EFT
Payment was successfully received in RAM	$700
RAM confirmation Number	050619INTEFSW17223700
Deposit Account	504242
Authorized User	Emily Sullenberger
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.17 (Patent application and reexamination processing fees) 37 CFR 1.19 (Document supply fees)	

37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Extension of Time	10004-2000104ExtensionofTime.pdf	1919621 4554bf0875f142f0d5d3e4ccad5a856befaeb9a2	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30612 ef501639f6f1d9583f3f54b738cba735c74d4db3	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1950233		

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/175,811	02/07/2014	Jonathan S. Steuer	10004-2000104	5201

51417 7590 11/05/2018

Mauriel Kapouytian Woods LLP
15 W. 26th Street
7th Floor
New York, NY 10010

EXAMINER	
SMITH, CHENEA	

ART UNIT	PAPER NUMBER
2421	

NOTIFICATION DATE	DELIVERY MODE
11/05/2018	ELECTRONIC

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

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

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

docket@mkwllp.com

Office Action Summary	Application No. 14/175,811	Applicant(s) Steuer et al.	
	Examiner CHENEA SMITH	Art Unit 2421	AIA Status No

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

Period for Reply

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

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

Status

1)☑ Responsive to communication(s) filed on 10/19/18.

☐ 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) 1-2,4,17-20 and 24-25 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) 1-2,4,17-20 and 24-25 is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

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

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

4) ☐ Other: _____.

DETAILED ACTION

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

Response to Amendment

2. This office action is in response to communications filed 10/19/18. Claims 1, 4, 19-20 and 24-25 are amended. Claims 3, 5-16 and 21-23 are cancelled. Claims 1-2, 4, 17-20 and 24-25 are pending in this action.

Response to Arguments

3. Applicant's arguments with respect to claims 1-2, 4, 17-20 and 24-25 have been considered but are not persuasive.

4. In response to Applicants' arguments on pages 11-12 that "*Regarding the rejection of claim 19, the Office action beginning at p. 7 cites to Kolessar and Wang to cure admitted deficiencies of principal reference Chen.*

However, even if Kolessar and Wang supply the elements missing from Chen (which Applicant disputes-see e.g. the Amendment of March 5, 2018 at pp. 12-13), Applicant asserts that the references in fact teach away from their combination.

Note in particular that, in Kolessar, the system assumes that the broadcast time at which the sample was played on the channel is already known. See Kolessar Fig, 10. In Figure 10, one simply looks at the timecode of the sample (which shows when it was broadcast) and compares it

to the log time the sample was captured at the monitoring device. Therefore, there is no need in Kolessar to use content offset to determine "a time other than a time of the broadcast" and consequently no motivation to combine with references (such as Wang) that allegedly disclose such use of "content offset".

Content offset as taught in Wang is not used for determining that a sample was captured "at a time other than the broadcast." In fact, Wang uses content offset plus log time of capture to determine broadcast time of the beginning of a track. Thus, Wang actually teaches away from using the content offset for determining time other than a broadcast because Wang takes the sample capture time as the broadcast time. See e.g. Figs. 2 and 4 and accompanying discussion.

One skilled in the art would therefore clearly not look to Wang for a teaching of using content offset times to determine that audio is being heard at a time other than a broadcast time. Applicants are not arguing that Wang's system must be capable of bodily incorporation into Kolessar's system in order for one skilled in the art to be motivated to combine teachings from these two references. In this case, although Wang is in fact incompatible with Kolessar, that is not the issue. Rather, the issue is that Wang's teachings about use of content offset are incompatible with any system, including the invention of Claim 19, that is using content offset for the purpose of determining exposure other than at the time of the broadcast. Thus Wang doesn't just teach away from a combination with Kolessar. More importantly, it teaches away from using content offset in the way it is used in the invention recited in Claim 19", the Examiner respectfully disagrees. The Examiner notes that Kolessar teaches that his table of Fig. 10 may include logged information of both station channels *and* program identifications (see Kolessar, at least at col 14-col 15). Therefore, content offsets that indicate a relative time position within the identified known media content is reasonable to be included in Kolessar's system for the advantage of providing

more accurate representations of user exposure to media content such that not only is a particular source station of the content is known, but also the particular program, and a particular segment of the program. And by including the content offsets of Wang with the combination of Chen and Kolessar, a report may be generated, such as the one in Kolessar, that would reasonably then include the information as shown in Kolessar's Fig. 10, but additionally the information as in Wang, such that the information together is "useable to determine that measured audience member exposure to portions of the known media content corresponding to the two or more plurality of representations occurred at a time other than the time of broadcast of the portions of the known media content". Furthermore, there is nothing in Kolessar that precludes the information of Wang from being incorporated, and as Kolessar further teaches, at least at col 13-col 14, that data reflecting a proportion or amount of media data to which a user is exposed may also be determined based on the monitored data, information such as Wang's content offset is reasonably suggested, as knowing a relative time position within an identified media to determine how much of the content was viewed is to be expected. Therefore, even if the information of Wang was incorporated with Kolessar to teach using the information to make a different determination than that which is claimed (making a determination that is *not* claimed), there is nothing precluding the same information from being used to make other, different determinations, such as that which *is* claimed. And as the claim simply requires the information be "usable to determine that measured audience member exposure to portions of the known media content corresponding to the two or more of the plurality of representations occurred at a time other than the time of the broadcast of the portions of the known media content", the limitations are reasonably met.

Additionally, the Examiner notes that the incorporation of Wang is not used to teach "determining that a sample was captured at a time other than the broadcast", but rather a content

offset "that indicates a relative time position within the identified known media content", as recited, given that the broadest reasonable interpretation of "content offset" in general may have several definitions. Kolessar discloses if the one of the known media content is the at least one broadcast, two or more of the plurality of log times corresponding to two or more of the plurality of representations are usable to determine that measured audience member exposure to portions of the known media content corresponding to the two or more of the plurality of representations occurred at a time other than the time of the broadcast of the portions of the known media content by using the two or more log times and content offset times of the portions of the known media content (see Kolessar, col 7, lines 14-50, col 10, lines 34-44, col 18, lines 28-68, col 19, lines 4-10 and col 20, lines 21-30, wherein his content offsets are the time codes of actual broadcast times of the content as shown in Fig. 10). However, while it is reasonably suggested that Kolessar's content offsets may indicate a relative time position within identified known media (as the broadcast times of the specifically identified programs may indicate specific segments of the identified programs, i.e., 20 seconds from the beginning of the broadcast of a particular program, see Kolessar, at least at col 13, line 39 – col 14, line 7 and col 14, line 45 – col 15, line 12), the content offsets as specifically claimed is not *explicitly* taught by Kolessar. Wang, then, is used to teach the content offset as claimed, and the combination of the references meets the limitations as claimed. The fact that Wang uses his content offset to make a different determination does not teach away from the claimed invention. Wang's teaching of using his content offset to make a first particular determination does not preclude the use of his content offset from being used to make a second, different determination, nor does it criticize, discredit, or otherwise discourage the teaching of other ways to use the content offset information. A suggestion of the claimed invention by the prior art is not necessarily negated by other desirable alternatives. And the rejection of record

explains (and further clarifies here) why the combination fairly suggests the invention as claimed. Furthermore, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Therefore, contrary to the Applicants' assertions, Wang does not teach away from combining the teachings of Kolessar and Wang, or away from the claimed invention, and the arguments are found not to be convincing.

Claim Rejections - 35 USC § 103

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

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

6. Claims 1-2, 4, 17-18, 20 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (of record) in view of Kolessar (of record), Wang (of record) and Wang (US20070143777, hereinafter Wang '777).

Regarding claims 1, 4, 17, 20, Chen discloses a system for detecting user exposure to media items (see Chen, Fig. 1), comprising:

a server (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-

40, and col 18, lines 9-11) for receiving a plurality of reference media items from at least one media receiver (see Chen, col 6, lines 11-15 and col 14, lines 55-65);

at least one stream collection server (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11), for receiving representations of a plurality of target media items from at least one client device (see Chen, col 5, line 61 – col 6, line 15);

a stream store, coupled to the server and to the at least one stream collection server (memory unit 136/ database of local servers 104/110, see Chen, Figs. 1 and 4, col 5, lines 24-29), for storing a representation of at least a subset of the received reference media items and for storing the representations of the plurality of target media items (see Chen, col 6, lines 11-15, col 14, lines 46-65 and col 16, lines 5-13);

a correlator server, coupled to the stream store (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11), for identifying respective ones of the reference media items as corresponding to the plurality of target media items (see Chen, col 16, lines 42-52 and col 17, lines 4-6);

a play stream generator (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11), , coupled to the correlator server (see Chen, Figs. 1-4), for generating output signaling user exposure to the respective ones of the identified reference media items (see Chen, col 16, lines 42-52 and col 17, lines 4-6); and

a location tracking server (CTPU 108/microprocessor of microprocessor units 158 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-

40, and col 18, lines 9-11) for detecting a location for the client device (see Chen, col 8, lines 46-48, col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11).

Chen does not specifically disclose identifying specific portions of the respective ones of the identified reference media items using a content offset indicating a relative time position within an identified reference media item; or

generating output signaling measured user exposure to the respective ones of the identified reference media items over time, including output signaling measured user exposure to one or more specific portions of the identified reference media items, and further identifying a channel corresponding to a target media item based on a sequence of at least two different identified reference media items to which user exposure over time was measured.

In an analogous art relating to a system for detecting user exposure to media, Kolessar discloses generating output signaling measured user exposure to respective ones of identified reference media items over time, including output signaling measured user exposure to one or more specific portions of the identified reference media items (see Kolessar, (col 7, lines 14-50, col 10, lines 34-44 and col 18, lines 28-68).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen to include the limitations as taught by Kolessar for the advantage of allowing information about user habits to be received in addition to providing more diverse and targeted information to a user.

Chen in view of Kolessar does not specifically disclose wherein specific portions of the respective ones of the identified reference media items are determined using a content offset indicating a relative time position within an identified reference media item; or

identifying a channel corresponding to a target media item based on a sequence of at least two different identified reference media items to which user exposure over time was measured.

In an analogous art relating to a system for detecting user exposure to media, Wang discloses wherein specific portions of respective ones of identified reference media items are determined using a content offset indicating a relative time position within the identified reference media item (see Wang, [0037], [0039] and [0041]-[0042]).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen in view of Kolessar to include the limitations as taught by Wang for the advantage of providing more accurate representations of user exposure.

Chen in view of Kolessar and Wang does not specifically disclose identifying a channel corresponding to a target media item based on a sequence of at least two different identified reference media items to which user exposure over time was measured.

In an analogous art relating to a system for identifying media and information, Wang '777 discloses identifying a channel corresponding to a target media item based on a sequence of at least two different identified reference media items to which user exposure over time was measured (see Wang '777, [0072]).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen in view of Kolessar and Wang to include the limitations as taught by Wang '777 for the advantage of providing a more efficient identification result.

Regarding claims 2 and 18, Chen in view of Kolessar, Wang and Wang '777 discloses wherein the location tracking server detects the location via GPS tracking (see Chen, col 8, lines 58-60).

Regarding claims 24-25, Chen in view of Kolessar, Wang and Wang '777 discloses the limitations as cited above (please see rejections above), and also discloses:

an audience data processor/report generator (code of microprocessor performing the specific function, see Chen, Figs. 1-4) for detecting a location of the audience member monitoring device and relating the detected location to content metadata associated with the known media content (see Chen, col 9, lines 3-8).

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (of record) in view of Kolessar (of record) and Wang (of record).

Regarding claim 19, Chen discloses a system for measuring audience member exposure to media content (see Chen, Fig. 1), comprising:

an interface (see Chen, Fig. 1) for receiving a plurality of known media content (see Chen, col 6, lines 11-15 and col 14, lines 55-63) from at least one media broadcast (see Chen, col 2, lines 12-20);

a sample control processor (see Chen, Fig. 1 and col 5, lines 24-29) for receiving a plurality of representations of monitored media from at least one audience member monitoring device (see Chen, col 6, lines 11-15); and

a content recognition system, coupled to the interface and to the sample control processor (see Chen, Fig. 1), for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Chen, col 6, lines 11-15 and col 16, lines 5-13);

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media (see Chen, col 16, lines 42-52 and col 17, lines 4-6); and

a report generator (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11), coupled to the content recognition system (see Chen, Figs. 1-4), for generating output signaling user exposure to the identified known media content (see Chen, col 16, lines 42-52 and col 17, lines 4-6), wherein the plurality of known media content comprises at least one broadcast (see Chen, col 2, lines 12-20).

Chen does not specifically disclose a plurality of log times respectively corresponding to the plurality of representations, a log time of the plurality of log times indicating a time at which a monitoring device corresponding to an audience member was exposed to the monitored media;

identifying a content offset that indicates a relative time position within the identified known media content; or

wherein, if the one of the known media content is the at least one broadcast, two or more of the plurality of log times corresponding to two or more of the plurality of representations are usable to determine that measured audience member exposure to portions of the known media content corresponding to the two or more of the plurality of representations occurred at a time other than the time of the broadcast of the portions of the known media content by using the two or more log times and content offset times of the portions of the known media content.

In an analogous art relating to a system for detecting user exposure to media, Kolessar discloses a plurality of log times respectively corresponding to the plurality of representations, a log time of the plurality of log times indicating a time at which a monitoring device corresponding

to an audience member was exposed to the monitored media (see Kolessar, Fig. 10 and related text);

wherein, if the one of the known media content is the at least one broadcast, two or more of the plurality of log times corresponding to two or more of the plurality of representations are usable to determine that measured audience member exposure to portions of the known media content corresponding to the two or more of the plurality of representations occurred at a time other than the time of the broadcast of the portions of the known media content by using the two or more log times and content offset times of the portions of the known media content (see Kolessar, col 7, lines 14-50, col 10, lines 34-44, col 18, lines 28-68, col 19, lines 4-10 and col 20, lines 21-30).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen to include the limitations as taught by Kolessar for the advantage of providing an improved system for recognizing content and inferring extensive and comprehensive information about the content such that information about user habits may be received and/or determined in addition to providing more diverse and targeted information to a user.

Chen in view of Kolessar does not specifically disclose identifying a content offset that indicates a relative time position within the identified known media content.

In an analogous art relating to a system for detecting user exposure to media, Wang discloses identifying a content offset that indicates a relative time position within the identified known media content (see Wang, [0037], [0039], [0041]-[0042] and [0049]).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen in view of Kolessar to include the limitations as taught by Wang for the advantage of providing more accurate representations of user exposure.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENEA SMITH whose telephone number is (571)272-9524. The examiner can normally be reached on M-F: 8:00 am - 4:00 pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/CHENEA SMITH/
Primary Examiner, Art Unit 2421

Applicant-Initiated Interview Summary	**Application No.** 14/175,811	**Applicant(s)** Steuer et al.	
	Examiner CHENEA SMITH	**Art Unit** 2421	**AIA Status** No

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

(1) CHENEA SMITH.

(2) Mike Mauriel.

(3) Larry Gabuzda.

(4) Jonathan Steuer, Chris Otto.

Date of Interview: 09 October 2018.

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

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

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

Claim(s) discussed: 19.

Identification of prior art discussed: Kolessar and Wang (of record).

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

Discussed Applicants' arguments against the combination of the Kolessar and Wang references. No agreement was reached..

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

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

☐ Attachment

/CHENEA SMITH/ Primary Examiner, Art Unit 2421	

Summary of Record of Interview Requirements

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

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

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

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

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

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

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

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

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

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

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

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

Examiner to Check for Accuracy

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/175,811	Steuer et al.
	Examiner	Art Unit
	CHENEA SMITH	2421

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

CLAIMS

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

CLAIM		DATE								
Final	Original	01/12/2015	11/02/2015	07/11/2016	04/15/2018	10/30/2018				
	1	✓	✓	✓	✓	✓				
	2	✓	✓	✓	✓	✓				
	3	✓	✓	-	-	-				
	4	✓	✓	✓	✓	✓				
	5	✓	-	-	-	-				
	6	✓	-	-	-	-				
	7	✓	✓	✓	-	-				
	8	✓	-	-	-	-				
	9	✓	-	-	-	-				
	10	✓	✓	✓	-	-				
	11	✓	✓	✓	-	-				
	12	✓	✓	✓	-	-				
	13	✓	-	-	-	-				
	14	✓	-	-	-	-				
	15	✓	✓	✓	-	-				
	16	✓	✓	✓	-	-				
	17	✓	✓	✓	✓	✓				
	18	✓	✓	✓	✓	✓				
	19	✓	✓	✓	✓	✓				
	20	✓	✓	✓	✓	✓				
	21	✓	✓	✓	-	-				
	22	✓	✓	✓	-	-				
	23	✓	✓	✓	-	-				
	24	✓	✓	✓	✓	✓				
	25	✓	✓	✓	✓	✓				

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/175,811	Steuer et al.
	Examiner	Art Unit
	CHENEA SMITH	2421

CPC - Searched*		
Symbol	**Date**	**Examiner**
H04N21/2347 OR H04N21/2541 OR H04N21/4143 OR H04N21/4405 OR H04N21/4627 OR H04N21/25875 OR H04N21/8355 OR H04N21/235 OR H04N21/2362 OR H04N21/2543 OR H04N21/2547 OR H04N21/4345	7/11/16	CS
H04N21/435 OR H04N21/44204 OR H04N21/443 OR H04N21/4753 OR H04N21/6581 OR H04N21/8166 OR H04N21/835 OR H04N21/83555 OR H04N21/8358 OR H04N7/162 OR H04N7/17309 OR H04N21/23476	7/11/16	CS
H04N2005/91364 OR H04N21/42646 OR H04N21/4325 OR H04N5/913 OR H04N7/163 OR H04N5/765 OR H04N5/77 OR H04N5/775 OR H04N5/781 OR H04N5/85 OR H04N9/8042 OR H04N19/107 OR H04N19/124	7/11/16	CS
H04N19/87 OR H04N21/25816 OR H04N21/4316 OR H04N21/454 OR H04N21/47 OR H04N21/47214 OR H04N21/6334 OR H04N5/76	7/11/16	CS
G06Q30/0246 H04L67/22 H04L65/60	4/1/17	CS
G06Q30/0246 H04L67/22 H04L65/60 H04N21/$6	10/30/2018	CS

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**
(H04N7/17318 OR H04N21/43615 OR H04N21/812 OR H04N21/44204 OR H04N21/44222 OR H04N21/4627 OR H04N21/47202 OR H04N21/4147 OR H04N21/6125 OR H04N21/6582 OR H04N21/8113 OR H04N5/76 OR H04N21/2543 OR H04N	11/1/2015	CS

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**

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

/CHENEA SMITH/ Primary Examiner, Art Unit 2421	

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14/175,811	Steuer et al.
	Examiner	Art Unit
	CHENEA SMITH	2421

Search Notes		
Search Notes	**Date**	**Examiner**
Updated EAST search results included	10/30/2018	CS
Updated Inventor search inlcuded - see search results printout	10/30/2018	CS
Updated class search - 725, CPC SEARCH (SEE ABOVE) - text search only, see search results printout	10/30/2018	CS

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

/CHENEA SMITH/ Primary Examiner, Art Unit 2421	

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L25	1	23 and (tim$3 near3 position$1 near3 within near3 (media content$1 video$1 program$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:37
L24	0	23 and (tim$3 near3 position$1 near3 within near (media content$1 video$1 program$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:37
L23	1312	16 and 21	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:36
L22	471036	16 anbd 21	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:36
L21	470202	19 20 8	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:36
L20	69510	"725".clas.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:36
L19	416627	h04n21/$6.cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:35
L18	0	h04n/21.$6.cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:35
L17	0	4 and 16	US-PGPUB; USPAT;	OR	OFF	2018/10/30 18:35

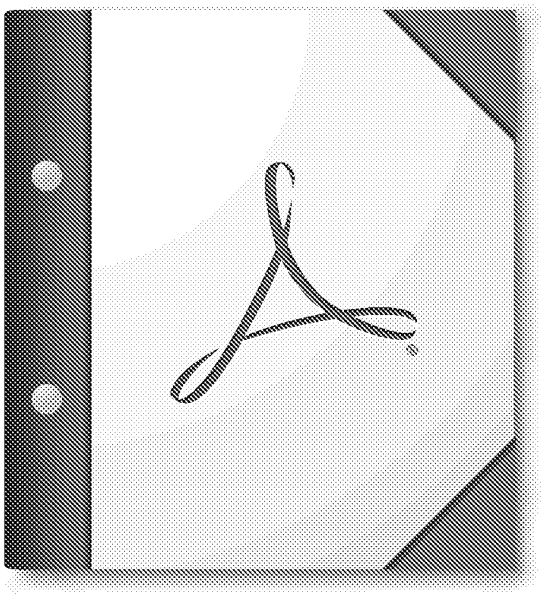
			USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
L16	1870	((expos$3 view$3 watch$3) with tim$3 with ((another other different) with broadcast$3))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:34
L15	0	(expos$3 near3 tim$3 near3 ((another other different) near3 broadcast$3))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:34
L14	0	4 and (expos$3 near3 tim$3 near3 ((another other different) near3 broadcast$3))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:33
L13	0	(content near offset$1) and (expos$3 near3 tim$3 near3 ((another other different) near3 broadcast$3))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:33
L12	105	L7 and L8	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:31
L11	74	L10 and (@ad<"20140207")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:31
L10	128	((deduc$3 infer$4 detect$4 determin$6) near2 (station$1 source$1 channel$1 album$1)) with based with ((music video$1 media song$1 content$1) near2 (sequenc$3 order$3 offset$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:31
L9	105	L7 and L8	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:31
L8	43966	(G06Q30/0246 H04L67/22 H04L65/60).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:31
L7	481	L6 and (detect$4 with (paus$3 rewind$3 skip$4))	US-PGPUB; USPAT;	OR	OFF	2018/10/30 18:31

			USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
L6	17934	(viewer$1 user$1 audience$1) with expos$4 with (media content$1 video$1 music$1 audio song$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:31
L5	2	L1 and L4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:31
L4	25	L2 L3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:31
L3	25	((Christopher) near2 (Otto)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2018/10/30 18:31
L2	12	((Jonathan) near2 (Steuer)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2018/10/30 18:31
L1	18	(signal$3 near2 user$1 near2 expos$4).clm.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/30 18:31
S92	26	("20090244402" | "20100031288" | "20110209177" | "20110289536" | "20140059628" | "20150020091" | "20150140896" | "20150312636" | "20170188201" | "7046161").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/23 12:44
S91	23	("7444353" | "20080154401" | "7483975" | "20060059277" | "7038619" | "20020072982" | "20050086682" | "20070143777" | "7779415").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/10/23 09:11

EAST Search History (Interference)

< This search history is empty>

10/ 30/ 2018 6:50:29 PM
C:\ Users\ csmith3\ Documents\ EAST\ Workspaces\ Steuer 811 RCE.wsp



For the best experience, open this PDF portfolio in Acrobat X or Adobe Reader X, or later.

Get Adobe Reader Now!

Attorney Docket No.: 10004-2000104
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jonathan S. Steuer

Application No.: 14/175,811 Group Art Unit: 2421

Filing Date: February 7, 2014 Examiner: Smith, Chenea

Title: MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD

AMENDMENT UNDER 37 CFR § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This is in response to the Non-Final Office Action dated April 19, 2018 (Paper No. 20180330) for which a response was due on July 19, 2018. Filed herewith is a Petition and fee for a 3-month extension of time, thereby extending the deadline for response to October 19, 2018. Accordingly, this response is timely filed. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 10 of this paper.

AMENDMENTS TO THE CLAIMS

Please amend the claims as follows, where additions are underlined and deletions are indicated by ~~strikethrough~~ or enclosed in [[double brackets]]:

1. (Currently Amended): A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for receiving representations of a plurality of target media items from at least one client device;

a stream store, coupled to the server and to the at least one stream collection server, for storing a representation of at least a subset of the received reference media items and for storing representations of the plurality of target media items;

a correlator server, coupled to the stream store, for identifying respective ones of the reference media items as corresponding to the plurality of target media items[[ ]], wherein the correlator server identifies specific portions of the respective ones of the identified reference media items using a content offset indicating a relative time position within an identified reference media item;

a play stream generator, coupled to the correlator server, for generating output signaling measured user exposure to the respective ones of the identified reference media items over time, including output signaling measured user exposure to one or more specific portions of the identified reference media items, wherein[[ ]], the play stream generator further being configured to identify a channel corresponding to a target media item based on a sequence of a least two different identified reference media items to which user exposure over time was measured; and

a location tracking server for detecting a location for the client device.

2. (Previously Presented): The system of claim 1, wherein the location tracking server detects the location via GPS tracking.

3. (Cancelled)

4. (Currently Amended): A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for receiving representations of a plurality of target media items from at least one client device;

a stream store, coupled to the server and to the at least one stream collection server, for storing a representation of at least a subset of the received reference media items and for storing the representations of the plurality of target media items;

a correlator server, coupled to the stream store, for identifying respective ones of the reference media items as corresponding to the plurality of target media items[[ ]], wherein the correlator server identifies specific portions of the respective ones of the identified reference media items using a content offset indicating a relative time position within an identified reference media item; and

a play stream generator, coupled to the correlator server, for generating output signaling measured user exposure to the respective ones of the identified reference media items over time, including output signaling measured user exposure to one or more specific portions of the identified reference media items, wherein[[ ]], the play stream generator further being configured to identify a channel corresponding to a target media item based on a sequence of a least two

different identified reference media items to which user exposure over time was measured.

5-16. (Cancelled)

17. (Previously Presented): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media; wherein the content recognition system identifies specific portions of the known media content using a content offset indicating a relative time position within the identified known media content and;

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content, including output signaling measured audience member exposure to one or more specific portions of the identified known media content, wherein a the report generator further being configured to identify a channel corresponding to a monitored media item based on a sequence of a least two different identified known media items to which user exposure over time was measured; and

an audience data processor for detecting a location of the audience member monitoring device.

18. (Original): The system of claim 17, wherein the audience data processor detects the location via GPS tracking.

19. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving a plurality of representations of monitored media from at least one audience member monitoring device and a plurality of log times respectively corresponding to the plurality of representations, a log time of the plurality of log times indicating a time at which a monitoring device corresponding to an audience member was exposed to the monitored media;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media and identifies a content offset that indicates a relative time position within the identified known media content; and

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the identified known media content; wherein the plurality of known media content comprises at least one broadcast; and

wherein, if the one of the known media content is the at least one broadcast, two or more of the plurality of log times corresponding to two or more of the

plurality of representations are usable to determine that measured audience member exposure to portions of the known media content corresponding to the two or more of the plurality of representations occurred at a time other than the time of the broadcast of the portions of the known media content by using the two or more log times and content offsets of the portions of the known media content[[,]].

20. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media; wherein the content recognition system identifies specific portions of the identified known media content using a content offset indicating a relative time position within the identified known media content; and

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content, including output signaling measured audience member exposure to one or more specific portions of the identified known media content,[[.]] the report generator further being configured to identify a channel corresponding to a monitored media item based on a sequence of a least two

different identified known media items to which user exposure over time was measured[[;]].

21-23. (Cancelled)

24. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media; wherein the content recognition system identifies specific portions of the known media content using a content offset indicating a relative time position within the identified known media content;

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content, including output signaling audience member exposure to one or more specific portions of the identified known media content,[[,]] the report generator further being configured to identify a channel corresponding to a monitored media item based on a sequence of a least two

different identified known media items to which user exposure over time was measured; and

an audience data processor for detecting a location of the audience member monitoring device and relating the detected location to content meta data associated with the known media content.

25. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media; wherein the content recognition system identifies specific portions of the known media content using a content offset indicating a relative time position within the identified known media content;

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content, including output signaling audience member exposure to one or more specific portions of the identified known media content[[,]]; the report generator further being configured to identify a channel corresponding to a monitored media item based on a sequence of a least two

different identified known media items to which user exposure over time was measured; and

an audience data processor;

wherein the report generator, coupled to the audience data processor, generates a report matching audience data to audience member exposure to known media content.

REMARKS

Claims 1, 2, 4, 17-20, 24 and 25 were pending in the present application and are currently under consideration. Claims 3, 5-16, and 21-23 were previously cancelled. Of the claims currently under consideration, Claims 1, 4, 19, 20, 24, and 25 have been amended to correct minor typographical errors.

Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added. Entry of the above-mentioned amendments is respectfully requested.

Examiner Interview

Applicant thanks Examiner Chenea Smith for the courtesies extended in the Telephone Interview of October 9, 2018, with attorneys for applicants, Lawrence Gabuzda and Michael Mauriel, and inventors, Jonathan Steuer and Christopher Otto.

In the Interview, discussion focused on the obviousness rejection of claim 19 over Kolessar, Chen, and Wang, including the lack of motivation to combine Kolessaar with the other references, and teaching away by Wang.

Claim Rejections – 35 U.S.C. § 103

Claims 1-2, 4, 17-18, 20, and 24-25 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Chen (of record) in view of Kolessar (of record) Wang (of record) and Wang (US20070143777, hereinafter Wang '777). Applicant respectfully disagrees.

Claim 19 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Chen (of record) in view of Kolessar (of record) and Wang (of record). Applicant respectfully disagrees.

A finding of obviousness requires that "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." 35 U.S.C. § 103(a). In KSR International Co. v. Teleflex Inc., 127 S. Ct. 1727 (2007), the Supreme Court stated that the following factors set forth in Graham v. John Deere Co., 383 U.S. 1 (1966) control an obviousness inquiry: (1) the scope and content of the prior art; (2) the differences between the prior art and the claimed invention; (3) the level of ordinary skill in the art; and (4) objective evidence of nonobviousness.

The Supreme Court has affirmed that it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does . . . because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known." KSR, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

In considering a prior art reference, the reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc., v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). Moreover, it is improper to combine references where the references teach away from their combination. In re Graselli, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).

Regarding the rejection of claim 19, the Office action beginning at p. 7 cites to Kolessar and Wang to cure admitted deficiencies of principal reference Chen. However, even if Kolessar and Wang supply the elements missing from Chen (which Applicant disputes—see e.g. the Amendment of March 5, 2018 at pp. 12-13), Applicant asserts that the references in fact teach away from their combination.

Note in particular that, in Kolessar, the system assumes that the broadcast time at which the sample was played on the channel is already known. See Kolessar Fig, 10. In Figure 10, one simply looks at the timecode of the sample (which shows

when it was broadcast) and compares it to the log time the sample was captured at the monitoring device. Therefore, there is no need in Kolessar to use content offset to determine "a time other than a time of the broadcast" and consequently no motivation to combine with references (such as Wang) that allegedly disclose such use of "content offset."

Content offset as taught in Wang is not used for determining that a sample was captured "at a time other than the broadcast." In fact, Wang uses content offset plus log time of capture to determine broadcast time of the beginning of a track. Thus, Wang actually teaches away from using the content offset *for determining time other than a broadcast* because Wang takes the sample capture time as the broadcast time. See e.g. Figs. 2 and 4 and accompanying discussion.

One skilled in the art would therefore clearly not look to Wang for a teaching of using content offset times to determine that audio is being heard at a time other than a broadcast time. Applicants are <u>not</u> arguing that Wang's system must be capable of bodily incorporation into Kolessar's system in order for one skilled in the art to be motivated to combine teachings from these two references. In this case, although Wang is in fact incompatible with Kolessar, that is not the issue. Rather, the issue is that Wang's teachings about use of content offset are incompatible with <u>any</u> system, including the invention of Claim 19, that is using content offset for the purpose of determining exposure other than at the time of the broadcast. Thus Wang doesn't just teach away from a combination with Kolessar. More importantly, it teaches away from using content offset in the way it is used in the invention recited in Claim 19.

Regarding the Sec. 103 rejections of Claims 1-2, 4, 17-18, 20, and 24-25 as allegedly being unpatentable over Chen (of record) in view of Kolessar (of record) Wang (of record) and Wang (US20070143777, hereinafter Wang '777) note that the combination of these references includes the references applied against Claim 19, namely Chen, Kolesssar, and Wang. By the same logic, these references also teach away from their combination as applied to Claims 1-2, 4, 17-18, 20, and 24-25.

As previously noted, it is improper to combine references where the references teach away from their combination. *In re Graselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). *See also* MPEP Sec. 2145 (citing *Graselli*).

Further, the Office action at pp. 6-7 fails to sufficiently allege a motivation to combine the references, making only brief allegations of very general "advantages" such as allowing collection of user data, and increased accuracy and efficiency.

The cited references, alone or in combination, do not teach or suggest the limitations of at least the independent claims, and teach away from their combination.

Accordingly, the Sec. 103 rejections of all claims should be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

If the Patent Office determines that an extension of time and/or other relief is required and such required relief has not already been requested, Applicant hereby petitions for any such required relief including extensions of time. The Director is hereby authorized to charge any fees which may be required by this paper to Deposit Account No. 50-4242, referencing docket no. 10004-2000104.

Dated: October 19, 2018

Respectfully submitted,

By /Lawrence Gabuzda/
Lawrence Gabuzda
Registration No. 51,711
Mauriel Kapouytian Woods LLP
15 W. 26th Street, 7th Floor
New York, New York 10010
(212) 524-6052
Attorney(s) for Applicant

Electronic Patent Application Fee Transmittal	
Application Number:	14175811
Filing Date:	07-Feb-2014
Title of Invention:	MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Jonathan S. Steuer
Filer:	Michael John Mauriel/Emily Sullenberger
Attorney Docket Number:	10004-2000104
Filed as Small Entity	
Filing Fees for Utility under 35 USC 111(a)	

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

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 3 months with $0 paid	2253	1	700	700
Miscellaneous:				
			Total in USD ($)	**700**

Electronic Acknowledgement Receipt	
EFS ID:	34062504
Application Number:	14175811
International Application Number:	
Confirmation Number:	5201
Title of Invention:	MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Jonathan S. Steuer
Customer Number:	51417
Filer:	Michael John Mauriel/Emily Sullenberger
Filer Authorized By:	Michael John Mauriel
Attorney Docket Number:	10004-2000104
Receipt Date:	19-OCT-2018
Filing Date:	07-FEB-2014
Time Stamp:	15:20:41
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	EFT
Payment was successfully received in RAM	$700
RAM confirmation Number	102218INTEFSW15223200
Deposit Account	504242
Authorized User	Emily Sullenberger
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.17 (Patent application and reexamination processing fees) 37 CFR 1.19 (Document supply fees)	

37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Extension of Time	10004-2000104ExtensionofTime.pdf	491284 e338c4332e3702d6793378b148006a164d5d4a97	no	1
Warnings:					
Information:					
2		10004-2000104ResponsetoNFOAdated4-19-18.pdf	502787 52e03ed21b7a535648eac28f94b76fb04d8dbc9a	yes	14

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	9
Applicant Arguments/Remarks Made in an Amendment	10	14

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30530 ce82642fcd07bc7fcd5d292a7556ae2645184c87	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1024601		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/AIA/22 (03-13)
Approved for use through 7/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional): 10004-2000104

Application Number: 14/175,811

Filed: February 7, 2014

For: MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD

Art Unit: 2421

Examiner: Smith, Chenea

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	Micro Entity Fee	
☐ One month (37 CFR 1.17(a)(1))	$200	$100	$50	$
☐ Two months (37 CFR 1.17(a)(2))	$600	$300	$150	$
☑ Three months (37 CFR 1.17(a)(3))	$1,400	$700	$350	$ 700
☐ Four months (37 CFR 1.17(a)(4))	$2,200	$1,100	$550	$
☐ Five months (37 CFR 1.17(a)(5))	$3,000	$1,500	$750	$

☑ Applicant asserts small entity status. See 37 CFR 1.27.

☐ Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. 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 50-4242.

☑ 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.

☑ attorney or agent of record. Registration number 51,711.

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.

/Lawrence Gabuzda/ — Signature

October 19, 2018 — Date

Lawrence Gabuzda — Typed or printed name

212-524-6052 — Telephone Number

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

☐ * Total of _____ 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: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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.
14/175,811	02/07/2014	Jonathan S. Steuer	10004-2000104	5201

51417 7590 04/19/2018

Mauriel Kapouytian Woods LLP
15 W. 26th Street
7th Floor
New York, NY 10010

EXAMINER	
SMITH, CHENEA	

ART UNIT	PAPER NUMBER
2421	

NOTIFICATION DATE	DELIVERY MODE
04/19/2018	ELECTRONIC

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

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

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

docket@mkwllp.com

Office Action Summary	Application No. 14/175,811	Applicant(s) STEUER ET AL.	
	Examiner CHENEA SMITH	Art Unit 2421	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *4/10/18*.

☐ 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) *1,2,4,17-20,24 and 25* 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) *1-2, 4, 17-20, 24-25* is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

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

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

4) ☐ Other: _____.

DETAILED ACTION

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

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/5/2018 has been entered.

Response to Amendment

3. This office action is in response to communications filed 12/13/16. Claims 1, 4, 17, 19-20 and 24-25 are amended. Claims 3, 5-16 and 21-23 are cancelled. Claims 1-2, 4, 17-20 and 24-25 are pending in this action.

Response to Arguments

4. Applicant's arguments with respect to claims 1-2, 4, 17-20 and 24-25 have been considered but are moot in view of new grounds of rejection. Although new grounds of rejection

are presented, the Applicants should please note that, in response to Applicants' arguments regarding claim 19, the references of record will still be used to meet several limitations of the claim as both the Kolessar reference and the Wang reference, and not the Wang reference singularly, was used to teach the limitation of " wherein, if the one of the known media content is the at least one broadcast, two or more of the plurality of log times corresponding to two or more of the plurality of representations are usable to determine that measured audience member exposure to portions of the known media content corresponding to the two or more of the plurality of representations occurred at a time other than the time of the broadcast of the portions of the known media content by using the two or more log times and content offset times of the portions of the known media content" (please see rejection below).

Claim Rejections - 35 USC § 103

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

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

6. Claims 1-2, 4, 17-18, 20 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (of record) in view of Kolessar (of record), Wang (of record) and Wang (US20070143777, hereinafter Wang '777).

Regarding claims 1, 4, 17, 20, Chen discloses a system for detecting user exposure to media items (see Chen, Fig. 1), comprising:

a server (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11) for receiving a plurality of reference media items from at least one media receiver (see Chen, col 6, lines 11-15 and col 14, lines 55-65);

at least one stream collection server (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11), for receiving representations of a plurality of target media items from at least one client device (see Chen, col 5, line 61 – col 6, line 15);

a stream store, coupled to the server and to the at least one stream collection server (memory unit 136/ database of local servers 104/110, see Chen, Figs. 1 and 4, col 5, lines 24-29), for storing a representation of at least a subset of the received reference media items and for storing the representations of the plurality of target media items (see Chen, col 6, lines 11-15, col 14, lines 46-65 and col 16, lines 5-13);

a correlator server, coupled to the stream store (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11), for identifying respective ones of the reference media items as corresponding to the plurality of target media items (see Chen, col 16, lines 42-52 and col 17, lines 4-6);

a play stream generator (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11), , coupled to the correlator server (see Chen, Figs. 1-4), for generating output signaling user exposure to the respective ones of the identified reference media items (see Chen, col 16, lines 42-52 and col 17, lines 4-6); and

a location tracking server (CTPU 108/microprocessor of microprocessor units 158 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11) for detecting a location for the client device (see Chen, col 8, lines 46-48, col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11).

Chen does not specifically disclose identifying specific portions of the respective ones of the identified reference media items using a content offset indicating a relative time position within an identified reference media item; or

generating output signaling measured user exposure to the respective ones of the identified reference media items over time, including output signaling measured user exposure to one or more specific portions of the identified reference media items, and further identifying a channel corresponding to a target media item based on a sequence of at least two different identified reference media items to which user exposure over time was measured.

In an analogous art relating to a system for detecting user exposure to media, Kolessar discloses generating output signaling measured user exposure to respective ones of identified reference media items over time, including output signaling measured user exposure to one or more specific portions of the identified reference media items (see Kolessar, (col 7, lines 14-50, col 10, lines 34-44 and col 18, lines 28-68).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen to include the limitations as taught by Kolessar for the advantage of allowing information about user habits to be received in addition to providing more diverse and targeted information to a user.

Chen in view of Kolessar does not specifically disclose wherein specific portions of the respective ones of the identified reference media items are determined using a content offset indicating a relative time position within an identified reference media item; or

identifying a channel corresponding to a target media item based on a sequence of at least two different identified reference media items to which user exposure over time was measured.

In an analogous art relating to a system for detecting user exposure to media, Wang discloses wherein specific portions of respective ones of identified reference media items are determined using a content offset indicating a relative time position within the identified reference media item (see Wang, [0037], [0039] and [0041]-[0042]).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen in view of Kolessar to include the limitations as taught by Wang for the advantage of providing more accurate representations of user exposure.

Chen in view of Kolessar and Wang does not specifically disclose identifying a channel corresponding to a target media item based on a sequence of at least two different identified reference media items to which user exposure over time was measured.

In an analogous art relating to a system for identifying media and information, Wang ‘777 discloses identifying a channel corresponding to a target media item based on a sequence of

at least two different identified reference media items to which user exposure over time was measured (see Wang '777, [0072]).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen in view of Kolessar and Wang to include the limitations as taught by Wang '777 for the advantage of providing a more efficient identification result.

Regarding claims 2 and 18, Chen in view of Kolessar, Wang and Wang '777 discloses wherein the location tracking server detects the location via GPS tracking (see Chen, col 8, lines 58-60).

Regarding claims 24-25, Chen in view of Kolessar, Wang and Wang '777 discloses the limitations as cited above (please see rejections above), and also discloses:

an audience data processor/report generator (code of microprocessor performing the specific function, see Chen, Figs. 1-4) for detecting a location of the audience member monitoring device and relating the detected location to content metadata associated with the known media content (see Chen, col 9, lines 3-8).

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (of record) in view of Kolessar (of record) and Wang (of record).

Regarding claim 19, Chen discloses a system for measuring audience member exposure to media content (see Chen, Fig. 1), comprising:

an interface (see Chen, Fig. 1) for receiving a plurality of known media content (see Chen, col 6, lines 11-15 and col 14, lines 55-63) from at least one media broadcast (see Chen, col 2, lines 12-20);

a sample control processor (see Chen, Fig. 1 and col 5, lines 24-29) for receiving a plurality of representations of monitored media from at least one audience member monitoring device (see Chen, col 6, lines 11-15); and

a content recognition system, coupled to the interface and to the sample control processor (see Chen, Fig. 1), for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Chen, col 6, lines 11-15 and col 16, lines 5-13);

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media (see Chen, col 16, lines 42-52 and col 17, lines 4-6); and

a report generator (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11), coupled to the content recognition system (see Chen, Figs. 1-4), for generating output signaling user exposure to the identified known media content (see Chen, col 16, lines 42-52 and col 17, lines 4-6), wherein the plurality of known media content comprises at least one broadcast (see Chen, col 2, lines 12-20).

Chen does not specifically disclose a plurality of log times respectively corresponding to the plurality of representations, a log time of the plurality of log times indicating a time at which a monitoring device corresponding to an audience member was exposed to the monitored media;

identifying a content offset that indicates a relative time position within the identified known media content; or

wherein, if the one of the known media content is the at least one broadcast, two or more of the plurality of log times corresponding to two or more of the plurality of representations are usable to determine that measured audience member exposure to portions of the known media content corresponding to the two or more of the plurality of representations occurred at a time other than the time of the broadcast of the portions of the known media content by using the two or more log times and content offset times of the portions of the known media content.

In an analogous art relating to a system for detecting user exposure to media, Kolessar discloses a plurality of log times respectively corresponding to the plurality of representations, a log time of the plurality of log times indicating a time at which a monitoring device corresponding to an audience member was exposed to the monitored media (see Kolessar, Fig. 10 and related text);

wherein, if the one of the known media content is the at least one broadcast, two or more of the plurality of log times corresponding to two or more of the plurality of representations are usable to determine that measured audience member exposure to portions of the known media content corresponding to the two or more of the plurality of representations occurred at a time other than the time of the broadcast of the portions of the known media content by using the two or more log times and content offset times of the portions of the known media content (see Kolessar, col 7, lines 14-50, col 10, lines 34-44, col 18, lines 28-68, col 19, lines 4-10 and col 20, lines 21-30).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen to include the limitations as taught by Kolessar for the advantage of providing an improved system for recognizing content and inferring extensive and comprehensive information about the content such that information about user habits may be received and/or determined in addition to providing more diverse and targeted information to a user.

Chen in view of Kolessar does not specifically disclose identifying a content offset that indicates a relative time position within the identified known media content.

