

S161	1	"20040003398" and (select\$5 choos\$4) near5 media adj file and subset and title	US-PGPUB; USPAT	OR	ON	2013/08/11 16:12
S162	1	"20040003398" and (select\$5 choos\$4) near5 (media track music title)	US-PGPUB; USPAT	OR	ON	2013/08/11 16:13
S163	1	"20010042249" and (select\$5 choos\$4) near5 (media track music title sequence)	US-PGPUB; USPAT	OR	ON	2013/08/11 16:15
S164	1	"20010042249" and (select\$5 choos\$4 request\$5) near5 (media track music title sequence)	US-PGPUB; USPAT	OR	ON	2013/08/11 16:17
S165	292	(playlist play-list sequence) same (audio music) same insert\$5 same (ad adverti\$9)	US-PGPUB; USPAT	OR	ON	2013/08/11 17:05
S166	160	(playlist play-list sequence) same (audio music) same insert\$5 near9 (ad adverti\$9)	US-PGPUB; USPAT	OR	ON	2013/08/11 17:05
S167	131	(playlist play-list sequence) same (audio music) same insert\$5 near9 (ad adverti\$9) and (player playing)	US-PGPUB; USPAT	OR	ON	2013/08/11 17:09
S168	8	(playlist play-list sequence) same select\$5 near5 (audio music) same insert\$5 near9 (ad adverti\$9) and (player playing)	US-PGPUB; USPAT	OR	ON	2013/08/11 17:10
S169	0	(playlist play-list sequence) same select\$5 near5 (audio music) same rule near5 (number frequenc\$5) near9 (ad adverti\$9)	US-PGPUB; USPAT	OR	ON	2013/08/12 11:24
S170	1	(playlist play-list sequence) same select\$5 near5 (audio music) same rule near5 (number frequenc\$5) same (ad adverti\$9)	US-PGPUB; USPAT	OR	ON	2013/08/12 11:25
S171	3	(playlist play-list sequence) same select\$5 near5 (audio music) same rule same (number frequenc\$5) same (ad adverti\$9)	US-PGPUB; USPAT	OR	ON	2013/08/12 11:26
S172	37	(playlist play-list sequence) same select\$5 same (audio music) same rule same (number frequenc\$5) same (ad adverti\$9)	US-PGPUB; USPAT	OR	ON	2013/08/12 11:28
S173	0	"20040003398" and playlist near5 setting same volume	US-PGPUB; USPAT	OR	ON	2013/08/12 11:59
S174	1	"20040003398" and setting same volume	US-PGPUB; USPAT	OR	ON	2013/08/12 11:59
S175	1	"20040003398" and setting and threshold	US-PGPUB; USPAT	OR	ON	2013/08/12 12:00

S176	1	("6588015").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2013/08/12 12:05
S177	1	S176 and volume	US-PGPUB; USPAT	OR	ON	2013/08/12 12:09
S178	6	(playlist play-list) same (commercial ad advertis\$6) same control\$5 near5 volume	US-PGPUB; USPAT	OR	ON	2013/08/12 12:10
S180	4	(playlist play-list) same (commercial ad advertis\$6) same sett\$5 near5 volume	US-PGPUB; USPAT	OR	ON	2013/08/12 12:11
S181	18	(playlist play-list sequenc\$5 order\$5) same (media multimedia multi-media music audio) same (commercial ad advertis\$6) same sett\$5 near5 volume	US-PGPUB; USPAT	OR	ON	2013/08/12 12:13
S182	22	(playlist play-list sequenc\$5 order\$5) same (media multimedia multi-media music audio) same (commercial ad advertis\$6) same player near9 volume	US-PGPUB; USPAT	OR	ON	2013/08/12 12:15
S183	41	(playlist play-list sequenc\$5 order\$5) same (media multimedia multi-media music audio) same (commercial ad advertis\$6) same setting same volume	US-PGPUB; USPAT	OR	ON	2013/08/12 12:19
S185	424	(media multimedia multi-media music audio) same (commercial ad advertis\$6) same (control\$5 setting) same volume same play\$5	US-PGPUB; USPAT	OR	ON	2013/08/12 12:20
S186	180	(media multimedia multi-media music audio) same (commercial ad advertis\$6) same (control\$5 setting) same volume near9 play\$5	US-PGPUB; USPAT	OR	ON	2013/08/12 12:20
S187	6	(media multimedia multi-media music audio) same (commercial ad advertis\$6) same volume near9 play\$5 same disabl\$4	US-PGPUB; USPAT	OR	ON	2013/08/12 12:26
S188	6	(media multimedia multi-media music audio) same (commercial ad advertis\$6) same volume near9 play\$5 same disabl\$4	US-PGPUB; USPAT	OR	ON	2013/08/12 13:00
S189	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2013/08/12 13:25
S190	1	S189 and volume	US-PGPUB; USPAT	OR	ON	2013/08/12 13:27
S191	434	player same (increas\$5 adjust\$5) near4 volume same (setting preference)	US-PGPUB; USPAT	OR	ON	2013/08/12 13:31
S192	0	player same (increas\$5 adjust\$5) near4 volume near5 (setting preference) same (ad advertis\$5 commercial)	US-PGPUB; USPAT	OR	ON	2013/08/12 13:32

S193	193	player same (increas\$5 adjust\$5) near4 volume near9 (setting preference)	US-PGPUB; USPAT	OR	ON	2013/08/12 13:32
S194	0	"20040003398" and modif\$5 near5 remove same file	US-PGPUB; USPAT	OR	ON	2013/08/12 14:10
S195	0	"20040003398" and modif\$5 near5 remov\$4 same file	US-PGPUB; USPAT	OR	ON	2013/08/12 14:10
S196	1	"20040003398" and modif\$5 same (sequence order\$5)	US-PGPUB; USPAT	OR	ON	2013/08/12 14:11
S197	1	"20040003398" and remove\$5	US-PGPUB; USPAT	OR	ON	2013/08/12 14:11
S198	1	"20040003398" and remov\$5	US-PGPUB; USPAT	OR	ON	2013/08/12 14:11
S199	3	"7720686"	US-PGPUB; USPAT	OR	ON	2013/08/12 14:18
S200	1	"20040003398" and concurrently	US-PGPUB; USPAT	OR	ON	2013/08/12 14:33
S201	1	"20040003398" and (sequence order\$5)	US-PGPUB; USPAT	OR	ON	2013/08/12 18:19
S202	1	"20010042249" and (revers\$5 forward\$5)	US-PGPUB; USPAT	OR	ON	2013/08/12 18:43
S203	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2013/10/02 13:53
S204	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2014/04/15 09:40
S205	1	"20040054591"	US-PGPUB; USPAT	OR	ON	2014/04/15 10:51
S206	1	"20040054591" and image	US-PGPUB; USPAT	OR	ON	2014/04/15 10:52
S207	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2014/04/15 11:17
S210	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2014/04/15 15:25
S211	0	S208 and rules	US-PGPUB; USPAT	OR	ON	2014/04/15 15:26
S212	1	S210 and rules	US-PGPUB; USPAT	OR	ON	2014/04/15 15:26
S213	1	S210 and sequence near9 