In an analogous art relating to a system for detecting user exposure to media, Wang discloses identifying a content offset that indicates a relative time position within the identified known media content (see Wang, [0037], [0039], [0041]-[0042] and [0049]).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen in view of Kolessar to include the limitations as taught by Wang for the advantage of providing more accurate representations of user exposure.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENEA SMITH whose telephone number is (571)272-9524. The examiner can normally be reached on 8:00 am - 4:00 pm, Mon-Fri.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is

encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571)272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/CHENEA SMITH/
Primary Examiner, Art Unit 2421

Notice of References Cited	Application/Control No. 14/175,811	Applicant(s)/Patent Under Reexamination STEUER ET AL.	
	Examiner CHENEA SMITH	Art Unit 2421	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2007/0143777 A1	06-2007	Wang; Avery Li-Chun	H04H60/27	725/18
	B	US-				
	C	US-				
	D	US-				
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14175811	STEUER ET AL.
	Examiner	**Art Unit**
	CHENEA SMITH	2421

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

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

CLAIM		DATE								
Final	Original	01/12/2015	11/02/2015	07/11/2016	04/15/2018					
	1	✓	✓	✓	✓					
	2	✓	✓	✓	✓					
	3	✓	✓	-	-					
	4	✓	✓	✓	✓					
	5	✓	-	-	-					
	6	✓	-	-	-					
	7	✓	✓	✓	-					
	8	✓	-	-	-					
	9	✓	-	-	-					
	10	✓	✓	✓	-					
	11	✓	✓	✓	-					
	12	✓	✓	✓	-					
	13	✓	-	-	-					
	14	✓	-	-	-					
	15	✓	✓	✓	-					
	16	✓	✓	✓	-					
	17	✓	✓	✓	✓					
	18	✓	✓	✓	✓					
	19	✓	✓	✓	✓					
	20	✓	✓	✓	✓					
	21	✓	✓	✓	-					
	22	✓	✓	✓	-					
	23	✓	✓	✓	-					
	24	✓	✓	✓	✓					
	25	✓	✓	✓	✓					

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	91	("20020161741" | "4677466" | "20020083060" | "7444353" | "20020038456" | "6990453" | "20040224638" | "20020059577" | "20040122679" | "3919479" | "7483975" | "20030009469" | "20040001161" | "20020072982" | "7038619" | "4697209" | "20020072982" | "5095382" | "20050086682" | "5594934" | "5778137" | "20060059277" | "20020010919" | "5945988" | "6513161" | "20020010919" | "5758257" | "5512933" | "20070143777" | "5437050" | "7779415" | "20040048637").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:25
S2	68	(arbotron nielsen).as. and paus$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:36
S3	7	S2 and (@ad<"20040527")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:37
S4	79	(arbitron nielsen).as. and paus$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:37
S5	12	S4 and (@ad<"20040527")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:37
S6	2	10/483825.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:50

S7	2	"6184918".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 20:37
S8	17	("20020072982" | "20050086682" | "20060059277" | "7038619" | "7444353" | "7779415").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 21:02
S9	13275	(viewer$1 user$1 audience$1) with expos$4 with (media content$1 video$1 music$1 audio song$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:39
S10	333	S9 and (detect$4 with (paus$3 rewind$3 skip$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:39
S11	63038	"725".clas.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:39
S12	203	S10 AND ((H04N21/812 OR H04N21/44008 OR H04N21/4394 OR H04N21/4126 OR H04N21/23 OR H04N21/258 OR H04N21/25866 OR H04N21/4227 OR H04N21/4334 OR H04N21/47214 OR H04N21/478 OR H04N21/4788 OR H04N21/632 OR H04N21/6543 OR H04N21/8133 OR H04N21/25891 OR H04N21/44222 OR H04N21/2407 OR H04N21/2668 OR H04N21/4532 OR H04N21/4622 OR H04N21/84 OR H04N21/6175 OR H04N21/6582 OR H04N21/2393 OR H04N21/2541 OR H04N21/25883 OR H04N21/41407 OR H04N21/4627 OR H04N21/47205 OR H04N21/4725 OR H04N21/4821 OR H04N21/8586 OR H04N21/23424 OR H04N21/23617 OR H04N21/2387 OR H04N21/251 OR H04N21/2543 OR H04N21/25875 OR H04N21/26266 OR H04N21/2665 OR H04N21/4314 OR H04N21/4316 OR H04N21/44 OR H04N21/44204 OR H04N21/4756 OR H04N21/4786 OR H04N21/6125 OR H04N21/64322 OR H04N21/8358 OR H04N21/858 OR H04N21/26258 OR H04N21/42203 OR	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:40

		H04N21/442 OR H04N21/44218 OR H04N21/8405 OR H04N21/435 OR H04N21/44213 OR H04N21/4826 OR H04N21/6587 OR H04N21/8352 OR H04N21/2187 OR H04N21/23614 OR H04N21/25841 OR H04N21/26603 OR H04N21/4122 OR H04N21/42204 OR H04N21/4223 OR H04N21/4307 OR H04N21/431 OR H04N21/43615 OR H04N21/4367 OR H04N21/437 OR H04N21/458 OR H04N21/466 OR H04N21/4668 OR H04N21/472 OR H04N21/4828 OR H04N21/80 OR H04N21/8456 OR H04N5/60 OR H04N7/17318 OR H04N13/0062 OR H04N13/0239 OR H04N13/044 OR H04N13/0495 OR H04N2005/2255 OR H04N21/23418 OR H04N21/23439 OR H04N21/2347 OR H04N21/24 OR H04N21/25435 OR H04N21/262 OR H04N21/26613 OR H04N21/42201 OR H04N21/42684 OR H04N21/4335 OR H04N21/4398 OR H04N21/4405 OR H04N21/441 OR H04N21/44209 OR H04N21/4424 OR H04N21/45 OR H04N21/4542 OR H04N21/4623 OR H04N21/4667 OR H04N21/47 OR H04N21/47217 OR H04N21/4722 OR H04N21/4755 OR H04N21/4758 OR H04N21/4784 OR H04N21/4825 OR H04N21/485 OR H04N21/6371 OR H04N21/6581 OR H04N21/8126 OR H04N21/8355 OR H04N21/8455 OR H04N21/854 OR H04N21/8543 OR H04N5/225 OR H04N5/23206 OR H04N5/32 OR H04N5/3205 OR H04N5/321 OR H04N5/77 OR H04N5/783 OR H04N5/93 OR H04N7/17327 OR H04N7/185).CPC.)				
S13	25328	(G06Q30/0246 H04L67/22 H04L65/60).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:40
S14	47	S10 and S13	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:40
S15	67	S10 and S11	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:41
S16	44	S10 and (@ad<"20040527")	US-PGPUB; USPAT; USOCR;	OR	OFF	2016/07/11 01:41

			FPRS; EPO; JPO; DERWENT; IBM_TDB			
S17	32	S16 AND ((H04N21/2347 OR H04N21/2541 OR H04N21/4143 OR H04N21/4405 OR H04N21/4627 OR H04N21/25875 OR H04N21/8355 OR H04N21/235 OR H04N21/2362 OR H04N21/2543 OR H04N21/2547 OR H04N21/4345 OR H04N21/435 OR H04N21/44204 OR H04N21/443 OR H04N21/4753 OR H04N21/6581 OR H04N21/8166 OR H04N21/835 OR H04N21/83555 OR H04N21/8358 OR H04N7/162 OR H04N7/17309 OR H04N21/23476 OR H04N2005/91364 OR H04N21/42646 OR H04N21/4325 OR H04N5/913 OR H04N7/163 OR H04N5/765 OR H04N5/77 OR H04N5/775 OR H04N5/781 OR H04N5/85 OR H04N9/8042 OR H04N19/107 OR H04N19/124 OR H04N19/14 OR H04N19/142 OR H04N19/149 OR H04N19/15 OR H04N19/152 OR H04N19/176 OR H04N19/179 OR H04N19/503 OR H04N19/61 OR H04N21/26613 OR H04N21/4623 OR H04N19/42 OR H04N19/87 OR H04N21/25816 OR H04N21/4316 OR H04N21/454 OR H04N21/47 OR H04N21/47214 OR H04N21/6334 OR H04N5/76).CPC.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:41
S18	16	(signal$3 near2 user$1 near2 expos$4).clm.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:49
S19	12	((Jonathan) near2 (Steuer)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/07/11 01:49
S20	24	((Christopher) near2 (Otto)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/07/11 01:49
S21	24	S19 S20	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:49
S22	2	S18 and S21	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:49
S23	12	("20020038456" | "20020083060" | "5512933" | "7483975").PN.	US-PGPUB; USPAT;	OR	OFF	2017/04/01 13:13

			USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
S24	2	("20080154401").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 13:14
S25	0	wo-2003091990-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 13:23
S26	0	wo-2003/091990-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 13:23
S27	0	wo-03/091990-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 13:23
S28	3	wo-03091990-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 13:23
S29	3	10/978313.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 13:23
S30	32536	(h04l65/60 h04l67/22 g06q30/0246).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 14:13
S31	64	S30 and ((media content$1) near offset$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 14:14

S32	0	S31 and (@ad<"20040527")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 14:14
S33	17	(signal$3 near2 user$1 near2 expos$4).clm.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 14:17
S34	12	((Jonathan) near2 (Steuer)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/04/01 14:17
S35	24	((Christopher) near2 (Otto)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/04/01 14:17
S36	24	S34 S35	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 14:17
S37	2	S33 and S36	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 14:17
S38	5	S36 and (offset$1.clm.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 14:18
S39	64525	"725".clas.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 14:18
S40	1	S31 and S39	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 14:18
S41	21	("7444353" | "20080154401" | "7483975" | "20060059277" | "7038619" | "20020072982" | "20050086682" | "7779415").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	OFF	2018/03/29 16:26

			IBM_TDB			
S42	1	14/175811.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 17:07
S43	2	"20080154401".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 17:11
S44	1076416	(determin$6 detect$4 deduc$5) near3 (channel$1 sourc$3 station$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 17:15
S45	297	(determin$6 detect$4 deduc$5) near3 (channel$1 sourc$3 station$1) near3 (sequen$6 near3 (sampl$4 clip$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 17:16
S46	139	@ad< "20050526" and S45	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 17:16
S47	0	S46 and ((media video$1 content$1 audio$1 music$1 song$1) near recogni$7)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 17:17
S48	0	S46 and ((media video$1 content$1 audio$1 music$1 song$1 sampl$3) near recogni$7)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 17:17
S49	1	S46 and ((media video$1 content$1 audio$1 music$1 song$1 sampl$3) near2 recogni$7)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 17:17
S50	1740	((determin$6 detect$4 deduc$5) near3 (channel$1 sourc$3 station$1)) with ((order$3 sequen$6) near2 (sampl$4 clip$4 music$1 song$1 video$1	US-PGPUB; USPAT; USOCR; FPRS;	OR	OFF	2018/03/29 17:19

		content$1 media$1))	EPO; JPO; DERWENT; IBM_TDB			
S51	566	@ad<"20050526" and S50	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 17:19
S52	44	S51 and ((media video$1 content$1 audio$1 music$1 song$1 sampl$3) near3 recogni$7)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 17:19
S53	105850	((media video$1 audio$1 music$1 song$1 sampl$3) near3 recogni$7)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 17:22
S54	4361	S53 and ((Sequen$6 order$3) near (sampl$4 clip$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 17:23
S55	11	("4843562" "5210820" "20020083060").pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 17:30
S56	105850	((media video$1 audio$1 music$1 song$1 sampl$3) near3 recogni$7)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 21:52
S57	20459	S56 and ((Sequen$6 order$3) near3 (music audio video$1 media song$1))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 21:52
S58	3434	S57 and ((deduc$3 infer$4 detect$4 determin$6) near2 (station$1 source$1 channel$1 album$1))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 21:53
S59	610	((deduc$3 infer$4 detect$4 determin$6) near2 (station$1 source$1 channel$1	US-PGPUB; USPAT;	OR	OFF	2018/03/29 21:54

		album$1)) with ((Sequen$6 order$3) near3 (music audio video$1 media song$1))	USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
S60	174	S59 and (@ad<"20040527")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 21:55
S61	12	S56 and S60	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 21:55
S62	9624	S56 and ((Sequen$6) near3 (music video$1 media song$1))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 21:57
S63	1600	S62 and ((deduc$3 infer$4 detect$4 determin$6) near2 (station$1 source$1 channel$1 album$1))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 21:57
S64	315	S63 and (@ad<"20040527")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 21:57
S65	315	S56 and S64	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 21:58
S66	154	S65 and offset$1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 21:58
S67	154	S65 and offset$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 21:58

S68	94	S67 and (music song$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 21:59
S69	987	S56 and ((Sequen$6) near3 (music song$1))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 22:00
S70	216	S69 and ((deduc$3 infer$4 detect$4 determin$6) near2 (station$1 source$1 channel$1 album$1))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 22:00
S71	216	S56 and S70	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 22:01
S72	83	S71 and (@ad<"20040527")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 22:01
S73	58	S72 and offset$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 22:01
S74	1	14/175811.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 22:04
S75	0	13/914870.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 22:07
S76	188	S71 and (@ad<"20140207")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO;	OR	OFF	2018/03/29 22:11

			DERWENT; IBM_TDB			
S77	88	S76 and offset$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 22:12
S78	30	S77 not S73	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 22:12
S79	123	((deduc$3 infer$4 detect$4 determin$6) near2 (station$1 source$1 channel$1 album$1)) with based with ((music video$1 media song$1 content$1) near2 (sequenc$3 order$3 offset$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 22:15
S80	73	S79 and (@ad<"20140207")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 22:16
S81	2	"7986913".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 22:22
S82	2	"20070143777".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/29 22:22
S83	1	14/175811.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/30 08:06
S84	1	S83 and (expos$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/30 08:06
S85	1	15/025137.app.	US-PGPUB; USPAT; USOCR;	OR	OFF	2018/03/30 08:37

			FPRS; EPO; JPO; DERWENT; IBM_TDB			
S86	1	S85 and (monitor$3 with cloud$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/30 08:37
S87	0	S85 and (monitor$3 with cloud$1 with sun)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/30 08:39
S88	0	"200600592778".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/30 09:53
S89	3	"20060059277".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/30 09:53
S90	2	11/216543.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2018/03/30 09:53

EAST Search History (Interference)

<This search history is empty>

4/16/2018 12:28:11 AM
C:\Users\csmith3\Documents\EAST\Workspaces\Steuer 811 RCE.wsp

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14175811	STEUER ET AL.
	Examiner	Art Unit
	CHENEA SMITH	2421

CPC- SEARCHED		
Symbol	Date	Examiner
H04N21/2347 OR H04N21/2541 OR H04N21/4143 OR H04N21/4405 OR H04N21/4627 OR H04N21/25875 OR H04N21/8355 OR H04N21/235 OR H04N21/2362 OR H04N21/2543 OR H04N21/2547 OR H04N21/4345	7/11/16	CS
H04N21/435 OR H04N21/44204 OR H04N21/443 OR H04N21/4753 OR H04N21/6581 OR H04N21/8166 OR H04N21/835 OR H04N21/83555 OR H04N21/8358 OR H04N7/162 OR H04N7/17309 OR H04N21/23476	7/11/16	CS
H04N2005/91364 OR H04N21/42646 OR H04N21/4325 OR H04N5/913 OR H04N7/163 OR H04N5/765 OR H04N5/77 OR H04N5/775 OR H04N5/781 OR H04N5/85 OR H04N9/8042 OR H04N19/107 OR H04N19/124	7/11/16	CS
H04N19/87 OR H04N21/25816 OR H04N21/4316 OR H04N21/454 OR H04N21/47 OR H04N21/47214 OR H04N21/6334 OR H04N5/76	7/11/16	CS
G06Q30/0246 H04L67/22 H04L65/60	4/1/17	CS

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner
(H04N7/17318 OR H04N21/43615 OR H04N21/812 OR H04N21/44204 OR H04N21/44222 OR H04N21/4627 OR H04N21/47202 OR H04N21/4147 OR H04N21/6125 OR H04N21/6582 OR H04N21/8113 OR H04N5/76 OR H04N21/2543 OR H04N	11/1/2015	CS

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

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

SEARCH NOTES		
Search Notes	**Date**	**Examiner**
Updated EAST search results included	4/1/2017 2:20:18 PM	CS
Updated Inventor search inlcuded - see search results printout	4/1/2017 2:20:19 PM	CS
Updated class search - 725, CPC SEARCH (SEE ABOVE) - text search only, see search results printout	4/1/2017 2:20:21 PM	CS

INTERFERENCE SEARCH			
US Class/ CPC Symbol	**US Subclass / CPC Group**	**Date**	**Examiner**

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
14/175,811	02/07/2014	2421	2890	10004-2000104	25	12

CONFIRMATION NO. 5201

CORRECTED FILING RECEIPT

51417
Mauriel Kapouytian Woods LLP
15 W. 26th Street
7th Floor
New York, NY 10010

OC000000098735203

Date Mailed: 04/13/2018

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)

Jonathan S. Steuer, New York, NY;
Christopher W. Otto, San Francisco, CA;

Applicant(s)

Anonymous Media Research, LLC, New York, NY;

Assignment For Published Patent Application

Anonymous Media Research, LLC, New York, NY

Power of Attorney: The patent practitioners associated with Customer Number 51417

Domestic Priority data as claimed by applicant

This application is a CON of 13/914,870 06/11/2013 ABN
which is a CON of 12/954,604 11/24/2010 ABN
which is a DIV of 11/139,330 05/26/2005 ABN
which claims benefit of 60/574,836 05/27/2004

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.) - None.
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: No

Permission to Access Search Results: No

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 03/07/2014

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 14/175,811**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD

Preliminary Class

725

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

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 (1-866-999-4258).

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 AssetsControl, 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).

SelectUSA

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 U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop

technology, manufacture products, deliver services, and grow your business, visit http://www.SelectUSA.gov or call +1-202-482-6800.

Attorney Docket No.: 10004-2000104
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jonathan S. Steuer

Application No.: 14/175,811 Group Art Unit: 2421

Filing Date: February 7, 2014 Examiner: Smith, Chenea

Title: MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD

REQUEST FOR A CORRECTED FILING RECEIPT

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

Dear Sir:

Attached herewith is the marked-up Filing Receipt and filed herewith a corrected Application Data Sheet. Applicant respectfully requests that the Patent Office enter these corrections, specifically, that the title of the Application be corrected to:

MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD

Dated: April 10, 2018

Respectfully submitted,

By /Lawrence Gabuzda/
Lawrence Gabuzda
Registration No. 51,711
Mauriel Kapouytian Woods LLP
15 W. 26th Street, 7th Floor
New York, New York 10010
(212) 524-6052
Attorney(s) for Applicant

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
14/175,811	02/07/2014	2447	2890	10004-2000104	25	12

CONFIRMATION NO. 5201

UPDATED FILING RECEIPT

51417
Mauriel Kapouytian Woods LLP
27 W. 24th Street
Suite #302
New York, NY 10010

OC000000071745647

Date Mailed: 11/07/2014

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)

Jonathan S. Steuer, New York, NY;
Christopher W. Otto, San Francisco, CA;

Applicant(s)

Anonymous Media Research, LLC, New York, NY

Assignment For Published Patent Application

Anonymous Media Research, LLC, New York, NY

Power of Attorney: The patent practitioners associated with Customer Number 51417

Domestic Priority data as claimed by applicant

This application is a CON of 13/914,870 06/11/2013 ABN
which is a CON of 12/954,604 11/24/2010 ABN
which is a DIV of 11/139,330 05/26/2005 ABN
which claims benefit of 60/574,836 05/27/2004

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.) - None.
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

If Required, Foreign Filing License Granted: 03/07/2014
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 14/175,811**
Projected Publication Date: 02/19/2015
Non-Publication Request: No

Early Publication Request: No
** **SMALL ENTITY** **
Title

MEASUREMENT

MEDIA USAGE MONITORING AND ~~MEASURMENT~~ SYSTEM AND METHOD

Preliminary Class

709

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

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 (1-866-999-4258).

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 AssetsControl, 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).

SelectUSA

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 U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit http://www.SelectUSA.gov or call +1-202-482-6800.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	10004-2000104
	Application Number	14/175,811
Title of Invention	MEDIA USAGE MONITORING AND ~~MEAGURMENT~~ SYSTEM AND METHOD MEASUREMENT	

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76
This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fail under Secrecy Order may not be filed electronically.)

Inventor Information:

Inventor 1 — Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Jonathan	S.	Steuer	

Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

City	New York	State/Province	NY	Country of Residence	US

Mailing Address of Inventor:

Address 1	72 East 3rd Street, Apartment 2B		
Address 2			
City	New York	State/Province	NY
Postal Code	10003	Country i	US

Inventor 2 — Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Christopher	W.	Otto	

Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

City	San Francisco	State/Province	CA	Country of Residence	US

Mailing Address of Inventor:

Address 1	894 Guerrero Street		
Address 2			
City	San Francisco	State/Province	CA
Postal Code	94110	Country i	US

All Inventors Must Be Listed - Additional Inventor information blocks may be generated within this form by selecting the **Add** button. Add

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).

PTO/AIA/14 (03-13)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	10004-2000104
	Application Number	14/175,811
Title of Invention	MEDIA USAGE MONITORING AND ~~MEASURMENT~~ MEASUREMENT SYSTEM AND METHOD	

☐ An Address is being provided for the correspondence Information of this application.			
Customer Number	51417		
Email Address		Add Email	Remove Email

Application Information:

Title of the Invention	MEDIA USAGE MONITORING AND ~~MEASURMENT~~ MEASUREMENT SYSTEM AND METHOD		
Attorney Docket Number	10004-2000104	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	7	Suggested Figure for Publication (if any)	

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.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32).
Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	◉ Customer Number	○ US Patent Practitioner	○ Limited Recognition (37 CFR 11.9)
Customer Number	51417		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	13/914870	2013-06-11
Prior Application Status	Abandoned		Remove

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	10004-2000104
	Application Number	14/175,811

Title of Invention	MEDIA USAGE MONITORING AND ~~MEASURMENT~~ MEASUREMENT SYSTEM AND METHOD

Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13/914870	Continuation of	12/954604	2010-11-24
Prior Application Status	Abandoned		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
12/954604	Division of	11/139330	2005-05-26
Prior Application Status	Expired		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
11/139330	non provisional of	60/574836	2004-05-27

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. 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(d). When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)[i] the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(h)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

Remove

Application Number	Country[i]	Filing Date (YYYY-MM-DD)	Access Code[i] (if applicable)

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.

Authorization to Permit Access:

☐ Authorization to Permit Access to the Instant Application by the Participating Offices

PTO/AIA/14 (03-13)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	10004-2000104
	Application Number	14/175,811
Title of Invention	MEDIA USAGE MONITORING AND ~~MEASURMENT~~ SYSTEM AND METHOD MEASUREMENT	

If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the instant patent application is filed access to the instant patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the instant patent application is filed to have access to the instant patent application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the instant patent application with respect to: 1) the instant patent application-as-filed; 2) any foreign application to which the instant patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the instant patent application; and 3) any U.S. application-as-filed from which benefit is sought in the instant patent application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date o f filing this Authorization.

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Applicant 1

If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

Clear

(•) Assignee	( ) Legal Representative under 35 U.S.C. 117	( ) Joint Inventor
( ) Person to whom the inventor is obligated to assign.	( ) Person who shows sufficient proprietary interest	

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

Name of the Deceased or Legally Incapacitated Inventor :	
If the Applicant is an Organization check here.	☒
Organization Name	Anonymous Media Research, LLC

Mailing Address Information For Applicant:

Address 1	72 East 3rd Street, Apartment 2B		
Address 2			
City	New York	**State/Province**	NY
Country	US	Postal Code	10003
Phone Number		Fax Number	

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	10004-2000104
	Application Number	14/175,811
Title of Invention	MEDIA USAGE MONITORING AND ~~MEASURMENT~~ SYSTEM AND METHOD MEASUREMENT	

Email Address	

Additional Applicant Data may be generated within this form by selecting the Add button.

Non-Applicant Assignee Information:

Providing assignment information in this section does not subsitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Assignee 1

Complete this section only if non-applicant assignee information is desired to be included on the patent application publication in accordance with 37 CFR 1.215(b). Do not include in this section an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest), as the patent application publication will include the name of the applicant(s).

If the Assignee is an Organization check here. ☐

Prefix	**Given Name**	Middle Name	**Family Name**	Suffix

Mailing Address Information For Non-Applicant Assignee:

Address 1	
Address 2	

City		**State/Province**	
Country [i]		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Assignee Data may be generated within this form by selecting the Add button.

Signature:

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

Signature	/Michael Mauriel/			Date (YYYY-MM-DD)	2014-02-07
First Name	Michael	Last Name	Mauriel	Registration Number	40226

Additional Signature may be generated within this form by selecting the Add button.

PTO/AIA/14 (03-13)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	10004-2000104
	Application Number	14/175,811
Title of Invention	MEDIA USAGE MONITORING AND ~~MEASURMENT~~ MEASUREMENT SYSTEM AND METHOD	

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet 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.**

Electronic Acknowledgement Receipt	
EFS ID:	32295261
Application Number:	14175811
International Application Number:	
Confirmation Number:	5201
Title of Invention:	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Jonathan S. Steuer
Customer Number:	51417
Filer:	Michael John Mauriel/Emily Sullenberger
Filer Authorized By:	Michael John Mauriel
Attorney Docket Number:	10004-2000104
Receipt Date:	10-APR-2018
Filing Date:	07-FEB-2014
Time Stamp:	15:02:37
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Corrected Filing Receipt	10004-2000104RequestforCorrectedFilingReceipt.pdf	4446751 07c3c8d1af2f23fc2b00dcdb4132398f3ccf7e16	no	4

Warnings:

Information:					
2	Application Data Sheet	10004-2000104CorrectedADS.pdf	634207 8b739da354411a8186d45a2de84b0a6812e48071	no	6
Warnings:					
Information:					
This is not an USPTO supplied ADS fillable form					
			Total Files Size (in bytes):	5080958	

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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 14/175,811	Filing Date 02/07/2014	☐ To be Mailed

ENTITY: ☐ LARGE ☑ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED		(Column 2) NUMBER EXTRA		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A		N/A		N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A		N/A		N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A		N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =		*		x $40 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =		*		x $210 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).					
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))						
* If the difference in column 1 is less than zero, enter "0" in column 2.					TOTAL	

APPLICATION AS AMENDED - PART II

AMENDMENT	03/05/2018	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 9	Minus	** 25	= 0		x $50 =	0
	Independent (37 CFR 1.16(h))	* 7	Minus	*** 12	= 0		x $230 =	0
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	0

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=		x $0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x $0 =	
	☐ 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.	LIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	donna D smalls logan
*** 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.	

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

PTO/SB/30EFS (02-18)
Approved for use through 11/30/2020. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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

Application Number	14175811	Filing Date	2014-02-07	Docket Number (if applicable)	10004-2000104	Art Unit	2421
First Named Inventor	Jonathan S. Steuer			Examiner Name	Smith, Chenea		

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 504242

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

Applicant Signature

PTO/SB/30EFS (02-18)
Approved for use through 11/30/2020. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/Lawrence Gabuzda/	Date (YYYY-MM-DD)	2018-03-05
Name	Lawrence Gabuzda	Registration Number	51711

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.

Attorney Docket No.: 10004-2000104
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jonathan S. Steuer

Application No.: 14/175,811 Group Art Unit: 2421

Filing Date: February 7, 2014 Examiner: Smith, Chenea

Title: MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD

AMENDMENT UNDER 37 CFR § 1.114

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This is in response to the Final Office Action dated April 4, 2017 (Paper No. 20170324) for which a response was due on July 4, 2017. Filed herewith is a Petition and fee for a 5-month extension of time, thereby extending the deadline for response to March 5, 2018 (March 4, 2018, being a Sunday), and a Request for Continued Examination. Accordingly, this response is timely filed. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 10 of this paper.

AMENDMENTS TO THE CLAIMS

Please amend the claims as follows, where additions are underlined and deletions are indicated by ~~strikethrough~~ or enclosed in [[double brackets]]:

1. (Currently Amended): A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for receiving representations of a plurality of target media items from at least one client device;

a stream store, coupled to the server and to the at least one stream collection server, for storing a representation of at least a subset of the received reference media items and for storing representations of the plurality of target media items;

a correlator server, coupled to the stream store, for identifying respective ones of the reference media items as corresponding to the plurality of target media items , wherein the correlator server identifies specific portions of the respective ones of the identified reference media items using a content offset indicating a relative time position within an identified reference media item;

a play stream generator, coupled to the correlator server, for generating output signaling measured user exposure to the respective ones of the identified reference media items over time, including output signaling measured user exposure to one or more specific portions of the identified reference media items, wherein ~~a specific portion of an identified reference media item is determined using a content offset indicating a relative time position within the identified reference media item~~, the play stream generator further being configured to identify a channel corresponding to a target media item based on a sequence of a least two different identified reference media items to which user exposure over time was measured; and

a location tracking server for detecting a location for the client device.

2. (Previously Presented): The system of claim 1, wherein the location tracking server detects the location via GPS tracking.

3. (Cancelled)

4. (Currently Amended): A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for receiving representations of a plurality of target media items from at least one client device;

a stream store, coupled to the server and to the at least one stream collection server, for storing a representation of at least a subset of the received reference media items and for storing the representations of the plurality of target media items;

a correlator server, coupled to the stream store, for identifying respective ones of the reference media items as corresponding to the plurality of target media items , wherein the correlator server identifies specific portions of the respective ones of the identified reference media items using a content offset indicating a relative time position within an identified reference media item; and

a play stream generator, coupled to the correlator server, for generating output signaling measured user exposure to the respective ones of the identified reference media items over time, including output signaling measured user exposure to one or more specific portions of the identified reference media items, wherein ~~a specific portion of an identified reference media item is determined using a content offset indicating a relative time position within the identified reference media item~~, the play stream generator further being configured to identify a channel corresponding to a target media item based on a sequence of a least two

different identified reference media items to which user exposure over time was measured.

5-16. (Cancelled)

17. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media; wherein the content recognition system identifies specific portions of the known media content using a content offset indicating a relative time position within the identified known media content and;

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content, including output signaling measured audience member exposure to one or more specific portions of the identified known media content, wherein a ~~specific portion of the identified known media content is determined using a content offset indicating a relative time position within the identified known media content,~~ the report generator further being configured to identify a channel corresponding to a monitored media item based on a sequence of a least two different identified known media items to which user exposure over time was measured; and

an audience data processor for detecting a location of the audience member monitoring device.

18. (Original): The system of claim 17, wherein the audience data processor detects the location via GPS tracking.

19. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving a plurality of representations of monitored media from at least one audience member monitoring device and a plurality of log times respectively corresponding to the plurality of representations, a log time of the plurality of log times indicating a time at which a monitoring device corresponding to an audience member was exposed to the monitored media;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media and identifies a content offset that indicates a relative time position within the identified known media content; and

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the identified known media content; wherein the plurality of known media content comprises at least one broadcast; and

wherein, if the one of the known media content is the at least one broadcast, two or more of the plurality of log times corresponding to two or more of the plurality of representations are usable to determine that measured audience member exposure to portions of the known media content corresponding to the two or more of the plurality of representations occurred at a time other than the time of

the broadcast of the portions of the known media content by using the two or more log times and content offsets of the portions of the known media content, ~~wherein a content offset indicates a relative time position within the identified known media content~~.

20. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media; wherein the content recognition system identifies specific portions of the identified known media content using a content offset indicating a relative time position within the identified known media content; and

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content, including output signaling measured audience member exposure to one or more specific portions of the identified known media content, ~~wherein a specific portion of the identified known media content is determined using a content offset indicating a relative time position within the identified known media content~~. the report generator further being configured to identify a channel corresponding to a monitored media item based on a sequence of

a least two different identified known media items to which user exposure over time was measured;

21-23. (Cancelled)

24. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media; wherein the content recognition system identifies specific portions of the known media content using a content offset indicating a relative time position within the identified known media content;

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content, including output signaling audience member exposure to one or more specific portions of the identified known media content, ~~wherein a specific portion of the identified known media content is determined using a content offset indicating a relative time position within the identified known media content;~~ , the report generator further being configured to identify a channel corresponding to a monitored media item based on a sequence of a least two different identified known media items to which user exposure over time was measured; and

an audience data processor for detecting a location of the audience member monitoring device and relating the detected location to content meta data associated with the known media content.

25. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media; wherein the content recognition system identifies specific portions of the known media content using a content offset indicating a relative time position within the identified known media content;

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content, including output signaling audience member exposure to one or more specific portions of the identified known media content, ~~wherein the specific portions of the identified known media content are determined using a content offset indicating a relative time position within the identified known media content~~; the report generator further being configured to identify a channel corresponding to a monitored media item based on a sequence of a least two different identified known media items to which user exposure over time was measured; and

an audience data processor;

wherein the report generator, coupled to the audience data processor, generates a report matching audience data to audience member exposure to known media content.

REMARKS

Claims 1, 2, 4, 17-20, 24, and 25 were pending in the present application and are currently under consideration. Of the claims currently under consideration, Claims 1. 4. 17, 19-20 and 24-25 have been amended.

Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added. Entry of the above-mentioned amendments is respectfully requested.

Examiner Interview

Applicant thanks Examiner Chenea Smith for the courtesies extended in the Telephone Interview of February 22, 2018, with attorneys for applicants', Michael Mauriel and Lawrence Gabuzda, and inventors, Jonathan Steuer and Christopher Otto.

In the Interview, it was agreed that, if Applicant's interpretation of the Wang reference is correct, then claim 19 is patentable over Wang combined with Chen and Kolessar.

Claim Rejections – 35 U.S.C. § 101

Claims 1-2, 4, 17-20, and 24-25 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more. Applicant respectfully disagrees.

The Office action at pp 3-4 states that the present claims are directed to an abstract idea, by analogy to the Federal Circuit cases *TLI Communications* and *FairWarning*.

In *Fair Warning*, the claims were directed to methods of detecting improper access of confidential health information, by generating rules for monitoring audit

log data and applying the rule to log data to determine whether improper access has occurred.

The court found the claims to be directed to an abstract idea, and something that people had been doing "for centuries" to discover fraud.

In *TLI*, the claims were directed to classifying an image and storing it according to the classification.

Applicant maintains that neither of these cases is sufficiently like the presently claimed invention to justify the conclusion that the present claims are directed to an abstract idea under *Alice* Step 2A. Certainly, the particular non-conventional methods for media usage monitoring disclosed and claimed in the present application have not been performed by people "for centuries" in any meaningful way.

Moreover, the November 2, 2016 memo to the Patent Examining Corps from, Deputy Commissioner Robert W. Bahr (" Bahr Memo"), at page 3, points out that, "[i]n Step 2B of the USPTO's SME guidance, examiners should consider the additional elements in combination, as well as individually, when determining whether a claim as a whole amounts to significantly more, as this may be found in the nonconventional and non-generic arrangement of known, conventional elements." (Bold emphasis in original, underlined emphasis added). Although the Office Action discusses "an ordered combination" generically, it provides no analysis of the particular combinations / arrangements of elements recited in the claims as is required under Bascom and other cases and as required by the Bahr Memo. Rather, the Office Action merely offers the conclusory statement that "looking at the limitations as an ordered combination adds nothing that is not already present when looking at the elements taken individually." Office Action at page 4. However, no specific consideration is given to particular arrangements of elements/steps in the claims as is required by the USPTO's SME Step 2B guidance. Furthermore, no specific consideration is given in the Office Action's 101 analysis to the claim language accompanying the allegedly generic elements. The independent

claims include such additional language in those recited elements/steps themselves and/or in one or more detailed wherein clauses. That additional language recites specific limitations applicable to the allegedly "generic" components and is therefore relevant to both the USTPO's SME Step 2A analysis (to determine whether the claim is directed to an abstract idea) and its "significantly more" Step 2B analysis. But that additional language was not fully addressed in the Office Action.

Applicant notes further that all the independent claims have been hereby additionally amended, adding still more detail relevant to the patent-eligibility analysis. For example, claim 1 has been amended to now also recite: "the play stream generator further being configured to identify a channel corresponding to a target media item based on a sequence of a least two different identified reference media items to which user exposure over time was measured."

These additional limitations further bolster the conclusion that the claims amount to significantly more than any abstract idea to which they may be allegedly in part directed.

For at least the above reasons, it is respectfully requested that the Sec. 101 rejections be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 1-2, 4, 17-20, and 24-25 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Chen (of record) in view of Kolessar (of record) and Wang (20080154401, hereinafter Wang). Applicant respectfully disagrees.

As noted above under "Examiner Interview," Applicant and the Examiner have agreed that, assuming the Applicant's interpretation of new reference Wang is correct, then at least claim 19 is patentable over Wang combined with Chen and Kolessar. Specifically, the portions of Wang cited by the Examiner with respect to Claim 19 show time stretch ratio of audio samples only relative to an original master recording. However, there is no teaching in Wang of using log times in

combination with content offsets to determine an audience member's exposure was at a time other than a time of the broadcast of the identified content.

All of the other independent claims have been further amended to include additional limitations, such as (for claim 1):

"the play stream generator further being configured to identify a channel corresponding to a target media item based on a sequence of a least two different identified reference media items to which user exposure over time was measured"

The cited references, alone or in combination, do not teach or suggest these newly added limitations of the independent claims.

Accordingly, the Sec. 103 rejections of all claims should be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time. The Director is hereby authorized to charge any fees which may be required by this paper to Deposit Account No. 50-4242, referencing docket no. 10004-2000104.

Dated: March 5, 2018

Respectfully submitted,

By /Lawrence Gabuzda/
Lawrence Gabuzda
Registration No. 51,711
Mauriel Kapouytian Woods LLP
15 W. 26th Street, 7th Floor
New York, New York 10010
(212) 524-6052
Attorney(s) for Applicant

Electronic Patent Application Fee Transmittal	
Application Number:	14175811
Filing Date:	07-Feb-2014
Title of Invention:	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Jonathan S. Steuer
Filer:	Lawrence R. Gabuzda/Emily Sullenberger
Attorney Docket Number:	10004-2000104
Filed as Small Entity	
Filing Fees for **Utility under 35 USC 111(a)**	

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

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 5 months with $0 paid	2255	1	1500	1500
Miscellaneous:				
RCE- 2ND AND SUBSEQUENT REQUEST	2820	1	950	950
		Total in USD ($)		**2450**

Electronic Acknowledgement Receipt	
EFS ID:	31959059
Application Number:	14175811
International Application Number:	
Confirmation Number:	5201
Title of Invention:	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Jonathan S. Steuer
Customer Number:	51417
Filer:	Lawrence R. Gabuzda/Emily Sullenberger
Filer Authorized By:	Lawrence R. Gabuzda
Attorney Docket Number:	10004-2000104
Receipt Date:	05-MAR-2018
Filing Date:	07-FEB-2014
Time Stamp:	17:41:40
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	EFT
Payment was successfully received in RAM	$2450
RAM confirmation Number	030618INTEFSW17423400
Deposit Account	504242
Authorized User	Emily Sullenberger
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.17 (Patent application and reexamination processing fees) 37 CFR 1.19 (Document supply fees)	

37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Extension of Time	10004-2000104PetitionforExtension.pdf	490482 0c194f10b2a0bd6296f055a45735bd2fb863b730	no	1
Warnings:					
Information:					
2	Request for Continued Examination (RCE)	10004-2000104RCE.pdf	1349927 814661785693d50c8fafedc381197c00fc1dd339	no	3
Warnings:					
Information:					
3		10004-2000104ResponsetoFOAdated4-4-17.pdf	512049 c480bcf74dc58ee729b960b3e3e91108af05224d	yes	14

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment Submitted/Entered with Filing of CPA/RCE	1	1
Claims	2	9
Applicant Arguments/Remarks Made in an Amendment	10	14

Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	32565 3ced7b24c297381c7c6f325d8ff0f68334e1aba8	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	2385023		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/AIA/22 (03-13)
Approved for use through 7/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional): 10004-2000104

Application Number: 14/175,811

Filed: February 7, 2014

For: MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD

Art Unit: 2421

Examiner: Smith, Chenea

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	Micro Entity Fee	
☐ One month (37 CFR 1.17(a)(1))	$200	$100	$50	$
☐ Two months (37 CFR 1.17(a)(2))	$600	$300	$150	$
☐ Three months (37 CFR 1.17(a)(3))	$1,400	$700	$350	$
☐ 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	$ 1,500

☑ 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 50-4242.

☑ 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.

☑ attorney or agent of record. Registration number 51,711.

☐ attorney or agent acting under 37 CFR 1.34. Registration number .

/Lawrence Gabuzda/ — Signature

March 5, 2018 — Date

Lawrence Gabuzda — Typed or printed name

212-524-6052 — Telephone Number

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

☐ * Total of _____ 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: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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.
14/175,811	02/07/2014	Jonathan S. Steuer	10004-2000104	5201

51417 7590 02/28/2018

Mauriel Kapouytian Woods LLP
15 W. 26th Street
7th Floor
New York, NY 10010

EXAMINER	
SMITH, CHENEA	

ART UNIT	PAPER NUMBER
2421	

NOTIFICATION DATE	DELIVERY MODE
02/28/2018	ELECTRONIC

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

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

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

docket@mkwllp.com

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	14/175,811	STEUER ET AL.	
	Examiner	Art Unit	
	CHENEA SMITH	2421	

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

(1) *CHENEA SMITH*.

(2) *Mike Mauriel*.

(3) *Larry Gabuzda*.

(4) *Jonathan Steuer, Chris Otto*.

Date of Interview: *22 February 2018*.

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

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

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

Claim(s) discussed: *19*.

Identification of prior art discussed: *Wang (of record)*.

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

Topics of discussion were the 101 and 103 rejections of record, speciifcally for claim 19. No agreements were reached.

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

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

☐ Attachment

/CHENEA SMITH/ Primary Examiner, Art Unit 2421	

Summary of Record of Interview Requirements

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

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

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

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

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

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

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

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

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

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

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

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

Examiner to Check for Accuracy

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

PTO/AIA/31 (03-14)
Approved for use through 07/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO THE PATENT TRIAL AND APPEAL BOARD

Docket Number (Optional): 10004-2000104

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, EFS-Web transmitted to the USPTO, or deposited with the United States Postal Service with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, on Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on _____.

Signature _____

Typed or printed name _____

In re Application of: Jonathan S. Steuer et al.

Application Number	Filed
14/175,811	February 7, 2014

For: MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD

Art Unit	Examiner
2421	Smith, Chenea

Applicant hereby **appeals** to the Patent Trial and Appeal Board from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) $ 800.00

☑ Applicant asserts small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by 50%, and the resulting fee is: $ 400.00

☐ Applicant certifies micro entity status. See 37 CFR 1.29. Therefore, the fee shown above is reduced by 75%, and the resulting fee is: $ _____
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 is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-4242.

☑ Payment made via EFS-Web.

☑ A petition for an extension of time under 37 CFR 1.136(a) (PTO/AIA/22 or equivalent) is enclosed.
For extensions of time in reexamination proceedings, see 37 CFR 1.550.

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

☑ attorney or agent of record Registration number 51,711

☐ attorney or agent acting under 37 CFR 1.34 Registration number _____

Signature /Lawrence Gabuzda/

Typed or printed name Lawrence Gabuzda

Telephone Number (212) 524-6052

Date August 4, 2017

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 41.20(b)(1) and 41.31. 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, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

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

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

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

PTO/AIA/22 (03-13)
Approved for use through 7/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)	Docket Number (Optional) 10004-2000104
Application Number 14/175,811	Filed February 7, 2014
For MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD	
Art Unit 2421	Examiner Smith, Chenea

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

		Fee	Small Entity Fee	Micro Entity Fee	
☑	One month (37 CFR 1.17(a)(1))	$200	$100	$50	$ 100.00
☐	Two months (37 CFR 1.17(a)(2))	$600	$300	$150	$
☐	Three months (37 CFR 1.17(a)(3))	$1,400	$700	$350	$
☐	Four months (37 CFR 1.17(a)(4))	$2,200	$1,100	$550	$
☐	Five months (37 CFR 1.17(a)(5))	$3,000	$1,500	$750	$

☑ Applicant asserts small entity status. See 37 CFR 1.27.

☐ Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. 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 50-4242.

☑ 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.

☑ attorney or agent of record. Registration number 51,711.

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.

/Lawrence Gabuzda/ — Signature

August 4, 2017 — Date

Lawrence Gabuzda — Typed or printed name

(212) 524-6052 — Telephone Number

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

☐ * Total of _____ 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: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Privacy Act Statement

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

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

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

Electronic Patent Application Fee Transmittal					
Application Number:	14175811				
Filing Date:	07-Feb-2014				
Title of Invention:	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD				
First Named Inventor/Applicant Name:	Jonathan S. Steuer				
Filer:	Lawrence R. Gabuzda/Victoria Wilson				
Attorney Docket Number:	10004-2000104				
Filed as Small Entity					
Filing Fees for Utility under 35 USC 111(a)					
Description	**Fee Code**	**Quantity**	**Amount**	**Sub-Total in USD($)**	
Basic Filing:					
Pages:					
Claims:					
Miscellaneous-Filing:					
Petition:					
Patent-Appeals-and-Interference:					
NOTICE OF APPEAL	2401	1	400	400	
Post-Allowance-and-Post-Issuance:					

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Extension - 1 month with $0 paid	2251	1	100	100
Miscellaneous:				
		Total in USD ($)		**500**

Electronic Acknowledgement Receipt	
EFS ID:	29991432
Application Number:	14175811
International Application Number:	
Confirmation Number:	5201
Title of Invention:	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Jonathan S. Steuer
Customer Number:	51417
Filer:	Lawrence R. Gabuzda/Victoria Wilson
Filer Authorized By:	Lawrence R. Gabuzda
Attorney Docket Number:	10004-2000104
Receipt Date:	04-AUG-2017
Filing Date:	07-FEB-2014
Time Stamp:	17:27:38
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	EFT
Payment was successfully received in RAM	$500
RAM confirmation Number	080717INTEFSW17281700
Deposit Account	504242
Authorized User	Victoria Wilson
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notice of Appeal Filed	100042000104NoticeofAppeal.pdf	607418 c69cce9f9991e77ff8725edf4a6b4292cfeb812c	no	2
Warnings:					
Information:					
2	Extension of Time	100042000104ExtensionofTime.pdf	517155 f4641cb177748f17b9d7f0d1d7fc2487285cf82e	no	2
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32191 375a47ab6477e37723c017626b452359ef8c54a0	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1156764		

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/175,811	02/07/2014	Jonathan S. Steuer	10004-2000104	5201

51417 7590 04/04/2017

Mauriel Kapouytian Woods LLP
15 W. 26th Street
7th Floor
New York, NY 10010

EXAMINER	
SMITH, CHENEA	

ART UNIT	PAPER NUMBER
2421	

MAIL DATE	DELIVERY MODE
04/04/2017	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. 14/175,811	Applicant(s) STEUER ET AL.	
	Examiner CHENEA SMITH	Art Unit 2421	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *12/13/16*.

☐ 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) *1,2,4,17-20,24 and 25* 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) *1-2,4,17-20,24-25* is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

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

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

4) ☐ Other: _____.

DETAILED ACTION

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

Response to Amendment

2. This office action is in response to communications filed 12/13/16. Claims 1, 4, 17, 19-20 and 24-25 are amended. Claims 3, 5-16 and 21-23 are cancelled. Claims 1-2, 4, 17-20 and 24-25 are pending in this action.

Response to Arguments

3. Applicant's arguments with respect to claims 1-2, 4, 17-20 and 24-25 have been considered but are moot in view of new grounds of rejection.

4. In response to Applicants' arguments regarding the rejection under 35 USC 101, the Applicants should please note that the rejection is maintained, as the concept described in the independent claims correspond to at least one concept identified as an abstract idea by the courts (please see rejection below).

Claim Rejections - 35 USC § 101

5. Claims 1-2, 4, 17-20 and 24-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more. Claims 1-2, 4, 17-20 and 24-25 are directed to the abstract idea of detecting user exposure to media, as explained in detail below. The claims do not include additional elements that are sufficient to amount to significantly more than the judicial exception because the additional computer elements, which are recited at a high level of generality, provide conventional computer functions that do not add meaningful limits to practicing the abstract idea. The independent claims recite, in part, the steps of receiving media items, receiving representations of target media items, storing a representation of the media items and the reference media items, identifying correspondences between the media items, and generating output signaling measured user exposure to the media items over time, and detecting a locations of a client device. The concept described in the independent claims correspond to at least one concept identified as an abstract idea by the courts, such as a method for recording, transmitting and administering digital images in *TLI Communications*, whose concept relates to certain methods of organizing human activity, where performances by a human are managed, or such as collecting and analyzing information to detect misuse and notifying a user when misuse is detected in *FairWarning*, whose concept relates to an idea of itself. The concept described in the claims is not meaningfully different than the concepts found by the courts to be abstract ideas. The steps of receiving the media items, receiving representations of media items, storing the media items and the representations, identifying corresponding items, and generating output

are generalized steps to be performed on a computer using conventional computer activity. As such, the description in the claims of detecting user exposure to media is an abstract idea. And the claims do not include additional elements that are sufficient to amount to significantly more than the judicial exception because the additional elements when considered both individually and as an ordered combination do not amount to significantly more than the abstract idea. The claims recite the additional limitations of servers, a stream store and a generator. However, these additional limitations are recited at a high level of generality and are recited as performing generic computer functions routinely used in computer applications. Generic computer components recited as performing generic computer functions that are well-understood, routine and conventional activities amount to no more than implementing the abstract idea with a computerized system. The use of generic computer components to detect user exposure to media does not impose any meaningful limit on the computer implementation of the abstract idea. Thus, taken alone, the additional elements do not amount to significantly more than the above-identified judicial exception (the abstract idea), and looking at the limitations as an ordered combination adds nothing that is not already present when looking at the elements taken individually. There is no indication that the combination of elements improves the functioning of a computer or improves any other technology. Their collective functions merely provide conventional computer implementation of detecting user exposure to media. The dependent claims recite the same abstract idea as cited above, without including additional elements that are sufficient to amount to significantly more than the judicial exception. Claims 1-2, 4, 17-20 and 24-25, then, are therefore not drawn to eligible subject matter as they are directed to an abstract idea without significantly more.

Claim Rejections - 35 USC § 103

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

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

7. Claims 1-2, 4, 17-20 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (of record) in view of Kolessar (of record) and Wang (20080154401, hereinafter Wang).

Regarding claims 1, 4, 17, 20, Chen discloses a system for detecting user exposure to media items (see Chen, Fig. 1), comprising:

a server (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11) for receiving a plurality of reference media items from at least one media receiver (see Chen, col 6, lines 11-15 and col 14, lines 55-65);

at least one stream collection server (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11), for receiving representations of a

plurality of target media items from at least one client device (see Chen, col 5, line 61 – col 6, line 15);

a stream store, coupled to the server and to the at least one stream collection server (memory unit 136/ database of local servers 104/110, see Chen, Figs. 1 and 4, col 5, lines 24-29), for storing a representation of at least a subset of the received reference media items and for storing the representations of the plurality of target media items (see Chen, col 6, lines 11-15, col 14, lines 46-65 and col 16, lines 5-13);

a correlator server, coupled to the stream store (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11), for identifying respective ones of the reference media items as corresponding to the plurality of target media items (see Chen, col 16, lines 42-52 and col 17, lines 4-6);

a play stream generator (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11), , coupled to the correlator server (see Chen, Figs. 1-4), for generating output signaling user exposure to the respective ones of the identified reference media items (see Chen, col 16, lines 42-52 and col 17, lines 4-6); and

a location tracking server (CTPU 108/microprocessor of microprocessor units 158 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11) for detecting a location for the client device (see Chen, col 8, lines 46-48, col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11).

Chen does not specifically disclose the play stream generator for generating output signaling measured user exposure to the respective ones of the identified reference media items over time, including output signaling measured user exposure to one or more specific portions of the identified reference media items, wherein a specific portion of an identified reference media item is determined using a content offset indicating a relative time position within the identified reference media item.

In an analogous art relating to a system for detecting user exposure to media, Kolessar discloses a play stream generator for generating output signaling measured user exposure to respective ones of identified reference media items over time, including output signaling measured user exposure to one or more specific portions of the identified reference media items (see Kolessar, (col 7, lines 14-50, col 10, lines 34-44 and col 18, lines 28-68).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen to include the limitations as taught by Kolessar for the advantage of allowing information about user habits to be received in addition to providing more diverse and targeted information to a user.

Chen in view of Kolessar does not specifically disclose wherein a specific portion of an identified reference media item is determined using a content offset indicating a relative time position within the identified reference media item.

In an analogous art relating to a system for detecting user exposure to media, Wang discloses wherein a specific portion of an identified reference media item is determined using a content offset indicating a relative time position within the identified reference media item (see Wang, [0037], [0039] and [0041]-[0042]).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen in view of Kolessar to include the limitations as taught by Wang for the advantage of providing more accurate representations of user exposure.

Regarding claims 2 and 18, Chen in view of Kolessar and Wang discloses wherein the location tracking server detects the location via GPS tracking (see Chen, col 8, lines 58-60).

Regarding claim 19, Chen discloses a system for measuring audience member exposure to media content (see Chen, Fig. 1), comprising:

an interface (see Chen, Fig. 1) for receiving a plurality of known media content (see Chen, col 6, lines 11-15 and col 14, lines 55-63) from at least one media broadcast (see Chen, col 2, lines 12-20);

a sample control processor (see Chen, Fig. 1 and col 5, lines 24-29) for receiving a plurality of representations of monitored media from at least one audience member monitoring device (see Chen, col 6, lines 11-15); and

a content recognition system, coupled to the interface and to the sample control processor (see Chen, Fig. 1), for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Chen, col 6, lines 11-15 and col 16, lines 5-13);

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media (see Chen, col 16, lines 42-52 and col 17, lines 4-6); and

a report generator (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11), coupled to the content recognition system (see Chen,

Figs. 1-4), for generating output signaling user exposure to the identified known media content (see Chen, col 16, lines 42-52 and col 17, lines 4-6); wherein the plurality of known media content comprises at least one broadcast (see Chen, col 2, lines 12-20).

Chen does not specifically disclose a plurality of log times respectively corresponding to the plurality of representations, a log time of the plurality of log times indicating a time at which a monitoring device corresponding to an audience member was exposed to the monitored media; or

wherein, if the one of the known media content is the at least one broadcast, two or more of the plurality of log times corresponding to two or more of the plurality of representations are usable to determine that measured audience member exposure to portions of the known media content corresponding to the two or more of the plurality of representations occurred at a time other than the time of the broadcast of the portions of the known media content by using the two or more log times and content offset times of the portions of the known media content, wherein a specific portion of the identified known media content is determined using a content offset indicating a relative time position within the identified known media content.

In an analogous art relating to a system for detecting user exposure to media, Kolessar discloses a plurality of log times respectively corresponding to the plurality of representations, a log time of the plurality of log times indicating a time at which a monitoring device corresponding to an audience member was exposed to the monitored media (see Kolessar, Fig. 10 and related text);

wherein, if the one of the known media content is the at least one broadcast, two or more of the plurality of log times corresponding to two or more of the plurality of representations are

usable to determine that measured audience member exposure to portions of the known media content corresponding to the two or more of the plurality of representations occurred at a time other than the time of the broadcast of the portions of the known media content by using the two or more log times and content offset times of the portions of the known media content (see Kolessar, (col 7, lines 14-50, col 10, lines 34-44, col 18, lines 28-68, col 19, lines 4-10 and col 20, lines 21-30).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen to include the limitations as taught by Kolessar for the advantage of providing an improved system for recognizing content and inferring extensive and comprehensive information about the content such that information about user habits may be received and/or determined in addition to providing more diverse and targeted information to a user.

Chen in view of Kolessar does not specifically disclose wherein a specific portion of the identified known media content is determined using a content offset indicating a relative time position within the identified known media content.

In an analogous art relating to a system for detecting user exposure to media, Wang discloses wherein a specific portion of the identified known media content is determined using a content offset indicating a relative time position within the identified known media content (see Wang, [0037], [0039], [0041]-[0042] and [0049]), wherein, if the one of the known media content is the at least one broadcast, two or more of the plurality of log times corresponding to two or more of the plurality of representations are usable to determine that measured audience member exposure to portions of the known media content corresponding to the two or more of

the plurality of representations occurred at a time other than the time of the broadcast of the portions of the known media content by using the two or more log times and content offset times of the portions of the known media content (Wang discloses determining time stretch ratios, which indicate how much an audio sample has been speed up or slowed down. Therefore, for media broadcasts, in order for the sample to have been speed up or slowed down, the media would have to have been consumed at a time other than that of broadcast, i.e., recorded and then played back by the user, indicating the user's exposure at a time other than broadcast, see Wang, [0037], [0039], [0041]-[0042] and [0049]).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen in view of Kolessar to include the limitations as taught by Wang for the advantage of providing more accurate representations of user exposure.

Regarding claims 24-25, Chen in view of Kolessar and Wang discloses the limitations as cited above (please see rejections above), and also discloses:

an audience data processor/report generator (code of microprocessor performing the specific function, see Chen, Figs. 1-4) for detecting a location of the audience member monitoring device and relating the detected location to content metadata associated with the known media content (see Chen, col 9, lines 3-8).

Conclusion

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

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENEA SMITH whose telephone number is (571)272-9524. The examiner can normally be reached on 8:00 am - 4:00 pm, Mon-Fri.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571)272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/CHENEA SMITH/
Primary Examiner, Art Unit 2421

Notice of References Cited	Application/Control No. 14/175,811	Applicant(s)/Patent Under Reexamination STEUER ET AL.	
	Examiner CHENEA SMITH	Art Unit 2421	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2008/0154401 A1	06-2008	Wang; Avery Li-Chun	G11B27/11	700/94
	B	US-				
	C	US-				
	D	US-				
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14175811	STEUER ET AL.
	Examiner	Art Unit
	CHENEA SMITH	2421

CPC- SEARCHED		
Symbol	Date	Examiner
H04N21/2347 OR H04N21/2541 OR H04N21/4143 OR H04N21/4405 OR H04N21/4627 OR H04N21/25875 OR H04N21/8355 OR H04N21/235 OR H04N21/2362 OR H04N21/2543 OR H04N21/2547 OR H04N21/4345	7/11/16	CS
H04N21/435 OR H04N21/44204 OR H04N21/443 OR H04N21/4753 OR H04N21/6581 OR H04N21/8166 OR H04N21/835 OR H04N21/83555 OR H04N21/8358 OR H04N7/162 OR H04N7/17309 OR H04N21/23476	7/11/16	CS
H04N2005/91364 OR H04N21/42646 OR H04N21/4325 OR H04N5/913 OR H04N7/163 OR H04N5/765 OR H04N5/77 OR H04N5/775 OR H04N5/781 OR H04N5/85 OR H04N9/8042 OR H04N19/107 OR H04N19/124	7/11/16	CS
H04N19/87 OR H04N21/25816 OR H04N21/4316 OR H04N21/454 OR H04N21/47 OR H04N21/47214 OR H04N21/6334 OR H04N5/76	7/11/16	CS
G06Q30/0246 H04L67/22 H04L65/60	4/1/17	CS

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner
(H04N7/17318 OR H04N21/43615 OR H04N21/812 OR H04N21/44204 OR H04N21/44222 OR H04N21/4627 OR H04N21/47202 OR H04N21/4147 OR H04N21/6125 OR H04N21/6582 OR H04N21/8113 OR H04N5/76 OR H04N21/2543 OR H04N	11/1/2015	CS

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner

SEARCH NOTES		
Search Notes	**Date**	**Examiner**
Updated EAST search results included	4/1/2017 2:20:18 PM	CS
Updated Inventor search inlcuded - see search results printout	4/1/2017 2:20:19 PM	CS
Updated class search - 725, CPC SEARCH (SEE ABOVE) - text search only, see search results printout	4/1/2017 2:20:21 PM	CS

INTERFERENCE SEARCH			
US Class/ CPC Symbol	**US Subclass / CPC Group**	**Date**	**Examiner**

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	12	("20020038456" | "20020083060" | "5512933" | "7483975").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 13:13
L2	2	("20080154401").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 13:14
L3	0	wo-2003091990-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 13:23
L4	0	wo-2003/091990-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 13:23
L5	0	wo-03/091990-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 13:23
L6	3	wo-03091990-$.did.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 13:23
L7	3	10/978313.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 13:23
L8	32536	(h04l65/60 h04l67/22 g06q30/0246).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 14:13
L9	64	8 and ((media content$1) near offset$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 14:14
L10	0	9 and (@ad<"20040527")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 14:14
L11	17	(signal$3 near2 user$1 near2 expos$4).clm.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 14:17
L12	12	((Jonathan) near2 (Steuer)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/04/01 14:17
L13	24	((Christopher) near2 (Otto)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2017/04/01 14:17
L14	24	L12 L13	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 14:17
L15	2	L11 and L14	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 14:17
L16	5	14 and (offset$1.clm.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 14:18
L17	64525	"725".clas.	US-PGPUB; USPAT;	OR	OFF	2017/04/01

			USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			14:18
L18	1	9 and 17	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2017/04/01 14:18

EAST Search History (Interference)

< This search history is empty>

4/ 1/ 2017 2:19:23 PM
C:\ Users\ csmith3\ Documents\ EAST\ Workspaces\ Steuer 811 RCE.wsp

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14175811	STEUER ET AL.
	Examiner	**Art Unit**
	CHENEA SMITH	2421

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

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

CLAIM		DATE								
Final	Original	01/12/2015	11/02/2015	07/11/2016	04/01/2017					
	1	✓	✓	✓	✓					
	2	✓	✓	✓	✓					
	3	✓	✓	-	-					
	4	✓	✓	✓	✓					
	5	✓	-	-	-					
	6	✓	-	-	-					
	7	✓	✓	✓	-					
	8	✓	-	-	-					
	9	✓	-	-	-					
	10	✓	✓	✓	-					
	11	✓	✓	✓	-					
	12	✓	✓	✓	-					
	13	✓	-	-	-					
	14	✓	-	-	-					
	15	✓	✓	✓	-					
	16	✓	✓	✓	-					
	17	✓	✓	✓	✓					
	18	✓	✓	✓	✓					
	19	✓	✓	✓	✓					
	20	✓	✓	✓	✓					
	21	✓	✓	✓	-					
	22	✓	✓	✓	-					
	23	✓	✓	✓	-					
	24	✓	✓	✓	✓					
	25	✓	✓	✓	✓					

Attorney Docket No.: 10004-2000104
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jonathan S. Steuer

Application No.: 14/175,811 Group Art Unit: 2421

Filing Date: February 7, 2014 Examiner: Smith, Chenea

Title: MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD

AMENDMENT UNDER 37 CFR § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

This is in response to the Non-Final Office Action dated July 13, 2016 (Paper No. 20160710) for which a response is due on October 13, 2016. A petition and fee are included herewith for a two-month extension of time, thereby extending the deadline for responding to December 13, 2016. Accordingly, this response is timely filed.

Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein, are respectfully requested.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 9 of this paper.

AMENDMENTS TO THE CLAIMS

Please amend the claims as follows, where additions are underlined and deletions are indicated by ~~strikethrough~~ or enclosed in [[double brackets]]:

1. (Currently Amended): A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for receiving representations of a plurality of target media items from at least one client device;

a stream store, coupled to the server and to the at least one stream collection server, for storing a representation of at least a subset of the received reference media items and for storing [[a]] representations of the plurality of target media items;

a correlator server, coupled to the stream store, for identifying respective ones of the reference media items as corresponding to the plurality of target media items;

a play stream generator, coupled to the correlator server, for generating output signaling measured user exposure to the respective ones of the identified reference media items over time, including output signaling measured user exposure to one or more specific portions of the identified reference media items, wherein a specific portion of an identified reference media item is determined using a content offset indicating a relative time position within the identified reference media item; and

a location tracking server for detecting a location for the client device.

2. (Previously Presented): The system of claim 1, wherein the location tracking server detects the location via GPS tracking.

3. (Cancelled)

4. (Currently Amended): A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for receiving representations of a plurality of target media items from at least one client device;

a stream store, coupled to the server and to the at least one stream collection server, for storing a representation of at least a subset of the received reference media items and for storing the representations of the plurality of target media items;

a correlator server, coupled to the stream store, for identifying respective ones of the reference media items as corresponding to the plurality of target media items; and

a play stream generator, coupled to the correlator server, for generating output signaling measured user exposure to the respective ones of the identified reference media items over time, including output signaling measured user exposure to one or more specific portions of the identified reference media items, wherein a specific portion of an identified reference media item is determined using a content offset indicating a relative time position within the identified reference media item.

5-16. (Cancelled)

17. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media;

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content, including output signaling measured audience member exposure to one or more specific portions of the identified known media content, wherein a specific portion of the identified known media content is determined using a content offset indicating a relative time position within the identified known media content; and

an audience data processor for detecting a location of the audience member monitoring device.

18. (Original): The system of claim 17, wherein the audience data processor detects the location via GPS tracking.

19. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving a plurality of representations of monitored media from at least one audience member monitoring device and a plurality of log times respectively corresponding to the plurality of representations, a log time of the plurality of log times indicating a time at which a monitoring device corresponding to an audience member was exposed to the monitored media;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media; and

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the identified known media content; wherein the plurality of known media content comprises at least one broadcast; and

wherein, if the one of the known media content is the at least one broadcast, two or more of the plurality of log times corresponding to two or more of the plurality of representations are usable to determine that measured audience member exposure to portions of the known media content corresponding to the two or more of the plurality of representations occurred at a time other than the time of the broadcast of the portions of the known media content by using the two or more log times and content offsets ~~times~~ of the portions of the known media content, wherein a content offset indicates a relative time position within the identified known media content.

20. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media; and

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content, including output signaling measured audience member exposure to one or more specific portions of the identified known media content, wherein a specific portion of the identified known media content is determined using a content offset indicating a relative time position within the identified known media content.

21-23. (Cancelled)

24. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media;

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content, including output signaling audience member exposure to one or more specific portions of the identified known media content, wherein a specific portion of the identified known media content is determined using a content offset indicating a relative time position within the identified known media content; and

an audience data processor for detecting a location of the audience member monitoring device and relating the detected location to content meta data associated with the known media content.

25. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media;

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content, including output signaling audience member exposure to one or more specific portions of the identified known media content, wherein the specific portions of the identified known media content are determined using a content offset indicating a relative time position within the identified known media content; and

an audience data processor;

wherein the report generator, coupled to the audience data processor, generates a report matching audience data to audience member exposure to known media content.

REMARKS

Claims 1-2, 4, 7, 10-12, and 15-25 were pending and under consideration in the present application. By virtue of this response, claims 7, 10-12, 15, 16, 21, 22, and 23 are cancelled. Therefore, claims 1-2, 4, 17-20 and 24-25 remain pending and under consideration. Of those, claims 1, 4, 17, 19, 20, 24, and 25 have been amended.

Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added. Entry of the above-mentioned amendments is respectfully requested.

Examiner Interview

Applicants thank the Examiner for the courtesy of the Telephone Interview of November 29, 2016. Participants were Examiner Chenea Smith, applicants' attorneys Michael Mauriel and Lawrence Gabuzda, inventors Jonathan Steuer and Chris Otto, and Graham Dean, a business partner of the Applicants.

In the Interview, it was agreed that if claim 19 were amended to clarify that the term "content offset" refers to "a relative time position within identified content," it would appear to overcome the prior art of record. It was further discussed that a similar amendment to the other independent claims would likely advance the prosecution. Additionally, the Examiner indicated that the Sec. 101 rejections would be reviewed with a quality control expert, in the light of the most recent case law and USPTO guidance as well as in light of any remarks submitted herein.

Priority

The Office Action, beginning at p. 2, alleges that Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e). The Office action at p. 3 identifies specific language in claims 7, 12, and 21 as lacking support in in the disclosure of Applicant's prior-filed applications.

While Applicants respectfully disagree with the Examiner's position, Applicants would, nevertheless, like to remove this issue from the present case. Therefore, Applicants have herein cancelled claims 7, 12, and 21 (and their dependents). In view of the cancellation of those claims, and in view of the fact that the objected-to language is not present in any of the other claims pending after entry of the present Amendment, Applicants respectfully request recognition of Applicants' priority claims to prior applications.

Claim Rejections - 35 USC § 101

Claims 1-2, 4, 7, 10-12 and 15-25 are rejected under 35 U.S.C. 101 as allegedly directed to an abstract idea, without significantly more. Applicants respectfully disagree.

The Office action at pp. 5-6 states that the present claims are directed to an abstract idea, by analogy with the Federal Circuit cases *Dietgoal Innovations LLC v. Bravo Medical LLC* (a district court case affirmed per curium by the Federal Circuit in 2015) and *TLI Communications LLC v. AV Automotive LLC* (Fed. Cir. 2016). *Dietgoal*, however, concerns constructing a customized eating plan using picture menus. *TLI* claims methods of classifying and storing digital images. Applicant maintains that neither of these cases is sufficiently like the presently claimed invention to justify the conclusion that the present claims are directed to an abstract idea.

Also, *Dietgoal* is non-precedential. In a November 2, 2016 memo to the Patent Examining Corps from Deputy Commissioner Robert W. Bahr ("Bahr Memo") regarding recent subject matter eligibility court decisions, examiners were advised to avoid relying upon or citing non-precedential decisions "unless the facts of the application under examination uniquely match the facts at issue in the non-precedential decision." Here, the facts of the present application do *not* match those of *Dietgoal.*

Applicant further notes that in the recently decided case of *Enfish, LLC v. Microsoft* (Fed. Cir. 2016) the Federal Circuit warned that "describing the claims at such a high level of abstraction and untethered from the language of the claims all but ensures that the exceptions to § 101 swallow the rule." This point was also emphasized in the recent case of *McRO, Inc. v. Bandai*

Namco Games America Inc. (Fed. Cir. 2016), as described extensively in the Bahr Memo, cited above. In sum, recent case law and the Bahr Memo guidance dictate that it is improper to overly abstract from the claims in question when identifying a claim as being allegedly directed to an abstract idea under "Step 2A" of the USPTO's SME guidance. Here, in concluding at pp. 5-6 that the present claims are directed to an abstract idea under that step, the Office action relies to a significant degree on high-level paraphrases of the claims, rather than actual claim language, and therefore this analysis does not pass muster under at least *Enfish*, *McRO*, and the guidance emphasized in the Bahr Memo.

Moreover, the Bahr Memo, at page 3, points out that, "[i]n Step 2B of the USPTO's SME guidance, examiners should consider the additional elements in **combination**, as well as individually, when determining whether a claim as a whole amounts to significantly more, as this may be found in the nonconventional and non-generic arrangement of known, conventional elements." (Bold emphasis in original, underlined emphasis added). Although the Office Action refers to "an ordered combination" generically, it provides no analysis of the particular combinations / arrangements of elements recited in the claims as is required under *Bascom* and other cases and as required by the Bahr Memo. Rather, the Office Action merely offers the conclusory statement that "looking at the limitations as an ordered combination adds nothing that is not already present when looking at the elements taken individually." Office Action at page 6. However, no specific consideration is given to particular arrangements of elements/steps in the claims as is required by the USPTO's SME Step 2B guidance. Furthermore, no specific consideration is given in the Office Action's 101 analysis to the claim language accompanying the allegedly generic elements. The independent claims include such additional language in those recited elements/steps themselves and/or in one or more detailed wherein clauses. That additional language recites specific limitations applicable to the allegedly "generic" components and is therefore relevant to both the USTPO's SME Step 2A analysis (to determine whether the claim is directed to an abstract idea) and its "significantly more" Step 2B analysis. But that additional language was not fully addressed in the Office Action.

For at least the above reasons, it is respectfully requested that the Sec. 101 rejections be withdrawn.

Claim Rejections - 35 USC § 103

As noted, it was agreed in the Examiner Interview that amending claim 19 to clarify the term "content offset" in the manner discussed above appears to overcome the prior art of record. Applicants have amended claim 19 consistent with that agreement. Applicants therefore respectfully request withdrawal of the Sec. 103 rejections of claim 19. The other independent claims still pending, claims 1, 4, 17, 20, 24, and 25 have been similarly amended. Applicants respectfully submit that those claims, and their dependents, are allowable for at least the same reasons as is amended claim 19. Applicants therefore request withdrawal of the Sec. 103 rejections of all the pending claims.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time. The Director is hereby authorized to charge any fees which may be required by this paper to Deposit Account No. 50-4242, referencing docket no. 10004-2000104.

Dated: December 13, 2016

Respectfully submitted,

By: /Michael Mauriel/ Reg. No. 44,226

Michael Mauriel
Registration No.: 44,226
Mauriel Kapouytian Woods LLP
15 W. 26th Street, 7th Floor
New York, New York 10010
(212) 532-2527
Attorney(s) for Applicant

PTO/AIA/22 (03-13)
Approved for use through 7/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)	Docket Number (Optional) 10004-2000104
Application Number 14/175,811	Filed February 7, 2014
For MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD	
Art Unit 2421	Examiner Smith, Chenea

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

		Fee	Small Entity Fee	Micro Entity Fee	
☐	One month (37 CFR 1.17(a)(1))	$200	$100	$50	$
☑	Two months (37 CFR 1.17(a)(2))	$600	$300	$150	$ 300
☐	Three months (37 CFR 1.17(a)(3))	$1,400	$700	$350	$
☐	Four months (37 CFR 1.17(a)(4))	$2,200	$1,100	$550	$
☐	Five months (37 CFR 1.17(a)(5))	$3,000	$1,500	$750	$

☐ Applicant asserts small entity status. See 37 CFR 1.27.

☐ Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. 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 50-4242.

☑ 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.

☑ attorney or agent of record. Registration number 44,226.

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.

/Michael Mauriel/	December 13, 2016
Signature	Date
Michael Mauriel	(212) 532-2527
Typed or printed name	Telephone Number

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

☐ * Total of _____ 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: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Privacy Act Statement

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

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

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

Electronic Patent Application Fee Transmittal	
Application Number:	14175811
Filing Date:	07-Feb-2014
Title of Invention:	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Jonathan S. Steuer
Filer:	Michael John Mauriel/Sassoun Kapouytian
Attorney Docket Number:	10004-2000104
Filed as Small Entity	
Filing Fees for Utility under 35 USC 111(a)	

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

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 2 months with $0 paid	2252	1	300	300
Miscellaneous:				
		Total in USD ($)		**300**

Electronic Acknowledgement Receipt	
EFS ID:	27784147
Application Number:	14175811
International Application Number:	
Confirmation Number:	5201
Title of Invention:	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Jonathan S. Steuer
Customer Number:	51417
Filer:	Michael John Mauriel/Sassoun Kapouytian
Filer Authorized By:	Michael John Mauriel
Attorney Docket Number:	10004-2000104
Receipt Date:	13-DEC-2016
Filing Date:	07-FEB-2014
Time Stamp:	19:20:54
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	EFT
Payment was successfully received in RAM	$300
RAM confirmation Number	121416INTEFSW19233800
Deposit Account	504242
Authorized User	Sassoun Kapouytian
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		10004-2000104ResponsetoNFO Amailed7-13-2016.pdf	548933 599eb27bf63a4552ffb4ba1a2db8694ec2ce feb5	yes	13

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	8
Applicant Arguments/Remarks Made in an Amendment	9	13

Warnings:					
Information:					
2	Extension of Time	10004-2000104PetitionofExtofTime.pdf	515447 f5995426c9fc9f5f5069d450e3671cc33ea79e75	no	2
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30417 882a3313e68f896df4321720944a034ccbe17c32	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1094797		

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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 14/175,811	Filing Date 02/07/2014	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

AMENDMENT **12/13/2016**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 9	Minus	** 25	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 7	Minus	***12	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	

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

LIE
ROZENIA HARMON

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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/175,811	02/07/2014	Jonathan S. Steuer	10004-2000104	5201

51417 7590 12/07/2016

Mauriel Kapouytian Woods LLP
15 W. 26th Street
7th Floor
New York, NY 10010

EXAMINER	
SMITH, CHENEA	

ART UNIT	PAPER NUMBER
2421	

MAIL DATE	DELIVERY MODE
12/07/2016	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.

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	14/175,811	STEUER ET AL.	
	Examiner	Art Unit	
	CHENEA SMITH	2421	

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

(1) *CHENEA SMITH*.

(2) *Mike Mauriel, Larry Gabuzda*.

(3) *Jonathan Steuer, Chris Otto*.

(4) *Graham Dean*.

Date of Interview: *29 November 2016*.

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

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

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

Claim(s) discussed: *19*.

Identification of prior art discussed: *Kolessar*.

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

Discussed the rejection under 101. Also discussed proposed amendments to clarify the content offset limitation of the claims. The proposed amendments appear to overcome the art rejection of record. Further search and consideration is required.

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

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

☐ Attachment

/CHENEA SMITH/ Primary Examiner, Art Unit 2421	

Summary of Record of Interview Requirements

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

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

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

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

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

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

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

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

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

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

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

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

Examiner to Check for Accuracy

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

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.
14/175,811	02/07/2014	Jonathan S. Steuer	10004-2000104	5201

51417 7590 07/13/2016

Mauriel Kapouytian Woods LLP
15 W. 26th Street
7th Floor
New York, NY 10010

EXAMINER	
SMITH, CHENEA	

ART UNIT	PAPER NUMBER
2421	

MAIL DATE	DELIVERY MODE
07/13/2016	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. 14/175,811	Applicant(s) STEUER ET AL.	
	Examiner CHENEA SMITH	Art Unit 2421	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *4/18/16*.

☐ 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) *1,2,4,7,10-12 and 15-25* 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) *1-2, 4, 7, 10-12 and 15-25* is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

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

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

4) ☐ Other: _____.

DETAILED ACTION

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

Response to Amendment

2. This office action is in response to communications filed 4/18/16. Claims 1, 4, 7, 12, 17, 19-21 and 24-25 are amended. Claims 3, 5-6, 8-9 and 13-14 are cancelled. Claims 1-2, 4, 7, 10-12 and 15-25 are pending in this action.

Response to Arguments

3. Applicant's arguments with respect to claims 1-2, 4, 7, 10-12 and 15-25 have been considered but are moot in view of new grounds of rejection.

Priority

4. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original non-provisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed applications, Application No. 60/574836 and Application No. 11/139330, fail to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application.

For example, claims 7, 12 and 21 recite the limitation "*receiving, from the client device: ... an indication as to whether the client device is in the physical possession of a person at the time of exposure to the target media item*". While the Applicants' original disclosure at [0017], line 3 of 11/139330 recites, "*A monitored audience member wears the monitor 101a during a monitoring period*", this does not support the limitation as claimed. The Applicants' provisional application does teach metadata about subject movement being associated with an audio fingerprint (pages 3 and 4), but there is no clarification for where this metadata originates from or how this metadata is created/collected, and or of which device is providing the metadata. Therefore, the metadata of subject movement could be metadata about a subject's particular body movements (as monitored and provided as external audience data 143 of Applicants' specification) when a particular media item is known to be played, which then would not be an indication of whether the monitor was in the user's possession, nor would it support being received from the client device.

Furthermore, the limitation "*responsive to an indication that the client device is not in the physical possession of a person at the time of exposure to the target media item, ignoring the representation of the at least one target media item from the client device*", as recited in claims 8-9 and 13-14, is not supported by the Applicant's original disclosure of 11/139330, as there is no teaching of any received indications of physical possession, or alternative situations "when the client device is not in the physical possession of a person at the time of exposure to the target media item". Therefore, there appears to be no support for the limitations as claimed.

Accordingly, claims 1-4, 7, 10-12 and 15-25 are not entitled to the benefit of the prior application.

The Applicants should please note that this application does repeat a substantial portion of prior Application No. 11/139330, filed 05/27/2004, but adds and claims additional disclosure not presented in the prior application. Since this application names an inventor/inventors also named in the prior application, it may constitute a **continuation-in-part** of the prior application. Should the Applicants desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.

a. The Applicants may cancel the claim limitations were not disclosed in the parent applications.

or

b. Should the Applicants not cancel the claim limitations, then the Applicants should convert the application to a **continuation-in-part**, and the new limitations will receive the current application's filing date of 11/24/2010.

i. The applicant would be required to file a new oath and declaration.

ii. The claim limitations would be required to be added to the specification without adding any other new matter.

Claim Rejections - 35 USC § 101

5. Claims 1-2, 4, 7, 10-12 and 15-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more. Claims 1-2, 4, 7, 10-12 and 15-25 are directed to the abstract idea of detecting user exposure to media, as explained in detail below. The claims do not include additional elements that are sufficient to amount to significantly more than the judicial exception because the additional computer elements, which are recited at a high level of generality, provide conventional computer functions that do not add meaningful limits to practicing the abstract idea. The independent claims recite, in part, the steps of receiving media items, receiving representations of target media items, storing a representation of the media items and the reference media items, identifying correspondences between the media items, and generating output signaling measured user exposure to the media items over time, and detecting a locations of a client device. The concept described in the independent claims corresponds to at least one concept identified as an abstract idea by the courts, such as computerized meal planning in *Dietgoal*, or a method for recording, transmitting and administering digital images in *TLI Communications*, whose concept relates to certain methods of organizing human activity, where performances by a human are managed. The concept described in the claims may reasonably be performed by a human, and is not meaningfully different than the economic concept found by the

courts to be an abstract idea. As such, the description in the claims of detecting user exposure to media is an abstract idea. The claims do not include additional elements that are sufficient to amount to significantly more than the judicial exception because the additional elements when considered both individually and as an ordered combination do not amount to significantly more than the abstract idea. The claims recite the additional limitations of servers, a stream store and a generator. However, these additional limitations are recited at a high level of generality and are recited as performing generic computer functions routinely used in computer applications. Generic computer components recited as performing generic computer functions that are well-understood, routine and conventional activities amount to no more than implementing the abstract idea with a computerized system. The use of generic computer components to detect user exposure to media does not impose any meaningful limit on the computer implementation of the abstract idea. Thus, taken alone, the additional elements do not amount to significantly more than the above-identified judicial exception (the abstract idea), and looking at the limitations as an ordered combination adds nothing that is not already present when looking at the elements taken individually. There is no indication that the combination of elements improves the functioning of a computer or improves any other technology. Their collective functions merely provide conventional computer implementation of providing an experience to a user. The dependent claims recite the same abstract idea as cited above, without including additional elements that are sufficient to amount to significantly more than the judicial exception. Claims 1-2, 4, 7, 10-12 and 15-25, then, are therefore not drawn to eligible subject matter as they are directed to an abstract idea without significantly more.

Claim Rejections - 35 USC § 103

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

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

7. Claims 1-2, 4, 17-20 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (of record) in view of Kolessar et al. (US7483975, hereinafter Kolessar).

Regarding claims 1, 4, 17, 20, Chen discloses a system for detecting user exposure to media items (see Chen, Fig. 1), comprising:

a server (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11) for receiving a plurality of reference media items from at least one media receiver (see Chen, col 6, lines 11-15 and col 14, lines 55-65);

at least one stream collection server (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11), for receiving representations of a plurality of target media items from at least one client device (see Chen, col 5, line 61 – col 6, line 15);

a stream store, coupled to the server and to the at least one stream collection server (memory unit 136/ database of local servers 104/110, see Chen, Figs. 1 and 4, col 5, lines 24-29), for storing a representation of at least a subset of the received reference media items and for storing the representations of the plurality of target media items (see Chen, col 6, lines 11-15, col 14, lines 46-65 and col 16, lines 5-13);

a correlator server, coupled to the stream store (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11), for identifying respective ones of the reference media items as corresponding to the plurality of target media items (see Chen, col 16, lines 42-52 and col 17, lines 4-6);

a play stream generator (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11), , coupled to the correlator server (see Chen, Figs. 1-4), for generating output signaling user exposure to the respective ones of the identified reference media items (see Chen, col 16, lines 42-52 and col 17, lines 4-6); and

a location tracking server (CTPU 108/microprocessor of microprocessor units 158 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11) for detecting a location for the client device (see Chen, col 8, lines 46-48, col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11).

Chen does not specifically disclose the play stream generator for generating output signaling measured user exposure to the respective ones of the identified reference media items

over time, including output signaling measured user exposure to one or more specific portions of the identified reference media items.

In an analogous art relating to a system for detecting user exposure to media, Kolessar discloses a play stream generator for generating output signaling measured user exposure to respective ones of identified reference media items over time, including output signaling measured user exposure to one or more specific portions of the identified reference media items (see Kolessar, (col 7, lines 14-50, col 10, lines 34-44 and col 18, lines 28-68).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen to include the limitations as taught by Kolessar for the advantage of allowing information about user habits to be received in addition to providing more diverse and targeted information to a user.

Regarding claims 2, 18, Chen in view of Kolessar discloses wherein the location tracking server detects the location via GPS tracking (see Chen, col 8, lines 58-60).

Regarding claim 19, Chen discloses a system for measuring audience member exposure to media content (see Chen, Fig. 1), comprising:

an interface (see Chen, Fig. 1) for receiving a plurality of known media content (see Chen, col 6, lines 11-15 and col 14, lines 55-63) from at least one media broadcast (see Chen, col 2, lines 12-20);

a sample control processor (see Chen, Fig. 1 and col 5, lines 24-29) for receiving a plurality of representations of monitored media from at least one audience member monitoring device (see Chen, col 6, lines 11-15); and

a content recognition system, coupled to the interface and to the sample control processor (see Chen, Fig. 1), for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Chen, col 6, lines 11-15 and col 16, lines 5-13);

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media (see Chen, col 16, lines 42-52 and col 17, lines 4-6); and

a report generator (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11), coupled to the content recognition system (see Chen, Figs. 1-4), for generating output signaling user exposure to the identified known media content (see Chen, col 16, lines 42-52 and col 17, lines 4-6); wherein the plurality of known media content comprises at least one broadcast (see Chen, col 2, lines 12-20).

Chen does not specifically disclose a plurality of log times respectively corresponding to the plurality of representations, a log time of the plurality of log times indicating a time at which a monitoring device corresponding to an audience member was exposed to the monitored media; or

wherein, if the one of the known media content is the at least one broadcast, two or more of the plurality of log times corresponding to two or more of the plurality of representations are usable to determine that measured audience member exposure to portions of the known media content corresponding to the two or more of the plurality of representations occurred at a time other than the time of the broadcast of the portions of the known media content by using the two or more log times and content offset times of the portions of the known media content.

In an analogous art relating to a system for detecting user exposure to media, Kolessar discloses a plurality of log times respectively corresponding to the plurality of representations, a log time of the plurality of log times indicating a time at which a monitoring device corresponding to an audience member was exposed to the monitored media (see Kolessar, Fig. 10 and related text);

wherein, if the one of the known media content is the at least one broadcast, two or more of the plurality of log times corresponding to two or more of the plurality of representations are usable to determine that measured audience member exposure to portions of the known media content corresponding to the two or more of the plurality of representations occurred at a time other than the time of the broadcast of the portions of the known media content by using the two or more log times and content offset times of the portions of the known media content (see Kolessar, (col 7, lines 14-50, col 10, lines 34-44, col 18, lines 28-68, col 19, lines 4-10 and col 20, lines 21-30).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen to include the limitations as taught by Kolessar for the advantage of providing an improved system for recognizing content and inferring extensive and comprehensive information about the content such that information about user habits may be received and/or determined in addition to providing more diverse and targeted information to a user.

Regarding claims 24-25, Chen in view of Kolessar discloses the limitations as cited above (please see rejections above), and also discloses:

an audience data processor/report generator (code of microprocessor performing the specific function, see Chen, Figs. 1-4) for detecting a location of the audience member monitoring device and relating the detected location to content metadata associated with the known media content (see Chen, col 9, lines 3-8).

8. Claims 7, 10-12, 15-16 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (of record) in view of Percy (of record) and Kolessar (previously cited).

Regarding claim 7, Chen discloses a method for detecting user exposure to media items, comprising:

receiving a plurality of reference media items from at least one media source (see Chen, col 6, lines 11-15 and col 14, lines 55-65);

for at least one client device (SPCD 102, see Chen, Fig. 1):

and at a data signature stream collection server (local servers 104/110/CTPU 108/microprocessor of microprocessor units 134 performing the specific function, see Chen, col 14, lines 8-45 and col 17, lines 21-29 and lines 31-40, and col 18, lines 9-11), receiving, from the client device:

a representation of at least one target media item (see Chen, see Chen, col 5, line 61 – col 6, line 15 and col 14, lines 55-65); and

identifying one of the reference media items as corresponding to the target media item (see Chen, col 16, lines 42-52 and col 17, lines 4-6);

and generating output signaling measured user exposure to the identified reference media item (see Chen, col 16, lines 42-52 and col 17, lines 4-6).

Chen does not specifically disclose an indication as to whether the client device is in the physical possession of a person at a time of exposure to the target media item; and

responsive to an indication that the client device is in the physical possession of a person at the time of exposure to the target media item:

identifying one of the reference media items as corresponding to the target media item;

and generating output signaling measured user exposure to the identified reference media item, including output signaling measured user exposure to one or more specific portions of the identified reference media item.

In an analogous art relating to a system for determining user exposure to media, Percy discloses an indication as to whether the client device is in the physical possession of a person at a time of exposure to the target media item (see Percy, col 12, line 50 - col 13, line 2, col 13, lines 14-27, col 15, lines 1-16 and col 17, lines 40-44); and

responsive to an indication that the client device is in the physical possession of a person at the time of exposure to the target media item (see Percy, col 18, lines 33-35, col 20, line 64-col 21, line 11 and col 22, lines 43-49):

identifying one of the reference media items as corresponding to the target media item (see Percy, col 8, lines 7-12, col 18, lines 33-35 and col 20, line 64 – col 21, line 11);

and generating output signaling measured user exposure to the identified reference media item (see Percy, Fig 14 #1800-2100 and Figs. 18-21).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen to include the limitations as taught by Percy for the advantage of allowing more accurate information about user media usage to be received in addition to providing more diverse and targeted information to a user.

Chen in view of Percy does not specifically disclose including output signaling measured user exposure to one or more specific portions of the identified reference media item.

In an analogous art relating to a system for detecting user exposure to media, Kolessar discloses output signaling measured user exposure to one or more specific portions of the identified reference media item (see Kolessar, (col 7, lines 14-50, col 10, lines 34-44 and col 18, lines 28-68).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen in view of Percy to include the limitations as taught by Kolessar for the advantage of allowing more accurate information about user media usage and habits to be received in addition to providing more diverse and targeted information to a user.

Regarding claim 10, Chen in view of Percy and Kolessar discloses wherein the indication as to whether the client device is in the physical possession of a person is provided based on output of at least one sensor associated with the client device (see Percy, col 12, line 50 – col 13, line 2, col 13, lines 14-27, col 15, lines 1-16 and col 16, lines 10-25).

Regarding claim 11, Chen in view of Percy and Kolessar discloses wherein the at least one sensor detects movement of the client device (see Percy, col 12, line 50 – col 13, line 2, col 13, lines 14-27, col 15, lines 1-16 and col 16, lines 10-25).

Regarding claims 12 and 21, in addition to the limitations similar to those of claims 1 and 7 (please see rejections above), Chen in view of Percy and Kolessar discloses:

responsive to an indication that the client device is in the physical possession of a person

at the time of exposure to the target media item, storing a representation of the target media item (Percy's representation of the target media item is the identifier of the media display providing the media item {see Percy, col 17, lines 24-48}, which is provided to the server as part of the monitoring device's geo data, see Percy, col 7, line 50 – col 8, line 18, col 16, line 12 - col 17, line 4, col 17, lines 25-48, col 18, lines 33-35, col 20, line 64 - col 21, line 11 and col 22, lines 43-49);

for each stored representation of a target media item, identifying one of the reference media items as corresponding to the target media item (see Percy, col 8, lines 7-12, col 18, lines 33-35 and col 20, line 64 - col 21, line 11); and

an output device, for, for each identified reference media item, generating output signaling user exposure to the identified reference media item (see Percy, Fig. 14 #1800-2100 and Figs. 18-21).

Regarding claims 15 and 22, Chen in view of Percy and Kolessar discloses wherein the indication as to whether the client device is in the physical possession of a person is provided based on output of at least one sensor associated with the client device (see Percy, col 12, line 50 – col 13, line 2, col 13, lines 14-27, col 15, lines 1-16 and col 16, lines 10-25).

Regarding claims 16 and 23, Chen in view of Percy and Kolessar discloses wherein the at least one sensor detects movement of the client device (see Percy, col 12, line 50 – col 13, line 2, col 13, lines 14-27, col 15, lines 1-16 and col 16, lines 10-25).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENEA SMITH whose telephone number is (571)272-9524. The examiner can normally be reached on 8:00 am - 4:00 pm, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571)272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/CHENEA SMITH/
Primary Examiner, Art Unit 2421

Notice of References Cited	Application/Control No. 14/175,811	Applicant(s)/Patent Under Reexamination STEUER ET AL.	
	Examiner CHENEA SMITH	Art Unit 2421	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-7,483,975 B2	01-2009	Kolessar; Ronald S.	G06Q30/02	709/205
	B	US-				
	C	US-				
	D	US-				
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14175811	STEUER ET AL.
	Examiner	**Art Unit**
	CHENEA SMITH	2421

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

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

CLAIM		DATE								
Final	Original	01/12/2015	11/02/2015	07/11/2016						
	1	✓	✓	✓						
	2	✓	✓	✓						
	3	✓	✓	-						
	4	✓	✓	✓						
	5	✓	-	-						
	6	✓	-	-						
	7	✓	✓	✓						
	8	✓	-	-						
	9	✓	-	-						
	10	✓	✓	✓						
	11	✓	✓	✓						
	12	✓	✓	✓						
	13	✓	-	-						
	14	✓	-	-						
	15	✓	✓	✓						
	16	✓	✓	✓						
	17	✓	✓	✓						
	18	✓	✓	✓						
	19	✓	✓	✓						
	20	✓	✓	✓						
	21	✓	✓	✓						
	22	✓	✓	✓						
	23	✓	✓	✓						
	24	✓	✓	✓						
	25	✓	✓	✓						

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14175811	STEUER ET AL.
	Examiner	Art Unit
	CHENEA SMITH	2421

CPC- SEARCHED		
Symbol	Date	Examiner
H04N21/2347 OR H04N21/2541 OR H04N21/4143 OR H04N21/4405 OR H04N21/4627 OR H04N21/25875 OR H04N21/8355 OR H04N21/235 OR H04N21/2362 OR H04N21/2543 OR H04N21/2547 OR H04N21/4345	7/11/16	CS
H04N21/435 OR H04N21/44204 OR H04N21/443 OR H04N21/4753 OR H04N21/6581 OR H04N21/8166 OR H04N21/835 OR H04N21/83555 OR H04N21/8358 OR H04N7/162 OR H04N7/17309 OR H04N21/23476	7/11/16	CS
H04N2005/91364 OR H04N21/42646 OR H04N21/4325 OR H04N5/913 OR H04N7/163 OR H04N5/765 OR H04N5/77 OR H04N5/775 OR H04N5/781 OR H04N5/85 OR H04N9/8042 OR H04N19/107 OR H04N19/124	7/11/16	CS
H04N19/87 OR H04N21/25816 OR H04N21/4316 OR H04N21/454 OR H04N21/47 OR H04N21/47214 OR H04N21/6334 OR H04N5/76	7/11/16	CS
G06Q30/0246 H04L67/22 H04L65/60	7/11/16	CS

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner
(H04N7/17318 OR H04N21/43615 OR H04N21/812 OR H04N21/44204 OR H04N21/44222 OR H04N21/4627 OR H04N21/47202 OR H04N21/4147 OR H04N21/6125 OR H04N21/6582 OR H04N21/8113 OR H04N5/76 OR H04N21/2543 OR H04N	11/1/2015	CS

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner

SEARCH NOTES		
Search Notes	**Date**	**Examiner**
Updated EAST search results included	7/11/2016 1:44:05 AM	CS
Updated Inventor search inlcuded - see search results printout	7/11/2016 1:44:06 AM	CS
Updated class search - 725, CPC SEARCH (SEE ABOVE) - text search only, see search results printout	7/11/2016 1:44:07 AM	CS

INTERFERENCE SEARCH			
US Class/ CPC Symbol	**US Subclass / CPC Group**	**Date**	**Examiner**

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	13275	(viewer$1 user$1 audience$1) with expos$4 with (media content$1 video$1 music$1 audio song$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:39
L2	333	1 and (detect$4 with (paus$3 rewind$3 skip$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:39
L3	63038	"725".clas.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:39
L4	203	2 AND ((H04N21/812 OR H04N21/44008 OR H04N21/4394 OR H04N21/4126 OR H04N21/23 OR H04N21/258 OR H04N21/25866 OR H04N21/4227 OR H04N21/4334 OR H04N21/47214 OR H04N21/478 OR H04N21/4788 OR H04N21/632 OR H04N21/6543 OR H04N21/8133 OR H04N21/25891 OR H04N21/44222 OR H04N21/2407 OR H04N21/2668 OR H04N21/4532 OR H04N21/4622 OR H04N21/84 OR H04N21/6175 OR H04N21/6582 OR H04N21/2393 OR H04N21/2541 OR H04N21/25883 OR H04N21/41407 OR H04N21/4627 OR H04N21/47205 OR H04N21/4725 OR H04N21/4821 OR H04N21/8586 OR H04N21/23424 OR H04N21/23617 OR H04N21/2387 OR H04N21/251 OR H04N21/2543 OR H04N21/25875 OR H04N21/26266 OR H04N21/2665 OR H04N21/4314 OR H04N21/4316 OR H04N21/44 OR H04N21/44204 OR H04N21/4756 OR H04N21/4786 OR H04N21/6125 OR H04N21/64322 OR H04N21/8358 OR H04N21/858 OR H04N21/26258 OR H04N21/42203 OR H04N21/442 OR H04N21/44218 OR H04N21/8405 OR H04N21/435 OR H04N21/44213 OR H04N21/4826 OR H04N21/6587 OR H04N21/8352 OR H04N21/2187 OR	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:40

		H04N21/23614 OR H04N21/25841 OR H04N21/26603 OR H04N21/4122 OR H04N21/42204 OR H04N21/4223 OR H04N21/4307 OR H04N21/431 OR H04N21/43615 OR H04N21/4367 OR H04N21/437 OR H04N21/458 OR H04N21/466 OR H04N21/4668 OR H04N21/472 OR H04N21/4828 OR H04N21/80 OR H04N21/8456 OR H04N5/60 OR H04N7/17318 OR H04N13/0062 OR H04N13/0239 OR H04N13/044 OR H04N13/0495 OR H04N2005/2255 OR H04N21/23418 OR H04N21/23439 OR H04N21/2347 OR H04N21/24 OR H04N21/25435 OR H04N21/262 OR H04N21/26613 OR H04N21/42201 OR H04N21/42684 OR H04N21/4335 OR H04N21/4398 OR H04N21/4405 OR H04N21/441 OR H04N21/44209 OR H04N21/4424 OR H04N21/45 OR H04N21/4542 OR H04N21/4623 OR H04N21/4667 OR H04N21/47 OR H04N21/47217 OR H04N21/4722 OR H04N21/4755 OR H04N21/4758 OR H04N21/4784 OR H04N21/4825 OR H04N21/485 OR H04N21/6371 OR H04N21/6581 OR H04N21/8126 OR H04N21/8355 OR H04N21/8455 OR H04N21/854 OR H04N21/8543 OR H04N5/225 OR H04N5/23206 OR H04N5/32 OR H04N5/3205 OR H04N5/321 OR H04N5/77 OR H04N5/783 OR H04N5/93 OR H04N7/17327 OR H04N7/185).CPC.)				
L5	25328	(G06Q30/0246 H04L67/22 H04L65/60).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:40
L6	47	2 and 5	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:40
L7	67	2 and 3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:41
L8	44	2 and (@ad<"20040527")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:41

L9	32	8 AND ((H04N21/2347 OR H04N21/2541 OR H04N21/4143 OR H04N21/4405 OR H04N21/4627 OR H04N21/25875 OR H04N21/8355 OR H04N21/235 OR H04N21/2362 OR H04N21/2543 OR H04N21/2547 OR H04N21/4345 OR H04N21/435 OR H04N21/44204 OR H04N21/443 OR H04N21/4753 OR H04N21/6581 OR H04N21/8166 OR H04N21/835 OR H04N21/83555 OR H04N21/8358 OR H04N7/162 OR H04N7/17309 OR H04N21/23476 OR H04N2005/91364 OR H04N21/42646 OR H04N21/4325 OR H04N5/913 OR H04N7/163 OR H04N5/765 OR H04N5/77 OR H04N5/775 OR H04N5/781 OR H04N5/85 OR H04N9/8042 OR H04N19/107 OR H04N19/124 OR H04N19/14 OR H04N19/142 OR H04N19/149 OR H04N19/15 OR H04N19/152 OR H04N19/176 OR H04N19/179 OR H04N19/503 OR H04N19/61 OR H04N21/26613 OR H04N21/4623 OR H04N19/42 OR H04N19/87 OR H04N21/25816 OR H04N21/4316 OR H04N21/454 OR H04N21/47 OR H04N21/47214 OR H04N21/6334 OR H04N5/76).CPC.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:41
L10	16	(signal$3 near2 user$1 near2 expos$4).clm.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:49
L11	12	((Jonathan) near2 (Steuer)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/07/11 01:49
L12	24	((Christopher) near2 (Otto)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/07/11 01:49
L13	24	11 12	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:49
L14	2	10 and 13	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:49
S1	91	("20020161741" | "4677466" | "20020083060" | "7444353" | "20020038456" | "6990453" | "20040224638" | "20020059577" | "20040122679" | "3919479" | "7483975" | "20030009469" | "20040001161" | "20020072982" | "7038619" | "4697209" |	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:25

		"20020072982" | "5095382" | "20050086682" | "5594934" | "5778137" | "20060059277" | "20020010919" | "5945988" | "6513161" | "20020010919" | "5758257" | "5512933" | "20070143777" | "5437050" | "7779415" | "20040048637").PN.				
S2	68	(arbotron nielsen).as. and paus$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:36
S3	7	S2 and (@ad<"20040527")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:37
S4	79	(arbitron nielsen).as. and paus$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:37
S5	12	S4 and (@ad<"20040527")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:37
S6	2	10/483825.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:50
S7	2	"6184918".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 20:37
S8	17	("20020072982" | "20050086682" | "20060059277" | "7038619" | "7444353" | "7779415").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 21:02

EAST Search History (Interference)

<This search history is empty>

7/ 11/ 2016 1:50:56 AM

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	13275	(viewer$1 user$1 audience$1) with expos$4 with (media content$1 video$1 music$1 audio song$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:39
L2	333	1 and (detect$4 with (paus$3 rewind$3 skip$4))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:39
L3	63038	"725".clas.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:39
L4	203	2 AND ((H04N21/812 OR H04N21/44008 OR H04N21/4394 OR H04N21/4126 OR H04N21/23 OR H04N21/258 OR H04N21/25866 OR H04N21/4227 OR H04N21/4334 OR H04N21/47214 OR H04N21/478 OR H04N21/4788 OR H04N21/632 OR H04N21/6543 OR H04N21/8133 OR H04N21/25891 OR H04N21/44222 OR H04N21/2407 OR H04N21/2668 OR H04N21/4532 OR H04N21/4622 OR H04N21/84 OR H04N21/6175 OR H04N21/6582 OR H04N21/2393 OR H04N21/2541 OR H04N21/25883 OR H04N21/41407 OR H04N21/4627 OR H04N21/47205 OR H04N21/4725 OR H04N21/4821 OR H04N21/8586 OR H04N21/23424 OR H04N21/23617 OR H04N21/2387 OR H04N21/251 OR H04N21/2543 OR H04N21/25875 OR H04N21/26266 OR H04N21/2665 OR H04N21/4314 OR H04N21/4316 OR H04N21/44 OR H04N21/44204 OR H04N21/4756 OR H04N21/4786 OR H04N21/6125 OR H04N21/64322 OR H04N21/8358 OR H04N21/858 OR H04N21/26258 OR H04N21/42203 OR H04N21/442 OR H04N21/44218 OR H04N21/8405 OR H04N21/435 OR H04N21/44213 OR H04N21/4826 OR H04N21/6587 OR H04N21/8352 OR H04N21/2187 OR	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:40

		H04N21/23614 OR H04N21/25841 OR H04N21/26603 OR H04N21/4122 OR H04N21/42204 OR H04N21/4223 OR H04N21/4307 OR H04N21/431 OR H04N21/43615 OR H04N21/4367 OR H04N21/437 OR H04N21/458 OR H04N21/466 OR H04N21/4668 OR H04N21/472 OR H04N21/4828 OR H04N21/80 OR H04N21/8456 OR H04N5/60 OR H04N7/17318 OR H04N13/0062 OR H04N13/0239 OR H04N13/044 OR H04N13/0495 OR H04N2005/2255 OR H04N21/23418 OR H04N21/23439 OR H04N21/2347 OR H04N21/24 OR H04N21/25435 OR H04N21/262 OR H04N21/26613 OR H04N21/42201 OR H04N21/42684 OR H04N21/4335 OR H04N21/4398 OR H04N21/4405 OR H04N21/441 OR H04N21/44209 OR H04N21/4424 OR H04N21/45 OR H04N21/4542 OR H04N21/4623 OR H04N21/4667 OR H04N21/47 OR H04N21/47217 OR H04N21/4722 OR H04N21/4755 OR H04N21/4758 OR H04N21/4784 OR H04N21/4825 OR H04N21/485 OR H04N21/6371 OR H04N21/6581 OR H04N21/8126 OR H04N21/8355 OR H04N21/8455 OR H04N21/854 OR H04N21/8543 OR H04N5/225 OR H04N5/23206 OR H04N5/32 OR H04N5/3205 OR H04N5/321 OR H04N5/77 OR H04N5/783 OR H04N5/93 OR H04N7/17327 OR H04N7/185).CPC.)				
L5	25328	(G06Q30/0246 H04L67/22 H04L65/60).cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:40
L6	47	2 and 5	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:40
L7	67	2 and 3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:41
L8	44	2 and (@ad<"20040527")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:41

L9	32	8 AND ((H04N21/2347 OR H04N21/2541 OR H04N21/4143 OR H04N21/4405 OR H04N21/4627 OR H04N21/25875 OR H04N21/8355 OR H04N21/235 OR H04N21/2362 OR H04N21/2543 OR H04N21/2547 OR H04N21/4345 OR H04N21/435 OR H04N21/44204 OR H04N21/443 OR H04N21/4753 OR H04N21/6581 OR H04N21/8166 OR H04N21/835 OR H04N21/83555 OR H04N21/8358 OR H04N7/162 OR H04N7/17309 OR H04N21/23476 OR H04N2005/91364 OR H04N21/42646 OR H04N21/4325 OR H04N5/913 OR H04N7/163 OR H04N5/765 OR H04N5/77 OR H04N5/775 OR H04N5/781 OR H04N5/85 OR H04N9/8042 OR H04N19/107 OR H04N19/124 OR H04N19/14 OR H04N19/142 OR H04N19/149 OR H04N19/15 OR H04N19/152 OR H04N19/176 OR H04N19/179 OR H04N19/503 OR H04N19/61 OR H04N21/26613 OR H04N21/4623 OR H04N19/42 OR H04N19/87 OR H04N21/25816 OR H04N21/4316 OR H04N21/454 OR H04N21/47 OR H04N21/47214 OR H04N21/6334 OR H04N5/76).CPC.)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/11 01:41
S1	91	("20020161741" | "4677466" | "20020083060" | "7444353" | "20020038456" | "6990453" | "20040224638" | "20020059577" | "20040122679" | "3919479" | "7483975" | "20030009469" | "20040001161" | "20020072982" | "7038619" | "4697209" | "20020072982" | "5095382" | "20050086682" | "5594934" | "5778137" | "20060059277" | "20020010919" | "5945988" | "6513161" | "20020010919" | "5758257" | "5512933" | "20070143777" | "5437050" | "7779415" | "20040048637").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:25
S2	68	(arbotron nielsen).as. and paus$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:36
S3	7	S2 and (@ad<"20040527")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:37
S4	79	(arbitron nielsen).as. and paus$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:37

S5	12	S4 and (@ad<"20040527")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:37
S6	2	10/483825.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 15:50
S7	2	"6184918".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 20:37
S8	17	("20020072982" | "20050086682" | "20060059277" | "7038619" | "7444353" | "7779415").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2016/07/10 21:02

EAST Search History (Interference)

< This search history is empty>

7/11/2016 1:48:31 AM

Attorney Docket No.: 10004-2000104
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jonathan S. Steuer

Application No.: 14/175,811 Group Art Unit: 2421

Filing Date: February 7, 2014 Examiner: Smith, Chenea

Title: MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD

SUPPLEMENTAL AMENDMENT UNDER 37 CFR § 1.114

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

As discussed in the Examiner Interview of April 11, 2016, this Supplemental Amendment supplements the Amendment filed in the above-identified application on April 4, 2016, which was filed in response to the Office Action dated November 4, 2015 (Paper No. 20151102). The April 4th amendment was filed with a Request for Continued Examination and is hereinafter referred to as "the RCE Amendment." This Supplemental Amendment is filed to adopt suggestions from the Examiner Interview of April 11, 2016. Because the RCE Amendment has not yet been entered, the claim amendments presented herein are marked up relative to Amendment submitted on July 14, 2015 and Applicants request that the claim amendments herein be entered in place of the RCE Amendment.

Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 12 of this paper.

AMENDMENTS TO THE CLAIMS

Please amend the claims as follows, where additions are underlined and deletions are indicated by ~~strikethrough~~ or enclosed in [[double brackets]]:

1. (Currently Amended): A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for receiving representations of a plurality of target media items from at least one client device;

a stream store, coupled to the server and to the at least one stream collection server, for storing a representation of at least a subset of the received reference media items and for storing a representations of the plurality of target media items;

a correlator server, coupled to the stream store, for identifying respective ones of the reference media items as corresponding to the plurality of target media items;

a play stream generator, coupled to the correlator server, for generating output signaling measured user exposure to the respective ones of the identified reference media items over time, including output signaling measured user exposure to one or more specific portions of the identified reference media items; and

a location tracking server for detecting a location for the client device.

2. (Previously Presented): The system of claim 1, wherein the location tracking server detects the location via GPS tracking.

3. (Cancelled)

4. (Currently Amended): A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for receiving representations of a plurality of target media items from at least one client device;

a stream store, coupled to the server and to the at least one stream collection server, for storing a representation of at least a subset of the received reference media items and for storing the representations of the plurality of target media items;

a correlator server, coupled to the stream store, for identifying respective ones of the reference media items as corresponding to the plurality of target media items; and

a play stream generator, coupled to the correlator server, for generating output signaling measured user exposure to the respective ones of the identified reference media items over time, including output signaling measured user exposure to one or more specific portions of the identified reference media items.

5. (Cancelled)

6. (Cancelled)

7. (Currently Amended): A method for detecting user exposure to media items, comprising:

receiving a plurality of reference media items from at least one media source;

for at least one client device:

and

at a data signature stream collection server, receiving, from the client device:

a representation of at least one target media item; and

an indication as to whether the client device is in the physical possession of a person at a time of exposure to the target media item; and

responsive to an indication that the client device is in the physical possession of a person at the time of exposure to the target media item:

identifying one of the reference media items as corresponding to the target media item; and generating output signaling measured user exposure to the identified reference media item, including output signaling measured user exposure to one or more specific portions of the identified reference media item.

8. (Cancelled)

9. (Cancelled)

10. (Original): The method of claim 7, wherein the indication as to whether the client device is in the physical possession of a person is provided based on output of at least one sensor associated with the client device.

11. (Previously Presented): The method of claim 10, wherein the at least one sensor detects at least movement of the client device.

12. (Currently Amended): A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for, receiving, from at least one client device:

a representation of at least one target media item from at least one client device;

an indication as to whether the client device is in the physical possession of a person at a time of exposure to the target media item; and

a stream store, coupled to the server and to the at least one stream collection server, for:

storing a representation of at least a subset of the received reference media items; and

responsive to an indication that the client device is in the physical possession of a person at the time of exposure to the target media item, storing a representation of the target media item;

a correlator server, coupled to the stream store, for, for each stored representation of a target media item, identifying one of the reference media items as corresponding to the target media item; and

an output device, coupled to the correlator server, for, for each identified reference media item, generating output signaling measured user exposure to the identified reference media item, including output signaling measured user exposure to one or more specific portions of the identified reference media item.

13. (Cancelled)

14. (Cancelled)

15. (Original): The system of claim 12, wherein the indication as to whether the client device is in the physical possession of a person is provided based on output of at least one sensor associated with the client device.

16. (Previously Presented): The system of claim 15, wherein the at least one sensor detects at least movement of the client device.

17. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media;

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content, including output signaling measured audience member exposure to one or more specific portions of the identified known media content; and

an audience data processor for detecting a location of the audience member monitoring device.

18. (Original): The system of claim 17, wherein the audience data processor detects the location via GPS tracking.

19. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving a plurality of representations ~~representation~~ of monitored media from at least one audience member monitoring device and a plurality of log times respectively corresponding to the plurality of representations, a log time of the plurality of log times

indicating a time at which a monitoring device corresponding to an audience member was exposed to the monitored media;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media; and

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the identified known media content; wherein the plurality of known media content comprises at least one broadcast; and

wherein, if the one of the known media content is the at least one broadcast, two or more of the plurality of log times corresponding to two or more of the plurality of representations are usable to determine that ~~the representation of the monitored media indicates~~ measured audience member exposure to portions of the known media content corresponding to the two or more of the plurality of representations occurred at a time other than the time of the broadcast of the portions of the known media content by using the two or more log times and content offset times of the portions of the known media content.

20. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media; and

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content, including output signaling measured audience member exposure to one or more specific portions the identified known media content.

21. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving from at least one audience member monitoring device:

a representation of monitored media from at least one audience member monitoring device;

data indicating that the monitoring device is in possession of an audience member at a time of exposure to the monitored media; and

a content recognition system, coupled to the interface and to the sample control processor, for:

storing a representation of at least a subset of the received known media content; and

storing a representation of the monitored media based on the monitoring device being in the possession of an audience member at the time of exposure to the monitored media;

wherein the content recognition system, for each of the plurality of stored representation of monitored media, identifies one of the known media content as corresponding to the monitored media; and

a report generator, coupled to the content recognition system, for, for each identified known media content, generating output signaling measured audience member exposure to the identified known media content, including output signaling measured audience member exposure to one or more specific portions the identified known media content.

22. (Original): The system of claim 21, wherein the data indicating the monitoring device is in the possession of an audience member is provided based on output of at least one sensor associated with the monitoring device.

23. (Previously Presented): The system of claim 22, wherein the at least one sensor detects at least movement of the monitoring device.

24. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media;

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content, including output signaling audience member exposure to one or more specific portions of the identified known media content; and

an audience data processor for detecting a location of the audience member monitoring device and relating the detected location to content meta data associated with the known media content.

25. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media;

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content, including output signaling audience member exposure to one or more specific portions of the identified known media content; and

an audience data processor;

wherein the report generator, coupled to the audience data processor, generates a report matching audience data to audience member exposure to known media content.

REMARKS

Claims 1-4, 7, 10-12, and 15-25 were pending and under consideration in the present application. By virtue of this response, claim 3 has been cancelled and claims 1, 4, 7, 12, 17, 19, 20, 21, 24, and 25 have been amended. Therefore, claims 1-2, 4, 7, 10-12, and 15-25 remain pending and under consideration.

Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added. Entry of the above-mentioned amendments is respectfully requested.

Examiner Interview

Applicants thank the Examiner for the courtesy of the Telephone Interview of April 11, 2016. Participants were Examiner Chenea Smith, applicants' attorneys Michael Mauriel and Lawrence Gabuzda, and inventors Jonathan Steuer and Chris Otto.

In the Interview, it was agreed that claim 19 as amended is supported by the originally filed specification and that it overcomes the prior art of record. Potential amendments to the other independent claims were discussed to more clearly distinguish the prior art of record.

Claim Rejections - 35 USC § 102

Claims 1-4, 7, 10-12 and 15-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Zito et al. (US20060059277, hereinafter Zito). As previously discussed, Zito is not a proper 102(b) or 102(e) reference if the Applicants' priority claim is recognized. Therefore, Applicants respectfully request withdrawal of these rejections in view of the amendments to the claims submitted herein.

Claims 7-11 are rejected under pre-AIA 35 U.S.C. 102(e) as being anticipated by Percy et al. (US7038619, hereinafter Percy). Applicants respectfully disagree.

As discussed in the RCE Amendment of April 4, 2016, Percy fails to disclose all the limitations of claim 7, and teaches away by teaching sending an identifier of a media display *to* the client device, rather than receiving a representation of a target item *from* the client device.

Because Percy fails to disclose all the limitations of claim 7, and in fact teaches away, Percy cannot anticipate claim 7, which is therefore patentable over Percy. Because claims 10 and 11 are dependent claims depending from claim 7, these claims are also patentable, for at least this reason.

Further, claim 7 has been additionally amended by this Supplemental Amendment based on the Examiner Interview also recite: "identifying one of the reference media items as corresponding to the target media item; and generating output signaling measured user exposure to the identified reference media item, *including output signaling measured user exposure to one or more specific portions of the identified reference media item.*" (Emphasis added.)

Neither Percy nor any of the other cited references teaches or even suggests these additional limitations of claim 7, which is therefore patentable over Percy for this additional reason.

All the rejections under Sec. 102 should therefore be withdrawn.

Claim Rejections - 35 USC § 103

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US7444353, hereinafter Chen) in view of Bisdikian et al. (US7779415, hereinafter Bisdikian). Applicants respectfully disagree.

Claims 12, 15-16 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Percy in view of Chen and Bisdikian. Applicants respectfully disagree.

Claims 17-18, 20 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Barton (US2002/0072982, hereinafter "Barton"). Applicants respectfully disagree.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Barton and Burges et al. (US20050086682, hereinafter Burges). Applicants respectfully disagree.

As discussed above, it was agreed in the Examiner Interview that claim 19 as amended is patentable over the prior art of record. The Sec. 103 rejection of claim 19 should therefore be withdrawn.

Claim 3 has been cancelled. The Sec. 103 rejection of claim 3 is therefore moot.

As discussed in detail in the RCE Amendment of April 4, 2016, the cited references fail to disclose, teach, or even suggest all the limitations of the remaining claims, which are therefore patentable over these references or their combination.

Further, claim 1 has been hereby amended to additionally recite: "a play stream generator, coupled to the correlator server, for generating output signaling measured user exposure to the respective ones of the identified reference media items over time, *including output signaling measured user exposure to one or more specific portions of the identified reference media items*." (Emphasis added.)

None of the cited references discloses, teaches, or even suggests these additional limitations of claim 1. Claim 1 is therefore patentable over these references. All the remaining independent claims, namely claims 4, 7, 12, 17, 20, 21, 24, and 25 have been hereby amended to be similarly limited, and are therefore patentable by the same reasoning. Dependent claims 2, 10, 11, 15, 16, 18, 22, and 23 are patentable at least for the reason of their dependency from a patentable independent claim. The Sec. 103 rejections of all these claims should therefore be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time. The Director is hereby authorized to charge any fees which may be required by this paper to Deposit Account No. 50-4242, referencing docket no. 10004-2000104.

Dated: April 18, 2016

Respectfully submitted,

By: /Michael Mauriel/ Reg. No. 44,226

Michael Mauriel
Registration No.: 44,226
Mauriel Kapouytian Woods LLP
15 W. 26th Street, 7th Floor
New York, New York 10010
(212) 532-2527
Attorney(s) for Applicant

Electronic Acknowledgement Receipt	
EFS ID:	25517958
Application Number:	14175811
International Application Number:	
Confirmation Number:	5201
Title of Invention:	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Jonathan S. Steuer
Customer Number:	51417
Filer:	Michael John Mauriel/Lydie Fitzsimmons
Filer Authorized By:	Michael John Mauriel
Attorney Docket Number:	10004-2000104
Receipt Date:	18-APR-2016
Filing Date:	07-FEB-2014
Time Stamp:	18:00:31
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		10004_2000104_Supp_Amend_FINAL_As_Filed.pdf	552670 a236070ec84b8fa622ca38254646bc39b9de83bb	yes	15

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Response After Final Action	1	1
	Claims	2	11
	Applicant Arguments/Remarks Made in an Amendment	12	15
Warnings:			
Information:			
	Total Files Size (in bytes):	552670	

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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 14/175,811	Filing Date 02/07/2014	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

AMENDMENT **04/18/2016**

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 18	Minus	** 25	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 10	Minus	***12	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	**0**

AMENDMENT

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	

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

LIE
/JAMES MASON/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/30EFS (07-14)
Approved for use through 07/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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

Application Number	14/175,881	Filing Date	2014-02-07	Docket Number (if applicable)	100004-2000104	Art Unit	2421
First Named Inventor	Jonathan S. Steuer			Examiner Name	Smith, Chenea		

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

SUBMISSION REQUIRED UNDER 37 CFR 1.114

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

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

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

☒ Enclosed

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

MISCELLANEOUS

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

☐ Other _____

FEES

☒ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 504242

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

PTO/SB/30EFS (07-14)
Approved for use through 07/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/Michael Mauriel/	Date (YYYY-MM-DD)	2016-04-04
Name	Michael Mauriel	Registration Number	44226

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.

Attorney Docket No.: 10004-2000104
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jonathan S. Steuer

Application No.: 14/175,811 Group Art Unit: 2421

Filing Date: February 7, 2014 Examiner: Smith, Chenea

Title: MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD

AMENDMENT UNDER 37 CFR § 1.114

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This is in response to the Office Action dated November 4, 2015 (Paper No. 20151102) for which a response is due on February 4, 2016. A petition and fee is included herewith for a two-month extension of time, thereby extending the deadline for responding to April 4, 2016. Accordingly, this response is timely filed. The response is filed with a Request for Continued Examination.

Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 12 of this paper.

AMENDMENTS TO THE CLAIMS

Please amend the claims as follows, where additions are underlined and deletions are indicated by ~~strikethrough~~ or enclosed in [[double brackets]]:

1. (Currently Amended): A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for receiving representations of a plurality of target media items from at least one client device;

a stream store, coupled to the server and to the at least one stream collection server, for storing a representation of at least a subset of the received reference media items and for storing a representations of the plurality of target media items;

a correlator server, coupled to the stream store, for identifying respective ones of the reference media items as corresponding to the plurality of target media items;

a play stream generator, coupled to the correlator server, for generating output signaling measured user exposure to the respective ones of the identified reference media items over time; and

a location tracking server for detecting a location for the client device.

2. (Previously Presented): The system of claim 1, wherein the location tracking server detects the location via GPS tracking.

3. (Currently Amended): A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for receiving a representation of at least one target media item from at least one client device;

a stream store, coupled to the server and to the at least one stream collection server, for storing a representation of at least a subset of the received reference media items and for storing a representation of the at least one target media item;

a correlator server, coupled to the stream store, for identifying one of the reference media items as corresponding to the target media item; and

an output device, coupled to the correlator server, for generating output signaling measured user exposure to the identified reference media item; wherein the plurality of reference media items comprises at least one broadcast, and

wherein the representation of at least one target media item indicates user exposure at a time other than the time of the broadcast.

4. (Currently Amended): A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for receiving representations of a plurality of target media items from at least one client device;

a stream store, coupled to the server and to the at least one stream collection server, for storing a representation of at least a subset of the received reference media items and for storing the representations of the plurality of target media items;

a correlator server, coupled to the stream store, for identifying respective ones of the reference media items as corresponding to the plurality of target media items; and

a play stream generator, coupled to the correlator server, for generating output signaling measured user exposure to the respective ones of the identified reference media items over time.

5. (Cancelled)

6. (Cancelled)

7. (Currently Amended): A method for detecting user exposure to media items, comprising:

receiving a plurality of reference media items from at least one media source;

for at least one client device:

and

at a data signature stream collection server, receiving, from the client device:

a representation of at least one target media item; and

an indication as to whether the client device is in the physical possession of a person at a time of exposure to the target media item; and

responsive to an indication that the client device is in the physical possession of a person at the time of exposure to the target media item:

identifying one of the reference media items as corresponding to the target media item; and generating output signaling measured user exposure to the identified reference media item.

8. (Cancelled)

9. (Cancelled)

10. (Original): The method of claim 7, wherein the indication as to whether the client device is in the physical possession of a person is provided based on output of at least one sensor associated with the client device.

11. (Previously Presented): The method of claim 10, wherein the at least one sensor detects at least movement of the client device.

12. (Currently Amended): A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for, receiving, from at least one client device:

a representation of at least one target media item from at least one client device;

an indication as to whether the client device is in the physical possession of a person at a time of exposure to the target media item; and

a stream store, coupled to the server and to the at least one stream collection server, for:

storing a representation of at least a subset of the received reference media items; and

responsive to an indication that the client device is in the physical possession of a person at the time of exposure to the target media item, storing a representation of the target media item;

a correlator server, coupled to the stream store, for, for each stored representation of a target media item, identifying one of the reference media items as corresponding to the target media item; and

an output device, coupled to the correlator server, for, for each identified reference media item, generating output signaling measured user exposure to the identified reference media item.

13. (Cancelled)

14. (Cancelled)

15. (Original): The system of claim 12, wherein the indication as to whether the client device is in the physical possession of a person is provided based on output of at least one sensor associated with the client device.

16. (Previously Presented): The system of claim 15, wherein the at least one sensor detects at least movement of the client device.

17. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media;

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content; and

an audience data processor for detecting a location of the audience member monitoring device.

18. (Original): The system of claim 17, wherein the audience data processor detects the location via GPS tracking.

19. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving a plurality of representations ~~representation~~ of monitored media from at least one audience member monitoring device and a plurality of log times respectively corresponding to the plurality of representations, a log time of the plurality of log times indicating a time at which a monitoring device corresponding to an audience member was exposed to the monitored media;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media; and

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the identified known media content; wherein the plurality of known media content comprises at least one broadcast; and

wherein, if the one of the known media content is the at least one broadcast, two or more of the plurality of log times corresponding to two or more of the plurality of representations are usable to determine that ~~the representation of the monitored media indicates~~ measured audience member exposure to portions of the known media content corresponding to the two or more of the plurality of representations occurred at a time other than the time of the broadcast of the portions of the known media content by using the two or more log times and content offset times of the portions of the known media content.

20. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media; and

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content.

21. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving from at least one audience member monitoring device:

a representation of monitored media from at least one audience member monitoring device;

data indicating that the monitoring device is in possession of an audience member at a time of exposure to the monitored media; and

a content recognition system, coupled to the interface and to the sample control processor, for:

storing a representation of at least a subset of the received known media content; and

storing a representation of the monitored media based on the monitoring device being in the possession of an audience member at the time of exposure to the monitored media;

wherein the content recognition system, for each of the plurality of stored representation of monitored media, identifies one of the known media content as corresponding to the monitored media; and

a report generator, coupled to the content recognition system, for, for each identified known media content, generating output signaling measured audience member exposure to the identified known media content.

22. (Original): The system of claim 21, wherein the data indicating the monitoring device is in the possession of an audience member is provided based on output of at least one sensor associated with the monitoring device.

23. (Previously Presented): The system of claim 22, wherein the at least one sensor detects at least movement of the monitoring device.

24. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media;

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content; and

an audience data processor for detecting a location of the audience member monitoring device and relating the detected location to content meta data associated with the known media content.

25. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media;

a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the respective different ones of the identified known media content; and

an audience data processor;

wherein the report generator, coupled to the audience data processor, generates a report matching audience data to audience member exposure to known media content.

REMARKS

Claims 1-4, 7, 10-12, and 15-25 were pending and under consideration in the present application. By virtue of this response, claims 1, 3, 4, 7, 12, 17, 19, 20, 21, 24, and 25 have been amended. Therefore, claims 1-4, 7, 10-12, and 15-25 remain pending and under consideration.

Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added. Entry of the above-mentioned amendments is respectfully requested.

Examiner Interview

Applicants thank the Examiner for the courtesy of the Telephone Interview of March 2, 2016. Participants were Examiner Chenea Smith, applicants' attorneys Michael Mauriel and Lawrence Gabuzda, and inventors Jonathan Steuer and Chris Otto.

In the Interview, it was agreed that claim terms such as "signaling user exposure" would be supported by the specification if they were amended to recite "signaling *measured* user exposure." This amendment could be applied to the "play stream generator" clauses of claims 1 and 4 and similarly in other claims as necessary. Otherwise, claims 1, 4, 24, and 25 were agreed to be free of priority issues.

Regarding claim 19, it was agreed that the priority concerns regarding user or audience member exposure could be addressed by replacing the recitation "indicating a time at which an audience member corresponding to a monitoring device was exposed to the monitored media" with "indicating a time at which a monitoring device corresponding to an audience member was exposed to the monitored media" and by further clarifying the information used to determine exposure at a time other than a broadcast time.

Claim Rejections - 35 USC § 102

Claims 1-4, 7, 10-12 and 15-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Zito et al. (US20060059277, hereinafter Zito). As discussed in the Interview, Zito is not a proper 102(b) or 102(e) reference if the Applicants' priority claim is recognized. Therefore, Applicants respectfully request withdrawal of these rejections in view of the amendments to the claims submitted herein.

Claims 7-11 are rejected under pre-AIA 35 U.S.C. 102(e) as being anticipated by Percy et al. (US7038619, hereinafter Percy). Applicants respectfully disagree.

Claim 7 recites in pertinent part:

"for at least one client device: and at a data signature stream collection server, receiving, from the client device: a representation of at least one target media item."

The Office action at p. 22 alleges that Percy's "monitoring device 200" is the claimed "client device." For "receiving from the client device: a representation of at least one target item," the Office action points to Percy col.17, lines 40-44, where Percy discloses: "In still another embodiment, the media displays have RF devices that broadcast a chirp or beacon of an identifier, such that the monitoring device 200 is then able to record identifiers of specific media displays."

So, if "monitoring device 200" is the claimed "client device," the "representation of at least one target item" ("chirp or beacon of an identifier") would be received *by* the client device, instead of received *from* the client device, as claimed. Further, the Office action does not identify any entity in Percy corresponding to the claimed "data signature stream collection server."

Percy thus fails to disclose all the limitations of claim 7, and teaches away by teaching sending an identifier of a media display *to* the client device, rather than receiving a representation of a target item *from* the client device.

Because Percy fails to disclose all the limitations of claim 7, and in fact teaches away, Percy cannot anticipate claim 7, which is therefore patentable over Percy. Because claims 10 and 11 are dependent claims depending from claim 7, these claims are also patentable, for at least this reason.

Claim Rejections - 35 USC § 103

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US7444353, hereinafter Chen) in view of Bisdikian et al. (US7779415, hereinafter Bisdikian). Applicants respectfully disagree.

Chen fails to disclose all the limitations of claim 1, including at least "a play stream generator, coupled to the correlator server, for generating output signaling measured user exposure to the respective ones of the identified reference media items *over time*." (Emphasis added.)

As an initial matter, the Office action at page 24 fails even to allege that Chen discloses this limitation in its entirety, as it omits the emphasized portion "over time" from the allegation. This limitation was added by amendment in the July 14, 2015, Response to Non-Final Office Action. The cited portions of Chen, col. 16 lines 42-52 and col. 17 lines 4-6 do not in fact disclose generating output signaling measured user exposure to respective ones of identified reference media items over time, but rather describe portions of a music detection module and a database update module that take as an input a single piece of music at a single point in time and return similar or related pieces of music.

Further, the Office action at p. 24 admits that Chen fails to disclose separate servers to perform steps of his disclosed method, pointing instead to Bisdikian. Bisdikian is entitled "Adaptive load distribution in managing dynamic and transient data for distributed applications." Bisdikian is directed to "dynamically adjust[ing] the workload of a distributed computing application across a dynamically varying set of active resources." Abstract. Bisdikian is mainly concerned with a kind of addressing mechanism referred to as an "identifier key" for carrying out this dynamic load adjustment method. Col. 2, line 67. However, Bisdikian does not teach or suggest any particular

allocation of functions to servers, and specifically does not disclose the particular allocation of functions recited in claim 1.

Because neither Chen nor Bisdikian, alone or in combination, discloses, teaches, or even suggests what is recited in claim 1, claim 1 is patentable over these references or their combination.

Claim 2 is patentable at least for the reason of its dependence on a patentable independent claim.

As claims 3 and 4 are similarly limited, they are also patentable, by the same reasoning.

Claims 12, 15-16 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Percy in view of Chen and Bisdikian. Applicants respectfully disagree.

The Office action at p. 30 admits that neither Percy nor Chen discloses separate servers to perform steps of a method allegedly disclosed by the combination of Percy and Chen. The Office action instead relies on Bisdikian. However, as discussed above, Bisdikian fails to teach any particular allocation of method steps to system elements. Here, Bisdikian in particular fails to disclose the allocation of method steps to system elements recited in independent system claims 12 and 21.

For at least this reason, claims 12 and 21 are patentable over the combination of Percy, Chen, and Bisdikian. Claims 15, 16, 22, and 23 are therefore also patentable, as each depends from a patentable independent claim.

Claims 17-18, 20 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Barton (US2002/0072982, hereinafter "Barton"). Applicants respectfully disagree.

Chen fails to disclose all the limitations of independent claims 17, 20, and 24-25, including at least: "a sample control processor for receiving representations of monitored media

corresponding to a plurality of media items monitored over time from at least one audience member monitoring device." (Emphasis added.)

As an initial matter, the Office action fails even to allege that Chen discloses this limitation in its entirety, included the emphasized portion, which was added by amendment on July 14, 2015. The cited portions of Chen, col. 5, line 58-col. 6, line 15, do not in fact disclose the limitation as previously amended. Nothing is "monitored over time;" rather, a "user command" containing an identification or sample of one or more pieces of music is transferred to a server, which identifies the music and returns the identified content.

Further, the Office action at p. 32 admits that Chen fails to disclose a report generator, as claimed in independent claims 17, 20, 24, and 25, relying instead on Barton, paragraph [0138]. This portion of Barton recites, in its entirety: "Once the correct sound has been identified, the result is reported. Among the result-reporting means, this may be done using a computer printout, email, SMS text messaging to a mobile phone, computer-generated voice annotation over a telephone, posting of the result to an internet account which the user can access later."

However, neither in paragraph [0138] or elsewhere does Barton disclose the report generator as claimed, namely "a report generator, coupled to the content recognition system, for generating output *signaling audience member exposure to the respective different ones of the identified known media content.*" (Emphasis added.) At the least, Barton lacks any teaching of signaling exposure to "respective different ones" (plural) of the identified content.

Because none of the cited references, alone or in combination, disclose, teach, or even suggest all the limitations of claims 17, 20, 24, and 25, these claims are patentable over the references or their combination. Claim 18 is patentable at least for the reason of its dependency on a patentable independent claim.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Barton and Burges et al. (US20050086682, hereinafter Burges). Applicants respectfully disagree.

With regard to claim 19, Chen fails to disclose at least "a sample control processor for receiving a plurality of representations of monitored media from at least one audience member monitoring device and a plurality of log times respectively corresponding to the plurality of representations, a log time of the plurality of log times indicating a time at which a monitoring device corresponding to an audience member was exposed to the monitored media" as recited in claim 19. Barton is introduced for the "report generator" but again fails to disclose the report generator as recited in the claim, namely: "a report generator, coupled to the content recognition system, for generating output signaling measured audience member exposure to the identified known media content; wherein the plurality of known media content comprises at least one broadcast."

Burgess is introduced for its alleged relevance to the claim 19 limitation relating to exposure "at a time other than the time of broadcast," and does not remedy the deficiencies of Chen and Barton. As claim 19 is otherwise limited similarly to the other independent claims, it is also patentable, by the same reasoning.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time. The Director is hereby authorized to charge any fees which may be required by this paper to Deposit Account No. 50-4242, referencing docket no. 10004-2000104.

Dated: April 4, 2016

Respectfully submitted,

By: /Michael Mauriel/ Reg. No. 44,226

Michael Mauriel
Registration No.: 44,226
Mauriel Kapouytian Woods LLP
15 W. 26th Street, 7th Floor
New York, New York 10010
(212) 532-2527
Attorney(s) for Applicant

Electronic Patent Application Fee Transmittal					
Application Number:	14175811				
Filing Date:	07-Feb-2014				
Title of Invention:	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD				
First Named Inventor/Applicant Name:	Jonathan S. Steuer				
Filer:	Michael John Mauriel/Jasmine Habbas				
Attorney Docket Number:	10004-2000104				
Filed as Small Entity					
Filing Fees for **Utility under 35 USC 111(a)**					
Description		**Fee Code**	**Quantity**	**Amount**	**Sub-Total in USD($)**
Basic Filing:					
Pages:					
Claims:					
Miscellaneous-Filing:					
Petition:					
Patent-Appeals-and-Interference:					
Post-Allowance-and-Post-Issuance:					
Extension-of-Time:					

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 2 months with $0 paid	2252	1	300	300
Miscellaneous:				
Request for Continued Examination	2801	1	600	600
		Total in USD ($)		**900**

Electronic Acknowledgement Receipt	
EFS ID:	25395724
Application Number:	14175811
International Application Number:	
Confirmation Number:	5201
Title of Invention:	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Jonathan S. Steuer
Customer Number:	51417
Filer:	Michael John Mauriel/Jasmine Habbas
Filer Authorized By:	Michael John Mauriel
Attorney Docket Number:	10004-2000104
Receipt Date:	04-APR-2016
Filing Date:	07-FEB-2014
Time Stamp:	22:23:35
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Electronic Funds Transfer
Payment was successfully received in RAM	$900
RAM confirmation Number	8066
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Extension of Time	100042000104_Extension.pdf	515532 b1b5084889df35a3e230bee2a965ad07f68c4e28	no	2
Warnings:					
Information:					
2	Request for Continued Examination (RCE)	100042000104_RCE.pdf	468311 2607037a7d0027f0659f64790208a4b5c031db9c	no	3
Warnings:					
This is not a USPTO supplied RCE SB30 form.					
Information:					
3		100042000104_Amendment.pdf	537444 a53b8353626b90d3c4de1618c58e9883b72432fa	yes	18

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment Submitted/Entered with Filing of CPA/RCE	1	1
Claims	2	11
Applicant Arguments/Remarks Made in an Amendment	12	18

Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	32382 659f350ad816b38f22af2f8b38e18e7a2f69fa2a	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	1553669	

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

PTO/AIA/22 (03-13)
Approved for use through 7/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional): 10004-2000104

Application Number: 14/175,881

Filed: February 7, 2014

For: MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD

Art Unit: 2421

Examiner: Smith, Chenea

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	Micro Entity Fee	
☐ One month (37 CFR 1.17(a)(1))	$200	$100	$50	$
☑ Two months (37 CFR 1.17(a)(2))	$600	$300	$150	$ 300
☐ Three months (37 CFR 1.17(a)(3))	$1,400	$700	$350	$
☐ Four months (37 CFR 1.17(a)(4))	$2,200	$1,100	$550	$
☐ Five months (37 CFR 1.17(a)(5))	$3,000	$1,500	$750	$

☑ Applicant asserts small entity status. See 37 CFR 1.27.

☐ Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. 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 504242.

☑ 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.

☑ attorney or agent of record. Registration number 44,226.

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.

/Michael Mauriel/ — Signature

April 4, 2016 — Date

Michael Mauriel — Typed or printed name

212-532-2527 — Telephone Number

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

☐ * Total of _____ 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: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Privacy Act Statement

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

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

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 14/175,811	Filing Date 02/07/2014	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

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

APPLICATION AS AMENDED – PART II

AMENDMENT	04/04/2016	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 19	Minus	** 25	= 0	X $40 =	0
	Independent (37 CFR 1.16(h))	* 1	Minus	***12	= 0	X $210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	

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

LIE
/VIOLA ROGERS/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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.
14/175,811	02/07/2014	Jonathan S. Steuer	10004-2000104	5201

51417 7590 11/04/2015

Mauriel Kapouytian Woods LLP
15 W. 26th Street
7th Floor
New York, NY 10010

EXAMINER	
SMITH, CHENEA	

ART UNIT	PAPER NUMBER
2421	

MAIL DATE	DELIVERY MODE
11/04/2015	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. 14/175,811	Applicant(s) STEUER ET AL.	
	Examiner CHENEA SMITH	Art Unit 2421	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *7/14/2015*.

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

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

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

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

Disposition of Claims*

5)☒ Claim(s) *1-4,7,10-12 and 15-25* 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) *1-4,7,10-12,15-25* is/are rejected.

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

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

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

Application Papers

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

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

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

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

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

4) ☐ Other: _____.

DETAILED ACTION

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

Response to Amendment

2. This office action is in response to communications filed 7/14/2015. Claims 1, 2, 4, 7, 11, 16-17, 20 and 23-25 are amended. Claims 5-6, 8-9 and 13-14 are cancelled. Claims 1-4, 7, 10-12 and 15-25 are pending in this action.

Response to Arguments

3. In response to Applicants' arguments on pages 14-15 regarding claims 1-2, 4-6 and 18, the Examiner acknowledges the amendments of the claims cancelling specific limitations, and agrees that the Applicants' paragraphs [0028], [0061] and [0063] of the Applicants' original disclosure does sufficiently support the limitations of the claimed "a server", "at least one stream collection server", "a stream store, coupled to the server and to the at least one stream collection server" and "a location tracking server", and page 3 of the provisional application does support the limitation of GPS tracking. However, because there are still claims that remain unsupported by the Applicants' original disclosure, claims 1-4, 7, 10-12 and 15-25 remain rejected under the Zito reference.

4. In response to Applicants' arguments on page 15 regarding claims 7, 12 and 21 that "*Regarding claims 7, 12, and 21, the Office action objects to the limitation "receiving, from the client device: ... an indication as to whether the client device is in the physical possession of a person at the time of exposure to the target media item" as lacking support in the priority applications. Applicants respectfully disagree. Applicant's priority application 60/574,386 discloses (see, e.g., p. 7) collection of metadata regarding "subject movement," which is an indication as to whether the client device is in the physical possession of a person at the time of exposure to the target media item. The rejections of these claims should therefore be withdrawn*" and similar arguments on pages 15-16 regarding claims 11, 16 and 23, the Examiner respectfully disagrees. The Applicants' provisional application does teach metadata about subject movement being associated with an audio fingerprint (pages 3 and 4), but there is no clarification for where this metadata originates from or how this metadata is created/collected, and or of which device is providing the metadata. Therefore, the metadata of subject movement could be metadata about a subject's particular body movements (as monitored and provided as external audience data 143 of Applicants' specification) when a particular media item is known to be played, which then would not be an indication of whether the monitor was in the user's possession, nor would it support being received from the client device.

5. In response to Applicants' arguments on page 16 regarding claim 19 that "*Regarding claim 19, the Office action objects to the limitation "wherein the representation of the monitored media indicates audience member exposure at a time other than the time of broadcast" as lacking support in the priority applications. Applicants respectfully disagree. As explained in the Examiner interview of July 9, 2015, Fig. 5 clearly shows audience member exposure at a time*

other than the time of broadcast, by showing the user pausing and skipping the media content. The recited "representation of monitored media" corresponds to, for example, monitor data 144 of Fig. 1. The rejection of claim 19 should therefore be withdrawn", the Examiner respectfully disagrees. The Applicants' original disclosure teaches audio data being divided into samples (see Applicants' disclosure at [0023]) such as those samples shown in Fig. 5, where it is understood by the Examiner that each row represents 1 sample (see Applicants' disclosure, [0023] and [0040]). Therefore, a single sample is reasonably the claimed "representation of at least one target media item". While this sample is an indication that the particular media content that the sample represents was received at the client device, this does not support indicating user exposure at a time other than the time of the broadcast. Other information, like the deduced actions, *may possibly* indicate user exposure to a target media at a time other than the time the target media item was broadcast, assuming that the representation of the target media item is actually the representation for the broadcast, but there appears to be no support for that or the limitations as claimed. For example, the sample does not indicate user exposure at a time other than the time of broadcast of a media item that is different from (i.e. does not correspond to) the representation of the target media. Therefore, the rejection under Zito of claims 3 and 19 is maintained.

6. In response to Applicants' arguments regarding claim 3 on page 17 that "*Claim 3 recites, inter alia, "wherein the representation of at least one target media item indicates user exposure at a time other than the time of the broadcast." Applicants respectfully note that the Office Action has not pointed to anything in Chen or Bisdikian that teaches this limitation. Therefore, Applicants respectfully request removal of the rejection of claim 3*", the Applicant should please

note the rejection of record in which Chen is cited as teaching the limitation as claimed. In addition, given the broadest reasonable interpretation of the limitations of "at least one broadcast, and wherein the representation of at least one target media item indicates user exposure at a time other than the time of the broadcast", and as the captured sample has specific media (i.e., Media A and/or Media C), and lacks other specific media (i.e., Media B), the captured sample lacking Media B may be in itself an indication that user exposure (to media A and/or C, for example) was at a time other than the time of the broadcast of Media B.

7. In response to Applicants' argument on pages 19-20 that "*For at least the reason that there is not a reasonable expectation that Chen's song identification function would benefit the system of Percy and the reason that Percy's exclusive focus on assessing the location of billboards, and other media that is disclosed as exclusively visual, teaches away from combining Percy with Chen, the combination of the two references is not appropriate. Applicants therefore respectfully request that the rejection of claims 7, 10, and 11 over Percy in view of Chen be withdrawn*", the Examiner respectfully disagrees. The Applicants should please note that Chen teaches, at col 21, lines 36-44 that "Although this invention has been described with reference to music, those skilled in the art will readily appreciate from the teachings herein that the methods and apparatus described herein can be used for the identification, request, and delivery of any types of non-music audio signals, such as speeches, news reports, etc., and information related thereto. The methods and apparatus described herein can also be used for the delivery of video information and information related thereto".

In response to Applicants' arguments on page 21 regarding claim 19, the Applicants should please note that while the limitation, given its broadest reasonable interpretation, is

believed to be taught by Chen (see analysis regarding claim 3), the combination of Chen in view of Barton and Burgess is also used to teach the limitations as claimed. The Applicants should please note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986), and that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, Burges discloses that his media objects are stored with extra identification information, such as time stamps indicating the date and time the object occurred in a media stream {see Burges, [0052], lines 10-16}. Therefore, the submitted sample of Chen in view of the Barton and Burges would include time stamp information, which would indicate when/if the user has been exposed to the media. Therefore, the limitations as claimed are met.

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen in view of Barton to include the limitations as taught by Burges for the advantage of providing an improved system for recognizing content and inferring extensive and comprehensive information about the content such that a user has more options for managing the content.

Priority

8. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original non-provisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed applications, Application No. 60/574836 and Application No. 11/139330, fail to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application.

9. For example, claims 3 and 19 recites the limitation "*wherein the representation of the monitored media indicates audience member exposure at a time other than the time of broadcast*". While the Applicant's original disclosure at [0024] of 11/139330 recites that "*For example, filtered search module 122 might use audience data from audience data processing module 123 to form parameters and then pass those parameters to content recognition system 124 which then uses the parameters to conduct a filtered search of its content. Alternatively, module 122 might be adapted to utilize an instance of content recognition system 124 that*

includes content pre-selected based upon relevant audience data. Some examples of relevant audience data that may be used either to form search parameters or to construct targeted content include: media consumption patterns of the audience member based on questionnaire input or based on past content identifications associated with that audience member and *media consumption patterns of other audience members who have consumed other media content that has also previously been consumed by the audience member using the corresponding monitoring device*", this appears to be the only teaching of using user information, and therefore does not support the limitation as claimed. Also, the Applicants' original disclosure teaches audio data being divided into samples (see Applicants' disclosure at [0023]) such as those samples shown in Fig. 5, where it is understood by the Examiner that each row represents 1 sample (see Applicants' disclosure, [0023] and [0040]). Therefore, a single sample is reasonably the claimed "representation of at least one target media item". While this sample is an indication that the particular media content that the sample represents was received at the client device, this does not support indicating user exposure at a time other than the time of the broadcast. Other information, like the deduced actions, *may possibly* indicate user exposure to a target media at a time other than the time the target media item was broadcast, assuming that the representation of the target media item is actually the representation for the broadcast, but there appears to be no support for that or the limitations as claimed. For example, the sample does not indicate user exposure at a time other than the time of broadcast of a media item that is different from (i.e. does not correspond to) the representation of the target media.

Claims 7, 12 and 21 recite the limitation "*receiving, from the client device: ... an indication as to whether the client device is in the physical possession of a person at the time of*

exposure to the target media item". While the Applicants' original disclosure at [0017], line 3 of 11/139330 recites, "*A monitored audience member wears the monitor 101a during a monitoring period*", this does not support the limitation as claimed. The Applicants' provisional application does teach metadata about subject movement being associated with an audio fingerprint (pages 3 and 4), but there is no clarification for where this metadata originates from or how this metadata is created/collected, and or of which device is providing the metadata. Therefore, the metadata of subject movement could be metadata about a subject's particular body movements (as monitored and provided as external audience data 143 of Applicants' specification) when a particular media item is known to be played, which then would not be an indication of whether the monitor was in the user's possession, nor would it support being received from the client device.

Furthermore, the limitation "*responsive to an indication that the client device is not in the physical possession of a person at the time of exposure to the target media item, ignoring the representation of the at least one target media item from the client device*", as recited in claims 8-9 and 13-14, is not supported by the Applicant's original disclosure of 11/139330, as there is no teaching of any received indications of physical possession, or alternative situations "when the client device is not in the physical possession of a person at the time of exposure to the target media item". Therefore, there appears to be no support for the limitations as claimed.

Claims 17 and 20 recite the limitations "*wherein the audience data processor relates the detected location to retail traffic of an advertiser associated with the known media content*", and "*a retail traffic data system; wherein the report generator generates a report matching retail traffic and audience member exposure to known media content*", respectively. While the

Applicant's original disclosure at [0024] of 11/139330 recites that "*For example, filtered search module 122 might use audience data from audience data processing module 123 to form parameters and then pass those parameters to content recognition system 124 which then uses the parameters to conduct a filtered search of its content. Alternatively, module 122 might be adapted to utilize an instance of content recognition system 124 that includes content pre-selected based upon relevant audience data. Some examples of relevant audience data that may be used either to form search parameters or to construct targeted content include: media consumption patterns of the audience member based on questionnaire input or based on past content identifications associated with that audience member* and *media consumption patterns of other audience members who have consumed other media content that has also previously been consumed by the audience member using the corresponding monitoring device*", this appears to be the only teaching of using user information, and therefore does not support the limitations as claimed.

Accordingly, claims 1-4, 7, 10-12 and 15-25 are not entitled to the benefit of the prior application, and in the interest of compact prosecution, two rejections will be given (please see rejections below).

The Applicants should please note that this application does repeat a substantial portion of prior Application No. 11/139330, filed 05/27/2004, but adds and claims additional disclosure not presented in the prior application. Since this application names an inventor/inventors also named in the prior application, it may constitute a **continuation-in-part** of the prior application. Should the Applicants desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.

a. The Applicants may cancel the claim limitations were not disclosed in the parent applications.

or

b. Should the Applicants not cancel the claim limitations, then the Applicants should convert the application to a **continuation-in-part**, and the new limitations will receive the current application's filing date of 11/24/2010.

i. The applicant would be required to file a new oath and declaration.

ii. The claim limitations would be required to be added to the specification without adding any other new matter.

Claim *Rejections - 35 USC § 102*

10. 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.

11. Claims 1-4, 7, 10-12 and 15-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Zito et al. (US20060059277, hereinafter Zito).

Regarding claim 1, Zito discloses a system for detecting user exposure to media items (see Zito at least at, Fig. 1), comprising:

a server (server 112A, see Zito at least at, Figs. 1 and 3), for receiving a plurality of reference media items from at least one media receiver (media receivers 111, see Zito at least at, see Figs. 1 and 3 and [0047]);

at least one stream collection server (servers 107, see Zito at least at, Figs. 1 and 3), for receiving representations of a plurality of target media items from at least one client device (see Zito at least at, Figs. 1 and 3 and [0026], [0031], [0033], [0039]-[0040] and [0044]);

a stream store (stream store 114, see Zito at least at, Figs. 1 and 3), coupled to the server and to the at least one stream collection server, (see Zito at least at, Figs. 1 and 3) for storing a representation of at least a subset of the received reference media items and for storing representations of the plurality of target media items (see Zito at least at, [0043] and [0045]);

a correlator server (servers 115, see Zito at least at, Fig. 1), coupled to the stream store (see Zito at least at, Fig. 1), for identifying respective ones of the reference media items as corresponding to the plurality of target media items (see Zito at least at, [0043] and [0054]);

a play stream generator (see Zito at least at, Figs. 1 and 3), coupled to the correlator server (see Zito at least at, Figs. 1 and 3), for generating output signaling user exposure to the respective ones of the identified reference media items over time (see Zito at least at, Figs. 1 and 3 and [0055]); and

a location tracking server (server 109, see Zito at least at, Figs. 1 and 3) for detecting a location for the client device (see Zito at least at, Figs. 1 and 3 and [0026], [0051] and [0056]);

wherein the correlator server correlates the detected location with a location of at least one geographically identifiable sponsor of a reference media (see Zito at least at, [0056]).

Regarding claim 2, Zito discloses wherein the location tracking server detects the location via GPS tracking (see Zito at least at, [0065]).

Regarding claim 3, Zito discloses a system for detecting user exposure to media items (see Zito at least at, Fig. 1), comprising:

a server (server 112A, see Zito at least at, Figs. 1 and 3), for receiving a plurality of reference media items from at least one media receiver (media receivers 111, see Zito at least at, see Figs. 1 and 3 and [0047]);

at least one stream collection server (servers 107, see Zito at least at, Figs. 1 and 3), for receiving a representation of at least one target media item from at least one client device (see Zito at least at, Figs. 1 and 3 and [0039]);

a stream store (stream store 114, see Zito at least at, Figs. 1 and 3), coupled to the server and to the at least one stream collection server, (see Zito at least at, Figs. 1 and 3) for storing a representation of at least a subset of the received reference media items and for storing a representation of the at least one target media item (see Zito at least at, [0043] and [0045]);

a correlator server (servers 115, see Zito at least at, Fig. 1), coupled to the stream store (see Zito at least at, Fig. 1), for identifying one of the reference media items as corresponding to the target media item (see Zito at least at, [0043] and [0054]);

an output device (see Zito at least at, Figs. 1 and 3), coupled to the correlator server (see Zito at least at, Figs. 1 and 3), for generating output signaling user exposure to the identified reference media item (see Zito at least at, Figs. 1 and 3 and [0055]);

wherein the plurality of reference media items comprises at least one broadcast (see Zito at least at, [0026] and [0044]) and

wherein the representation of at least one target media item indicates user exposure at a time other than the time of broadcast (see Zito at least at, claim 59).

Regarding claim 4, Zito discloses a system for detecting user exposure to media items (see Zito at least at, Fig. 1), comprising:

a server (server 112A, see Zito at least at, Figs. 1 and 3), for receiving a plurality of reference media items from at least one media receiver (media receivers 111, see Zito at least at, see Figs. 1 and 3 and [0047]);

at least one stream collection server (servers 107, see Zito at least at, Figs. 1 and 3), for receiving representations of a plurality of target media items from at least one client device (see Zito at least at, Figs. 1 and 3 and [0039]);

a stream store (stream store 114, see Zito at least at, Figs. 1 and 3), coupled to the server and to the at least one stream collection server, (see Zito at least at, Figs. 1 and 3) for storing a representation of at least a subset of the received reference media items and for storing the representations of the plurality of target media items (see Zito at least at, [0043] and [0045]);

a correlator server (servers 115, see Zito at least at, Fig. 1), coupled to the stream store (see Zito at least at, Fig. 1), for identifying respective ones of the reference media items as corresponding to the plurality of target media items (see Zito at least at, [0043] and [0054]);

a play stream generator (see Zito at least at, Figs. 1 and 3), coupled to the correlator server (see Zito at least at, Figs. 1 and 3), for generating output signaling user exposure to the

respective ones of the identified reference media items over time (see Zito at least at, Figs. 1 and 3 and [0055]).

Regarding claim 7, Zito discloses a method for detecting user exposure to media items (see Zito at least at, Figs. 3 and 4), comprising:

receiving a plurality of reference media items from at least one media source (see Zito at least at, [0026]-[0027] and Figs. 3 and 4);

for at least one client device (see Zito at least at, Figs. 1 and 3):

and at a data signature stream collection server, receiving, from the client device (see Zito at least at, [0043]):

a representation of at least one target media item (see Zito at least at, [0043]); and

an indication as to whether the client device is in the physical possession of a person at a time of exposure to the target media item (see Zito at least at, [0105]); and

responsive to an indication that the client device is in the physical possession of a person at the time of exposure to the target media item: identifying one of the reference media items as corresponding to the target media item ([0014] and [0026]-[0027]); and

generating output signaling user exposure to the identified reference media item (see Zito at least at, Figs. 1 and 3 and [0055]).

Regarding claims 10 and 22, Zito discloses wherein the indication as to whether the client device is in the physical possession of a person is provided based on output of at least one sensor associated with the client device (see Zito at least at, [0105]).

Regarding claims 11 and 23, Zito discloses wherein the at least one sensor detects movement of the client device (see Zito at least at, [0105]).

Regarding claim 12, Zito discloses a system for detecting user exposure to media items (see Zito at least at, Figs. 1 and 3), comprising:

a server (server 112A, see Zito at least at, Figs. 1 and 3), for receiving a plurality of reference media items from at least one media receiver (media receivers 111, see Zito at least at, see Figs. 1 and 3 and [0047]);

at least one stream collection server (servers 107, see Zito at least at, Figs. 1 and 3), for receiving from at least one client device:

a representation of at least one target media item from at least one client device (see Zito at least at, Figs. 1 and 3 and [0039]);

an indication as to whether the client device is in the physical possession of a person at a time of exposure to the target media item (see Zito at least at, [0105]); and

a stream store (stream store 114, see Zito at least at, Figs. 1 and 3), coupled to the server and to the at least one stream collection server, (see Zito at least at, Figs. 1 and 3) for:

storing a representation of at least a subset of the received reference media items (see Zito at least at, [0043] and [0045]); and

responsive to an indication that the client device is in the physical possession of a person at the time of exposure to the target media item (see Zito at least at, [0105]), storing a representation of the target media item (see Zito at least at, Figs. 1 and 3);

a correlator server (see Zito at least at, Fig, 3), coupled to the stream store (see Zito at least at, Fig, 3), for, for each stored representation of a target media item, identifying one of the reference media items as corresponding to the target media item (see Zito at least at, [0043] and [0054]); and

an output device (see Zito at least at, Figs. 1 and 3), coupled to the correlator server (see Zito at least at, Figs. 1 and 3), for, for each identified reference media item, generating output signaling user exposure to the identified reference media item (see Zito at least at, [0043] and [0054]).

Regarding claim 15, Zito discloses wherein the indication as to whether the client device is in the physical possession of a person is provided based on output of at least one sensor associated with the client device (see Zito at least at, [0105]).

Regarding claim 16, Zito discloses wherein the at least one sensor detects movement of the client device (see Zito at least at, [0105]).

Regarding claim 17, Zito discloses a system for measuring audience member exposure to media content (see Zito at least at, Figs. 1 and 3) comprising:

an interface for receiving a plurality of known media content from at least one media broadcast (see Zito at least at, Figs. 1 and 3 and [0026] and [0044]);

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device (see Zito at least at, Figs. 1 and 3 and [0026] and [0044]);

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Zito at least at, Figs. 1 and 3 and [0026] and [0044]);

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media (see Zito at least at, [0033] and [0043]);

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the respective different ones of the identified known media content (see Zito at least at, Figs. 1 and 3); and

an audience data processor for detecting a location of the audience member monitoring device (see Zito at least at, [0026] and [0065]).

Regarding claim 18, Zito discloses wherein the audience data processor detects the location via GPS tracking (see Zito at least at, [0026]).

Regarding claim 19, Zito discloses a system for measuring audience member exposure to media content (see Zito at least at, Figs. 1 and 3) comprising:

an interface for receiving a plurality of known media content from at least one media broadcast (see Zito at least at, Figs. 1 and 3 and [0026] and [0044]);

a sample control processor for receiving a representation of monitored media from at least one audience member monitoring device (see Zito at least at, Figs. 1 and 3 and [0026] and [0044]);

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Zito at least at, Figs. 1 and 3 and [0026] and [0044]);

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media (see Zito at least at, [0033] and [0043]);

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content (see Zito at least at, Figs. 1 and 3); and

wherein the plurality of known media content comprises at least one broadcast (see Zito at least at, [0026] and [0044]); and wherein the representation of the monitored media indicates audience member exposure at a time other than the time of the broadcast (see Zito at least at, claim 59).

Regarding claim 20, Zito discloses a system for measuring audience member exposure to media content (see Zito at least at, Figs. 1 and 3) comprising:

an interface for receiving a plurality of known media content from at least one media broadcast (see Zito at least at, Figs. 1 and 3 and [0026] and [0044]);

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device (see Zito at least at, Figs. 1 and 3 and [0026] and [0044]);

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Zito at least at, Figs. 1 and 3 and [0026] and [0044]);

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media (see Zito at least at, [0033] and [0043]);

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the respective different ones of the identified known media content (see Zito at least at, Figs. 1 and 3).

Regarding claim 21, Zito discloses a system for measuring audience member exposure to media content (see Zito at least at, Figs. 1 and 3) comprising:

an interface for receiving a plurality of known media content from at least one media broadcast (see Zito at least at, Figs. 1 and 3 and [0026] and [0044]);

a sample control processor for receiving a representation of monitored media from at least one audience member monitoring device (see Zito at least at, Figs. 1 and 3 and [0026] and [0044]);

a content recognition system, coupled to the interface and to the sample control processor, for

storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Zito at least at, Figs. 1 and 3 and [0026] and [0044]);

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media (see Zito at least at, [0033] and [0043]); and

a report generator, coupled to the content recognition system, for, for each identified known media content, generating output signaling audience member exposure to the identified known media content (see Zito at least at, claim 28).

Regarding claims 24-25, Zito discloses a system for measuring audience member exposure to media content (see Zito at least at, Figs. 1 and 3) comprising:

an interface for receiving a plurality of known media content from at least one media broadcast (see Zito at least at, Figs. 1 and 3 and [0026] and [0044]);

a sample control processor for receiving representations of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device (see Zito at least at, Figs. 1 and 3 and [0026] and [0044]);

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Zito at least at, Figs. 1 and 3 and [0026] and [0044]);

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media (see Zito at least at, [0033] and [0043]);

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the respective different ones of the identified known media content (see Zito at least at, Figs. 1 and 3);

and an audience data processor for detecting a location of the audience member monitoring device and relating the detected location to content meta data associated with the known media content (see Zito at least at, Figs. 1 and 3 and [0026], [0051] and [0056]).

12. The following is a quotation of the appropriate paragraphs of pre-AIA 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (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.

13. Claims 7-11 are rejected under pre-AIA 35 U.S.C. 102(e) as being anticipated by Percy et al. (US7038619, hereinafter Percy).

Regarding claim 7, Percy discloses a method for detecting user exposure to media items (see Percy, col 2, line 46 – col 3, line 10), comprising:

receiving a plurality of reference media items from at least one media source (the user/respondent receives the media items visually/audibly, etc., from the media displays 150, see Percy, col 7, lines 59-64);

for at least one client device (monitoring device 200, see Percy, col 7, lines 54-64):

at a data signature stream collection server, receiving, from the client device:

a representation of at least one target media item (identifiers of the specific media displays, see Percy, col 17, lines 40-44);

an indication as to whether the client device is in the physical possession of a person at the time of exposure to the target media item (see Percy, col 12, line 50 – col 13, line 2, col 13, lines 14-27, col 15, lines 1-16 and col 16, lines 10-25); and

responsive to an indication that the client device is in the physical possession of a person at the time of exposure to the target media item (see Percy, col 18, lines 33-35, col 20, line 64 - col 21, line 11 and col 22, lines 43-49):

identifying one of the reference media items as corresponding to the target media item (see Percy, col 8, lines 7-12, col 18, lines 33-35 and col 20, line 64 - col 21, line 11); and

and generating output signaling user exposure to the identified reference media item (see Percy, Fig. 14 #1800-2100 and Figs. 18-21).

Regarding claim 10, Percy discloses wherein the indication as to whether the client device is in the physical possession of a person is provided based on output of at least one sensor associated with the client device (see Percy, col 12, line 50 – col 13, line 2, col 13, lines 14-27, col 15, lines 1-16 and col 16, lines 10-25).

Regarding claim 11, Percy discloses wherein the at least one sensor detects movement of the client device (see Percy, col 12, line 50 – col 13, line 2, col 13, lines 14-27, col 15, lines 1-16 and col 16, lines 10-25).

Claim Rejections - 35 USC § 103

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

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

15. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US7444353, hereinafter Chen) in view Bisdikian et al. (US7779415, hereinafter Bisdikian).

Regarding claim 1, Chen discloses a system for detecting user exposure to media items (see Chen, Fig. 1), comprising:

a server (local servers 104/110, see Chen, Fig. 1 and col 5, lines 24-29), for receiving a plurality of reference media items from at least one media receiver (see Chen, col 6, lines 11-15 and col 14, lines 55-63);

receiving representations of a plurality of target media items from at least one client device (see Chen, col 6, line 61 - col 6, line 15);

a stream store (database of local servers 104/110, see Chen, Fig. 1 and col 5, lines 24-29), coupled to the server (see Chen, Fig. 1), for storing a representation of at least a subset of the received reference media items and for storing the representations of the plurality of target media items (see Chen, col 6, lines 11-15 and col 16, lines 5-13);

identifying respective ones of the reference media items as corresponding to the plurality of target media items (see Chen, col 16, lines 42-52 and col 17, lines 4-6);

an play stream generator (see Chen, Fig. 1), for generating output signaling user exposure to the respective ones of the identified reference media items (see Chen, col 16, lines 42-52 and col 17, lines 4-6); and

a location tracking device (location identification unit 120, see Chen, col 8, line 45 – col 9, line2) for detecting a location for the client device (see Chen, col 8, lines 46-48).

And while Chen does disclose that those of skill in the art will understand that any number of such communication devices may be included within the system 100 of the invention (see Chen, col 5, lines 24-29), he does not specifically disclose separate servers to perform steps of the disclosed method.

In an analogous art relating to a system for distributed computing wherein a group of computing devices cooperate to provide a specific service, Bisdikian discloses a distributed

computing system wherein each server is responsible for some portion of the overall workload space (see Bisdikian, col 1, lines 42-43 and col 3, lines 6-12), thereby allowing the computational burden to be shared across multiple servers and reducing catastrophic single-point failures.

Therefore, it would have been obvious for a person having ordinary skill in the art to modify Chen's system to include the limitations as taught by Bisdikian for the advantage of allowing the computational burden to be shared, thereby reducing catastrophic single-point failures.

Regarding claim 2, Chen in view of Bisdikian discloses wherein the location tracking server detects the location via at least one selected from the group consisting of: GPS tracking (see Chen, col 8, lines 58-60).

Regarding claim 3, Chen discloses a system for detecting user exposure to media items (see Chen, Fig. 1), comprising:

a server (local servers 104/110, see Chen, Fig. 1 and col 5, lines 24-29), for receiving a plurality of reference media items from at least one media receiver (see Chen, col 6, lines 11-15 and col 14, lines 55-63);

receiving a representation of at least one target media item from at least one client device (see Chen, col 6, lines 11-15);

a stream store (database of local servers 104/110, see Chen, Fig. 1 and col 5, lines 24-29), coupled to the server (see Chen, Fig. 1), for storing a representation of at least a subset of the received reference media items and for storing a representation of the at least one target media item (see Chen, col 6, lines 11-15 and col 16, lines 5-13);

identifying one of the reference media items as corresponding to the target media item (see Chen, col 16, lines 42-52 and col 17, lines 4-6);

an output device (see Chen, Fig. 1), for generating output signaling user exposure to the identified reference media item (see Chen, col 16, lines 42-52 and col 17, lines 4-6);

wherein the plurality of reference media items comprises at least one broadcast (see Chen, col 2, lines 12-20), and

wherein the representation of at least one target media item indicates user exposure at a time other than the time of the broadcast (Chen's submission of the sample itself indicates user exposure, see Chen, col 6, lines 11-15).

And while Chen does disclose that those of skill in the art will understand that any number of such communication devices may be included within the system 100 of the invention (see Chen, col 5, lines 24-29), he does not specifically disclose separate servers to perform steps of the disclosed method.

In an analogous art relating to a system for distributed computing wherein a group of computing devices cooperate to provide a specific service, Bisdikian discloses a distributed computing system wherein each server is responsible for some portion of the overall workload space (see Bisdikian, col 1, lines 42-43 and col 3, lines 6-12), thereby allowing the computational burden to be shared across multiple servers and reducing catastrophic single-point failures.

Therefore, it would have been obvious for a person having ordinary skill in the art to modify Chen's system to include the limitations as taught by Bisdikian for the advantage of

allowing the computational burden to be shared, thereby reducing catastrophic single-point failures.

Regarding claim 4, Chen discloses a system for detecting user exposure to media items (see Chen, Fig. 1), comprising:

a server (local servers 104/110, see Chen, Fig. 1 and col 5, lines 24-29), for receiving a plurality of reference media items from at least one media receiver (see Chen, col 6, lines 11-15 and col 14, lines 55-63);

receiving representations of a plurality of target media items from at least one client device (see Chen, col 6, lines 11-15 and col 14, lines 55-63);

a stream store (database of local servers 104/110, see Chen, Fig. 1 and col 5, lines 24-29), coupled to the server (see Chen, Fig. 1), for storing a representation of at least a subset of the received reference media items and for storing the representations of the plurality of target media items (see Chen, col 6, lines 11-15 and col 16, lines 5-13);

identifying respective ones of the reference media items as corresponding to the plurality of target media items (see Chen, col 16, lines 42-52 and col 17, lines 4-6); and

a play stream generator (see Chen, Fig. 1), for generating output signaling user exposure to the respective ones of the identified reference media items over time (see Chen, col 7, lined 59-67, col 16, lines 42-52 and col 17, lines 4-6).

And while Chen does disclose that those of skill in the art will understand that any number of such communication devices may be included within the system 100 of the invention (see Chen, col 5, lines 24-29), he does not specifically disclose separate servers to perform steps of the disclosed method.

In an analogous art relating to a system for distributed computing wherein a group of computing devices cooperate to provide a specific service, Bisdikian discloses a distributed computing system wherein each server is responsible for some portion of the overall workload space (see Bisdikian, col 1, lines 42-43 and col 3, lines 6-12), thereby allowing the computational burden to be shared across multiple servers and reducing catastrophic single-point failures.

Therefore, it would have been obvious for a person having ordinary skill in the art to modify Chen's system to include the limitations as taught by Bisdikian for the advantage of allowing the computational burden to be shared, thereby reducing catastrophic single-point failures.

16. Claims 12, 15-16 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Percy (previously cited) in view of Chen (previously cited) and Bisdikian (previously cited).

Regarding claims 12 and 21, Percy discloses system for detecting user exposure to media items (see Percy, col 2, line 46 – col 3, line 10), comprising:

at least one stream collection server servers (download server 300/post-processing server 400, see Percy, col 7, lines 40-41), for, receiving, from at least one client device: a representation of at least one target media item from at least one client device (identifiers of the specific media displays, see Percy, col 17, lines 40-44);

an indication as to whether the client device is in the physical possession of a person at a time of exposure to the target media item (see Percy, col 12, line 50 – col 13, line 2, col 13, lines 14-27, col 15, lines 1-16 and col 16, lines 10-25); and

a stream store (database of download server 300/post-processing server 400, see col 8, lines 7-12), coupled to the at least one stream collection server (database of download server 300/post-processing server 400, see col 8, lines 7-12), for:

storing a representation of at least a subset of the received reference media items (see Percy, col 8, lines 7-12); and

responsive to an indication that the client device is in the physical possession of a person

at the time of exposure to the target media item, storing a representation of the target media item (see Percy, col 18, lines 33-35, col 20, line 64 - col 21, line 11 and col 22, lines 43-49);

for each stored representation of a target media item, identifying one of the reference media items as corresponding to the target media item (see Percy, col 8, lines 7-12, col 18, lines 33-35 and col 20, line 64 - col 21, line 11); and

an output device, for, for each identified reference media item, generating output signaling user exposure to the identified reference media item (see Percy, Fig. 14 #1800-2100 and Figs. 18-21).

Percy does not specifically disclose a server, for receiving a plurality of reference media items from at least one media receiver; or separate servers to perform steps of the disclosed method.

In an analogous art, Chen discloses a server (local servers 104/110, see Chen, Fig. 1 and col 5, lines 24-29), for receiving a plurality of reference media items from at least one media receiver (see Chen, col 6, lines 11-15 and col 14, lines 55-63).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Percy to include the limitations as taught by Chen for the advantage of providing an improved system for measuring media exposure such that music and information may be delivered to a user, while accurate measurements of the user exposure to the media presentations may be obtained in a manner that reduces processing time.

And while both Percy and Chen does disclose that those of skill in the art will understand that any number of such communication devices may be included within the system 100 of the invention (see Percy, col 7, lines 35-40 and Chen, col 5, lines 24-29), neither specifically discloses separate servers to perform steps of the disclosed method.

In an analogous art, Bisdikian discloses a distributed computing system wherein each server is responsible for some portion of the overall workload space (see Bisdikian, col 1, lines 42-43 and col 3, lines 6-12), thereby allowing the computational burden to be shared across multiple servers and reducing catastrophic single-point failures.

Therefore, it would have been obvious for a person having ordinary skill in the art to modify the system of Percy in view of Chen to include the limitations as taught by Bisdikian for the advantage of allowing the computational burden to be shared, thereby reducing catastrophic single-point failures.

Regarding claims 15 and 22, Percy in view of Chen and Bisdikian discloses wherein the indication as to whether the client device is in the physical possession of a person is provided

based on output of at least one sensor associated with the client device (see Percy, col 12, line 50 – col 13, line 2, col 13, lines 14-27, col 15, lines 1-16 and col 16, lines 10-25).

Regarding claims 16 and 23, Percy in view of Chen and Bisdikian discloses wherein the at least one sensor detects movement of the client device (see Percy, col 12, line 50 – col 13, line 2, col 13, lines 14-27, col 15, lines 1-16 and col 16, lines 10-25).

17. Claims 17-18, 20 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (previously cited) in view of Barton (previously cited).

Regarding claims 17, 20 and 24-25, Chen discloses a system for measuring audience member exposure to media content (see Chen, Fig. 1), comprising:

an interface (see Chen, Fig. 1) for receiving a plurality of known media content (see Chen, col 6, lines 11-15 and col 14, lines 55-63) from at least one media broadcast (see Chen, col 2, lines 12-20);

a sample control processor (see Chen, Fig. 1 and col 5, lines 24-29) for receiving representations of monitored media from at least one audience member monitoring device (see Chen, col 5, line 58 - col 6, line 15);

a content recognition system, coupled to the interface and to the sample control processor (see Chen, Fig. 1), for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Chen, col 6, lines 11-15 and col 16, lines 5-13);

wherein the content recognition system identifies respective different ones of the known media content as corresponding to the monitored media (see Chen, col 16, lines 42-52 and col 17, lines 4-6); and

an audience data processor for detecting a location of the audience member monitoring device (see Chen, col 8, lines 44-63).

Chen does not specifically disclose a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the respective different ones of the identified known media content.

In an analogous art, Barton discloses a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content (see Barton, [0138], lines 1-6).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Chen's system to include the limitations as taught by Barton for the advantage of providing an improved, more efficient and more versatile method of content recognition

Regarding claim 18, Chen in view of Barton discloses wherein the audience data processor detects the location via GPS tracking (see Chen, col 8, lines 58-61).

18. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (previously cited) in view of Barton (previously cited) and Burges et al. (US20050086682, hereinafter Burges).

Regarding claim 19, Chen discloses a system for measuring audience member exposure to media content (see Chen, Fig. 1), comprising:

an interface (see Chen, Fig. 1) for receiving a plurality of known media content (see Chen, col 6, lines 11-15 and col 14, lines 55-63) from at least one media broadcast (see Chen, col 2, lines 12-20);

a sample control processor (see Chen, Fig. 1 and col 5, lines 24-29) for receiving a representation of monitored media from at least one audience member monitoring device (see Chen, col 6, lines 11-15); and

a content recognition system, coupled to the interface and to the sample control processor (see Chen, Fig. 1), for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Chen, col 6, lines 11-15 and col 16, lines 5-13);

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media (see Chen, col 16, lines 42-52 and col 17, lines 4-6);

wherein the plurality of known media content comprises at least one broadcast (see Chen, col 2, lines 12-20).

Chen does not specifically disclose a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content,

wherein the representation of the monitored media indicates audience member exposure at a time other than the time of the broadcast.

In an analogous art, Barton discloses a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content (see Barton, [0138], lines 1-6).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Chen's system to include the limitations as taught by Barton for the advantage of providing an improved, more efficient and more versatile method of content recognition.

Chen in view of Barton does not specifically disclose wherein the representation of the monitored media indicates audience member exposure at a time other than the time of the broadcast.

In an analogous art, Burges discloses wherein the representation of the monitored media indicates audience member exposure at a time other than the time of the broadcast (Burges discloses that his media objects are stored with extra identification information, such as time stamps indicating the date and time the object occurred in a media stream {see Burges, [0052], lines 10-16}. Therefore, the submitted sample of Chen in view of the Barton and Burges would include time stamp information, which would indicate when/if the user has been exposed to the media. Therefore, the limitations as claimed are met.

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen in view of Barton to include the limitations as taught by Burges for the advantage of providing an improved system for recognizing content and inferring extensive and comprehensive information about the content such that a user has more options for managing the content.

Conclusion

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

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENEA SMITH whose telephone number is (571)272-9524. The examiner can normally be reached on 8:00 am - 4:00 pm, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571)272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/CHENEA SMITH/
Primary Examiner, Art Unit 2421

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14175811	STEUER ET AL.
	Examiner	**Art Unit**
	CHENEA SMITH	2421

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

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

CLAIM		DATE								
Final	Original	01/12/2015	11/02/2015							
	1	✓	✓							
	2	✓	✓							
	3	✓	✓							
	4	✓	✓							
	5	✓	-							
	6	✓	-							
	7	✓	✓							
	8	✓	-							
	9	✓	-							
	10	✓	✓							
	11	✓	✓							
	12	✓	✓							
	13	✓	-							
	14	✓	-							
	15	✓	✓							
	16	✓	✓							
	17	✓	✓							
	18	✓	✓							
	19	✓	✓							
	20	✓	✓							
	21	✓	✓							
	22	✓	✓							
	23	✓	✓							
	24	✓	✓							
	25	✓	✓							

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14175811	STEUER ET AL.
	Examiner	Art Unit
	CHENEA SMITH	2421

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner
(H04N7/17318 OR H04N21/43615 OR H04N21/812 OR H04N21/44204 OR H04N21/44222 OR H04N21/4627 OR H04N21/47202 OR H04N21/4147 OR H04N21/6125 OR H04N21/6582 OR H04N21/8113 OR H04N5/76 OR H04N21/2543 OR H04N	11/1/2015	CS

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
Updated EAST search results included	11/2/2015 2:51:32 AM	CS
Updated Inventor search inlcuded - see search results printout	11/2/2015 2:51:33 AM	CS
Updated class search - 725 - text search only, see search results printout	11/2/2015 2:51:34 AM	CS

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

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	17	("20020072982" | "20050086682" | "20060059277" | "7038619" | "7444353" | "7779415").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/11/02 04:28
L2	17	("20020072982" | "20050086682" | "20060059277" | "7038619" | "7444353" | "7779415").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/11/02 05:06
L3	7562	((media content$1) with usage$1 with (track$3 monitor$3))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/11/02 07:46
L4	101805	"4" AND ((H04N7/17318 OR H04N21/43615 OR H04N21/812 OR H04N21/44204 OR H04N21/44222 OR H04N21/4627 OR H04N21/47202 OR H04N21/4147 OR H04N21/6125 OR H04N21/6582 OR H04N21/8113 OR H04N5/76 OR H04N21/2543 OR H04N21/4325 OR H04N21/4334 OR H04N21/440281 OR H04N21/4532 OR H04N21/4751 OR H04N21/4753 OR H04N21/6175 OR H04N21/63345 OR H04N7/165 OR H04N7/1675 OR H04N1/32144 OR H04N1/32486 OR H04N1/4413 OR H04N1/444 OR H04N1/4486 OR H04N2005/91364 OR H04N21/21805 OR H04N21/222 OR H04N21/2347 OR H04N21/235 OR H04N21/23892 OR H04N21/24 OR H04N21/2402 OR H04N21/25435 OR H04N21/25816 OR H04N21/25875 OR H04N21/25891 OR H04N21/26208 OR H04N21/26606 OR H04N21/4104 OR H04N21/4108 OR H04N21/4122 OR H04N21/4126 OR H04N21/4135 OR H04N21/41407 OR H04N21/4143 OR H04N21/4223 OR H04N21/4263 OR H04N21/42646 OR H04N21/4331 OR H04N21/4335 OR H04N21/434 OR H04N21/435 OR H04N21/43632 OR H04N21/4383 OR H04N21/4385 OR H04N21/4394 OR H04N21/44008 OR	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/11/02 07:46

		H04N21/44016 OR H04N21/4405 OR H04N21/44209 OR H04N21/44213 OR H04N21/44231 OR H04N21/4431 OR H04N21/4438 OR H04N21/4623 OR H04N21/47211 OR H04N21/4722 OR H04N21/4755 OR H04N21/4788 OR H04N21/4825 OR H04N21/485 OR H04N21/6112 OR H04N21/6118 OR H04N21/632 OR H04N21/6334 OR H04N21/64784 OR H04N21/6581 OR H04N21/8166 OR H04N21/8193 OR H04N21/835 OR H04N21/8352 OR H04N21/8355 OR H04N21/8358 OR H04N21/84 OR H04N21/8456 OR H04N21/8549 OR H04N21/8586 OR H04N2201/0094 OR H04N2201/3288 OR H04N2201/3295 OR H04N5/23225 OR H04N5/262 OR H04N5/2621 OR H04N5/913 OR H04N7/16 OR H04N7/163 OR H04N7/173 OR H04N7/17309).CPC.)				
L5	8856	((content$1 media video$1) with usage$1 with (track$3 monitor$3))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/11/02 07:46
L6	1816	@ad<"20040527" and L5	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/11/02 07:46
L7	380	L6 AND ((H04N7/17318 OR H04N21/43615 OR H04N21/812 OR H04N21/44204 OR H04N21/44222 OR H04N21/4627 OR H04N21/47202 OR H04N21/4147 OR H04N21/6125 OR H04N21/6582 OR H04N21/8113 OR H04N5/76 OR H04N21/2543 OR H04N21/4325 OR H04N21/4334 OR H04N21/440281 OR H04N21/4532 OR H04N21/4751 OR H04N21/4753 OR H04N21/6175 OR H04N21/63345 OR H04N7/165 OR H04N7/1675 OR H04N1/32144 OR H04N1/32486 OR H04N1/4413 OR H04N1/444 OR H04N1/4486 OR H04N2005/91364 OR H04N21/21805 OR H04N21/222 OR H04N21/2347 OR H04N21/235 OR H04N21/23892 OR H04N21/24 OR H04N21/2402 OR H04N21/25435 OR H04N21/25816 OR H04N21/25875 OR H04N21/25891 OR H04N21/26208 OR H04N21/26606 OR H04N21/4104 OR H04N21/4108 OR H04N21/4122 OR H04N21/4126 OR H04N21/4135 OR H04N21/41407 OR H04N21/4143 OR H04N21/4223 OR H04N21/4263 OR H04N21/42646 OR H04N21/4331 OR H04N21/4335 OR H04N21/434 OR	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/11/02 07:46

		H04N21/435 OR H04N21/43632 OR H04N21/4383 OR H04N21/4385 OR H04N21/4394 OR H04N21/44008 OR H04N21/44016 OR H04N21/4405 OR H04N21/44209 OR H04N21/44213 OR H04N21/44231 OR H04N21/4431 OR H04N21/4438 OR H04N21/4623 OR H04N21/47211 OR H04N21/4722 OR H04N21/4755 OR H04N21/4788 OR H04N21/4825 OR H04N21/485 OR H04N21/6112 OR H04N21/6118 OR H04N21/632 OR H04N21/6334 OR H04N21/64784 OR H04N21/6581 OR H04N21/8166 OR H04N21/8193 OR H04N21/835 OR H04N21/8352 OR H04N21/8355 OR H04N21/8358 OR H04N21/84 OR H04N21/8456 OR H04N21/8549 OR H04N21/8586 OR H04N2201/0094 OR H04N2201/3288 OR H04N2201/3295 OR H04N5/23225 OR H04N5/262 OR H04N5/2621 OR H04N5/913 OR H04N7/16 OR H04N7/163 OR H04N7/173 OR H04N7/17309).CPC.)				
L8	12	((Jonathan) near2 (Steuer)).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2015/11/02 07:46
L9	24	((Christopher) near2 (Otto)).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2015/11/02 07:46
L10	60398	"725".clas.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/11/02 07:47
L11	24	8 9	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/11/02 07:48
S1	979360	@ad<"20040527" and (video$1 music)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 08:40
S2	43281	"725".clas.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 08:40
S3	5	("20030135623" | "20040034441").PN.	US-PGPUB;	OR	OFF	2014/01/21 08:44

			US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT			
S4	98	("4677466" | "7444353" | "20020038456" | "20020083060" | "20100141499" | "20040055445" | "5844938" | "20030135623" | "20040224638" | "7634787" | "20020161741" | "3919479" | "6513161" | "7483975" | "20030009469" | "20040001161" | "20080154401" | "20040034441" | "20020059577" | "20040122679" | "20030177488" | "8131389" | "4697209" | "5095382" | "20050086682" | "20020072982" | "20020072982" | "20060059277" | "5594934" | "5945988" | "5436653" | "5404161" | "20020010919" | "5758257" | "5512933" | "20070143777" | "5437050" | "7038619").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 08:45
S5	1289	(recogniz$6 recognition identif$8 detect$4) with album$1 with (title$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 08:46
S6	66953	(recogniz$6 recognition identif$8 detect$4) with (album$1 title$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 08:47
S7	17894	(order$3 sequenc$2 position) with sampl$4 with occur$5	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 08:47
S8	0	(recogniz$6 recognition identif$8 detect$4) with musci	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 08:48
S9	35136	(recogniz$6 recognition identif$8 detect$4) with music	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 08:48
S10	20	S6 and S7 and S9	US-PGPUB; USPAT;	OR	OFF	2014/01/21 08:48

			USOCR; FPRS; EPO; JPO; DERWENT			
S11	4	S1 and S10	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 08:48
S12	1446596	(recogniz$6 recognition identif$8 detect$4) with ((album$1 near2 title$1) sourc$3 station$1 channel$1)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 08:52
S13	38	S7 and S9 and S12	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 08:52
S14	9	S1 and S13	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 08:52
S15	1	12/283332.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 09:08
S16	81	(determin$6 detect$4 identif$8) with (album$1 cd dvd) with based with (order sequenc$3) with (song$1 movie$1 show$1 program$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 10:09
S17	19	S1 and S16	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 10:09
S18	94	(determin$6 detect$4 identif$8) with (album$1 cd dvd) with based with (order sequenc$3) with (track$1 song$1 movie$1 show$1 program$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 10:10
S19	23	S18 and S1	US-	OR	OFF	2014/01/21

			PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT			10:10
S20	1	12/283332.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 10:17
S21	15	(steuer near2 jonathan)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 10:20
S22	1	12/283332.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 10:24
S23	2	12/283354.app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/21 10:28
S42	9	((JONATHAN) near2 (STEUER)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/01/24 23:06
S43	19	((CHRISTOPHER) near2 (OTTO)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/01/24 23:06
S44	19	S42 S43	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2014/01/24 23:06
S45	1	11/139330.APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/11/02 00:32
S46	2757	(media with usage$1 with (track$3 monitor$3))	US-PGPUB; USPAT; USOCR; FPRS;	OR	OFF	2015/11/02 02:50

			EPO; JPO; DERWENT			
S47	8856	((content$1 media video$1) with usage$1 with (track$3 monitor$3))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/11/02 02:50
S48	1816	@ad<"20040527" and S47	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/11/02 02:50
S49	60398	"725".clas.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/11/02 02:50

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S24	918376	(recogniz$6 recognition identif$8 detect$4) with ((album$1 near2 title$1) sourc$3 station$1 channel$1)	US-PGPUB; USPAT; * No UPAD	OR	OFF	2014/01/21 09:20
S25	23632	(recogniz$6 recognition identif$8 detect$4) with music	US-PGPUB; USPAT; * No UPAD	OR	OFF	2014/01/21 09:20
S26	15519	(order$3 sequenc$2 position) with sampl$4 with occur$5	US-PGPUB; USPAT; * No UPAD	OR	OFF	2014/01/21 09:20
S27	38	S24 and S25 and S26	US-PGPUB; USPAT; * No UPAD	OR	OFF	2014/01/21 09:21
S28	0	(S24 and S25 and S26).clm.	US-PGPUB; USPAT; * No UPAD	OR	OFF	2014/01/21 09:21
S29	234122	(recogniz$6 recognition identif$8 detect$4) with ((album$1 near2 title$1) sourc$3 station$1 channel$1).clm.	US-PGPUB; USPAT; * No UPAD	OR	OFF	2014/01/21 09:21
S30	2555	((recogniz$6 recognition identif$8 detect$4) with music).clm.	US-PGPUB;	OR	OFF	2014/01/21 09:22

			USPAT; * No UPAD			
S31	1530	((order$3 sequenc$2 position) with sampl$4 with occur$5).clm.	US-PGPUB; USPAT; * No UPAD	OR	OFF	2014/01/21 09:22
S32	234122	((recogniz$6 recognition identif$8 detect$4) with ((album$1 near2 title$1) sourc$3 station$1 channel$1)).clm.	US-PGPUB; USPAT; * No UPAD	OR	OFF	2014/01/21 09:22
S33	0	S29 and S30 and S31	US-PGPUB; USPAT; * No UPAD	OR	OFF	2014/01/21 09:22
S34	5138	((order$3 sequen$4) with (content$1 near2 identif$4))	US-PGPUB; USPAT; * No UPAD	OR	OFF	2014/01/21 09:23
S35	784	((order$3 sequen$4) with (content$1 near2 identif$4)).clm.	US-PGPUB; USPAT; * No UPAD	OR	OFF	2014/01/21 09:23
S36	151	S32 and S35	US-PGPUB; USPAT; * No UPAD	OR	OFF	2014/01/21 09:24
S37	15	((order$3 sequen$4) with occur$6 with (content$1 near2 identif$4)).clm.	US-PGPUB; USPAT; * No UPAD	OR	OFF	2014/01/21 09:24
S38	1	S32 and S37	US-PGPUB; USPAT; * No UPAD	OR	OFF	2014/01/21 09:25
S39	10	(steuer near2 jonathan)	US-PGPUB; USPAT; * No UPAD	OR	OFF	2014/01/21 09:26
S40	71	(determin$6 detect$4 identif$8) with (album$1 cd dvd) with based with (order sequenc$3) with (song$1 movie$1 show$1 program$4)	US-PGPUB; USPAT; * No UPAD	OR	OFF	2014/01/21 10:07
S41	3	((determin$6 detect$4 identif$8) with (album$1 cd dvd) with based with (order sequenc$3) with (song$1 movie$1 show$1 program$4)).clm.	US-PGPUB; USPAT; * No UPAD	OR	OFF	2014/01/21 10:08

11/2/2015 7:49:27 AM

C:\ Users\ csmith3\ Documents\ EAST\ Workspaces\ Steuer 332 Allowance.wsp

Attorney Docket No.: 10004-2000104
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jonathan S. Steuer

Application No.: 14/175,811 Group Art Unit: 2421

Filing Date: February 7, 2014 Examiner: Smith, Chenea

Title: MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD

AMENDMENT UNDER 37 CFR § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This is in response to the Office Action dated January 14, 2015 (Paper No. 20150112) for which a response is due on April 14, 2015. A petition and fee is included herewith for a three-month extension of time to July 14, 2015. Accordingly, this response is timely filed.

Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 13 of this paper.

AMENDMENTS TO THE CLAIMS

Please amend the claims as follows, where additions are underlined and deletions are indicated by ~~strikethrough~~ or enclosed in [[double brackets]]:

1. (Currently Amended): A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for receiving ~~a representation~~ representations of ~~at least one~~ a plurality of target media ~~item~~ items from at least one client device;

a stream store, coupled to the server and to the at least one stream collection server, for storing a representation of at least a subset of the received reference media items and for storing a ~~representation of the~~ representations of the plurality of target media items ~~at least one target media item~~;

a correlator server, coupled to the stream store, for identifying respective ~~one~~ ones of the reference media items as corresponding to the plurality of target media items ~~the target media item~~;

~~an output device~~ a play stream generator, coupled to the correlator server, for generating output signaling user exposure to the respective ones of the identified reference media ~~item~~ items over time; and

a location tracking server for detecting a location for the client device ~~wherein the correlator server correlates the detected location with a location of at least one geographically identifiable sponsor of a reference media item~~.

2. (Currently Amended): The system of claim 1, wherein the location tracking server detects the location via ~~at least one selected from the group consisting of:~~ GPS tracking.

~~RFID tracking;~~

~~Bluetooth tracking~~.

3. (Original): A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for receiving a representation of at least one target media item from at least one client device;

a stream store, coupled to the server and to the at least one stream collection server, for storing a representation of at least a subset of the received reference media items and for storing a representation of the at least one target media item;

a correlator server, coupled to the stream store, for identifying one of the reference media items as corresponding to the target media item; and

an output device, coupled to the correlator server, for generating output signaling user exposure to the identified reference media item; wherein the plurality of reference media items comprises at least one broadcast, and

wherein the representation of at least one target media item indicates user exposure at a time other than the time of the broadcast.

4. (Currently Amended): A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for receiving ~~a representation~~ representations of ~~at least one~~ a plurality of target media ~~item~~ items from at least one client device;

a stream store, coupled to the server and to the at least one stream collection server, for storing a representation of at least a subset of the received reference media items and for storing

[[a]] ~~representation of the~~ the representations of the plurality of target media items ~~at least one target media item~~;

a correlator server, coupled to the stream store, for identifying respective ~~one~~ ones of the reference media items as corresponding to the plurality of target media items ~~the target media item~~; and

~~an output device~~ a play stream generator, coupled to the correlator server, for generating output signaling user exposure to the respective ones of the identified reference media ~~item~~ items over time. ~~and~~

~~a purchasing tracking server, for receiving consumer purchasing information;~~

~~wherein the output device generates a report correlating user purchasing information with user exposure to the identified reference media item.~~

5. (Cancelled)

6. (Cancelled)

7. (Currently Amended): A method for detecting user exposure to media items, comprising:

receiving a plurality of reference media items from at least one media source;

for at least one client device:

~~selecting, based on at least one of load and geographic proximity to the client device, one of a plurality of data signature stream collection servers;~~ and

at ~~the selected~~ a data signature stream collection server, receiving, from the client device:

a representation of at least one target media item; and

an indication as to whether the client device is in the physical possession of a person at a time of exposure to the target media item; and

responsive to an indication that the client device is in the physical possession of a person at the time of exposure to the target media item:

identifying one of the reference media items as corresponding to the target media item; and generating output signaling user exposure to the identified reference media item.

8. (Cancelled)

9. (Cancelled)

10. (Original): The method of claim 7, wherein the indication as to whether the client device is in the physical possession of a person is provided based on output of at least one sensor associated with the client device.

11. (Currently Amended): The method of claim 10, wherein the at least one sensor detects at least ~~one selected from the group consisting of:~~

~~vibration of the client device;~~

~~key presses on the client device;~~

~~temperature of the client device; and~~

movement of the client device.

12. (Original): A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for, receiving, from at least one client device:

a representation of at least one target media item from at least one client device;

an indication as to whether the client device is in the physical possession of a person at a time of exposure to the target media item; and

a stream store, coupled to the server and to the at least one stream collection server, for:

storing a representation of at least a subset of the received reference media items; and

responsive to an indication that the client device is in the physical possession of a person at the time of exposure to the target media item, storing a representation of the target media item;

a correlator server, coupled to the stream store, for, for each stored representation of a target media item, identifying one of the reference media items as corresponding to the target media item; and

an output device, coupled to the correlator server, for, for each identified reference media item, generating output signaling user exposure to the identified reference media item.

13. (Cancelled)

14. (Cancelled)

15. (Original): The system of claim 12, wherein the indication as to whether the client device is in the physical possession of a person is provided based on output of at least one sensor associated with the client device.

16. (Currently Amended): The system of claim 15, wherein the at least one sensor detects at least ~~one selected from the group consisting of:~~

~~vibration of the client device;~~

~~key presses on the client device;~~

~~temperature of the client device; and~~

movement of the client device.

17. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations ~~a representation~~ of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones ~~one~~ of the known media content as corresponding to the monitored media;

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the respective different ones of the identified known media content; and

an audience data processor for detecting a location of the audience member monitoring device. ~~wherein the audience data processor relates the detected location to retail traffic of an advertiser associated with the known media content.~~

18. (Original): The system of claim 17, wherein the audience data processor detects the location via GPS tracking.

19. (Original): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving a representation of monitored media from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media; and

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content; wherein the plurality of known media content comprises at least one broadcast; and

wherein the representation of the monitored media indicates audience member exposure at a time other than the time of the broadcast.

20. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations ~~a representation~~ of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones ~~one~~ of the known media content as corresponding to the monitored media; and

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the respective different ones of the identified known media content. ~~and~~

~~a retail traffic data system wherein the report generator generates a report matching retail traffic and audience member exposure to known media content.~~

21. (Original): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving from at least one audience member monitoring device:

a representation of monitored media from at least one audience member monitoring device;

data indicating that the monitoring device is in possession of an audience member at a time of exposure to the monitored media; and

a content recognition system, coupled to the interface and to the sample control processor, for:

storing a representation of at least a subset of the received known media content; and

storing a representation of the monitored media based on the monitoring device being in the possession of an audience member at the time of exposure to the monitored media;

wherein the content recognition system, for each of the plurality of stored representation of monitored media, identifies one of the known media content as corresponding to the monitored media; and

a report generator, coupled to the content recognition system, for, for each identified known media content, generating output signaling audience member exposure to the identified known media content.

22. (Original): The system of claim 21, wherein the data indicating the monitoring device is in the possession of an audience member is provided based on output of at least one sensor associated with the monitoring device.

23. (Currently Amended): The system of claim 22, wherein the at least one sensor detects at least ~~one selected from the group consisting of:~~

~~key presses on a media player device coupled to the monitoring device; and~~

movement of the monitoring device.

24. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations ~~a representation~~ of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones ~~one~~ of the known media content as corresponding to the monitored media;

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the respective different ones of the identified known media content; and

an audience data processor for detecting a location of the audience member monitoring device and relating the detected location to content meta data associated with the known media content.

25. (Currently Amended): A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving representations ~~a representation~~ of monitored media corresponding to a plurality of media items monitored over time from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies respective different ones ~~one~~ of the known media content as corresponding to the monitored media;

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the respective different ones of the identified known media content; and

an audience data processor;

wherein the report generator, coupled to the audience data processor, generates a report matching audience data to audience member exposure to known media content.

REMARKS

Claims 1-25 were pending and under consideration in the present application. By virtue of this response, Claims 5, 6, 8, 9, 13, and 14 have been cancelled. Therefore, claims 1-4, 7, 10-12, and 15-25 remain pending and under consideration. Of the claims currently under consideration, Claims 1, 2, 4, 7, 11, 16, 17, 20, and 23-25 have been amended.

Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added. Entry of the above-mentioned amendments is respectfully requested.

Interview Summary

Applicants thank the Examiner for the courtesy of the telephone Interview that took place on July 9, 2015. Participants included Examiner Chenea Smith, Applicants' attorneys Michael Mauriel and Lawrence Gabuzda, and inventor Christopher Otto.

Discussion primarily focused on the issues of specification support for the claims, particularly including claim19, and the limitation of this claim regarding audience member exposure "at a time other than the time of broadcast." Examiner Smith agreed that there appeared to be potential support for these limitations, for example in Fig. 5 and accompanying description. The Examiner said that she would consult a quality specialist in view of that support. Regarding the recitations in claim 3 of various "server" entities, Applicants pointed to several sections of the specification (e.g. paragraphs [0028], [0061], and [0063]) that describe the disclosed functionality as optionally provided by, e.g., a distributed computing environment, or software running on one or more computers, either of which could be considered a "server" implementation. Examiner Smith agreed that this appeared to disclose servers. She said that she would confirm her conclusions with the quality specialist.

The participants also briefly discussed the 102 rejections over Zito and certain of the 103 rejections over Chen in combination with various other references. Applicants pointed out that their priority applications predate Zito. It was agreed that if Applicant's priority claim in this case is

ultimately recognized as proper, the rejections over Zito under 35 U.S.C. 102(b) would be withdrawn. No conclusions were reached regarding the 103 rejections over Chen and other references.

Priority

The Office action alleges that Applicants' prior-filed applications, 60/574,836 and 11/139,330, fail to provide adequate support or enablement for one or more claims, as provided in 35 U.S.C. Sec. 112, first paragraph. Applicants respectfully disagree.

Regarding claims 1, 3-4 and 12 the Office action objects to the limitation "wherein the correlator server correlates the detected location with a location of at least one geographically identifiable sponsor of a reference media item" as lacking support in the priority applications. Applicants have hereby amended claim 1 to cancel this limitation. The objection is therefore moot and should be withdrawn as to claim 1. As to claims 3-4 and 12, Applicant notes that the objected-to limitation does not appear in these claims. The Office action further alleges a lack of support for the term "server" as recited in the claims, alleging specifically that the various "modules" illustrated in Fig. 1 are not servers. However, as discussed in the Examiner interview of July 9, 2015, and described in the specification at, for example, paragraphs [0028], [0061], and [0063], in various embodiments, the claimed functionality may be implemented in computer code executing on one or more computers in a distributed computing network (i.e. servers). Accordingly, the rejections of claims 1, 3-4, and 12 should be withdrawn.

Regarding claims 2 and 18, the Office action objects to the limitation "wherein the location tracking server detects the location via at least one selected from the group consisting of: GPS tracking; RFID tracking; Bluetooth tracking" as lacking support in the priority applications. First, it should be noted that claim 18 is actually limited only to GPS tracking. Applicant's priority application 60/574,836 teaches GPS tracking in the context of creating a record of individual media usage over time. See 60/574,836 at page 6. The RFID and Bluetooth limitations of claim 2 have been cancelled. The rejections of claims 2 and 18 should therefore be withdrawn.

Regarding claims 4 and 5, the Office action objects to the limitation of "a purchasing tracking server, for receiving consumer purchasing information; wherein the output device generates a report correlating user purchasing information with user exposure to the identified reference media item" as lacking support in the priority applications. Claim 4 has been amended to remove the limitation to "a purchasing tracking server" and claim 5 has been cancelled. The rejections of these claims should therefore be withdrawn.

Regarding claims 6-7, the Office action objects to the limitation of "for selecting, based on at least one of load and geographic proximity to the client device, one of the plurality of data signature stream collection servers" as lacking support in the priority applications. Claim 6 has been cancelled and claim 7 has been amended to remove the limitation "for selecting, based on at least one of load and geographic proximity to the client device, one of the plurality of data signature stream collection servers." The rejections of these claims should therefore be withdrawn.

Regarding claims 7, 12, and 21, the Office action objects to the limitation "receiving, from the client device: … an indication as to whether the client device is in the physical possession of a person at the time of exposure to the target media item" as lacking support in the priority applications. Applicants respectfully disagree. Applicant's priority application 60/574,386 discloses (see, e.g., p. 7) collection of metadata regarding "subject movement," which is an indication as to whether the client device is in the physical possession of a person at the time of exposure to the target media item. The rejections of these claims should therefore be withdrawn.

Regarding claims 8-9 and 13-14, the Office action objects to the limitation "responsive to an indication that the client device is not in the physical possession of a person at the time of exposure to the target media item, ignoring the representation of the at least one target media item from the client device" as lacking support in the priority applications. Claims 8-9 and 13-14 are hereby cancelled. The rejections of these claims are therefore moot and should be withdrawn.

Regarding claims 11, 16, and 23, the Office action objects to the limitation "wherein the at least one sensor detects at least one selected from the group consisting of: vibration of the client device; key presses on the client device; temperature of the client device; and movement of the

client device" as lacking support in the priority applications. Applicants respectfully disagree. Applicant's priority application 60/574,386 discloses collection of metadata regarding "subject movement." See p.7 of the priority document. The claim need not be described *in haec verba* in the specification. MPEP 2163.02. The alternative claim elements reciting vibration, key presses, and temperature, are hereby cancelled. The rejections of these claims should therefore be withdrawn.

Regarding claims 17 and 20, the Office action objects to the limitations "wherein the audience data processor relates the detected location to retail traffic of an advertiser associated with the known media content" and "a retail traffic data system; wherein the report generator generates a report matching retail traffic and audience member exposure to known media content," respectively. Claim 17 has been amended to remove the limitation "wherein the audience data processor relates the detected location to retail traffic of an advertiser associated with the known media content" and claim 20 has been amended to remove the limitation "a retail traffic data system; wherein the report generator generates a report matching retail traffic and audience member exposure to known media content." Accordingly, the rejections of these claims should be withdrawn.

Regarding claim 19, the Office action objects to the limitation "wherein the representation of the monitored media indicates audience member exposure at a time other than the time of broadcast" as lacking support in the priority applications. Applicants respectfully disagree. As explained in the Examiner interview of July 9, 2015, Fig. 5 clearly shows audience member exposure at a time other than the time of broadcast, by showing the user pausing and skipping the media content. The recited "representation of monitored media" corresponds to, for example, monitor data 144 of Fig. 1. The rejection of claim 19 should therefore be withdrawn.

The Office action does not identify any priority issues regarding claims 15, 22, 24, or 25.

Claim Rejections - 35 USC § 102

Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Pub. No. 2006/0059277 of Zito et al. (hereinafter referred to as "Zito"). Applicants respectfully submit that the priority claim of Applicants' present application is proper. As discussed in the Interview,

Zito is not a proper 102(b) or 102(e) reference if the Applicants' priority claim is recognized. Therefore, Applicants respectfully request withdrawal of this rejection.

Claim Rejections - 35 USC § 103

Claims 1-3

Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over US Patent Number 7,444,353 of Chen et al. (hereinafter referred to as "Chen") in view of US Patent Number 7,779,4l5 of Bisdikian et al. (hereinafter referred to as "Bisdikian"). Claim 6 has been cancelled. Therefore, the rejection is moot with respect to claim 6.

Claim 1 has been amended to further clarify that Applicants' invention is directed to a media monitoring system for monitoring consumption of different media items over time rather than the user-centric application described in Chen for facilitating user purchases of a particular identified song. Specifically, claim 1, as amended, recites, inter alia, "a play stream generator, coupled to the correlator server, for generating output signaling user exposure to the respective ones of the identified reference media ~~item~~ items over time." This language is supported in Applicants' specification by, inter alia, play stream generator 126 of FIG. 1 and the exemplary play streams shown in FIGS. 4-5. Applicants respectfully submit that Chen in view of Bisdikian does not teach or suggest these limitations. Therefore, Applicants respectfully submit that claim 1 is allowable for at least this reason and Applicants respectfully request removal of the rejection of claim 1.

Claim 2 depends from claim 1 and is therefore allowable for at least the reasons set forth above. Applicants' therefore respectfully request removal of the rejection of claim 2.

Claim 3 recites, inter alia, "wherein the representation of at least one target media item indicates user exposure at a time other than the time of the broadcast." Applicants respectfully note that the Office Action has not pointed to anything in Chen or Bisdikian that teaches this limitation. Therefore, Applicants respectfully request removal of the rejection of claim 3.

Claim 4

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Chen in view of Bisdikian and US Patent Pub. No. 2002/0072982 of Barton et al. (hereinafter referred to as "Barton"). Claim 5 is cancelled and therefore the rejection is moot with respect to claim 5. Claim 4 has been amended to add limitations similar to those added to claim 1 referenced above. Applicants respectfully submit that claim 4, as amended, is allowable for at least the same reasons as set forth above with respect to claim 1. Applicants respectfully request removal of the rejection of claim 4.

Claims 7 and 10-11

Claims 7-11 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over US Patent Number 7,038,619 of Percy et al. (hereinafter referred to as "Percy") in view of Chen. Claims 8 and 9 are canceled and the rejection is therefore moot with respect to those claims.

Applicants respectfully submit that one skilled in the art would have no motivation to combine Percy and Chen in the context of the claimed invention. A combination is not obvious unless there was a specific reason that would have prompted a person of ordinary skill in the art to make the combination:

> [I]t can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.

KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 417 (2007). Moreover, a teaching away from a combination of references must be considered. MPEP 2141.02. Also, a proposed combination cannot render the prior art unsatisfactory for its intended purpose or change the principle of

operation of the prior art. MPEP 2143.01. There must further be a "reasonable expectation of success" from the combination. MPEP 2143.02.

Percy is explicitly directed to identifying the location of a person relative to specific types of public visual displays having known locations. Percy specifically addresses problems related to public visual medial displays such as "billboards, posters, kiosks, video kiosks, on-line kiosks, and other publicly viewable media displays." Percy 1:36-37 (emphasis added). Percy's invention depends on tracking monitor location relative to publicly viewable media displays with known locations. See, e.g., Percy 3:66-4:2 ("Matches between monitoring device locations and the media display locations establish that the respondent carrying the monitoring device was exposed to the media displays.") Percy's purpose is to determine the effectiveness of various locations for visual media displays such as billboards. See, Percy, 2:46-47.

Chen, which relates to identifying songs for purposes of providing a user with information about the song and how to buy it, has no relationship to the purpose of Percy. Moreover, adding Chen's song identification function to the system of Percy would not enhance Percy and would potentially even detract from Percy accomplishing its intended purpose. Because Percy is directed exclusively to determining monitor location relative to known locations of visual displays such as billboards, Chen's song recognition capability would not benefit Percy. Moreover, to the extent that Percy's monitoring devices are exposed to identifiable songs, those songs would have no relationship to the billboards of Percy. For example, the driver of a car might be listening to a song on a CD while driving by a billboard on the highway. Percy's system aims to determine whether or not the driver is near the billboard. The identity of a song on the car's CD system has no relationship to the location of that billboard and does not help determine the driver's location relative to the billboard. Therefore, Percy would not benefit from performing song or other audio identifications and adding Chen to Percy would increase costs without any added value. This is especially true because Percy does not disclose that its billboards have any audio component that would benefit from Chen's song recognition system.

For at least the reason that there is not a reasonable expectation that Chen's song identification function would benefit the system of Percy and the reason that Percy's exclusive focus

on assessing the location of billboards, and other media that is disclosed as exclusively visual, teaches away from combining Percy with Chen, the combination of the two references is not appropriate. Applicants therefore respectfully request that the rejection of claims 7, 10, and 11 over Percy in view of Chen be withdrawn.

Claims 12, 15-16, and 21-23

Claims 12-16 and 21-23 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Percy in view of Chen and Bisdikian. Claims 13 and 14 are canceled and the rejection is therefore moot with respect to those claims.

As set forth above with respect to claims 7, 10, and 11, the combination of Percy and Chen is not proper. For at least the same reasons, Applicants respectfully submit that the combination of Percy, Chen, and Bisdikian is not proper. Applications respectfully request removal of the rejection of claims 12, 15-16, and 21-23 over Percy, Chen, and Bisdikian.

Claims 17-18, 20, and 24-25

Claims 17-18, 20 and 24-25 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Chen in view of Barton.

Claim 17 has been amended to further clarify that Applicants' invention is directed to a media monitoring system for monitoring consumption of different media items over time rather than the user-centric application described in Chen for facilitating user purchases of a particular identified song. Applicants respectfully submit that claim 17 as amended is allowable over Chen in view of Barton for at least the same reasons as set forth above with respect to claim 1 over Chen in view of Bisdikian. Applicants therefore respectfully request removal of the rejection of claim 17.

Claim 18 depends from claim 17 and is allowable for at least the same reasons.

Claims 20, 24, and 25 have been amended to highlight distinctions comparable to those highlighted by the amendment to claim 17 and Applicants respectfully submit that claims 20, 24,

and 25 are allowable for at least the same reasons. Therefore, Applicants respectfully request withdrawal of the rejection of claims 17-18, 20, and 24-25 over Chen in view of Barton.

Claim 19

Claim 19 is rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Chen in view of Barton and US Patent Pub. No. 2005/0086682 of Burges et al. (hereinafter referred to as "Burges").

Applicants respectfully submit that one skilled in the art would not be motivated to combine Burges with Chen in view of Barton. Moreover, such a combination, even if made, does not teach the limitations of the claim.

Chen's purpose is to identify a song to which a user is exposed in order to provide the user with information relevant to being able to purchase media that includes that song. Chen's primary application context is a user hearing a song on the radio while driving. Chen 1:47-47. In that scenario, the user is hearing the music at the time of broadcast, not at some other time. That said, it is irrelevant to Chen's purpose whether the user is exposed to the song at the time of the song being broadcast or at another time. All that is relevant for Chen's purpose is that the user is exposed to an identifiable song. Therefore, one skilled in the art would not have concluded that Chen's system would benefit by determining whether the user was exposed to media a time other than the broadcast time.

Furthermore, Burges does not supply the teachings missing in Chen and Barton. The Office Action states that Burges discloses "wherein the representation of the monitored media indicates audience member exposure at a time other than the time of the broadcast." Office Action at page 38. However, Burges has no disclosure of time stamps showing when an audience member is exposed to a media object. Burges only stores time stamps for the broadcast stream itself. Burges does this to help users search a database of stored content. However, this has nothing to do with monitoring user exposure to particular media items either at the time of broadcast or otherwise.

For at least the above reasons, Applicants respectfully submit that claim 19 is allowable over Chen in view of Barton and further in view of Burges. Applicants therefore respectfully request withdrawal of the rejection of claim 19.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time. The Director is hereby authorized to charge any fees which may be required by this paper to Deposit Account No. 50-4242, referencing docket no. 10004-2000104.

Dated: July 14, 2015

Respectfully submitted,

By: /Michael Mauriel/ Reg. No. 44,226

Michael Mauriel
Registration No.: 44,226
Mauriel Kapouytian Woods LLP
15 W. 26th Street, 7th Floor
New York, New York 10010
(212) 529-5131 Ext. 101
Attorney(s) for Applicant

Electronic Patent Application Fee Transmittal	
Application Number:	14175811
Filing Date:	07-Feb-2014
Title of Invention:	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Jonathan S. Steuer
Filer:	Michael John Mauriel/Paris Salgado
Attorney Docket Number:	10004-2000104
Filed as Small Entity	
Filing Fees for **Utility under 35 USC 111(a)**	

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

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 3 months with $0 paid	2253	1	700	700
Miscellaneous:				
			Total in USD ($)	**700**

Electronic Acknowledgement Receipt	
EFS ID:	22917751
Application Number:	14175811
International Application Number:	
Confirmation Number:	5201
Title of Invention:	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Jonathan S. Steuer
Customer Number:	51417
Filer:	Michael John Mauriel/Paris Salgado
Filer Authorized By:	Michael John Mauriel
Attorney Docket Number:	10004-2000104
Receipt Date:	14-JUL-2015
Filing Date:	07-FEB-2014
Time Stamp:	18:40:41
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Electronic Funds Transfer
Payment was successfully received in RAM	$700
RAM confirmation Number	4979
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Extension of Time	100042000104Extension.pdf	442011 a743682b761899f1a734b199d42d77dceafa6955	no	1
Warnings:					
Information:					
2		100042000104RespNonFinalOA.pdf	243469 684ada9bd141c3541303e681626d063fe0b50fa9	yes	22

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	12
	Applicant Arguments/Remarks Made in an Amendment	13	22

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30610 33a1c85c3378545436b4b8368a85ef6a5e36d95b	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	716090		

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

PTO/AIA/22 (03-13)
Approved for use through 7/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)	Docket Number (Optional) 10004-2000104
Application Number 14/175,811	Filed February 7, 2014
For MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD	
Art Unit 2421	Examiner Smith, Chena

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

		Fee	Small Entity Fee	Micro Entity Fee	
☐	One month (37 CFR 1.17(a)(1))	$200	$100	$50	$
☐	Two months (37 CFR 1.17(a)(2))	$600	$300	$150	$
☑	Three months (37 CFR 1.17(a)(3))	$1,400	$700	$350	$ 700
☐	Four months (37 CFR 1.17(a)(4))	$2,200	$1,100	$550	$
☐	Five months (37 CFR 1.17(a)(5))	$3,000	$1,500	$750	$

☐ Applicant asserts small entity status. See 37 CFR 1.27.

☐ Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. 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 504242.

☑ Payment made via EFS-Web.

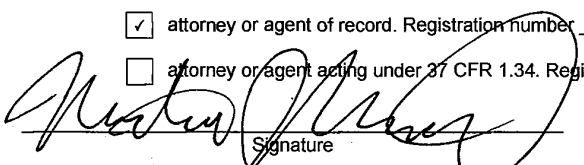
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant.

☑ attorney or agent of record. Registration number 44,226.

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.



Signature

July 14, 2015
Date

Michael Mauriel
Typed or printed name

212-529-5131 Ext. 101
Telephone Number

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

☐ * Total of _____ 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: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 14/175,811	Filing Date 02/07/2014	☐ To be Mailed

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

AMENDMENT	07/14/2015	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 19	Minus	** 25	= 0	X $40 =	0
	Independent (37 CFR 1.16(h))	* 11	Minus	***12	= 0	X $210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	

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

LIE
/JAMES MASON/

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
14/175,811	02/07/2014	Jonathan S. Steuer	10004-2000104

CONFIRMATION NO. 5201

51417
Mauriel Kapouytian Woods LLP
27 W. 24th Street
Suite #302
New York, NY 10010

PUBLICATION NOTICE



Title:MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD

Publication No.US-2015-0051967-A1
Publication Date:02/19/2015

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 Managment, 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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/175,811	02/07/2014	Jonathan S. Steuer	10004-2000104	5201

51417 7590 01/14/2015

Mauriel Kapouytian Woods LLP
27 W. 24th Street
Suite #302
New York, NY 10010

EXAMINER	
SMITH, CHENEA	

ART UNIT	PAPER NUMBER
2421	

MAIL DATE	DELIVERY MODE
01/14/2015	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. 14/175,811	Applicant(s) STEUER ET AL.	
	Examiner CHENEA SMITH	Art Unit 2421	AIA (First Inventor to File) Status No

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

Period for Reply

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

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

Status

1)☒ Responsive to communication(s) filed on *2/7/14*.

☐ 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) *1-25* 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) *1-25* 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 *2/7/14* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

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

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

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

4) ☐ Other: _____.

DETAILED ACTION

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

Priority

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original non-provisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed applications, Application No. 60/574836 and Application No. 11/139330, fail to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application.

For example, claim 1 recites the limitation "*wherein the correlator server correlates the detected location with a location of at least one geographically identifiable sponsor of a reference media item*". While the Applicants' original disclosure at [0024] of 11/139330 recites

that *"For example, filtered search module 122 might use audience data from audience data processing module 123 to form parameters and then pass those parameters to content recognition system 124 which then uses the parameters to conduct a filtered search of its content. Alternatively, module 122 might be adapted to utilize an instance of content recognition system 124 that includes content pre-selected based upon relevant audience data. Some examples of relevant audience data that may be used either to form search parameters or to construct targeted content include: location of the audience member (alone and/or relative to other audience members)*", this appears to be the only teaching of a user location, and therefore does not support the limitation as claimed. Also, the claim recites "a server", "at least one stream collection server", "a stream store, coupled to the server and to the at least one stream collection server" and "a location tracking server". While the Applicants' original disclosure of 11/139330 teach a media measurement system 100, comprised of modules, i.e., 121-123, 129, Fig. 1), these are not servers, and do not support the limitations as claimed. This analysis and rejection, includes then, in addition to claim 1, claim 3-4 and claim 12.

Claims 2 and 18 recite the limitation "*wherein the location tracking server detects the location via at least one selected from the group consisting of: GPS tracking; RFID tracking; Bluetooth tracking*". While the Applicants' original disclosure at [0024] of 11/139330 recites that *"For example, filtered search module 122 might use audience data from audience data processing module 123 to form parameters and then pass those parameters to content recognition system 124 which then uses the parameters to conduct a filtered search of its content. Alternatively, module 122 might be adapted to utilize an instance of content recognition system 124 that includes content pre-selected based upon relevant audience data. Some*

examples of relevant audience data that may be used either to form search parameters or to construct targeted content include: location of the audience member (alone and/or relative to other audience members)", this appears to be the only teaching of a user location, and therefore does not support the limitation as claimed.

Claims 4 and 5 recite the limitations "*a purchasing tracking server, for receiving consumer purchasing information; wherein the output device generates a report correlating user purchasing information with user exposure to the identified reference media item*", and "*wherein the purchasing tracking server receives at least one indication of user use of a credit card*", respectively. While the Applicant's original disclosure at [0024] of 11/139330 recites that "*For example, filtered search module 122 might use audience data from audience data processing module 123 to form parameters and then pass those parameters to content recognition system 124 which then uses the parameters to conduct a filtered search of its content. Alternatively, module 122 might be adapted to utilize an instance of content recognition system 124 that includes content pre-selected based upon relevant audience data. Some examples of relevant audience data that may be used either to form search parameters or to construct targeted content include: media consumption patterns of the audience member based on questionnaire input or based on past content identifications associated with that audience member* and *media consumption patterns of other audience members who have consumed other media content that has also previously been consumed by the audience member using the corresponding monitoring device*", this appears to be the only teaching of using user information, and therefore does not support the limitation as claimed.

Claims 6-7 recite the limitation "*for selecting, based on at least one of load and geographic proximity to the client device, one of the plurality of data signature stream collection server*s". While the Applicants' original disclosure at [0024] of 11/139330 recites that *"For example, filtered search module 122 might use audience data from audience data processing module 123 to form parameters and then pass those parameters to content recognition system 124 which then uses the parameters to conduct a filtered search of its content. Alternatively, module 122 might be adapted to utilize an instance of content recognition system 124 that includes content pre-selected based upon relevant audience data. Some examples of relevant audience data that may be used either to form search parameters or to construct targeted content include: location of the audience member (alone and/or relative to other audience members)*", this appears to be the only teaching of a user location, and therefore does not support the limitation as claimed.

Claims 7, 12 and 21 recite the limitation "*receiving, from the client device: ... an indication as to whether the client device is in the physical possession of a person at the time of exposure to the target media item*". While the Applicants' original disclosure at [0017], line 3 of 11/139330 recites, "*A monitored audience member wears the monitor 101a during a monitoring period*", this does not support the limitation as claimed.

Furthermore, the limitation "*responsive to an indication that the client device is not in the physical possession of a person at the time of exposure to the target media item, ignoring the representation of the at least one target media item from the client device*", as recited in claims 8-9 and 13-14, is not supported by the Applicant's original disclosure of 11/139330, as there is no teaching of any received indications of physical possession, or alternative situations "when

the client device is not in the physical possession of a person at the time of exposure to the target media item". Therefore, there appears to be no support for the limitations as claimed.

Claims 11, 16 and 23 recite the limitation "*wherein the at least one sensor detects at least one selected from the group consisting of: vibration of the client device; key presses on the client device; temperature of the client device; and movement of the client device*". The Applicants' specification at [0017] of 11/139330 recites "*As illustrated, monitoring device 101a includes a microphone 105, a media player port 102, a headphone port 103, and a data upload port 104. A monitored audience member wears monitor 101a during a monitoring period. When the audience member is consuming media from media player 170a without the use of headphones 160a (i.e. if media player 170a has a speaker), monitor 101 captures audio energy acoustically through microphone 105. However, when the audience member desires to use headphones 160a to receive media content from media player 170a (e.g. an MP3 player, iPod, CD player, DVD player, television, radio, computer, or other media player) he or she can plug headphones 160a into headphone port 103 and plug media player 170a into media player port 102. In that case, monitor 101 a captures audio energy through media player port 102. Microphone 105 includes a microphone and associated microphone port. However, in alternatives, a monitor may simply have a microphone port into which a microphone may be plugged or linked via wireless connection. Thus the term "microphone port" will herein refer to any electronics capable of receiving energy captured through a microphone, whether or not a microphone is built into the monitoring device itself*". This does not support the limitations as claimed.

Claims 17 and 20 recite the limitations "*wherein the audience data processor relates the detected location to retail traffic of an advertiser associated with the known media content*", and

"*a retail traffic data system; wherein the report generator generates a report matching retail traffic and audience member exposure to known media content*", respectively. While the Applicant's original disclosure at [0024] of 11/139330 recites that "*For example, filtered search module 122 might use audience data from audience data processing module 123 to form parameters and then pass those parameters to content recognition system 124 which then uses the parameters to conduct a filtered search of its content. Alternatively, module 122 might be adapted to utilize an instance of content recognition system 124 that includes content pre-selected based upon relevant audience data. Some examples of relevant audience data that may be used either to form search parameters or to construct targeted content include: media consumption patterns of the audience member based on questionnaire input or based on past content identifications associated with that audience member* and *media consumption patterns of other audience members who have consumed other media content that has also previously been consumed by the audience member using the corresponding monitoring device*", this appears to be the only teaching of using user information, and therefore does not support the limitations as claimed.

Claim 19 recites the limitation "*wherein the representation of the monitored media indicates audience member exposure at a time other than the time of broadcast*". While the Applicant's original disclosure at [0024] of 11/139330 recites that "*For example, filtered search module 122 might use audience data from audience data processing module 123 to form parameters and then pass those parameters to content recognition system 124 which then uses the parameters to conduct a filtered search of its content. Alternatively, module 122 might be adapted to utilize an instance of content recognition system 124 that includes content pre-*

selected based upon relevant audience data. Some examples of relevant audience data that may be used either to form search parameters or to construct targeted content include: media consumption patterns of the audience member based on questionnaire input or based on past content identifications associated with that audience member and *media consumption patterns of other audience members who have consumed other media content that has also previously been consumed by the audience member using the corresponding monitoring device*", this appears to be the only teaching of using user information, and therefore does not support the limitation as claimed.

Accordingly, claims 1-23 are not entitled to the benefit of the prior application, and in the interest of compact prosecution, two rejections will be given (please see rejections below).

The Applicants should please note that this application does repeat a substantial portion of prior Application No. 11/139330, filed 05/27/2004, but adds and claims additional disclosure not presented in the prior application. Since this application names an inventor/inventors also named in the prior application, it may constitute a **continuation-in-part** of the prior application. Should the Applicants desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.

a. The Applicants may cancel the claim limitations were not disclosed in the parent applications.

or

b. Should the Applicants not cancel the claim limitations, then the Applicants should convert the application to a **continuation-in-part**, and the new limitations will receive the current application's filing date of 11/24/2010.

i. The applicant would be required to file a new oath and declaration.

ii. The claim limitations would be required to be added to the specification without adding any other new matter.

Claim *Rejections - 35 USC § 102*

3. 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.

4. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Zito et al. (US20060059277, hereinafter Zito).

Regarding claim 1, Zito discloses a system for detecting user exposure to media items (see Zito, Fig. 1), comprising:

a server (server 112A, see Zito, Figs. 1 and 3), for receiving a plurality of reference media items from at least one media receiver (media receivers 111, see Zito, see Figs. 1 and 3 and [0047]);

at least one stream collection server (servers 107, see Zito, Figs. 1 and 3), for receiving a representation of at least one target media item from at least one client device (see Zito, Figs. 1 and 3 and [0039]);

a stream store (stream store 114, see Zito, Figs. 1 and 3), coupled to the server and to the at least one stream collection server, (see Zito, Figs. 1 and 3) for storing a representation of at least a subset of the received reference media items and for storing a representation of the at least one target media item (see Zito, [0043] and [0045]);

a correlator server (servers 115, see Zito, Fig. 1), coupled to the stream store (see Zito, Fig. 1), for identifying one of the reference media items as corresponding to the target media item (see Zito, [0043] and [0054]);

an output device (see Zito, Figs. 1 and 3), coupled to the correlator server (see Zito, Figs. 1 and 3), for generating output signaling user exposure to the identified reference media item (see Zito, Figs. 1 and 3 and [0055]); and

a location tracking server (server 109, see Zito, Figs. 1 and 3) for detecting a location for the client device (see Zito, Figs. 1 and 3 and [0026], [0051] and [0056]);

wherein the correlator server correlates the detected location with a location of at least one geographically identifiable sponsor of a reference media (see Zito, [0056]).

Regarding claim 2, Zito discloses wherein the location tracking server detects the location via at least one selected from the group consisting of: GPS tracking; RFID tracking; Bluetooth tracking (see Zito, [0065]).

Regarding claim 3, Zito discloses a system for detecting user exposure to media items (see Zito, Fig. 1), comprising:

a server (server 112A, see Zito, Figs. 1 and 3), for receiving a plurality of reference media items from at least one media receiver (media receivers 111, see Zito, see Figs. 1 and 3 and [0047]);

at least one stream collection server (servers 107, see Zito, Figs. 1 and 3), for receiving a representation of at least one target media item from at least one client device (see Zito, Figs. 1 and 3 and [0039]);

a stream store (stream store 114, see Zito, Figs. 1 and 3), coupled to the server and to the at least one stream collection server, (see Zito, Figs. 1 and 3) for storing a representation of at least a subset of the received reference media items and for storing a representation of the at least one target media item (see Zito, [0043] and [0045]);

a correlator server (servers 115, see Zito, Fig. 1), coupled to the stream store (see Zito, Fig. 1), for identifying one of the reference media items as corresponding to the target media item (see Zito, [0043] and [0054]);

an output device (see Zito, Figs. 1 and 3), coupled to the correlator server (see Zito, Figs. 1 and 3), for generating output signaling user exposure to the identified reference media item (see Zito, Figs. 1 and 3 and [0055]);

wherein the plurality of reference media items comprises at least one broadcast (see Zito, [0026] and [0044]) and

wherein the representation of at least one target media item indicates user exposure at a time other than the time of broadcast (see Zito, claim 59).

Regarding claim 4, Zito discloses a system for detecting user exposure to media items (see Zito, Fig. 1), comprising:

a server (server 112A, see Zito, Figs. 1 and 3), for receiving a plurality of reference media items from at least one media receiver (media receivers 111, see Zito, see Figs. 1 and 3 and [0047]);

at least one stream collection server (servers 107, see Zito, Figs. 1 and 3), for receiving a representation of at least one target media item from at least one client device (see Zito, Figs. 1 and 3 and [0039]);

a stream store (stream store 114, see Zito, Figs. 1 and 3), coupled to the server and to the at least one stream collection server, (see Zito, Figs. 1 and 3) for storing a representation of at least a subset of the received reference media items and for storing a representation of the at least one target media item (see Zito, [0043] and [0045]);

a correlator server (servers 115, see Zito, Fig. 1), coupled to the stream store (see Zito, Fig. 1), for identifying one of the reference media items as corresponding to the target media item (see Zito, [0043] and [0054]);

an output device (see Zito, Figs. 1 and 3), coupled to the correlator server (see Zito, Figs. 1 and 3), for generating output signaling user exposure to the identified reference media item (see Zito, Figs. 1 and 3 and [0055]); and

a purchase tracking server, for receiving consumer purchase information (see Zito, Figs. 1 and 3);

wherein the output device generates a report correlating user purchasing information with user exposure to the identified reference media item (see Zito, Figs. 1 and 3 and claim 61)

Regarding claim 5, Zito discloses wherein the purchasing tracking server receives at least one indication of user use of a credit card (see Zito, claim 62).

Regarding claim 6, Zito discloses a system for detecting user exposure to media items (see Zito, Fig. 1), comprising:

a server (server 112A, see Zito, Figs. 1 and 3), for receiving a plurality of reference media items from at least one media receiver (media receivers 111, see Zito, see Figs. 1 and 3 and [0047]);

at least one stream collection server (servers 107, see Zito, Figs. 1 and 3), for receiving a representation of at least one target media item from at least one client device (see Zito, Figs. 1 and 3 and [0039]);

a stream store (stream store 114, see Zito, Figs. 1 and 3), coupled to the server and to the at least one stream collection server, (see Zito, Figs. 1 and 3) for storing a representation of at least a subset of the received reference media items and for storing a representation of the at least one target media item (see Zito, [0043] and [0045]);

a correlator server (servers 115, see Zito, Fig. 1), coupled to the stream store (see Zito, Fig. 1), for identifying one of the reference media items as corresponding to the target media item (see Zito, [0043] and [0054]);

an output device (see Zito, Figs. 1 and 3), coupled to the correlator server (see Zito, Figs. 1 and 3), for generating output signaling user exposure to the identified reference media item (see Zito, Figs. 1 and 3 and [0055]);

and a stream collection server selector, for selecting, based on at least one of load and geographic proximity to the client device, one of the plurality of data signature stream collection servers to receive the representation of at least one target media item (see Zito, claim 63).

Regarding claim 7, Zito discloses a method for detecting user exposure to media items (see Zito, Figs. 3 and 4), comprising:

receiving a plurality of reference media items from at least one media source (see Zito, [0026]-[0027] and Figs. 3 and 4);

for at least one client device (see Zito, Figs. 1 and 3):

selecting, based on at least one of load and geographic proximity to the client device (see Zito, [0042]),

one of a plurality of data signature stream collection servers (see Zito, [0042]); and

at the selected data signature stream collection server, receiving, from the client device (see Zito, [0043]):

a representation of at least one target media item (see Zito, [0043]); and

an indication as to whether the client device is in the physical possession of a person at a time of exposure to the target media item (see Zito, [0105]); and

responsive to an indication that the client device is in the physical possession of a person at the time of exposure to the target media item: identifying one of the reference media items as corresponding to the target media item ([0014] and [0026]-[0027]); and

generating output signaling user exposure to the identified reference media item (see Zito, Figs. 1 and 3 and [0055]).

Regarding claim 8, Zito discloses responsive to an indication that the client device is not in the physical possession of a person at the time of exposure to the target media item, ignoring the representation of the at least one target media item from the client device (see Zito, [0105]).

Regarding claim 9, Zito discloses responsive to an indication that the client device is not in the physical possession of a person at the time of exposure to the target media item: identifying one of the reference media items as corresponding to the target media item; and generating output signaling user exposure to the identified reference media item, wherein the output is flagged as having reduced reliability (see Zito, [0105]).

Regarding claims 10 and 22, Zito discloses wherein the indication as to whether the client device is in the physical possession of a person is provided based on output of at least one sensor associated with the client device (see Zito, [0105]).

Regarding claims 11 and 23, Zito discloses wherein the at least one sensor detects at least one selected from the group consisting of: vibration of the client device; key presses on the client device; temperature of the client device; and movement of the client device (see Zito, [0105]).

Regarding claim 12, Zito discloses a system for detecting user exposure to media items (see Zito, Figs. 1 and 3), comprising:

a server (server 112A, see Zito, Figs. 1 and 3), for receiving a plurality of reference media items from at least one media receiver (media receivers 111, see Zito, see Figs. 1 and 3 and [0047]);

at least one stream collection server (servers 107, see Zito, Figs. 1 and 3), for receiving from at least one client device:

a representation of at least one target media item from at least one client device (see Zito, Figs. 1 and 3 and [0039]);

an indication as to whether the client device is in the physical possession of a person at a time of exposure to the target media item (see Zito, [0105]); and

a stream store (stream store 114, see Zito, Figs. 1 and 3), coupled to the server and to the at least one stream collection server, (see Zito, Figs. 1 and 3) for:

storing a representation of at least a subset of the received reference media items (see Zito, [0043] and [0045]); and

responsive to an indication that the client device is in the physical possession of a person at the time of exposure to the target media item (see Zito, [0105]), storing a representation of the target media item (see Zito, Figs. 1 and 3);

a correlator server (see Zito, Fig, 3), coupled to the stream store (see Zito, Fig, 3), for, for each stored representation of a target media item, identifying one of the reference media items as corresponding to the target media item (see Zito, [0043] and [0054]); and

an output device (see Zito, Figs. 1 and 3), coupled to the correlator server (see Zito, Figs. 1 and 3), for, for each identified reference media item, generating output signaling user exposure to the identified reference media item (see Zito, [0043] and [0054]).

Regarding claim 13, Zito discloses wherein the stream store: responsive to an indication that the client device is not in the physical possession of a person at the time of exposure to the target media item, ignores the representation of the target media item (see Zito, [0105]).

Regarding claim 14, Zito discloses wherein, responsive to an indication that the client device is not in the physical possession of a person at the time of exposure to the target media item:

the stream store stores a representation of the target media item and an indication of reduced reliability of the stored representation (see Zito, [0105]); the correlator server identifies one of the reference media items as corresponding to the target media item (see Zito, [0043] and

[0054]); and the output device, generates output signaling user exposure to the identified reference media item and indicates reduced reliability of the indication of user exposure (see Zito, [0043] and [0054] and [0105]).

Regarding claim 15, Zito discloses wherein the indication as to whether the client device is in the physical possession of a person is provided based on output of at least one sensor associated with the client device (see Zito, [0105]).

Regarding claim 16, Zito discloses wherein the at least one sensor detects at least one selected from the group consisting of: vibration of the client device; key presses on the client device; temperature of the client device; and movement of the client device (see Zito, [0105]).

Regarding claim 17, Zito discloses a system for measuring audience member exposure to media content (see Zito, Figs. 1 and 3) comprising:

an interface for receiving a plurality of known media content from at least one media broadcast (see Zito, Figs. 1 and 3 and [0026] and [0044]);

a sample control processor for receiving a representation of monitored media from at least one audience member monitoring device (see Zito, Figs. 1 and 3 and [0026] and [0044]);

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Zito, Figs. 1 and 3 and [0026] and [0044]);

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media (see Zito, [0033] and [0043]);

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content (see Zito, Figs. 1 and 3); and

an audience data processor for detecting a location of the audience member monitoring device (see Zito, [0026] and [0065]); wherein the audience data processor relates the detected location to retail traffic of an advertiser associated with the known media content (see Zito, [0026] and [0056]).

Regarding claim 18, Zito discloses wherein the audience data processor detects the location via GPS tracking (see Zito, [0026]).

Regarding claim 19, Zito discloses a system for measuring audience member exposure to media content (see Zito, Figs. 1 and 3) comprising:

an interface for receiving a plurality of known media content from at least one media broadcast (see Zito, Figs. 1 and 3 and [0026] and [0044]);

a sample control processor for receiving a representation of monitored media from at least one audience member monitoring device (see Zito, Figs. 1 and 3 and [0026] and [0044]);

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Zito, Figs. 1 and 3 and [0026] and [0044]);

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media (see Zito, [0033] and [0043]);

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content (see Zito, Figs. 1 and 3); and

wherein the plurality of known media content comprises at least one broadcast (see Zito, [0026] and [0044]); and wherein the representation of the monitored media indicates audience member exposure at a time other than the time of the broadcast (see Zito, claim 59).

Regarding claim 20, Zito discloses a system for measuring audience member exposure to media content (see Zito, Figs. 1 and 3) comprising:

an interface for receiving a plurality of known media content from at least one media broadcast (see Zito, Figs. 1 and 3 and [0026] and [0044]);

a sample control processor for receiving a representation of monitored media from at least one audience member monitoring device (see Zito, Figs. 1 and 3 and [0026] and [0044]);

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Zito, Figs. 1 and 3 and [0026] and [0044]);

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media (see Zito, [0033] and [0043]);

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content (see Zito, Figs. 1 and 3); and

and a retail traffic data system; wherein the report generator generates a report matching retail traffic and audience member exposure to known media content (see Zito, Figs. 1 and 3 and [0026] and [0056]).

Regarding claim 21, Zito discloses a system for measuring audience member exposure to media content (see Zito, Figs. 1 and 3) comprising:

an interface for receiving a plurality of known media content from at least one media broadcast (see Zito, Figs. 1 and 3 and [0026] and [0044]);

a sample control processor for receiving a representation of monitored media from at least one audience member monitoring device (see Zito, Figs. 1 and 3 and [0026] and [0044]);

a content recognition system, coupled to the interface and to the sample control processor, for

storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Zito, Figs. 1 and 3 and [0026] and [0044]);

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media (see Zito, [0033] and [0043]); and

a report generator, coupled to the content recognition system, for, for each identified known media content, generating output signaling audience member exposure to the identified known media content (see Zito, claim 28).

Regarding claims 24-25, Zito discloses a system for measuring audience member exposure to media content (see Zito, Figs. 1 and 3) comprising:

an interface for receiving a plurality of known media content from at least one media broadcast (see Zito, Figs. 1 and 3 and [0026] and [0044]);

a sample control processor for receiving a representation of monitored media from at least one audience member monitoring device (see Zito, Figs. 1 and 3 and [0026] and [0044]);

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Zito, Figs. 1 and 3 and [0026] and [0044]);

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media (see Zito, [0033] and [0043]);

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content (see Zito, Figs. 1 and 3);

and an audience data processor for detecting a location of the audience member monitoring device and relating the detected location to content meta data associated with the known media content (see Zito, Figs. 1 and 3 and [0026], [0051] and [0056]).

Claim Rejections - 35 USC § 103

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

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

6. Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US7444353, hereinafter Chen) in view Bisdikian et al. (US7779415, hereinafter Bisdikian).

Regarding claim 1, Chen discloses a system for detecting user exposure to media items (see Chen, Fig. 1), comprising:

a server (local servers 104/110, see Chen, Fig. 1 and col 5, lines 24-29), for receiving a plurality of reference media items from at least one media receiver (see Chen, col 6, lines 11-15 and col 14, lines 55-63);

receiving a representation of at least one target media item from at least one client device (see Chen, col 6, lines 11-15);

a stream store (database of local servers 104/110, see Chen, Fig. 1 and col 5, lines 24-29), coupled to the server (see Chen, Fig. 1), for storing a representation of at least a subset of the received reference media items and for storing a representation of the at least one target media item (see Chen, col 6, lines 11-15 and col 16, lines 5-13);

identifying one of the reference media items as corresponding to the target media item (see Chen, col 16, lines 42-52 and col 17, lines 4-6);

an output device (see Chen, Fig. 1), for generating output signaling user exposure to the identified reference media item (see Chen, col 16, lines 42-52 and col 17, lines 4-6); and

a location tracking device (location identification unit 120, see Chen, col 8, line 45 – col 9, line2) for detecting a location for the client device (see Chen, col 8, lines 46-48);

wherein the detected location is correlated with a location of at least one geographically identifiable sponsor of a reference media item (see Chen, col 8, lines 55-57 and col 9, lines 3-8).

And while Chen does disclose that those of skill in the art will understand that any number of such communication devices may be included within the system 100 of the invention (see Chen, col 5, lines 24-29), he does not specifically disclose separate servers to perform steps of the disclosed method.

In an analogous art relating to a system for distributed computing wherein a group of computing devices cooperate to provide a specific service, Bisdikian discloses a distributed computing system wherein each server is responsible for some portion of the overall workload space (see Bisdikian, col 1, lines 42-43 and col 3, lines 6-12), thereby allowing the computational burden to be shared across multiple servers and reducing catastrophic single-point failures.

Therefore, it would have been obvious for a person having ordinary skill in the art to modify Chen's system to include the limitations as taught by Bisdikian for the advantage of allowing the computational burden to be shared, thereby reducing catastrophic single-point failures.

Regarding claim 2, Chen in view of Bisdikian discloses wherein the location tracking server detects the location via at least one selected from the group consisting of: GPS tracking (see Chen, col 8, lines 58-60).

Regarding claim 3, Chen discloses a system for detecting user exposure to media items (see Chen, Fig. 1), comprising:

a server (local servers 104/110, see Chen, Fig. 1 and col 5, lines 24-29), for receiving a plurality of reference media items from at least one media receiver (see Chen, col 6, lines 11-15 and col 14, lines 55-63);

receiving a representation of at least one target media item from at least one client device (see Chen, col 6, lines 11-15);

a stream store (database of local servers 104/110, see Chen, Fig. 1 and col 5, lines 24-29), coupled to the server (see Chen, Fig. 1), for storing a representation of at least a subset of the received reference media items and for storing a representation of the at least one target media item (see Chen, col 6, lines 11-15 and col 16, lines 5-13);

identifying one of the reference media items as corresponding to the target media item (see Chen, col 16, lines 42-52 and col 17, lines 4-6);

an output device (see Chen, Fig. 1), for generating output signaling user exposure to the identified reference media item (see Chen, col 16, lines 42-52 and col 17, lines 4-6);

wherein the plurality of reference media items comprises at least one broadcast (see Chen, col 2, lines 12-20), and

wherein the representation of at least one target media item indicates user exposure at a time other than the time of the broadcast (Chen's submission of the sample itself indicates user exposure, see Chen, col 6, lines 11-15).

And while Chen does disclose that those of skill in the art will understand that any number of such communication devices may be included within the system 100 of the invention (see Chen, col 5, lines 24-29), he does not specifically disclose separate servers to perform steps of the disclosed method.

In an analogous art relating to a system for distributed computing wherein a group of computing devices cooperate to provide a specific service, Bisdikian discloses a distributed computing system wherein each server is responsible for some portion of the overall workload

space (see Bisdikian, col 1, lines 42-43 and col 3, lines 6-12), thereby allowing the computational burden to be shared across multiple servers and reducing catastrophic single-point failures.

Therefore, it would have been obvious for a person having ordinary skill in the art to modify Chen's system to include the limitations as taught by Bisdikian for the advantage of allowing the computational burden to be shared, thereby reducing catastrophic single-point failures.

Regarding claim 6, Chen discloses a system for detecting user exposure to media items (see Chen, Fig. 1), comprising:

a server (local servers 104/110, see Chen, Fig. 1 and col 5, lines 24-29), for receiving a plurality of reference media items from at least one media receiver (see Chen, col 6, lines 11-15 and col 14, lines 55-63);

receiving a representation of at least one target media item from at least one client device (see Chen, col 6, lines 11-15);

a stream store (database of local servers 104/110, see Chen, Fig. 1 and col 5, lines 24-29), coupled to the server (see Chen, Fig. 1), for storing a representation of at least a subset of the received reference media items and for storing a representation of the at least one target media item (see Chen, col 6, lines 11-15 and col 16, lines 5-13);

identifying one of the reference media items as corresponding to the target media item (see Chen, col 16, lines 42-52 and col 17, lines 4-6);

an output device (see Chen, Fig. 1), for generating output signaling user exposure to the identified reference media item (see Chen, col 16, lines 42-52 and col 17, lines 4-6); and

selecting, based on at least one of load and geographic proximity to the client device, one of the plurality of data signature stream collection servers to receive the representation of at least one target media item (see Chen, col 8, line 58 - col 9, line 2).

And while Chen does disclose that those of skill in the art will understand that any number of such communication devices may be included within the system 100 of the invention (see Chen, col 5, lines 24-29), he does not specifically disclose separate servers to perform steps of the disclosed method.

In an analogous art relating to a system for distributed computing wherein a group of computing devices cooperate to provide a specific service, Bisdikian discloses a distributed computing system wherein each server is responsible for some portion of the overall workload space (see Bisdikian, col 1, lines 42-43 and col 3, lines 6-12), thereby allowing the computational burden to be shared across multiple servers and reducing catastrophic single-point failures.

Therefore, it would have been obvious for a person having ordinary skill in the art to modify Chen's system to include the limitations as taught by Bisdikian for the advantage of allowing the computational burden to be shared, thereby reducing catastrophic single-point failures.

7. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (previously cited) in view of Bisdikian (previously cited) and Barton et al. (US20020072982, hereinafter Barton).

Regarding claim 4, Chen discloses a system for detecting user exposure to media items (see Chen, Fig. 1), comprising:

a server (local servers 104/110, see Chen, Fig. 1 and col 5, lines 24-29), for receiving a plurality of reference media items from at least one media receiver (see Chen, col 6, lines 11-15 and col 14, lines 55-63);

receiving a representation of at least one target media item from at least one client device (see Chen, col 6, lines 11-15);

a stream store (database of local servers 104/110, see Chen, Fig. 1 and col 5, lines 24-29), coupled to the server (see Chen, Fig. 1), for storing a representation of at least a subset of the received reference media items and for storing a representation of the at least one target media item (see Chen, col 6, lines 11-15 and col 16, lines 5-13);

identifying one of the reference media items as corresponding to the target media item (see Chen, col 16, lines 42-52 and col 17, lines 4-6); and

an output device (see Chen, Fig. 1), for generating output signaling user exposure to the identified reference media item (see Chen, col 16, lines 42-52 and col 17, lines 4-6).

Chen does not specifically disclose a purchase tracking server, for receiving consumer purchasing information;

wherein the output device generates a report correlating user purchasing information with user exposure to the identified reference media item.

And while Chen does disclose that those of skill in the art will understand that any number of such communication devices may be included within the system 100 of the invention

(see Chen, col 5, lines 24-29), he does not specifically disclose separate servers to perform steps of the disclosed method.

In an analogous art relating to a system for distributed computing wherein a group of computing devices cooperate to provide a specific service, Bisdikian discloses a distributed computing system wherein each server is responsible for some portion of the overall workload space (see Bisdikian, col 1, lines 42-43 and col 3, lines 6-12), thereby allowing the computational burden to be shared across multiple servers and reducing catastrophic single-point failures.

Therefore, it would have been obvious for a person having ordinary skill in the art to modify Chen's system to include the limitations as taught by Bisdikian for the advantage of allowing the computational burden to be shared, thereby reducing catastrophic single-point failures.

Chen in view of Bisdikian does not specifically disclose a purchase tracking server, for receiving consumer purchasing information;

wherein the output device generates a report correlating user purchasing information with user exposure to the identified reference media item.

In an analogous art, Barton discloses a purchase tracking server (see Barton, [0051], lines 14-17), for receiving consumer purchasing information (see Barton, [0046], lines 1-5 and [0051], lines 14-17);

wherein an output device generates a report correlating user purchasing information with user exposure to the identified reference media item (see Barton, [0051], lines 22-30 and [0052], lines 1-5).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify the system of Chen in view of Bisdikian to include the limitations as taught by Barton for the advantage of providing an improved, more efficient and more versatile method of content recognition.

Regarding claim 5, Chen in view of Bisdikian and Barton discloses wherein the purchase tracking server receives at least one indication of user use of a credit card (see Barton, [0043], lines 4-7).

8. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Percy et al. (US7038619, hereinafter Percy) in view of Chen (previously cited).

Regarding claim 7, Percy discloses a method for detecting user exposure to media items (see Percy, col 2, line 46 – col 3, line 10), comprising:

receiving a plurality of reference media items from at least one media source (the user/respondent receives the media items visually/audibly, etc., from the media displays 150, see Percy, col 7, lines 59-64);

for at least one client device (monitoring device 200, see Percy, col 7, lines 54-64):

selecting one of a plurality of data signature stream collection servers (download server 300/post-processing server 400, see Percy, col 7, lines 40-41); and

at the selected data signature stream collection server, receiving, from the client device:

a representation of at least one target media item (identifiers of the specific media displays, see Percy, col 17, lines 40-44);

an indication as to whether the client device is in the physical possession of a person at the time of exposure to the target media item (see Percy, col 12, line 50 – col 13, line 2, col 13, lines 14-27, col 15, lines 1-16 and col 16, lines 10-25); and

responsive to an indication that the client device is in the physical possession of a person at the time of exposure to the target media item (see Percy, col 18, lines 33-35, col 20, line 64 - col 21, line 11 and col 22, lines 43-49):

identifying one of the reference media items as corresponding to the target media item (see Percy, col 8, lines 7-12, col 18, lines 33-35 and col 20, line 64 - col 21, line 11); and

and generating output signaling user exposure to the identified reference media item (see Percy, Fig. 14 #1800-2100 and Figs. 18-21).

Percy does not specifically disclose selecting, based on at least one of load and geographic proximity to the client device, one of the servers.

In an analogous art relating to a system for presenting media and information to a user, Chen discloses selecting, based on at least one of load and geographic proximity to the client device, one of the servers (see Chen, col 8, line 64 – col 9, line 2).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Percy to include the limitations as taught by Chen for the advantage of providing an improved system for measuring media exposure such that music and information may be delivered to a user, while accurate measurements of the user exposure to the media presentations may be obtained in a manner that reduces processing time.

Regarding claim 8, Percy in view of Chen discloses that responsive to an indication that the client device is not in the physical possession of a person at the time of exposure to the target

media item, ignoring the representation of the at least one target media item from the client device (see Percy, col 22, lines 43-48 and col 23, lines 2-19).

Regarding claim 9, Percy in view of Chen discloses responsive to an indication that the client device is not in the physical possession of a person at the time of exposure to the target media item: identifying one of the reference media items as corresponding to the target media item; and generating output signaling user exposure to the identified reference media item, wherein the output is flagged as having reduced reliability (Percy discloses that the information flagged as having a reduced reliability is saved for possible future use, but does not specifically disclose that it is output. However, outputting various collected data and information to a user is very common and well known in the art for the advantage of providing the user more complete and accurate results of a study. Therefore, the Examiner takes Official Notice that it would have been obvious to a person having ordinary skill in the art at the time of the invention to output the compiled data, with an indication of reduced reliability in order to provide the user with more accurate and complete results of the conducted study, see Percy, col 23, lines 15-20 and col 24, lines 64-67).

Regarding claim 10, Percy in view of Chen discloses wherein the indication as to whether the client device is in the physical possession of a person is provided based on output of at least one sensor associated with the client device (see Percy, col 12, line 50 – col 13, line 2, col 13, lines 14-27, col 15, lines 1-16 and col 16, lines 10-25).

Regarding claim 11, Percy in view of Chen discloses wherein the at least one sensor detects movement of the client device (see Percy, col 12, line 50 – col 13, line 2, col 13, lines 14-27, col 15, lines 1-16 and col 16, lines 10-25).

9. Claims 12-16 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Percy (previously cited) in view of Chen (previously cited) and Bisdikian (previously cited).

Regarding claims 12 and 21, Percy discloses system for detecting user exposure to media items (see Percy, col 2, line 46 – col 3, line 10), comprising:

at least one stream collection server servers (download server 300/post-processing server 400, see Percy, col 7, lines 40-41), for, receiving, from at least one client device: a representation of at least one target media item from at least one client device (identifiers of the specific media displays, see Percy, col 17, lines 40-44);

an indication as to whether the client device is in the physical possession of a person at a time of exposure to the target media item (see Percy, col 12, line 50 – col 13, line 2, col 13, lines 14-27, col 15, lines 1-16 and col 16, lines 10-25); and

a stream store (database of download server 300/post-processing server 400, see col 8, lines 7-12), coupled to the at least one stream collection server (database of download server 300/post-processing server 400, see col 8, lines 7-12), for:

storing a representation of at least a subset of the received reference media items (see Percy, col 8, lines 7-12); and

responsive to an indication that the client device is in the physical possession of a person

at the time of exposure to the target media item, storing a representation of the target media item (see Percy, col 18, lines 33-35, col 20, line 64 - col 21, line 11 and col 22, lines 43-49);

for each stored representation of a target media item, identifying one of the reference media items as corresponding to the target media item (see Percy, col 8, lines 7-12, col 18, lines 33-35 and col 20, line 64 - col 21, line 11); and

an output device, for, for each identified reference media item, generating output signaling user exposure to the identified reference media item (see Percy, Fig. 14 #1800-2100 and Figs. 18-21).

Percy does not specifically disclose a server, for receiving a plurality of reference media items from at least one media receiver; or separate servers to perform steps of the disclosed method.

In an analogous art, Chen discloses a server (local servers 104/110, see Chen, Fig. 1 and col 5, lines 24-29), for receiving a plurality of reference media items from at least one media receiver (see Chen, col 6, lines 11-15 and col 14, lines 55-63).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Percy to include the limitations as taught by Chen for the advantage of providing an improved system for measuring media exposure such that music and information may be delivered to a user, while accurate measurements of the user exposure to the media presentations may be obtained in a manner that reduces processing time.

And while both Percy and Chen does disclose that those of skill in the art will understand that any number of such communication devices may be included within the system 100 of the invention (see Percy, col 7, lines 35-40 and Chen, col 5, lines 24-29), neither specifically discloses separate servers to perform steps of the disclosed method.

In an analogous art, Bisdikian discloses a distributed computing system wherein each server is responsible for some portion of the overall workload space (see Bisdikian, col 1, lines 42-43 and col 3, lines 6-12), thereby allowing the computational burden to be shared across multiple servers and reducing catastrophic single-point failures.

Therefore, it would have been obvious for a person having ordinary skill in the art to modify the system of Percy in view of Chen to include the limitations as taught by Bisdikian for the advantage of allowing the computational burden to be shared, thereby reducing catastrophic single-point failures.

Regarding claim 13, Percy in view of Chen and Bisdikian discloses wherein the stream store: responsive to an indication that the client device is not in the physical possession of a person at the time of exposure to the target media item, ignores the representation of the target media item (see Percy, col 22, lines 43-48 and col 23, lines 2-19).

Regarding claim 14, wherein, Percy in view of Chen and Bisdikian discloses responsive to an indication that the client device is not in the physical possession of a person at the time of exposure to the target media item: the stream store stores a representation of the target media item and an indication of reduced reliability of the stored representation; the correlator server identifies one of the reference media items as corresponding to the target media item; and the output device, generates output signaling user exposure to the identified reference media item and indicates reduced reliability of the indication of user exposure (Percy discloses that the information flagged as having a reduced reliability is saved for possible future use, but does not specifically disclose that it is output. However, outputting various collected data and information to a user is very common and well known in the art for the advantage of providing the user more

complete and accurate results of a study. Therefore, the Examiner takes Official Notice that it would have been obvious to a person having ordinary skill in the art at the time of the invention to output the compiled data, with an indication of reduced reliability in order to provide the user with more accurate and complete results of the conducted study, see Percy, col 23, lines 15-20 and col 24, lines 64-67).

Regarding claims 15 and 22, Percy in view of Chen and Bisdikian discloses wherein the indication as to whether the client device is in the physical possession of a person is provided based on output of at least one sensor associated with the client device (see Percy, col 12, line 50 – col 13, line 2, col 13, lines 14-27, col 15, lines 1-16 and col 16, lines 10-25).

Regarding claims 16 and 23, Percy in view of Chen and Bisdikian discloses wherein the at least one sensor detects movement of the client device (see Percy, col 12, line 50 – col 13, line 2, col 13, lines 14-27, col 15, lines 1-16 and col 16, lines 10-25).

10. Claims 17-18, 20 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (previously cited) in view of Barton (previously cited).

Regarding claims 17, 20 and 24-25, Chen discloses a system for measuring audience member exposure to media content (see Chen, Fig. 1), comprising:

an interface (see Chen, Fig. 1) for receiving a plurality of known media content (see Chen, col 6, lines 11-15 and col 14, lines 55-63) from at least one media broadcast (see Chen, col 2, lines 12-20);

a sample control processor (see Chen, Fig. 1 and col 5, lines 24-29) for receiving a representation of monitored media from at least one audience member monitoring device (see Chen, col 6, lines 11-15);

a content recognition system, coupled to the interface and to the sample control processor (see Chen, Fig. 1), for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Chen, col 6, lines 11-15 and col 16, lines 5-13);

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media (see Chen, col 16, lines 42-52 and col 17, lines 4-6); and

an audience data processor for detecting a location of the audience member monitoring device (see Chen, col 8, lines 44-63);

wherein the audience data processor relates the detected location to retail traffic of an advertiser associated with the known media content (see Chen, col 9, lines 3-8).

Chen does not specifically disclose a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content.

In an analogous art, Barton discloses a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content (see Barton, [0138], lines 1-6).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Chen's system to include the limitations as taught by Barton for the

advantage of providing an improved, more efficient and more versatile method of content recognition

Regarding claim 18, Chen in view of Barton discloses wherein the audience data processor detects the location via GPS tracking (see Chen, col 8, lines 58-61).

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (previously cited) in view of Barton (previously cited) and Burges et al. (US20050086682, hereinafter Burges).

Regarding claim 19, Chen discloses a system for measuring audience member exposure to media content (see Chen, Fig. 1), comprising:

an interface (see Chen, Fig. 1) for receiving a plurality of known media content (see Chen, col 6, lines 11-15 and col 14, lines 55-63) from at least one media broadcast (see Chen, col 2, lines 12-20);

a sample control processor (see Chen, Fig. 1 and col 5, lines 24-29) for receiving a representation of monitored media from at least one audience member monitoring device (see Chen, col 6, lines 11-15); and

a content recognition system, coupled to the interface and to the sample control processor (see Chen, Fig. 1), for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media (see Chen, col 6, lines 11-15 and col 16, lines 5-13);

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media (see Chen, col 16, lines 42-52 and col 17, lines 4-6);

wherein the plurality of known media content comprises at least one broadcast (see Chen, col 2, lines 12-20).

Chen does not specifically disclose a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content,

wherein the representation of the monitored media indicates audience member exposure at a time other than the time of the broadcast.

In an analogous art, Barton discloses a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content (see Barton, [0138], lines 1-6).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Chen's system to include the limitations as taught by Barton for the advantage of providing an improved, more efficient and more versatile method of content recognition.

Chen in view of Barton does not specifically disclose wherein the representation of the monitored media indicates audience member exposure at a time other than the time of the broadcast.

In an analogous art, Burges discloses wherein the representation of the monitored media indicates audience member exposure at a time other than the time of the broadcast (Burges discloses that his media objects are stored with extra identification information, such as time

stamps indicating the date and time the object occurred in a media stream {see Burges, [0052], lines 10-16}. Therefore, the submitted sample of Chen in view of the Barton and Burges would include time stamp information, which would indicate when/if the user has been exposed to the media. Therefore, the limitations as claimed are met.

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Chen in view of Barton to include the limitations as taught by Burges for the advantage of providing an improved system for recognizing content and inferring extensive and comprehensive information about the content such that a user has more options for managing the content.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENEA SMITH whose telephone number is (571)272-9524. The examiner can normally be reached on 8:00 am - 4:00 pm, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/CHENEA SMITH/

Primary Examiner, Art Unit 2421

Notice of References Cited	Application/Control No. 14/175,811	Applicant(s)/Patent Under Reexamination STEUER ET AL.	
	Examiner CHENEA SMITH	Art Unit 2421	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2006/0059277	03-2006	Zito et al.	710/015
*	B	US-7,444,353	10-2008	Chen et al.	1/1
*	C	US-7,779,415	08-2010	Bisdikian et al.	718/105
*	D	US-2002/0072982	06-2002	Barton et al.	705/26
*	E	US-7,038,619	05-2006	Percy et al.	342/357.52
*	F	US-2005/0086682	04-2005	Burges et al.	725/019
	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	11	((JONATHAN) near2 (STEUER)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2015/01/12 04:14
L2	22	((CHRISTOPHER) near2 (OTTO)).INV.	US-PGPUB; USPAT; USOCR	OR	OFF	2015/01/12 04:14
L3	22	L1 L2	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/01/12 04:14
L4	1	3 and (stream$1 with collect$4 with serv$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/01/12 04:14
L5	1	3 and (correlator with serv$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/01/12 04:15
L6	12	(stream$1 with collect$4 with serv$3) and (correlator with serv$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/01/12 04:15
L7	7	((stream$1 with collect$4 with serv$3) and (correlator with serv$3)).clm.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/01/12 04:15
L8	54290	"725".clas.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/01/12 04:15
L9	2	7 and 8	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2015/01/12 04:15

EAST Search History (Interference)

<This search history is empty>

1/12/2015 4:16:53 AM
C:\Users\csmith3\Documents\EAST\Workspaces\Steuer 332 Allowance.wsp

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

BIB DATA SHEET

CONFIRMATION NO. 5201

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
14/175,811	02/07/2014	725	2421	10004-2000104

APPLICANTS

Anonymous Media Research, LLC, New York, NY, Assignee (with 37 CFR 1.172 Interest);

INVENTORS

Jonathan S. Steuer, New York, NY;
Christopher W. Otto, San Francisco, CA;

**** CONTINUING DATA ***************************

This application is a CON of 13/914,870 06/11/2013 ABN
which is a CON of 12/954,604 11/24/2010 ABN
which is a DIV of 11/139,330 05/26/2005 ABN
which claims benefit of 60/574,836 05/27/2004

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **** ** SMALL ENTITY **
03/07/2014

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /CHENEA SMITH/ Examiner's Signature	☐ Met after Allowance Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		NY	7	25	12

ADDRESS

Mauriel Kapouytian Woods LLP
27 W. 24th Street
Suite #302
New York, NY 10010
UNITED STATES

TITLE

MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD

FILING FEE RECEIVED		
2890	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

BIB (Rev. 05/07).

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14175811	STEUER ET AL.
	Examiner	**Art Unit**
	CHENEA SMITH	2421

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

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

CLAIM		DATE								
Final	Original	01/12/2015								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	✓								
	8	✓								
	9	✓								
	10	✓								
	11	✓								
	12	✓								
	13	✓								
	14	✓								
	15	✓								
	16	✓								
	17	✓								
	18	✓								
	19	✓								
	20	✓								
	21	✓								
	22	✓								
	23	✓								
	24	✓								
	25	✓								

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	14175811	STEUER ET AL.
	Examiner	Art Unit
	CHENEA SMITH	2421

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
EAST search results included	1/12/2015 4:05:24 AM	CS
Inventor search inlcuded - see search results printout	1/12/2015 4:05:26 AM	CS
class search - 725 - text search only, see search results printout	1/12/2015 4:05:27 AM	CS

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

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
14/175,811	02/07/2014	2447	2890	10004-2000104	25	12

CONFIRMATION NO. 5201

UPDATED FILING RECEIPT

51417
Mauriel Kapouytian Woods LLP
27 W. 24th Street
Suite #302
New York, NY 10010

OC000000071745647

Date Mailed: 11/07/2014

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)

Jonathan S. Steuer, New York, NY;
Christopher W. Otto, San Francisco, CA;

Applicant(s)

Anonymous Media Research, LLC, New York, NY

Assignment For Published Patent Application

Anonymous Media Research, LLC, New York, NY

Power of Attorney: The patent practitioners associated with Customer Number 51417

Domestic Priority data as claimed by applicant

This application is a CON of 13/914,870 06/11/2013 ABN
which is a CON of 12/954,604 11/24/2010 ABN
which is a DIV of 11/139,330 05/26/2005 ABN
which claims benefit of 60/574,836 05/27/2004

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.) - None.
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

If Required, Foreign Filing License Granted: 03/07/2014
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 14/175,811**
Projected Publication Date: 02/19/2015
Non-Publication Request: No

Early Publication Request: No
** **SMALL ENTITY** **
Title

MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD

Preliminary Class

709

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

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 (1-866-999-4258).

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 AssetsControl, 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).

SelectUSA

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 U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit http://www.SelectUSA.gov or call +1-202-482-6800.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 14/175,811

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	70		N/A	
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	300		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	360		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	25 minus 20 =	* 5	x 40 =	200	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	12 minus 3 =	* 9	x 210 =	1890			
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			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	2820		TOTAL	

APPLICATION AS AMENDED - PART II

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
AMENDMENT A	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
AMENDMENT B	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

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

PTO/SB/80 (11-08)
Approved for use through 11/30/2011. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☑ Practitioners associated with the Customer Number: 51417

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:

OR

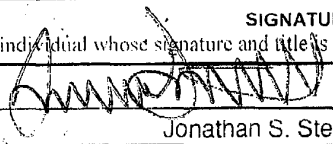
☐ Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

Assignee Name and Address:
Anonymous Media Research, LLC
72 E. 3rd St., Suite 1B, NY, NY 10003

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	1 DEC 2010
Name	Jonathan S. Steuer	Telephone	866 295 2666
Title	MANAGER & 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.

Electronic Patent Application Fee Transmittal

Application Number:	14175811
Filing Date:	07-Feb-2014
Title of Invention:	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Jonathan S. Steuer
Filer:	Michael John Mauriel/Jasmine Habbas
Attorney Docket Number:	10004-2000104

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	70	70
Utility Search Fee	2111	1	300	300
Utility Examination Fee	2311	1	360	360
Pages:				
Claims:				
Claims in excess of 20	2202	5	40	200
Independent Claims in Excess of 3	2201	9	210	1890
Miscellaneous-Filing:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Late Filing Fee for Oath or Declaration	2051	1	70	70
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 5 months with $0 paid	2255	1	1500	1500
Miscellaneous:				
		Total in USD ($)		**4390**

Electronic Acknowledgement Receipt	
EFS ID:	20353423
Application Number:	14175811
International Application Number:	
Confirmation Number:	5201
Title of Invention:	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Jonathan S. Steuer
Customer Number:	51417
Filer:	Michael John Mauriel/Jasmine Habbas
Filer Authorized By:	Michael John Mauriel
Attorney Docket Number:	10004-2000104
Receipt Date:	07-OCT-2014
Filing Date:	07-FEB-2014
Time Stamp:	16:57:02
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Electronic Funds Transfer
Payment was successfully received in RAM	$4390
RAM confirmation Number	3767
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Oath or Declaration filed	100042000104_Dec.pdf	762710 45a810f3881210018b5c5074edd19ce03f96108a	no	10
Warnings:					
Information:					
2	Assignee showing of ownership per 37 CFR 3.73.	100042000104_POAtransandAssign.pdf	380739 c5a9a324a71a7a1a4118c88560e19ff268e57578	no	6
Warnings:					
Information:					
3	Power of Attorney	100042000104_POA.pdf	72489 413a52344dbd41e953d67ea650c527aac62385ef	no	1
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	41886 f50174b7fcc471751dccfee2ae68c9b70b2074e7	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1257824		

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

Doc Code: Oath
Document Description: Oath or declaration filed

PTO/AIA/08 (06-12)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐ Declaration Submitted With Initial Filing OR ■ Declaration Submitted After Initial Filing (surcharge (37 CFR 1.16(f)) required)

Attorney Docket Number	10004-2000104
First Named Inventor	Jonathan S. Steuer
COMPLETE IF KNOWN	
Application Number	14/175,811
Filing Date	February 7, 2014
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned

MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD

(Title of the Invention)

As a below named inventor, I hereby declare that:

This declaration is directed to:

☐ The attached application,

OR

■ United States Application Number or PCT International application number 14/175,811 filed on February 7, 2014.

The above-identified application was made or authorized to be made by me.

I believe I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

Authorization To Permit Access To Application by Participating Office

☐ If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the above-identified patent application is filed access to the above-identified patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the above-identified patent application is filed to have access to the above-identified patent application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the above-identified patent application with respect to: 1) the above-identified patent application-as-filed; 2) any foreign application to which the above-identified patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the above-identified patent application; and 3) any U.S. application-as-filed from which benefit is sought in the above-identified patent application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing the Authorization to Permit Access to Application by Participating Offices.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

PTO/AIA/08 (06-12)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:	■	The address associated with Customer Number:	51417	OR ☐	Correspondence address below

Name		
Address		
City	State	Zip
Country	Telephone	Email

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available. Petitioner/applicant is advised that documents which form the record of a patent application (such as the PTO/SB/01) are placed into the Privacy Act system of records DEPARTMENT OF COMMERCE, COMMERCE-PAT-7, System name: *Patent Application Files* . Documents not retained in an application file (such as the PTO-2038) are placed into the Privacy Act system of COMMERCE/PAT-TM-10, System name: *Deposit Accounts and Electronic Funds Transfer Profiles* .

LEGAL NAME OF SOLE OR FIRST INVENTOR:

(*E.g.*, Given Name (first and middle (if any)) and Family Name or Surname)

Jonathan S. Steuer

Inventor's Signature	Date (Optional)

Residence: City NEW YORK	State NEW YORK	Country USA

Mailing Address

72 E 3RD ST APT 2B

City NEW YORK	State NY	Zip 10003-0206	Country USA

☐ Additional inventors are being named on the 1 supplemental sheet(s) PTO/AIA/10 attached hereto

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.

PTO/AIA/10 (06-12)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

SUPPLEMENTAL SHEET FOR DECLARATION | **ADDITIONAL INVENTOR(S)**
Supplemental Sheet (for PTO/AIA/08,09) Page 3 of 3

Legal Name of Additional Joint Inventor, if any:

(*E.g.*, Given Name (first and middle (if any)) and Family Name or Surname)

Christopher W. Otto

Inventor's Signature	Date (Optional)

Residence: City	State	Country

Mailing Address

City	State	Zip	Country

Legal Name of Additional Joint Inventor, if any:

(*E.g.*, Given Name (first and middle (if any)) and Family Name or Surname)

Inventor's Signature	Date (Optional)

Residence: City	State	Country

Mailing Address

City	State	Zip	Country

Legal Name of Additional Joint Inventor, if any:

(*E.g.*, Given Name (first and middle (if any)) and Family Name or Surname)

Inventor's Signature	Date (Optional)

Residence: City	State	Country

Mailing Address

City	State	Zip	Country

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 21 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 (1-800-786-9199) 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.

Doc Code: Oath
Document Description: Oath or declaration filed

PTO/AIA/08 (06-12)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐ Declaration Submitted With Initial Filing OR ■ Declaration Submitted After Initial Filing (surcharge (37 CFR 1.16(f)) required)

Attorney Docket Number	10004-2000104
First Named Inventor	Jonathan S. Steuer
COMPLETE IF KNOWN	
Application Number	14/175,811
Filing Date	February 7, 2014
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned

MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD

(Title of the Invention)

As a below named inventor, I hereby declare that:

This declaration is directed to:

☐ The attached application,

OR

■ United States Application Number or PCT International application number 14/175,811 filed on February 7, 2014.

The above-identified application was made or authorized to be made by me.

I believe I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

Authorization To Permit Access To Application by Participating Office

☐ If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the above-identified patent application is filed access to the above-identified patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the above-identified patent application is filed to have access to the above-identified patent application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the above-identified patent application with respect to: 1) the above-identified patent application-as-filed; 2) any foreign application to which the above-identified patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the above-identified patent application; and 3) any U.S. application-as-filed from which benefit is sought in the above-identified patent application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing the Authorization to Permit Access to Application by Participating Offices.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

PTO/AIA/08 (06-12)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to: ■ The address associated with Customer Number: 51417	OR	☐ Correspondence address below

Name		
Address		
City	State	Zip
Country	Telephone	Email

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available. Petitioner/applicant is advised that documents which form the record of a patent application (such as the PTO/SB/01) are placed into the Privacy Act system of records DEPARTMENT OF COMMERCE, COMMERCE-PAT-7, System name: *Patent Application Files* . Documents not retained in an application file (such as the PTO-2038) are placed into the Privacy Act system of COMMERCE/PAT-TM-10, System name: *Deposit Accounts and Electronic Funds Transfer Profiles* .

LEGAL NAME OF SOLE OR FIRST INVENTOR:

(*E.g.*, Given Name (first and middle (if any)) and Family Name or Surname)

Jonathan S. Steuer

Inventor's Signature	Date (Optional)

Residence: City	State	Country
Mailing Address		
City	State	Zip	Country

☐ Additional inventors are being named on the 1 supplemental sheet(s) PTO/AIA/10 attached hereto

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.

PTO/AIA/10 (06-12)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

SUPPLEMENTAL SHEET FOR DECLARATION | **ADDITIONAL INVENTOR(S)**
Supplemental Sheet (for PTO/AIA/08,09) Page 3 of 3

Legal Name of Additional Joint Inventor, if any:

(*E.g.*, Given Name (first and middle (if any)) and Family Name or Surname)

Christopher W. Otto

Inventor's Signature			Date (Optional)
Residence: City San Francisco	State CA	Country USA	
Mailing Address 894 Guerrero St			
City San Francisco	State CA	Zip 94110	Country USA

Legal Name of Additional Joint Inventor, if any:

(*E.g.*, Given Name (first and middle (if any)) and Family Name or Surname)

Inventor's Signature			Date (Optional)
Residence: City	State	Country	
Mailing Address			
City	State	Zip	Country

Legal Name of Additional Joint Inventor, if any:

(*E.g.*, Given Name (first and middle (if any)) and Family Name or Surname)

Inventor's Signature			Date (Optional)
Residence: City	State	Country	
Mailing Address			
City	State	Zip	Country

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 21 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 (1-800-786-9199) 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.

PTO/AIA/96 (08-12)
Approved for use through 01/31/2013. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(c)

Applicant/Patent Owner: Jonathan S. Steuer and Christopher W. Otto

Application No./Patent No.: 14/175,811 Filed/Issue Date: February 7, 2014

Titled: MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD

Anonymous Media Research, LLC, a corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or 4 below):

1. ☑ The assignee of the entire right, title, and interest.

2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):

   ☐ The extent (by percentage) of its ownership interest is _____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.

   ☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

   Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

   Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (*e.g.*, bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose **one** of options A or B below):

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 _____, Frame _____, or for which a copy thereof is attached.

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.

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.**

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

PTO/AIA/96 (08-12)
Approved for use through 01/31/2013. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(c)

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.

4. 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.

5. 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.

6. 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(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

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

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

Signature	October 7, 2014 Date
Michael Mauriel Printed or Typed Name	Attorney for Applicant; Reg. No. 44,226 Title or Registration Number

[Page 2 of 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.

ASSIGNMENT
JOINT

THIS ASSIGNMENT, by Jonathan S. STEUER and Christopher W. OTTO (hereinafter referred to as the assignors), residing at 72 E. 3rd Street #2B, New York, NY 10003; and 68802 Lyra Street, Fremont, CA 94539, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD, set forth in an application for Letters Patent of the United States filed in the United States Patent and Trademark Office on May 26, 2005 and having since been designated with the application serial number 11/139,330; and having an oath or declaration executed on even date herewith; and

WHEREAS, Anonymous Media LLC, a limited liability company duly organized under and pursuant to the laws of Delaware and having its principal place of business at 72 E. 3rd Street Suite 1B, New York, NY 10003 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar ($1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

26 JUL 05
Date

Jonathan S. STEUER

July 26, 05
Date

Christopher W. OTTO

COPY

ASSIGNMENT

THIS ASSIGNMENT, by Anonymous Media LLC, a limited liability company organized under the laws of Delaware and having its registered office at 72 East 3rd Street, Apartment 2B, New York, NY 10003-0206 (hereinafter referred to as the "assignor") witnesseth:

WHEREAS, said assignor is the owner, by prior assignment from the inventors, of certain patent applications for Letters Patent for a Media Usage Monitoring and Measurement System, including at least the following applications:

COUNTRY	APPLICATION NUMBER	FILING DATE
US	11/139,330	May 26, 2005
US	12/283,353	September 11, 2008
US	12/283,354	September 11, 2008
US	12/283,332	September 11, 2008
US	12/283,355	September 11, 2008
US	12/283,333	September 11, 2008
US	12/954,604	November 24, 2010
PCT	PCT/US05/18934	May 27, 2005
EP	05755114.5	May 27, 2005
AU	2005251196	May 27, 2005

(collectively, "The Patent Applications").

WHEREAS, Anonymous Media Research LLC, a limited liability company organized under the laws of Delawarea and having a place of business at 72 East 3rd Street, Apartment 2B, New York, NY 10003-0206 (hereinafter referred to as the "assignee") is desirous of confirming its acquisition of the entire right, title and interest in and to The Patent Applications, and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar ($1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignor has sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to The Patent Applications for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would has been held and enjoyed by the assignor, had this sale and assignment not been made.

AND for the same consideration, said assignor hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignor are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignor have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignor hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignor will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignor hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

Assignor has caused this Patent Assignment to be duly executed by a duly authorized representative on its behalf:

ANONYMOUS MEDIA, LLC

By: _____ Date: 1 DEC 2010

Jonathan Steuer, Manager

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
14/175,811	02/07/2014	2447	0.00	10004-2000104	25	12

CONFIRMATION NO. 5201

51417
Mauriel Kapouytian Woods LLP
27 W. 24th Street
Suite #302
New York, NY 10010

FILING RECEIPT

OC000000067042247

Date Mailed: 03/07/2014

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)

Jonathan S. Steuer, New York, NY;
Christopher W. Otto, San Francisco, CA;

Applicant(s)

Anonymous Media Research, LLC, New York, NY

Assignment For Published Patent Application

Anonymous Media Research, LLC, New York, NY

Power of Attorney: The patent practitioners associated with Customer Number 51417

Domestic Priority data as claimed by applicant

This application is a CON of 13/914,870 06/11/2013 ABN
which is a CON of 12/954,604 11/24/2010 ABN
which is a DIV of 11/139,330 05/26/2005 ABN
which claims benefit of 60/574,836 05/27/2004

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.) - None.
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

If Required, Foreign Filing License Granted: 03/07/2014
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 14/175,811**
Projected Publication Date: To Be Determined - pending completion of Missing Parts
Non-Publication Request: No

Early Publication Request: No
** **SMALL ENTITY** **
Title

MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD

Preliminary Class

709

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

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 (1-866-999-4258).

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 AssetsControl, 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).

SelectUSA

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 U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit http://www.SelectUSA.gov or call +1-202-482-6800.

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
14/175,811	02/07/2014	Jonathan S. Steuer	10004-2000104

CONFIRMATION NO. 5201

51417
Mauriel Kapouytian Woods LLP
27 W. 24th Street
Suite #302
New York, NY 10010

FORMALITIES LETTER

OC000000067042248

Date Mailed: 03/07/2014

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.
- The application search fee must be submitted.
- The application examination fee must be submitted.
- Additional claim fees of $ **2090** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Surcharge as set forth in 37 CFR 1.16(f) must be submitted.
  The surcharge is due for any one of:
  - late submission of the basic filing fee, search fee, or examination fee,
  - late submission of inventor's oath or declaration,
  - filing an application that does not contain at least one claim on filing, or
  - submission of an application filed by reference to a previously filed application.

SUMMARY OF FEES DUE:

The fee(s) required within **TWO MONTHS** from the date of this Notice to avoid abandonment is/are itemized below. Small entity discount is in effect. If applicant is qualified for micro entity status, an acceptable Certification of Micro Entity Status must be submitted to establish micro entity status. (See 37 CFR 1.29 and forms PTO/SB/15A and 15B.)

- $ **70** basic filing fee.
- $ **70** surcharge.
- $ **300** search fee.
- $ **360** examination fee.
- $ **1890** for **9** independent claims over 3.
- $ **200** for **5** total claims over 20.

- $(**0.00**) previous unapplied payment amount.
- $ **2890** TOTAL FEE BALANCE DUE.

Items Required To Avoid Processing Delays:

Applicant is notified that the above-identified application contains the deficiencies noted below. No period for reply is set forth in this notice for correction of these deficiencies. However, if a deficiency relates to the inventor's oath or declaration, the applicant must file an oath or declaration in compliance with 37 CFR 1.63, or a substitute statement in compliance with 37 CFR 1.64, executed by or with respect to each actual inventor no later than the expiration of the time period set in the "Notice of Allowability" to avoid abandonment. See 37 CFR 1.53(f).

- A properly executed inventor's oath or declaration has not been received for the following inventor(s):
  Jonathan S. Steuer
  Christopher W. Otto

Replies must be received in the USPTO within the set time period or must include a proper Certificate of Mailing or Transmission under 37 CFR 1.8 with a mailing or transmission date within the set time period. For more information and a suggested format, see Form PTO/SB/92 and MPEP 512.

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, including a copy of this Notice and selecting the document description "Applicant response to Pre-Exam Formalities Notice". 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.

/tgebre/

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
14/175,811	02/07/2014	Jonathan S. Steuer	10004-2000104

CONFIRMATION NO. 5201

51417
Mauriel Kapouytian Woods LLP
27 W. 24th Street
Suite #302
New York, NY 10010

POA ACCEPTANCE LETTER

OC000000066777094

Date Mailed: 03/07/2014

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/07/2014.

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.

/swong/

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: 14/175,811

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	70		N/A	
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	300		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	360		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	25 minus 20 =	* 5	x 40 =	200	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	12 minus 3 =	* 9	x 210 =	1890			
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			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	2820		TOTAL	

APPLICATION AS AMENDED - PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
Application Size Fee (37 CFR 1.16(s))									
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY ADDITIONAL FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE($)
Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
Application Size Fee (37 CFR 1.16(s))									
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* 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.

PTO/AIA/15 (03-13)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	10004-2000104
First Named Inventor	Jonathan S. Steuer
Title	MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD
Express Mail Label No.	

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ **Fee Transmittal Form** (PTO/SB/17 or equivalent)
2. ☑ **Applicant asserts small entity status.** See 37 CFR 1.27
3. ☐ **Applicant certifies micro entity status.** See 37 CFR 1.29. Applicant must attach form PTO/SB/15A or B or equivalent.
4. ☑ **Specification** [*Total Pages* 36] Both the claims and abstract must start on a new page. *(See MPEP § 608.01(a) for information on the preferred arrangement)*
5. ☑ **Drawing(s)** (35 U.S.C. 113) [*Total Sheets* 7]
6. **Inventor's Oath or Declaration** [*Total Pages* ____] *(including substitute statements under 37 CFR 1.64 and assignments serving as an oath or declaration under 37 CFR 1.63(e))*
   a. ☐ Newly executed (original or copy)
   b. ☐ A copy from a prior application (37 CFR 1.63(d))
7. ☑ **Application Data Sheet** ** See note below.* See 37 CFR 1.76 (PTO/AIA/14 or equivalent)
8. **CD-ROM or CD-R** in duplicate, large table, or Computer Program (*Appendix*)
   ☐ Landscape Table on CD
9. **Nucleotide and/or Amino Acid Sequence Submission** (*if applicable, items a. – c. are required*)
   a. ☐ Computer Readable Form (CRF)
   b. ☐ Specification Sequence Listing on:
      i. ☐ CD-ROM or CD-R (2 copies); or
      ii. ☐ Paper
   c. ☐ Statements verifying identity of above copies

ADDRESS TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**

ACCOMPANYING APPLICATION PAPERS

10. ☐ **Assignment Papers** (cover sheet & document(s)) Name of Assignee ____
11. ☑ **37 CFR 3.73(c) Statement** ☑ **Power of Attorney** (*when there is an assignee*)
12. ☐ **English Translation Document** (*if applicable*)
13. ☐ **Information Disclosure Statement** (PTO/SB/08 or PTO-1449)
    ☐ Copies of citations attached
14. ☐ **Preliminary Amendment**
15. ☐ **Return Receipt Postcard** (*MPEP § 503*) (*Should be specifically itemized*)
16. ☐ **Certified Copy of Priority Document(s)** (*if foreign priority is claimed*)
17. ☐ **Nonpublication Request** Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent.
18. ☑ **Other:** Communication - 3 pages

***Note**: (1) Benefit claims under 37 CFR 1.78 and foreign priority claims under 1.55 **must** be included in an Application Data Sheet (ADS).
(2) For applications filed under 35 U.S.C. 111, the application must contain an ADS specifying the applicant if the applicant is an assignee, person to whom the inventor is under an obligation to assign, or person who otherwise shows sufficient proprietary interest in the matter. See 37 CFR 1.46(b).

19. CORRESPONDENCE ADDRESS

☑ The address associated with Customer Number: 51417 **OR** ☐ Correspondence address below

Name					
Address					
City		State		Zip Code	
Country		Telephone		Email	

Signature	/Michael Mauriel/	Date	February 7, 2014
Name (Print/Type)	Michael Mauriel	Registration No. (Attorney/Agent)	44226

This collection of information is required by 37 CFR 1.53(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.**

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.

PTO/AIA/14 (03-13)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	10004-2000104
	Application Number	
Title of Invention	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD	

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Inventor Information:

Inventor 1 Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Jonathan	S.	Steuer	

Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

City	New York	State/Province	NY	Country of Residence i	US

Mailing Address of Inventor:

Address 1	72 East 3rd Street, Apartment 2B
Address 2	

City	New York	State/Province	NY
Postal Code	10003	Country i	US

Inventor 2 Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Christopher	W.	Otto	

Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

City	San Francisco	State/Province	CA	Country of Residence i	US

Mailing Address of Inventor:

Address 1	894 Guerrero Street
Address 2	

City	San Francisco	State/Province	CA
Postal Code	94110	Country i	US

All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button. Add

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).

PTO/AIA/14 (03-13)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	10004-2000104
	Application Number	
Title of Invention	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD	

☐ **An Address is being provided for the correspondence Information of this application.**			
Customer Number	51417		
Email Address		Add Email	Remove Email

Application Information:

Title of the Invention	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD		
Attorney Docket Number	10004-2000104	**Small Entity Status Claimed**	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	7	**Suggested Figure for Publication (if any)**	

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.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32).
Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	◉ Customer Number	○ US Patent Practitioner	○ Limited Recognition (37 CFR 11.9)
Customer Number	51417		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	13/914870	2013-06-11
Prior Application Status	Abandoned		Remove

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	10004-2000104
	Application Number	
Title of Invention	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD	

Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
13/914870	Continuation of	12/954604	2010-11-24
Prior Application Status	Abandoned		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
12/954604	Division of	11/139330	2005-05-26
Prior Application Status	Expired		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
11/139330	non provisional of	60/574836	2004-05-27

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button. Add

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. 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(d). When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX) [i]the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(h)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

Remove

Application Number	Country [i]	Filing Date (YYYY-MM-DD)	Access Code[i] (if applicable)

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button. Add

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.

Authorization to Permit Access:

☐ Authorization to Permit Access to the Instant Application by the Participating Offices

PTO/AIA/14 (03-13)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	10004-2000104
	Application Number	
Title of Invention	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD	

If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the instant patent application is filed access to the instant patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the instant patent application is filed to have access to the instant patent application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the instant patent application with respect to: 1) the instant patent application-as-filed; 2) any foreign application to which the instant patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the instant patent application; and 3) any U.S. application-as-filed from which benefit is sought in the instant patent application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing this Authorization.

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Applicant 1 Remove

If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

Clear

(•) Assignee	( ) Legal Representative under 35 U.S.C. 117	( ) Joint Inventor
( ) Person to whom the inventor is obligated to assign.	( ) Person who shows sufficient proprietary interest	

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

Name of the Deceased or Legally Incapacitated Inventor :

If the Applicant is an Organization check here. [X]

Organization Name	Anonymous Media Research, LLC		
Mailing Address Information:			
Address 1	72 East 3rd Street, Apartment 2B		
Address 2			
City	New York	**State/Province**	NY
Country [i]	US	Postal Code	10003
Phone Number		Fax Number	

PTO/AIA/14 (03-13)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	10004-2000104
	Application Number	
Title of Invention	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD	

Email Address	

Additional Applicant Data may be generated within this form by selecting the Add button. Add

Non-Applicant Assignee Information:

Providing assignment information in this section does not subsitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Assignee 1

Complete this section only if non-applicant assignee information is desired to be included on the patent application publication in accordance with 37 CFR 1.215(b). Do not include in this section an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest), as the patent application publication will include the name of the applicant(s).

Remove

If the Assignee is an Organization check here. ☐

Prefix	**Given Name**	Middle Name	**Family Name**	Suffix

Mailing Address Information:

Address 1	
Address 2	

City		**State/Province**	
Country i		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Assignee Data may be generated within this form by selecting the Add button. Add

Remove

Signature:

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

Signature	/Michael Mauriel/			Date (YYYY-MM-DD)	2014-02-07
First Name	Michael	Last Name	Mauriel	Registration Number	40226

Additional Signature may be generated within this form by selecting the Add button. Add

PTO/AIA/14 (03-13)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	10004-2000104
	Application Number	
Title of Invention	MEDIA USAGE MONITORING AND MEASURMENT SYSTEM AND METHOD	

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

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

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

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

Attorney Docket No.: 10004-2000104
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jonathan S. Steuer

Application No.: Not Yet Assigned | Group Art Unit: Not Yet Assigned

Filing Date: Concurrently Herewith | Examiner: Not Yet Assigned

Title: MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD

COMMUNICATION

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

Dear Sir:

Applicants respectfully submit this communication with the application for patent.

Remarks begin on page 2 of this paper.

REMARKS

In this continuation application, the Applicants have resubmitted claims 1-25 for consideration and examination that were filed in U.S. Ser. No. 13/914,870 and were originally filed in the parent of that application, U.S. Ser. No. 12/954,604. Therefore, claims 1-25 are pending in this application. The Applicants want to advise the Examiner that claims 1-16 as submitted in the parent case (and resubmitted here) are identical to, and were copied from, claims 1-16 of U.S. Patent No. 7,623,823 to Zito et al.

The Applicants further want to advise the Examiner that claims 17-25 as submitted in the parent case (and resubmitted here) are substantially identical to, and were copied from, claims 1, 2, 3, 4, 12, 15, 16, 1, and 4 respectively, of U.S. Patent No. 7,623,823 to Zito et al., but with modifications to the claims so that the language more closely tracks the terminology used in the present specification.

Claims 1-25 were submitted in the above referenced parent cases (and are resubmitted here) to avoid any question of compliance with 35 USC § 135(b) should it ultimately be determined that the subject claims are patentable and that an interference is appropriate. If a determination is ultimately made that an interference is appropriate, a further paper containing the information required by 37 CFR § 41.202 will be submitted. Should the Examiner reach this case for action prior to receiving such a paper of filing, the Applicants respectfully request the Examiner please contact the undersigned at the telephone number set forth below.

As indicated above, claims 1-25 were submitted in the parent application and are resubmitted here to preserve the right to request an interference, if appropriate. While having copied claims 1-16 of the 7,623,823 Zito et al. patent to comply with the requirements of 35 USC § 135(b), the Applicants are not making any assertions herein regarding the patentability of these claims.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time.

Dated: February 7, 2014

Respectfully submitted,
By: /Michael Mauriel/ Reg. No. 44,226

Michael Mauriel
Registration No.: 44,226
Mauriel Kapouytian & Treffert LLP
27 West 24th Street, Suite 302
New York, New York 10010
(212) 529-5131
Attorney(s) for Applicant

Media Usage Monitoring and Measurement System and Method

INVENTORS

Jonathan S. Steuer and Christopher W. Otto

CROSS REFERENCE TO RELATED APPLICATIONS

[0001] This is a continuation of U.S. Patent Application No. 13/914,870, filed June 11, 2013, which is a continuation of U.S. Patent Application No. 12/954,604, filed November 24, 2010, which is a divisional of U.S. Patent Application No. 11/139,330, entitled "Media Usage Monitoring and Measurement System and Method", filed May 26, 2005, which claims priority to U.S. Provisional Patent Application No. 60/574,836, entitled "Open-Ended Device-Independent Media Usage Monitoring and Measurement System", filed May 27, 2004. The contents of these applications is incorporated herein by reference.

BACKGROUND OF THE INVENTION

[0002] Traditional media measurement systems have focused on directly monitoring channels being utilized by audience members. However, as media consumption patterns have become more complex, channel-centric media measurement is inadequate for many purposes. It may be desirable to track usage of particular media content independent of channel. Furthermore, although "channel" identification in a traditional media measurement system may sometimes be limited to radio or television broadcast station, it is increasingly desirable to track usage of media across several types of media delivery vehicles including radio, television, CD, DVD, computer download, portable media players (e.g. MP3 players, iPod), and other vehicles. Furthermore, with respect to tracking consumption of advertisements, it may be inadequate to simply track channel tuning, because, for example, an audience member may mute a broadcast during commercial periods. Thus simply identifying a broadcast channel does not adequately track whether the audience member listened to a particular advertisement.

[0003] Some media measurement systems have used codes to "tag" and track particular content. However, such systems are limited in that they can only track content that has been properly encoded.

[0004] With the development of more robust content recognition technologies, some content recognition systems have recently been deployed which do not rely on codes. For example, Philips, Shazam Entertainment, and others have marketed systems for identifying songs played into a mobile phone. Although such systems can be efficiently deployed in the context of song recognition, deploying such systems in the context of media measurement systems poses particular challenges. Continuous searching against a large database of media content can be computationally intensive. Furthermore, such systems, while increasingly robust, still return some erroneous results, particularly in high-noise environments.

[0005] At the same time, the media measurement context provides opportunities to utilize data exogenous to a particular audio or video data sample. Such opportunities have thus far been insufficiently exploited for the purpose of efficiently applying existing content recognition technologies in the media measurement context. Thus, an improved media measurement system and method is needed.

SUMMARY OF THE INVENTION

[0006] Some embodiments of the present invention provide a media measurement system and method that enhances recognition (e.g. in terms of accuracy or efficiency) of the content of a media sample by analyzing information exogenous to the sample. Some embodiments of the present invention provide a media measurement system and method that utilizes audience data to enhance content identifications. Some embodiments analyze media player log data to enhance content identification. Other embodiments of the present invention analyze sample sequence data to enhance content identifications. Other embodiments analyze sequence data to enhance content identification and/or to establish channel identification. Yet other embodiments provide a system and method in which sample construction and selection parameters are adjusted based upon identification results. Yet other embodiments provide a method in which

play-altering activity of an audience member is deduced from content offset values of identifications corresponding to captured samples. Yet other embodiments provide a monitoring and measurement system in which a media monitoring device is adapted to receive a wireless or non-wireless audio signal from a media player, the audio signal also being received wirelessly by headphones of a user of the monitoring device.

BRIEF DESCRIPTION OF THE DRAWINGS

[0007] The novel features of the invention are set forth in the appended claims. However, for purpose of explanation, several aspects of particular embodiments of the invention are described by reference to the following figures.

[0008] **Figure 1** illustrates an exemplary media usage monitoring and measurement system in accordance with aspects of an embodiment of the present invention.

[0009] **Figure 2** illustrates a media measurement method in accordance with aspects of an embodiment of the present invention.

[0010] **Figure 3** illustrates a process for using and generating information such as that illustrated in **Figure 4** and **Figure 5** and **Figure 3** illustrates an embodiment consistent with aspects of the present invention.

[0011] **Figure 4** illustrates a raw play stream generated by a process such as step 207 of **Figure 2**; a clean play stream and clean play list generated by a scrubbing step such as step 209 of **Figure 2** or steps 301, 302, or 305 of **Figure 3**; and channel data associated with two channels.

[0012] **Figure 5** illustrates a clean play stream, clean play list, channel data, and a clean play list showing deduced play-altering actions. The illustrated data may be generated by systems and methods in accordance with an embodiment of

the present invention such as, for example, system 100 of **Figure 1** method 200 of **Figure 2**, and method 300 of **Figure 3**.

[0013] **Figure 6** illustrates timeline structure for data samples generated by system and methods such as module 121 of **Figure 1** and steps 201 and 206 of **Figure 2**.

[0014] **Figure 7** shows an example of a computer system that may be used to execute instruction code contained in a computer program product, the computer program product being in accordance with an embodiment of the present invention.

DETAILED DESCRIPTION OF THE EXEMPLARY EMBODIMENTS

[0015] The following description is presented to enable any person skilled in the art to make and use the invention, and is provided in the context of particular applications and their requirements. Various modifications to the exemplary embodiments will be readily apparent to those skilled in the art, and the generic principles defined herein may be applied to other embodiments and applications without departing from the spirit and scope of the invention. Thus, the present invention is not intended to be limited to the embodiments shown, but is to be accorded the widest scope consistent with the principles and features disclosed herein.

[0016] **Figure 1** illustrates an exemplary media usage monitoring and measurement system 1000. System 1000 includes media measurement system 100 and monitoring devices 101 in accordance with aspects of an embodiment of the present invention.

[0017] As illustrated, monitoring device 101a includes a microphone 105, a media player port 102, a headphone port 103, and a data upload port 104. A monitored audience member wears monitor 101a during a monitoring period. When the audience member is consuming media from media player 170a without the use of headphones 160a (i.e. if media player 170a has a speaker), monitor 101 captures audio energy acoustically through microphone 105. However, when the audience member desires to use headphones 160a to receive media content from

media player 170a (e.g. an MP3 player, iPod, CD player, DVD player, television, radio, computer, or other media player) he or she can plug headphones 160a into headphone port 103 and plug media player 170a into media player port 102. In that case, monitor 101a captures audio energy through media player port 102. Microphone 105 includes a microphone and associated microphone port. However, in alternatives, a monitor may simply have a microphone port into which a microphone may be plugged or linked via wireless connection. Thus the term "microphone port" will herein refer to any electronics capable of receiving energy captured through a microphone, whether or not a microphone is built into the monitoring device itself.

[0018] As another example, headphones 160b are adapted to receive a content signal 171 via wireless transmission 171 from media player 170b. Monitor 101b is adapted to receive the same content signal 171 from media player 170b. In some embodiments, a syncing process allows monitor 101b to adapt along with headphones 160b and media player 170b to changes in signal 171 so that monitor 101b continues to receive the same signal as headphones 160b. In some embodiments, syncing may be accomplished via a wireless and/or automatic process, such as providing a monitor that responsively changes tuning based on tuning changes between the media player and the headphones.

[0019] Audio data captured by monitors 101, along with associated monitor data (e.g. device ID) (collectively, "audio data /monitor data" 144) may be uploaded to system 100 through upload port 104, directly, via memory device transfer (e.g. flash memory card, floppy disk, CD, etc.) or through a network such as network 150. The audio data uploaded from a monitor 101 may be raw audio data, or may be audio data that has undergone one of a variety of levels of processing prior to upload. For example, the uploaded audio data may include parameters useable to calculate audio signatures (sometimes referred to as audio fingerprints) and landmarks or other values useful in the content recognition process. Alternatively, the audio data may comprise pre-calculated signatures, landmarks, or other data useful for content recognition. On the other hand, in some embodiments, the uploaded audio data may simply represent a raw signal corresponding to audio energy received at monitor 101.

[0020] System 100 is adapted to receive some audience data 143 externally. For example, audience data collected by systems and associated monitors other than those of system 1000 may be utilized by system 100; data based on externally collected and/or externally analyzed demographic, psychographic, or other audience related data might also be received as part of external audience data portion 143. Other audience data may be generated internally by audience data processing module 123 alone or in combination with measurement analysis module 129 and/or other system components.

[0021] Also, system 100 is adapted to receive media player log data 146. Media player log data 146 may be generated by a media player such as media player 170a or 170b and sent to system 100 through direct connection, memory device transfer or via network 150. Also, a third party might collect such log data which then may be made available through direct connection, memory device transfer, or via network 150. Media player log data 146 includes data logging content played on the media player from which the log data was generated. Although log data 146 does not necessarily reflect what content was actually heard, to the extent the media player generating the log data is used primarily by the audience member associated with the corresponding monitor 101, it can provide a useful basis for initial testing of captured content as will be described further below.

[0022] System 100 is also adapted to receive known content 141 and content meta data 142. Content 141 may include media files associated with a known piece of media content (e.g. a song, movie, commercial, television show, video game, etc.). However, it will be understood by those skilled in the art that "content" in the sense of the known content 141 received by system 100 may, in some embodiments, simply refer to data about signals representing the content and does not necessarily refer to a stored version of the media content itself; e.g. "content" may be stored signatures and landmarks derivable from a song's audio, but not necessarily an audio file useable to play the song itself. On the other hand, in other embodiments, a system such as system 100 may be adapted to receive a useable audio file and then derive data from that file such as signatures, fingerprints, landmarks, etc. that may be readily searched during the content

recognition process. Content meta data 142 includes various data relating to content 141. For example, a portion of content 141 might include a particular song as recorded by a particular artist. Corresponding content meta data 142 for that song might include the various albums or other collections in which that song appears; various radio broadcasts (including station and broadcast times) playing the song; movies, advertisements or video games including the song; other songs that have sampled the song; and various other related information. In the context of a television program, meta data also might include, for example, segment identifications and corresponding time lengths. By distinguishing content data from content meta data in this manner, it is possible to store content data for a single content ID only once, and then add various pieces of meta data as appropriate. For example, a TV program, or program segment, might initially have meta data relating to particular broadcasts. However, at a later date, meta data might be added relating to, for example, a DVD version of the program, without needing to store the program content itself more than once.

[0023] Turning to the details of system 100, audio data and monitor data (e.g. device ID) is received at sample control processing module 121. Module 121 provides monitor data, portions of which might be audience data, to processing module 123. Module 121 also divides the audio data into samples and determines which samples should be submitted for further content recognition testing. In alternative embodiments, the audio data may already have been divided into samples prior to receipt by system 100 (e.g. at monitor 101). In such alternatives, a module such as module 121 might either use the provided divisions or combine the data and then re-divide it into samples as determined by the system. Module 121 may be used either to submit a sample to initial test and filtered search module 122 or to content recognition system 124.

[0024] Initial test and filtered search module 122 conducts one or more initial identification attempts. Several different types of initial identification attempts might be performed. Module 122 may test a captured sample against content associated with the most recently identified content. As another possible initial test, module 122 may test the sample against content identified from a media player log file. Another initial identification test may be carried out in a variety of

ways. For example, filtered search module 122 might use audience data from audience data processing module 123 to form parameters and then pass those parameters to content recognition system 124 which then uses the parameters to conduct a filtered search of its content. Alternatively, module 122 might be adapted to utilize an instance of content recognition system 124 that includes content pre-selected based upon relevant audience data. Some examples of relevant audience data that may be used either to form search parameters or to construct targeted content include:

- age, gender, and other demographic information about the audience member (using the corresponding monitoring device) along with media consumption patterns of other persons sharing similar demographic characteristics

- media consumption patterns of the audience member based on questionnaire input or based on past content identifications associated with that audience member

- media consumption patterns of other audience members who have consumed other media content that has also previously been consumed by the audience member using the corresponding monitoring device

- location of the audience member (alone and/or relative to other audience members)

Of course, the above are just some examples of audience data that may be utilized by system 100.

[0025] After completing the initial identification attempt, filtered search module 122 passes the identification result to ID result module 125. If an identification has been made, the result is passed to play stream generator 126 and to sample control processing module 121. If no identification has been made, then content recognition system 124 performs a search using a larger portion of its content to identify the data sample. The result is passed to ID result module 125 which in turn passes the result to play stream generator 126 and to sample control module 121. Content recognition system 124 is adapted to implement one or

more known content recognition methods that identify content by extracting parameters from a media signal and applying an algorithm to those parameters to search for a content match. Those skilled in the art will recognize that many such methods and algorithms exist. One such example is described in U.S. patent application 09/839,476 entitled "System and Methods for Recognizing Sound and Music Signals in High Noise and Distortion" by Wang et al. and published June 27, 2002 with publication number US2002/0083060. Aspects of other such examples are described in the following published PCT applications by Konin-Klijke Philips Electronics N.V.: "Fingerprinting Multimedia Contents" (WO2004/044820, published May 27, 2004), "Fingerprint Extraction" (WO2004/030341 published April 8, 2004), and "Improvements in and Relating to Fingerprint Searching" (WO2004/040475 published May 13, 2004). Such distinct methods and algorithms may have varying degrees of efficiency, accuracy, and applicability to certain types of content (or different settings of a particular algorithm might have different efficiency depending on content type). Thus, in some embodiments, a system such as system 100 may intelligently select among multiple such algorithms (or multiple settings of a single algorithm) based on expected content characteristics. For example, algorithm A might be faster and more accurate at identifying silence than algorithm B, and thus a system such as system 100 of **Figure 1** having a corresponding subsystem for content recognition (such as system 124) might achieve enhanced performance by submitting a sample for processing by algorithm A rather than algorithm B if recent identification results indicate silence. Other differences corresponding to content types (e.g. speaking audio versus music audio) might also be exploited based on prior content identification results to select a most efficient recognition algorithm from a plurality of algorithms. In such an alternative, if the algorithms required different audio data parameters, a monitor might send two sets of parameters for each sample corresponding to each algorithm and then the system would select between the two sets as needed. Alternatively, the two sets of parameters might be calculated by the system based on raw audio data received from a monitoring device.

[0026] Play stream generator 126 generates a raw play stream relating a sequence of samples to content identification results (for an example of a portion

of a raw play stream, see **Figure 3** and accompanying text). The raw play stream is then processed by play stream scrubber 127 which analyzes the sequence of sample identification results utilizing sequence data processing module 128. Based on analysis of sequence data and, where appropriate, analysis of audience data via interaction with audience data module 123, play stream scrubber 127 generates a clean play stream and clean play list (see **Figure 3** and accompanying text) which can then be used by measurement analysis module 129. Results of the media measurement analysis can be obtained via report generator 130.

[0027] In alternative embodiments, many of the system components and corresponding functions performed within a system such as system 100 might instead be implemented on the monitoring devices such as monitoring device 101. For example, many of the functions performed by sample control processing module 121 might instead be performed at a monitoring device. To cite but one example in more detail, if a monitoring device maintains an ongoing reciprocal connection to obtain sample identification results of a media measurement system, then the monitoring device can select which samples to send to the system for recognition analysis. The monitoring device might then also adjust parameters such as sample resolution, the length of a sample time window, and the recognition algorithm selected. This is just one example of how the illustrated embodiment might be modified to shift system components from a central system to a monitoring device. Many other such variations will be apparent to those skilled in the art.

[0028] Also, it will be understood that although **Figure 1** illustrates a particular exemplary division and relationship between "modules," the division illustrated may be readily modified without departing from the spirit and scope of the present invention. For example, in various implementations, the illustrated modules may be combined into larger modules or the functions performed may be distributed across several modules. The term "module" and the associated illustrated division of system components is chosen for purposes of ease of description only and does not limit how particular systems consistent with the present invention might be constructed.

[0029] **Figure 2** illustrates a media measurement method 200 in accordance with aspects of an embodiment of the present invention. One or more elements of method 200 may be carried out, for example, by system 100 of **Figure 1** or other similar systems. At step 201, method 200 receives audio data from a monitoring device. Step 201 caches a series of samples and determines the sample resolution with which samples are submitted for content identification. In particular, as described further below (see **Figure 4** and accompanying text), sample resolution refers to how many samples in a given sequence of samples are processed for content identification. Step 201 also determines length, or "time window" of each sample.

[0030] At step 210, characteristics of the audio data are analyzed to attempt to identify the source of transmission or storage of the media played by an individual based on audio characteristics of that signal. For example, the process attempts to recognize particular types of encoding or compression, or identifies sound associated with screen refresh on a television or computer monitor, or recognizes compression or frequency range of FM or AM radio, or CD or DVD. If the storage or transmission medium is identified, the results of step 210 can be added to a play list and / or utilized in step 211 to identify channel (see below for further description of step 211).

[0031] At step 202, identification of a sample in a series of samples is attempted via initial test methods. In particular, step 202 determines whether the audio data in the tested sample matches data associated with the content ID corresponding to the most recently identified sample. Step 202 may also or instead test the sample against content IDs obtained using data from a media player log file associated with the audience member using the corresponding media monitor. Step 203 determines whether successful identification occurred at step 202. If yes, then the identification result is provided to step 206 and 207. If no, then step 204 searches for a content match against targeted content selected based at least in part upon additional audience data. Step 205 determines whether step 204 obtained an identification. If yes, then the identification result is provided to steps 206 and 207. If no, then step 208 searches for a content match against a larger portion of the content. With respect to steps 202, 204, and 208,

there are two possible results: an identification has been made or no identification has been made. No identification at steps 202 and 204 leads to the further identification attempt at step 208. Whatever the result is at step 208 (identification or no identification) that result is passed to steps 207 and 206.

[0032] At step 206, an identification result is used to adjust sampling control and selection parameters for one or more subsequent samples. Parameters that might be adjusted include resolution, backtrack selection, sample time window, or recognition algorithm selected. For example, if a sample has been identified successfully, and the identification indicates a match with the prior sample, the sampling resolution might be decreased from 1/5 to 1/10, meaning that, in a sequence of samples, nine samples rather than four are skipped before selecting the next sample to analyze for identification. As another example, if an identification result does not match the result of the prior sample identified, then step 206 might initiate a back track analysis and select an intervening sample that has not yet been analyzed. Step 201 would then pass the sample selected from backtracking to step 202 for attempted identification. As another example, resolution might be increased when recent identification results suggest an extended period of silence or absence of known content.

[0033] As yet another example, once media content for a limited series of samples has been identified, the time window size for each sample might be decreased from, for example, 5 seconds to 3 seconds. This would mean that samples submitted for attempted identification would be shorter in length. This can create efficiencies because once the content is identified, the process needs only to detect a change in content, and this can, in some cases, be accomplished utilizing a smaller amount of audio data, thereby preserving system resources.

[0034] Adjustment of sampling parameters is described further below in the context of **Figure 5** and accompanying text.

[0035] Continuing with the description of **Figure 2**, step 207 generates a raw play stream indicating a series of samples and corresponding identification results. Step 209 scrubs the raw play stream based upon sample sequence data (described further below in the context of **Figures 3-4** and accompanying text) and based

upon audience data. The resulting clean play stream may be converted to a play list listing the content captured and indicating the order in which it was captured. Step 209 attempts to identify the channel by searching known channel data to find an apparent content sequence match to the play list. If the storage or transmission medium of the captured sample has been identified at step 210, that information may be made available for step 211 and allows step 211 to use that information to filter its search of channel data (e.g., only search channel data including CD channels, or only including radio broadcast channels, etc.). If step 211 successfully identifies the channel, information such as content sequence data for the identified channel may be used by step 212 to further scrub or rescrub the play stream, particularly with respect to any apparently incorrect content identifications that could not be corrected based upon sample sequence data as utilized in step 209.

[0036] **Figure 3** illustrates a process 300 for using and generating information such as that illustrated in **Figure 4** and **Figure 5**. Some of the functions accomplished by process 300 are similar to functions accomplished by steps 207, 209, 211, and 212 of **Figure 2**. Process 300 illustrates a more detailed example of an embodiment consistent with aspects of the present invention.

[0037] Referring to process 300, depending on available information, either a play stream is made available to step 301 or a play list is made available to step 302. Step 301 prepares a play stream for further processing necessary for channel matching by scrubbing (i.e. reviewing for missing or incorrect data) the play stream using non-channel data. Step 302 prepares a play list for further processing necessary for channel matching by scrubbing (i.e. reviewing for missing or incorrect data) the play list using non-channel data. With respect to steps 301 and 302, the non-channel data selected might be selected particularly for the purpose of better preparing the play stream or play list for a channel matching process. Step 303 receives either a raw (i.e. " not scrubbed") play stream or play list directly or receives a scrubbed play stream or play list from step 301 or 302. If necessary, step 303 converts received data to a format useful in matching to a channel (e.g. converts a play stream to a play list where a play list format is useful

for channel matching, or converts a play stream or play list to a mathematical representation that is useful for channel matching).

[0038] Step 304 attempts to match the play stream or play list (or corresponding data format representing the play stream or play list) against known channel data to identify a channel (e.g., an album, samples of an album presented for marketing—e.g. on a web page—, radio broadcast, television broadcast, theater version of a movie, DVD version of a movie, etc.) associated with the elements of the play list or play stream. Step 306 determines whether a channel match was achieved. If yes, then step 305 uses channel data and non-channel data to scrub or further scrub the play stream or play list for purposes of creating a clean play list. If the play list or play stream has already been scrubbed with non-channel data in either step 301 and 302, then the play stream or play list may not need to be further scrubbed with non-channel data at step 305. In that case, step 305 just uses channel data to further scrub the play stream or play list. However, it is possible that scrubbing the play list or play stream with non-channel data for purposes of creating data useful for channel matching will be somewhat different than doing so for purposes of creating a clean play list, thus non-channel data is referenced again in the illustration of claim 305.

[0039] If step 306 determines that a channel match was not achieved at step 304, then step 307 scrubs the play stream or play list with non-channel data to create a clean play list. Step 309 determines whether including deduced user actions on the clean play list is desired. If yes, then step 308 creates a clean play list including deduced user actions. If no, then step 310 creates the clean play list without including deduced user actions.

[0040] **Figure 4** illustrates Raw Play Stream 410 generated by a process such as step 207 of **Figure 2**; Clean Play Stream 450 and Clean Play List 490 generated by a scrubbing step such as step 209 of **Figure 2** or steps 301, 302, or 305 of **Figure 3**; Channel Data 470 and Channel Data 490. Referring to **Figure 4**, Raw Play Stream 410 itemizes a sequence of analyzed samples and relates that sequence to corresponding identification results in the content ID column. The content ID result indicates either a reference corresponding to a particular piece of content or indicates that no identification was made. The example in **Figure 4**

assumes that no user play-altering activities took place and this example does not rely on content offset data in scrubbing the raw play stream to obtain a clean play list. However, note that in other examples, such as that of **Figure 5**, sample sequence data ("ssd") includes content offset data. For purposes of presenting and analyzing sample sequence data as described herein, the times in list 410 may be relative to an arbitrary value (e.g. "t_0") rather than representing an absolute time; however, in many instances, a log time will in fact indicate the actual time the sample started to be captured.

[0041] Sample sequence data may be used to "scrub" Raw Play Stream 410. By analyzing the sequence of data on Raw Play Stream, it is possible to locate and correct any identifications that are likely to be incorrect or to supply missing identifications where the system has not otherwise been able to provide an identification.

[0042] Sample sequence data can be used to derive portions of Clean Play Stream 450 from raw play list 410 in the following manner: Referring to Raw Play Stream 410, the content IDs associated with samples 1, 3, 4, 6, and 7 all indicate the same media content referenced as "song51." The content ID value associate with sample 2 indicates that no content has yet been successfully associated with that sample and the content ID value associated with sample 5 indicates "movie81." Given this pattern of sample sequence data, it is reasonable to assume that the person using the corresponding monitor listened to song51 through the time period associated with the audio data of samples 1-7, and thus, the "scrubbed" version of the play stream, i.e. Clean Play Stream 450, indicates song51 for each of samples 1-7.

[0043] Information about the sequence of content in a play stream can be used to generate a play list and identify a channel, and the identified channel data can also potentially be used to help further "scrub" a play stream. For example, the sequence of consumed content represented on Play Stream 450 is searched against known channel data (e.g. particular CD albums, broadcasts, or other particular storage or transmission media carrying a particular sequence of content). In this example, simplified for illustrative purposes, known channel data includes channel data 470, associated with channel ID "radio 35," and channel data 480,

associated with channel ID "album12." Referring to channel data 470, each row relates a content ID to a start time and end time. In this example, start and end times are referenced with respect to an arbitrary start time value "C(0)." For some channels (e.g. CDs, DVDs, video games) only such arbitrary reference times will be available. For other channels (e.g. broadcasts, concerts, etc.), absolute time might be both available and useful. However, for the purpose of the analysis illustrated in this example, times that are relative only and not necessarily absolute are sufficient.

[0044] With respect to further "scrubbing" the Raw Play Stream 410, in this example, channel data may be used to correct the apparent misidentification of sample 29. Note that the sample sequence data alone in this example does not provide a clear basis for correcting sample 29. Sample 28 is identified as "ad49," sample 29 as "song81," and sample 30 as "song 35." However, given the sequence "song21, ad49, and song35" is associated with a known sequence of the radio broadcast referenced as "radio 35," there is a basis in channel data 470 for believing that the proper content ID for sample 29 is "song35" rather than "song81." Thus, Clean Play Stream 450 indicates a change relative to Raw Play Stream 410 with respect to the content ID for sample 29. Note that a clean play stream and clean play list are not necessarily generated sequentially. For example, to the extent a channel identification and associated channel data are necessary to "scrub" a raw play stream, portions of a clean play list may be determined as part of obtaining data necessary to make channel selection. In the present example, "radio 35" is identified based on a particular content sequence, and that information helps populate Clean Play Stream 450 with a corrected content ID value for sample 29 relative to the sample 29 content ID value on Raw Play Stream 410.

[0045] Audience data may also be used in the "scrubbing" process. For example, if "song81" is radically different from the user's known consumption habits and "song35" is within the user's known consumption habits, another basis might be provided for suspecting that "song35" rather than "song81" is the correct content ID for sample 29 of Play Stream 410.

[0046] It will be understood by those skilled in the art that in the context of data sets that might, in alternative examples, make up a "raw play stream," "a clean play stream," or a "clean play list," the particular organization, division, and content of the data may vary considerably from that illustrated in **Figure 4** (as well as that illustrated in **Figure 5** below) without departing from the spirit and scope of the present invention. To cite but one example, such play streams and/or play lists might include several data fields in addition to those illustrated. Moreover, the illustrated data sets might not be collected in the same table but, depending upon database architecture, might be spread out in different tables and/or relational structures. Furthermore, the data sets similar to those illustrated might not be stored at all in a database but rather might be generated on the fly and then discarded as mere intermediate steps to generating a particular report that the system is asked to produce. These and other variations will be readily apparent to those skilled in the art. The examples shown are chosen primarily for usefulness in illustrating aspects of a particular embodiment. While they are useful in illustrating certain underlying principles of certain aspects of the present invention, they should not be considered, in and of themselves, to limit the scope of the invention.

[0047] **Figure 5** illustrates Clean Play Stream 510, Clean Play List 560, Channel Data 570, and Clean Play List 590 showing deduced play-altering actions. The illustrated data may be generated by systems and methods in accordance with an embodiment of the present invention such as, for example, system 100 of **Figure 1** method 200 of **Figure 2**, and method 300 of **Figure 3**. Aside from the traditional time shifting activity of, for example, recording a television broadcast and playing it at a later time, various play-altering activities may be undertaken by an audience member. For example a media player may be paused, reversed, fast forwarded, and some media players have modes in which skipping back or forward in played content can occur almost instantly, including within the smallest time division useful for a particular data set (e.g., less than five seconds, less than one second, etc.). Generally, these activities of manipulating the pace and order in which media is consumed will be referenced as audience play-altering actions or activities. These activities may be deduced, for example,

during scrubbing step 209 of **Figure 2**, or, as illustrated more expressly, during step 308 of **Figure 3**.

[0048] Continuing with the description of **Figure 5**, Play Stream 510 presents a series of log times, content IDs, and content offsets. In the illustrated example, times given in the log time column begins with t_0 and ends with t_0+19. Each log time indicates a time at which capture of the analyzed sample began, where t_0 simply represents a beginning time for samples on Play Stream 510. Each content ID indicates an identifier of the content that has been identified as corresponding to the captured sample. In the example illustrated, "TV program 27" refers to a TV program segment and "TV program 28" refers to another program segment of the same program. "Ad23" and "ad25," on the other hand, refer to separate advertisements. Each content offset value represents a time offset from the beginning of a particular piece of content. For example, row 8 of Play Stream 510 corresponds to a sample whose beginning is located 9 time units from the beginning of TV program 27, thus the content offset is referenced as (0)+9.

[0049] Play List 560 contains a row for each internally continuous media consumption event. The start log time and end log time for each such event are listed in each row. If an entire piece of content (e.g. a TV program segment, or an entire TV ad) is listened to without interruption, that would correspond to a row of Play List 560. On the other hand, if the data from Play Stream 510 suggests a discontinuity within consumption of a particular piece of content, such discontinuities form boundaries between consumption events that form rows of List 560. The meaning of these concepts may be clarified by discussing further details of the illustrated example.

[0050] Discontinuities in consumption of the identified media may be identified by comparing the progression of sample log times to progression of corresponding content offset times in Play Stream 510. For example, referring to rows 7 and 8 of play stream 510, log times progress from t_0+6 to t_0+7; however, the corresponding content offsets progress, with respect to the start of TV program 27, from (0)+3 to (0)+9. Had the media consumption from one sample to the next been continuous, one would expect that the second offset value (in row 8) would have been (0)+4 rather than (0)+9. Therefore, a boundary between media

consumption events can be deduced. Thus, rows 3 and 4 of List 560 indicate two consumption events with respect to the same piece of media content (TV program 27). By contrast, row 1 and row 2 of Play Stream 510 are, on Play List 560, collapsed into a single row (row 1) because the content offset progression from row 1 to row 2 of Play Stream 510 suggests continuous consumption of the same piece of media content.

[0051] Referring to Play List 560, the "end log time" of one event also defines the "start log time" of the next event. In other examples, particularly if continuous time is not assumed, a play list might be constructed using start log times that are different than the end log time of the previous consumption event.

[0052] Referring to Clean Play List With Deduced Actions 590, it can be seen that a play list can be constructed that supplements the information in Play List 560 with information about the apparent actions of the audience member. Rows 2, 4, 6, 8, and 11 of List 590 include such information about deduced actions.

[0053] To the extent such play-altering actions occur within the same piece of content, audience member actions may be deduced without content sequence data for a particular channel. For example, referring to rows 2, 3, 4, 5, and 6, of Play Stream 510, the content offset values of rows 2 and 6 indicate advancing for one time unit within TV program 27 while no content ID (or corresponding offset value) is available for rows 3-5. From this information, and the fact that log times of rows 3-5 together correspond to progression through three time units, it is reasonable to deduce that the audience member paused a media player for three time units from log time t_0+2 to log time t_0+5. That deduced action is recorded in row 2 of Play List 590.

[0054] On the other hand, in other contexts, it may be necessary to refer to content sequence data for a particular channel to be sufficiently confident in deducing the details of an audience member's play-altering activity. For example, referring to Play Stream 510, data in rows 15-17 indicate one or more consumption discontinuities in which a play-altering action appears to have crossed a content boundary. Row 15 indicates consumption of the beginning of ad23; row 16 indicates no identified content, and row 17 indicates consumption of

ad24 from a point two time units after the beginning of that ad. From this information alone, it is difficult or impossible to determine how much play-altering activity occurred and whether any content pieces were skipped altogether. However, content sequence data for an identified channel may be used to supplement the information gap. Data 570 lists content sequence data for a channel identified as "TV C4." "TV C4" may be identified during a method portion such as step 211 of process 200 of **Figure 2** as previously described. Channel data may be searched that includes the content identified in Play Stream 510 or Play List 560. A channel whose content sequence matches or closely matches content on such a stream or play list may be identified as the channel that delivered the consumed content. In this case, Play Stream 510 and Play List 560 include content associated with the following IDs: TV program 27, ad23, ad25, and TV program 28. Because channel data for "TV C4" indicates a sequence of: TV program 27, ad23, ad24, ad25, and TV program 28, for purposes of this example, it can reasonably be assumed that the media depicted on Stream 510, List 560, and List 590 was originally delivered to the relevant media player by channel "TV C4." In real world contexts, however, it is quite possible that more data would have to be obtained (e.g. a matching more entries on a play list entries against a longer series of content sequence data of a channel) in order to be reasonably confident that the channel has been correctly identified. The amount of data matched in the illustrated example has been chosen primarily for ease of illustration.

[0055] Sequence Data 570 for channel TV C4 indicates that ad23 as broadcast lasted three time units (see row 2), ad25 as broadcast lasted three time units (see row 4), and between ad23 and ad25, another ad, ad24, was broadcast and lasted three time units. From this information, and the information in either Play Stream 510 or Play list 560, it can be deduced that the audience member heard the very beginning of ad23, but then fast forwarded seven time units (during the span of 1 time unit based on the log time data) to just past the beginning of ad25. This deduced action is recorded in row 11 of List 590.

[0056] It should be noted that, to the extent actions take less than a single time unit, rows may be added to List 590 relative to List 560 to record such actions.

For example, referring to row 4 of List 590, because no log time elapsed between the end of the event in row 3 and the beginning of the event in row 5, row 4 has been added showing the "skip forward 5 units." That the user "skipped" forward rather than "fast" forwarded can be deduced from the fact that while there is no content ID gap between rows 3 and 4 of List 560, there is a gap in the content offset times for those rows. Thus, though the log times and content ID alone suggest continuous consumption, the gap in offset times suggests a "skip" forward that took the same or less time than the length of a single time unit.

[0057] Those skilled in the art will recognize that the method aspects just described in the context of generating and using Stream 510, List 560, Data 570, and List With Deduced Actions 590 reflect just one example of how play-altering actions might be deduced using systems and methods consistent with those of the present invention. To cite but one example, rather than explicitly generate a play list, mathematical representations of play stream data and content sequence data may be used to identify discontinuities and deduce play-altering activities. To cite but one other example, play-altering might be deduced from a pre-generated play list including content offset data without needing to analyzing play stream data from which the play list was generated.

[0058] **Figure 6** illustrates timeline structure for data samples generated by system and methods such as module 121 of **Figure 1** and steps 201 and 206 of **Figure 2**.

[0059] As illustrated, sample set 600 reflects a division of audio data into sixteen samples, three of which are selected for analysis. The samples selected for recognition analysis are referenced generally as the "n_0^{th}," n_1^{th}," and "n_2^{th}" samples. Samples between the selected samples are not separately numbered, but are marked off between vertical lines along the horizontal length of timelines structure 600 as illustrated. Each sample has a sample time window length "i." Furthermore, the sample set has varying "resolutions" including r_0=1/5 between the n_0^{th} and n_1^{th} samples and r_1=1/10 between the n_1^{th} and the n_2^{th} samples. In other words, "resolution" here refers to the portion of samples being selected during a period of time. In the present example, a process portion such as steps 201 and 206 of process 200 of **Figure 2** has, based on the identification results of

the n_0^{th} and n_1^{th} samples, adjusted the resolution from 1/5 to 1/10. This could occur, for example, as previously described, because the n_0^{th} and n_1^{th} samples match the same content ID and process 200 determines that the likelihood that the next selected sample using a resolution of 1/5 would also match justifies decreasing the resolution to 1/10 so that the next sample selected for analysis is the n_2^{th}. However, if the n_2^{th} sample does not match the n_1^{th} sample, then process 200 can make a backtrack decision and go back in the series of samples to select, for example, the $(n_1 +6)^{th}$ sample for content recognition analysis in order to pinpoint more closely where in the play stream the content change occurred. The order in which samples are selected for analysis in this example is illustrated by arrows 1, 2, and 3 in **Figure 6**.

[0060] Although not illustrated in **Figure 6**, as previously described, steps 201 and 206 of method 200 can also determine based on identification results the time window length can be adjusted. In the context of Figure 6, this would correspond to changing the value of "i," the time window length of a particular sample.

[0061] **Figure 7** shows an example of a computer system 700 that may be used to execute instruction code contained in a computer program product 760 in accordance with an embodiment of the present invention. Computer program product 760 comprises executable code in an electronically readable medium that may instruct one or more computers such as computer system 700 to perform processing that implements the system 100 of **Figure 1** and/or accomplishes the exemplary method 200 of **Figures 2**. The electronically readable medium may be any medium that either stores or carries electronic signals (including signals referred to as electrical signals and signals referred to as electromagnetic signals) and may be accessed locally or remotely, for example via a network connection. The executable instruction code in an electronically readable medium directs the illustrated computer system 700 to carry out various exemplary tasks described herein. The executable code for directing the carrying out of tasks described herein would be typically realized in software. However, it will be appreciated by those skilled in the art, that computers might utilize code realized in hardware to perform many or all of the identified tasks without departing from the present invention. Those skilled in the art will understand that many variations on

executable code may be found that implement exemplary methods within the spirit and the scope of the present invention.

[0062] The code or a copy of the code contained in computer program product 760 may be stored in memory 710 for execution by processor 720. Computer system 700 also includes I/O subsystem 730 and peripheral devices 740. I/O subsystem 730, peripheral devices 740, processor 720, and memory 710 are coupled via bus 750.

[0063] Those skilled in the art will appreciate computer system 700 illustrates just one example of a system in which a computer program product in accordance with an embodiment of the present invention may be implemented. To cite but one example of an alternative embodiment, execution of instructions contained in a computer program product in accordance with an embodiment of the present invention may be distributed over multiple computers, such as, for example, over the computers of a distributed computing network.

[0064] Although particular embodiments have been described in detail and certain variants have been noted, various other modifications to the embodiments described herein may be made without departing from the spirit and scope of the present invention. Thus, the invention is limited only by the appended claims.

CLAIMS

What is claimed is:

1. A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for receiving a representation of at least one target media item from at least one client device;

a stream store, coupled to the server and to the at least one stream collection server, for storing a representation of at least a subset of the received reference media items and for storing a representation of the at least one target media item;

a correlator server, coupled to the stream store, for identifying one of the reference media items as corresponding to the target media item;

an output device, coupled to the correlator server, for generating output signaling user exposure to the identified reference media item; and

a location tracking server for detecting a location for the client device; wherein the correlator server correlates the detected location with a location of at least one geographically identifiable sponsor of a reference media item.

2. The system of claim 1, wherein the location tracking server detects the location via at least one selected from the group consisting of:

GPS tracking;

RFID tracking;

Bluetooth tracking.

3. A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for receiving a representation of at least one target media item from at least one client device;

a stream store, coupled to the server and to the at least one stream collection server, for storing a representation of at least a subset of the received reference media items and for storing a representation of the at least one target media item;

a correlator server, coupled to the stream store, for identifying one of the reference media items as corresponding to the target media item; and

an output device, coupled to the correlator server, for generating output signaling user exposure to the identified reference media item; wherein the plurality of reference media items comprises at least one broadcast, and

wherein the representation of at least one target media item indicates user exposure at a time other than the time of the broadcast.

4. A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for receiving a representation of at least one target media item from at least one client device;

a stream store, coupled to the server and to the at least one stream collection server, for storing a representation of at least a subset of the received reference media items and for storing a representation of the at least one target media item;

a correlator server, coupled to the stream store, for identifying one of the reference media items as corresponding to the target media item;

an output device, coupled to the correlator server, for generating output signaling user exposure to the identified reference media item; and

a purchasing tracking server, for receiving consumer purchasing information;

wherein the output device generates a report correlating user purchasing information with user exposure to the identified reference media item.

5. The system of claim 4, wherein the purchasing tracking server receives at least one indication of user use of a credit card.

6. A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

a plurality of stream collection servers for receiving a representation of at least one target media item from at least one client device;

a stream store, coupled to the server and to the stream collection servers, for storing a representation of at least a subset of the received reference media items and for storing a representation of the at least one target media item;

a correlator server, coupled to the stream store, for identifying one of the reference media items as corresponding to the target media item;

an output device, coupled to the correlator server, for generating output signaling user exposure to the identified reference media item; and

a stream collection server selector, for selecting, based on at least one of load and geographic proximity to the client device, one of the plurality of data signature stream collection servers to receive the representation of at least one target media item.

7. A method for detecting user exposure to media items, comprising:

receiving a plurality of reference media items from at least one media source;

for at least one client device:

selecting, based on at least one of load and geographic proximity to the client device, one of a plurality of data signature stream collection servers; and

at the selected data signature stream collection server, receiving, from the client device:

a representation of at least one target media item; and

an indication as to whether the client device is in the physical possession of a person at a time of exposure to the target media item; and

responsive to an indication that the client device is in the physical possession of a person at the time of exposure to the target media item:

identifying one of the reference media items as corresponding to the target media item; and generating output signaling user exposure to the identified reference media item.

8. The method of claim 7, further comprising:

responsive to an indication that the client device is not in the physical possession of a person at the time of exposure to the target media item, ignoring the representation of the at least one target media item from the client device.

9. The method of claim 7, further comprising:

responsive to an indication that the client device is not in the physical possession of a person at the time of exposure to the target media item:

identifying one of the reference media items as corresponding to the target media item; and

generating output signaling user exposure to the identified reference media item, wherein the output is flagged as having reduced reliability.

10. The method of claim 7, wherein the indication as to whether the client device is in the physical possession of a person is provided based on output of at least one sensor associated with the client device.

11. The method of claim 10, wherein the at least one sensor detects at least one selected from the group consisting of:

vibration of the client device;

key presses on the client device;

temperature of the client device; and

movement of the client device.

12. A system for detecting user exposure to media items, comprising:

a server, for receiving a plurality of reference media items from at least one media receiver;

at least one stream collection server, for, receiving, from at least one client device:

a representation of at least one target media item from at least one client device;

an indication as to whether the client device is in the physical possession of a person at a time of exposure to the target media item; and

a stream store, coupled to the server and to the at least one stream collection server, for:

storing a representation of at least a subset of the received reference media items; and

responsive to an indication that the client device is in the physical possession of a person at the time of exposure to the target media item, storing a representation of the target media item;

a correlator server, coupled to the stream store, for, for each stored representation of a target media item, identifying one of the reference media items as corresponding to the target media item; and

an output device, coupled to the correlator server, for, for each identified reference media item, generating output signaling user exposure to the identified reference media item.

13. The system of claim 12, wherein the stream store:

responsive to an indication that the client device is not in the physical possession of a person at the time of exposure to the target media item, ignores the

representation of the target media item.

14. The system of claim 12, wherein, responsive to an indication that the client device is not in the physical possession of a person at the time of exposure to the target media item:

the stream store stores a representation of the target media item and an indication of reduced reliability of the stored representation;

the correlator server identifies one of the reference media items as corresponding to the target media item; and

the output device, generates output signaling user exposure to the identified reference media item and indicates reduced reliability of the indication of user exposure.

15. The system of claim 12, wherein the indication as to whether the client device is in the physical possession of a person is provided based on output of at least one sensor associated with the client device.

16. The system of claim 15, wherein the at least one sensor detects at least one selected from the group consisting of:

vibration of the client device;

key presses on the client device;

temperature of the client device; and

movement of the client device.

17. A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving a representation of monitored media from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media;

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content; and

an audience data processor for detecting a location of the audience member monitoring device; wherein the audience data processor relates the detected location to retail traffic of an advertiser associated with the known media content.

18. The system of claim 17, wherein the audience data processor detects the location via GPS tracking.

19. A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving a representation of monitored media from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media; and

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content;

wherein the plurality of known media content comprises at least one broadcast; and

wherein the representation of the monitored media indicates audience member exposure at a time other than the time of the broadcast.

20. A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving a representation of monitored media from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media;

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content; and

a retail traffic data system; wherein the report generator generates a report matching retail traffic and audience member exposure to known media content.

21. A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving from at least one audience member monitoring device:

a representation of monitored media from at least one audience member monitoring device;

data indicating that the monitoring device is in possession of an audience member at a time of exposure to the monitored media; and

a content recognition system, coupled to the interface and to the sample control processor, for:

storing a representation of at least a subset of the received known media content; and

storing a representation of the monitored media based on the monitoring device being in the possession of an audience member at the time of exposure to the monitored media;

wherein the content recognition system, for each stored representation of monitored media, identifies one of the known media content as corresponding to the monitored media; and

a report generator, coupled to the content recognition system, for, for each identified known media content, generating output signaling audience member exposure to the identified known media content.

22. The system of claim 21, wherein the data indicating the monitoring device is in the possession of an audience member is provided based on output of at least one sensor associated with the monitoring device.

23. The system of claim 22, wherein the at least one sensor detects at least one selected from the group consisting of:

key presses on a media player device coupled to the monitoring device; and

movement of the monitoring device.

24. A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving a representation of monitored media from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media;

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content; and

an audience data processor for detecting a location of the audience member monitoring device and relating the detected location to content meta data associated with the known media content.

25. A system for measuring audience member exposure to media content, comprising:

an interface for receiving a plurality of known media content from at least one media broadcast;

a sample control processor for receiving a representation of monitored media from at least one audience member monitoring device;

a content recognition system, coupled to the interface and to the sample control processor, for storing a representation of at least a subset of the known media content and for storing a representation of the monitored media;

wherein the content recognition system identifies one of the known media content as corresponding to the monitored media;

a report generator, coupled to the content recognition system, for generating output signaling audience member exposure to the identified known media content; and

an audience data processor;

wherein the report generator, coupled to the audience data processor, generates a report matching audience data to audience member exposure to known media content.

ABSTRACT OF THE DISCLOSURE

Media monitoring and measurement systems and methods are disclosed. Some embodiments of the present invention provide a media measurement system and method that utilizes audience data to enhance content identifications. Some embodiments analyze media player log data to enhance content identification. Other embodiments of the present invention analyze sample sequence data to enhance content identifications. Other embodiments analyze sequence data to enhance content identification and/or to establish channel identification. Yet other embodiments provide a system and method in which sample construction and selection parameters are adjusted based upon identification results. Yet other embodiments provide a method in which play-altering activity of an audience member is deduced from content offset values of identifications corresponding to captured samples. Yet other embodiments provide a monitoring and measurement system in which a media monitoring device is adapted to receive a wireless or non-wireless audio signal from a media player, the audio signal also being received wirelessly by headphones of a user of the monitoring device.

PTO/AIA/96 (08-12)
Approved for use through 01/31/2013. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(c)

Applicant/Patent Owner: Jonatan S. Steuer, Christopher W. Otto

Application No./Patent No.: Not Yet Assigned Filed/Issue Date: Concurrently Herewith

Titled: MEDIA USAGE MONITORING AND MESUREMENT SYSTEM AND METHOD

Anonymous Media Research, LLC, a limited liability company

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or 4 below):

1. ☑ The assignee of the entire right, title, and interest.

2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):

   ☐ The extent (by percentage) of its ownership interest is _____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.

   ☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

   Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

   Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (*e.g.*, bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose **one** of options A or B below):

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 _____, Frame _____, or for which a copy thereof is attached.

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

1. From: Jonathan S. Steuer et al. To: Anonymous Media LLC

   The document was recorded in the United States Patent and Trademark Office at Reel 016861, Frame 0088, or for which a copy thereof is attached.

2. From: Anonymous Media LLC To: Anonymous Media Research, LLC

   The document was recorded in the United States Patent and Trademark Office at Reel 025531, Frame 0015, or for which a copy thereof is attached.

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**.

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

PTO/AIA/96 (08-12)
Approved for use through 01/31/2013. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(c)

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.

4. 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.

5. 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.

6. 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(c)(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.

/Michael Mauriel/ Reg. No. 44,226	February 7, 2014
Signature	Date
Michael Mauriel	Attorney for Applicant(s); Reg. No. 44,226
Printed or Typed Name	Title or Registration Number

[Page 2 of 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.

PTO/SB/80 (11-08)
Approved for use through 11/30/2011. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☑ Practitioners associated with the Customer Number: 51417

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:

OR

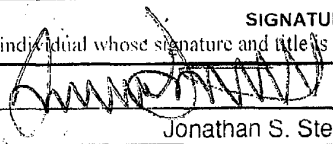
☐ Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

Assignee Name and Address:
Anonymous Media Research, LLC
72 E. 3rd St., Suite 1B, NY, NY 10003

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	1 DEC 2010
Name	Jonathan S. Steuer	Telephone	866 295 2666
Title	MANAGER & 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.

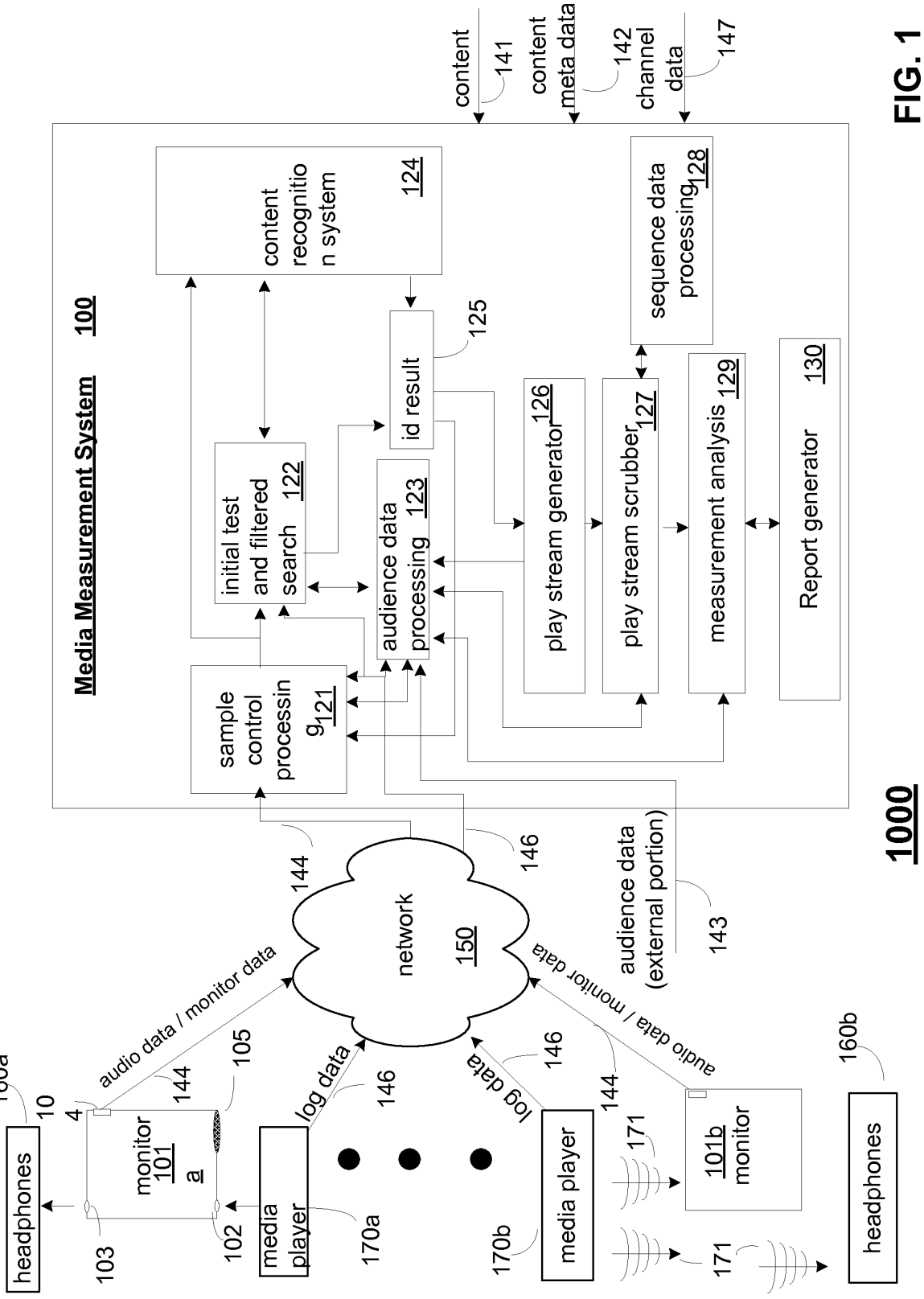

Media Measurement System 100
content recognition system 124
id result 125
initial test and filtered search 122
audience data processing 123
sample control processing 121
play stream generator 126
play stream scrubber 127
sequence data processing 128
measurement analysis 129
Report generator 130
content 141
content meta data 142
channel data 147
network 150
audio data / monitor data
log data
audio data / monitor data
log data
audience data (external portion) 143
144
146
105
monitor 101a
media player
media player
101b monitor
headphones
headphones
160a
160b
10
4
102
103
170a
170b
171
171
1000

FIG. 1

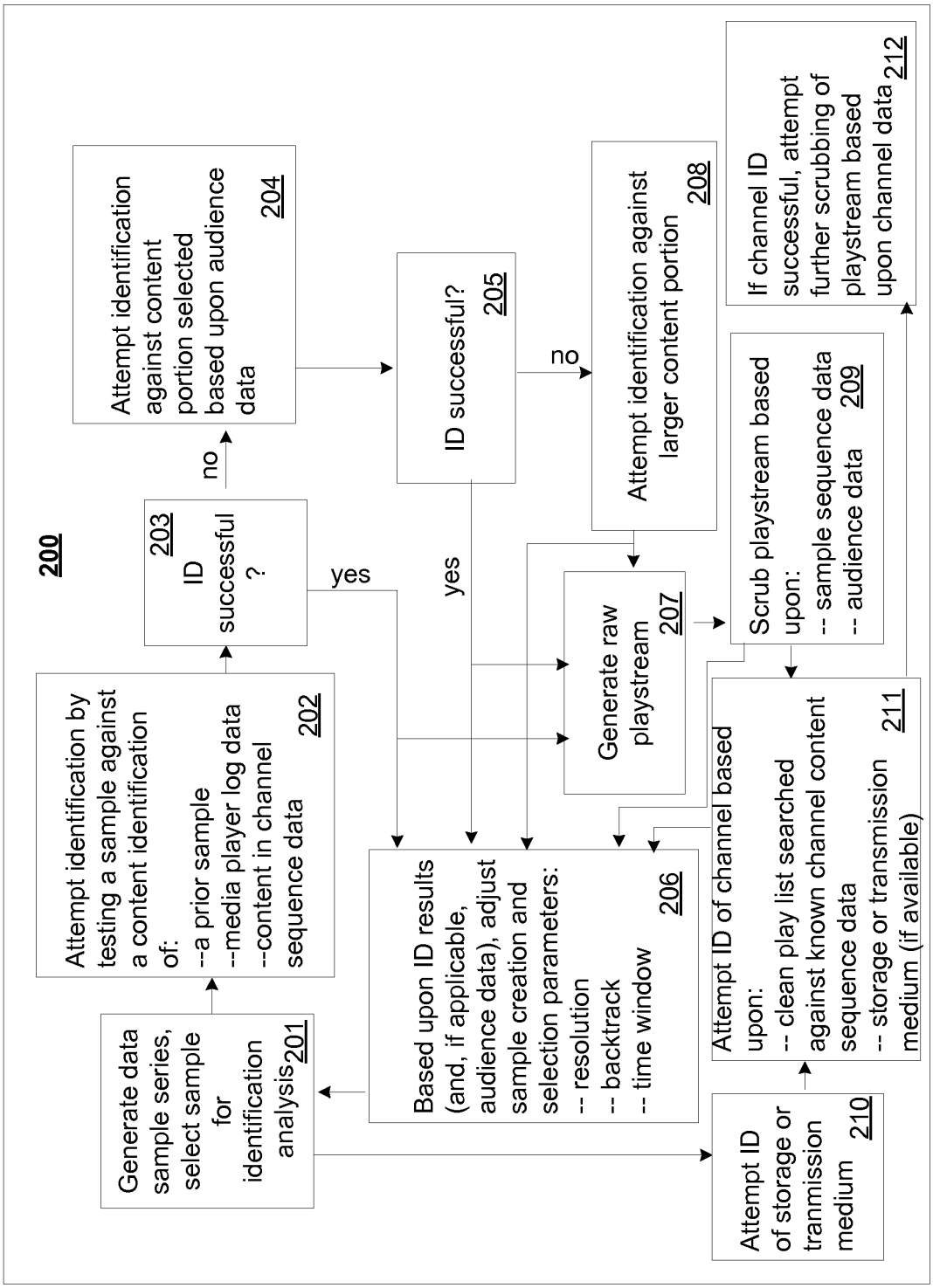

200
Generate data sample series, select sample for identification analysis 201
Attempt identification by testing a sample against a content identification of:
--a prior sample
--media player log data
--content in channel sequence data 202
203 ID successful ?
yes
no
Attempt identification against content portion selected based upon audience data 204
ID successful? 205
yes
no
Based upon ID results (and, if applicable, audience data), adjust sample creation and selection parameters:
-- resolution
-- backtrack
-- time window 206
Generate raw playstream 207
Attempt identification against larger content portion 208
Scrub playstream based upon:
-- sample sequence data
-- audience data 209
If channel ID successful, attempt further scrubbing of playstream based upon channel data 212
Attempt ID of channel based upon:
-- clean play list searched against known channel content sequence data
-- storage or transmission medium (if available) 211
Attempt ID of storage or tranmission medium 210

FIG. 2

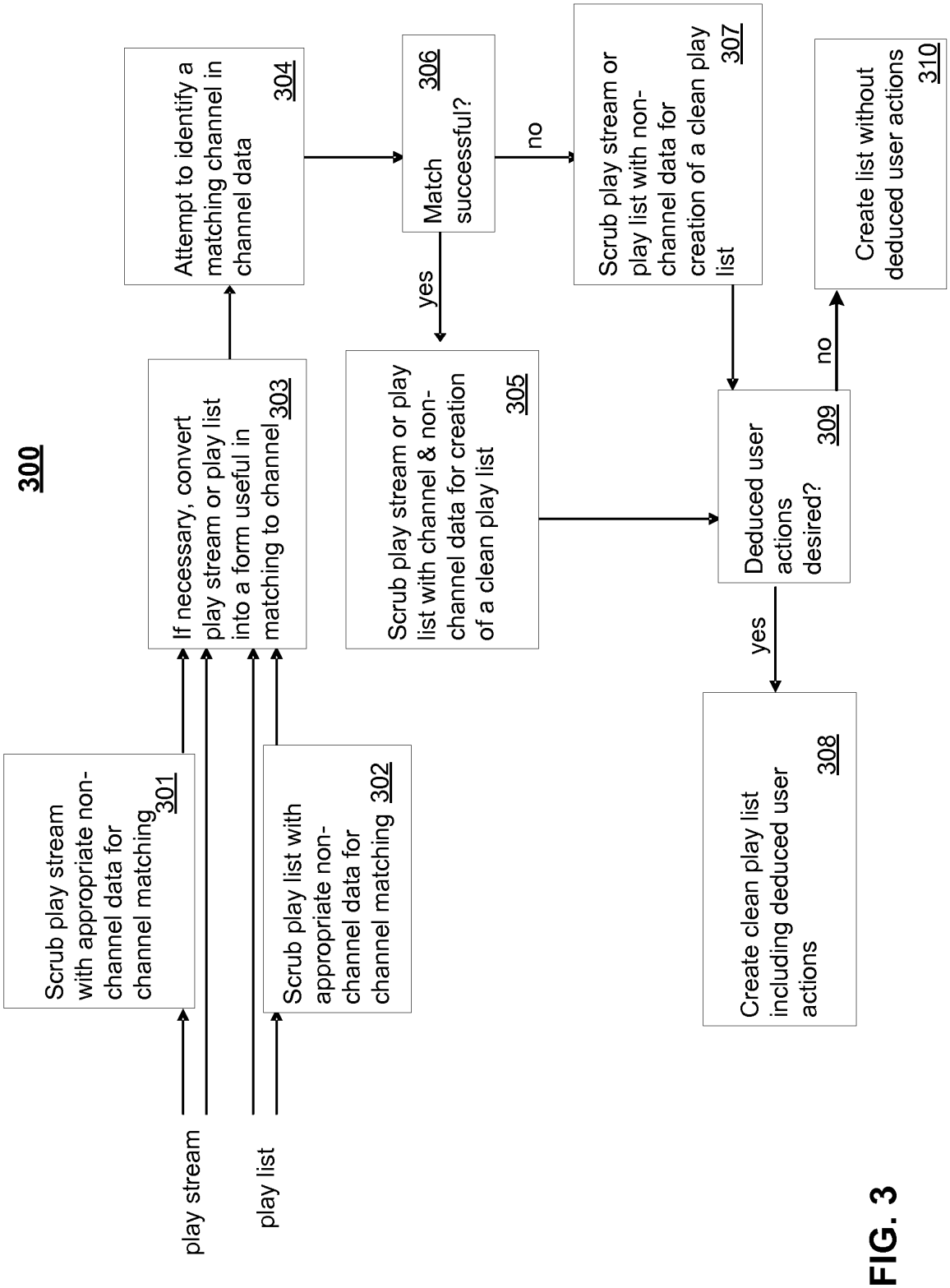

300
play stream
play list
Scrub play stream with appropriate non-channel data for channel matching 301
Scrub play list with appropriate non-channel data for channel matching 302
If necessary, convert play stream or play list into a form useful in matching to channel 303
Attempt to identify a matching channel in channel data 304
Match successful? 306
yes
no
Scrub play stream or play list with channel & non-channel data for creation of a clean play list 305
Scrub play stream or play list with non-channel data for creation of a clean play list 307
Deduced user actions desired? 309
yes
no
Create clean play list including deduced user actions 308
Create list without deduced user actions 310

FIG. 3

410

Raw Play Stream

row	log time	content ID
1	t_0	song 51
2	t_0+1	none
3	t_0 +2	song51
4	t_0+3	song51
5	t_0+4	movie 81
6	t_0+5	song51
7	t_0+6	song51
8	t_0+7	song72
9	t_0+8	song72
10	t_0+9	none
11	t_0+10	song72
12	t_0+11	song72
13	t_0+12	song72
14	t_0+13	song65
15	t_0+14	song65
16	t_0+15	TVprgm58
17	t_0+16	song65
18	t_0+17	song65
19	t_0+18	song65
20	t_0+19	song65
21	t_0+20	song21
22	t_0+21	song21
23	t_0+22	song21
24	t_0+23	song21
25	t_0+24	song21
26	t_0+25	song21
27	t_0+26	ad49
28	t_0+27	ad49
29	t_0+28	song81
30	t_0+29	song35

ssd

450

Clean Play Stream

row	log time	content ID
1	t_0	song 51
2	t_0+1	song51
3	t_0 +2	song51
4	t_0+3	song51
5	t_0+4	song51
6	t_0+5	song51
7	t_0+6	song51
8	t_0+7	song72
9	t_0+8	song72
10	t_0+9	song72
11	t_0+10	song72
12	t_0+11	song72
13	t_0+12	song72
14	t_0+13	song65
15	t_0+14	song65
16	t_0+15	song65
17	t_0+16	song65
18	t_0+17	song65
19	t_0+18	song65
20	t_0+19	song65
21	t_0+20	song21
22	t_0+21	song21
23	t_0+22	song21
24	t_0+23	song21
25	t_0+24	song21
26	t_0+25	song21
27	t_0+26	ad49
28	t_0+27	ad49
29	t_0+28	song35
30	t_0+29	song35

ssd = “sample sequence data”

470

Channel Data for “radio 35”

row	start time	end time	content ID
1	C(0)	C(0)+6	song21
2	C(0)+6	C(0)+8	ad49
3	C(0)+8	C(0)+13	song35

480

Channel Data for “album 12”

row	start time	end time	content ID
1	C(0)	C(0)+7	song51
2	C(0)+7	C(0)+13	song72
3	C(0)+13	C(0)+23	song65
4	C(0)+23	C(0)+30	song29

490

Clean Play List

row	start log time	end log time	content ID	Channel ID
1	t_0	t_0+7	song51	album12
2	t_0+7	t_0+13	song71	album12
3	t_0+13	t_0+20	song65	album12
4	t_0+20	t_0+26	song21	radio35
5	t_0+26	t_0+28	ad49	radio35
6	t_0+28	t_0+30	song34	radio35

FIG. 4

510

Clean Playstream

row	log time	content ID	content offset
1	t_0	TVprgm 27	(0)
2	t_0+1	TVprgm 27	(0)+1
3	t_0 +2	none	n/a
4	t_0+3	none	n/a
5	t_0+4	none	n/a
6	t_0+5	TVprgm 27	(0)+2
7	t_0+6	TVprgm 27	(0)+3
8	t_0+7	TVprgm27	(0)+9
9	t_0+8	TVprgm27	(0)+10
10	t_0+9	TVprgm27	(0)+9
11	t_0+10	TVprgm27	(0)+10
12	t_0+11	none	n/a
13	t_0+12	TVprgrm27	(0)+29
14	t_0+13	TVprgrm27	(0)+30
15	t_0+14	ad23	(0)
16	t_0+15	none	n/a
17	t_0+16	ad25	(0)+2
18	t_0+17	TVprgm28	(0)
19	t_0+18	TVprgm28	(0)+1
20	t_0+19	TVprgrm28	(0)+2

560

Clean Play List

row	start log time	end log time	content ID	content offset
1	t_0	t_0+2	TVprgrm27	(0)
2	t_0+2	t_0+5	none	n/a
3	t_0+5	t_0+7	TVprgrm27	(0)+2
4	t_0+7	t_0+9	TVprgrm27	(0)+9
5	t_0+9	t_0+11	TVprgrm27	(0)+9
6	t_0+11	t_0+12	none	n/a
7	t_0+12	t_0+14	TVprgrm27	(0)+29
8	t_0+14	t_0+15	ad23	(0)
9	t_0+15	t_0+16	none	n/a
10	t_0+16	t_0+17	ad25	(0)+2
11	t_0+17	t_0+20	TVprgrm28	(0)

570

Channel Data for TV C4

row	start time	end time	content ID
1	C(0)	C(0)+31	TVprgrm27
2	C(0)+31	C(0)+34	ad23
3	C(0)+34	C(0)+37	ad24
4	C(0)+37	C(0)+40	ad25
5	C(0)+40	C(0)+50	TVprgrm28

590

Clean Play List with Deduced Actions

row	log time	end log time	content ID and <deduced action>	content offset
1	t_0	t_0+2	TVprgrm27	(0)
2	t_0+2	t_0+5	<pause for 3 units>	n/a
3	t_0+5	t_0+7	TVprgrm27	(0)+2
4	t_0+7	t_0+7	<skip frwrd 5 units>	n/a
5	t_0+7	t_0+9	TVprgrm27	(0)+9
6	t_0+9	t_0+9	<skip bckwrd 2 units>	n/a
7	t_0+9	t_0+11	TVprgrm27	(0)+9
8	t_0+11	t_0+12	<fast frwrd 18 units>	n/a
9	t_0+12	t_0+14	TVprgrm27	(0)+29
10	t_0+14	t_0+15	ad23	(0)
11	t_0+15	t_0+16	<fast frwrd 7 units>	n/a
12	t_0+16	t_0+17	ad25	(0)+2
13	t_0+17	t_0+20	TVprgrm28	(0)

FIG. 5

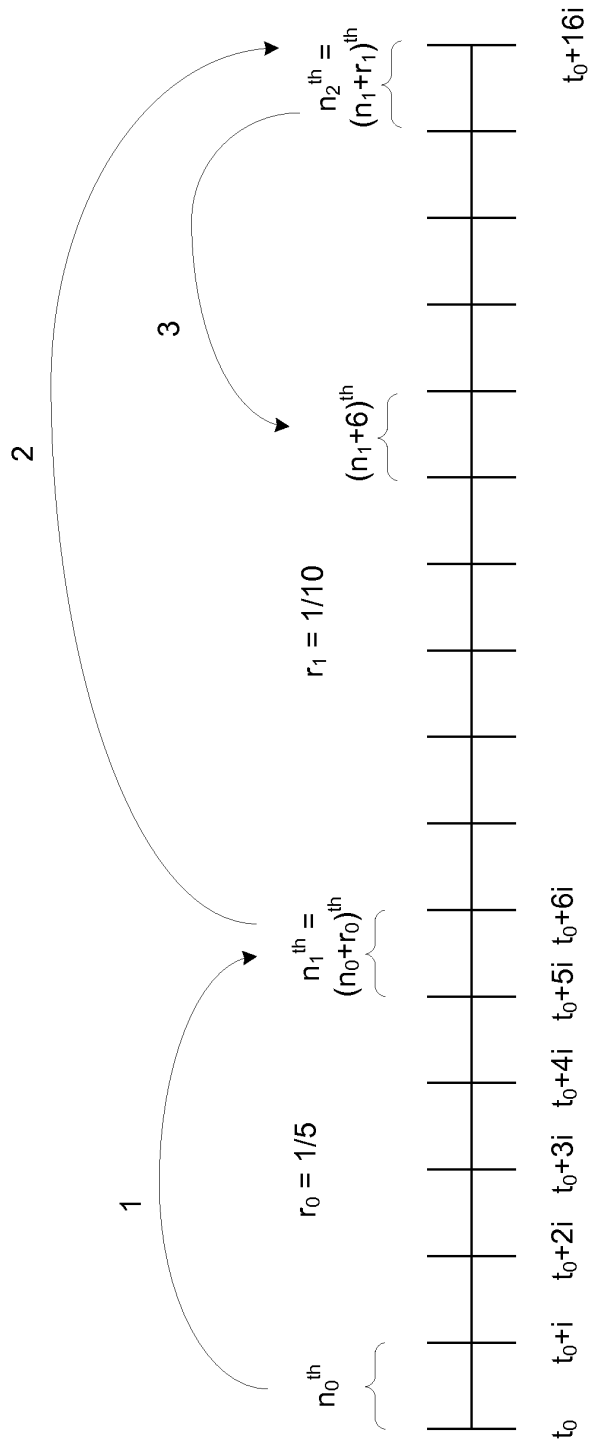

1
2
3
$r_0 = 1/5$
$r_1 = 1/10$
n_0^{th}
$n_1^{th} = (n_0+r_0)^{th}$
$n_2^{th} = (n_1+r_1)^{th}$
$(n_1+6)^{th}$
t_0
t_0+i
t_0+2i
t_0+3i
t_0+4i
t_0+5i
t_0+6i
t_0+16i
600

FIG. 6

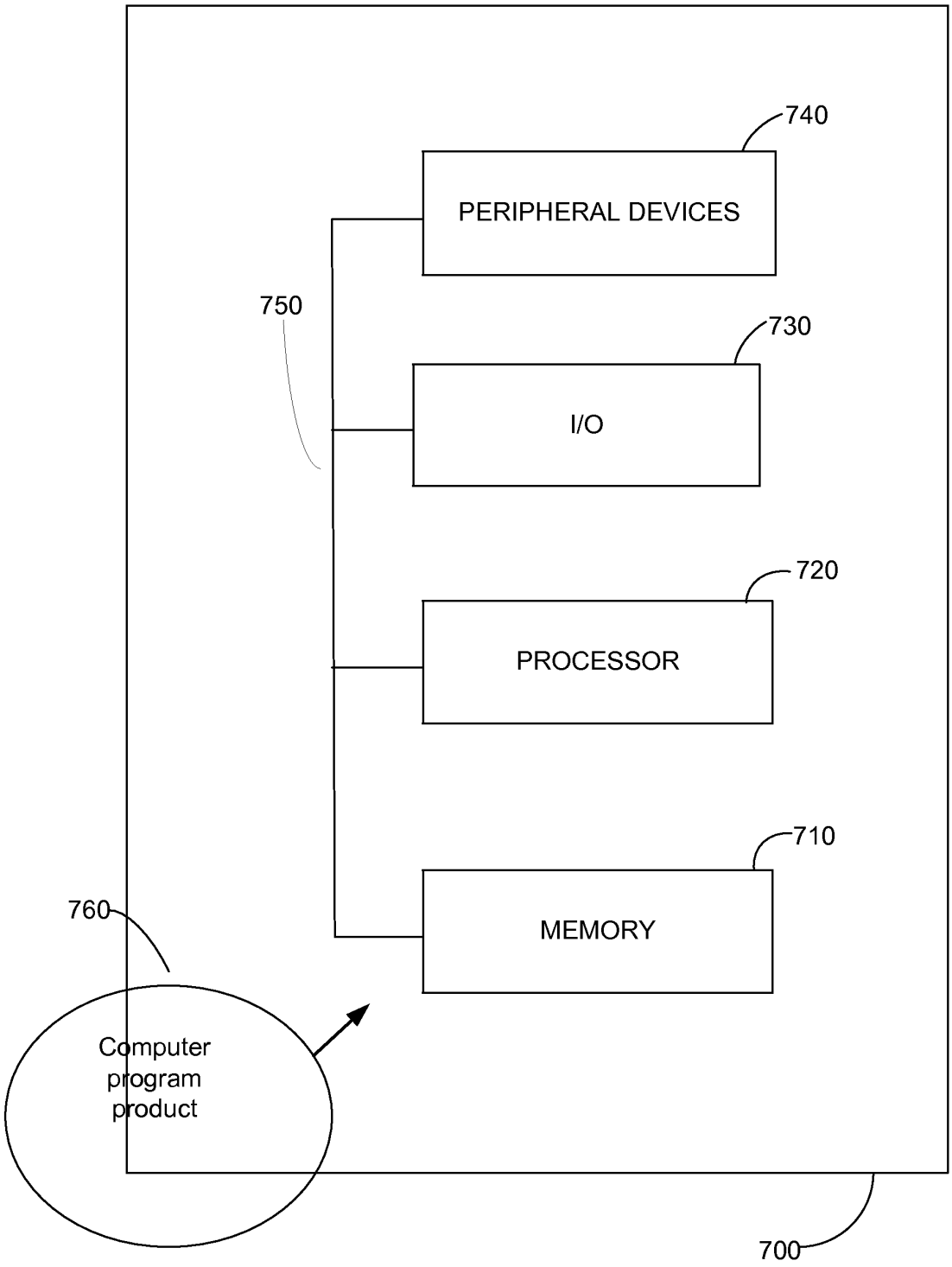

740
PERIPHERAL DEVICES
750
730
I/O
720
PROCESSOR
710
MEMORY
760
Computer program product
700

FIG. 7

Electronic Acknowledgement Receipt	
EFS ID:	18152210
Application Number:	14175811
International Application Number:	
Confirmation Number:	5201
Title of Invention:	MEDIA USAGE MONITORING AND MEASUREMENT SYSTEM AND METHOD
First Named Inventor/Applicant Name:	Jonathan S. Steuer
Customer Number:	51417
Filer:	Michael John Mauriel/Jasmine Habbas
Filer Authorized By:	Michael John Mauriel
Attorney Docket Number:	10004-2000104
Receipt Date:	07-FEB-2014
Filing Date:	
Time Stamp:	18:28:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal of New Application	100042000104_AppTrans.pdf	611958 2a48463413aff1a8fc3dc9fb2f101430ccece97b	no	2
Warnings:					
Information:					

2	Application Data Sheet	100042000104_ADS.pdf	1503587 6f8ddca71dcff375762083bb75c4c46f48eaacef	no	7
Warnings:					
Information:					
3	Miscellaneous Incoming Letter	100042000104_communication.pdf	458375 f5f402e68a149387838ebb6b813a4f1008d77122	no	3
Warnings:					
Information:					
4		100042000104_App.pdf	588191 6d841016828a95c35c7fba120cdd115060423cb5	yes	36

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Specification	1	23
	Claims	24	35
	Abstract	36	36

Warnings:					
Information:					
5	Assignee showing of ownership per 37 CFR 3.73.	100042000104_POAtrans.pdf	464824 33bc1bb957f17b32665dacd30239f73488b6941d	no	3
Warnings:					
Information:					
6	Power of Attorney	100042000104_POA.pdf	72489 413a52344dbd41e953d67ea650c527aac62385ef	no	1
Warnings:					
Information:					
7	Drawings-only black and white line drawings	100042000104_DRAWINGS.pdf	523327 b06a306ec717fe78dc51573e701d0d2589b0d8c6	no	7
Warnings:					
Information:					
		Total Files Size (in bytes):	4222751		

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.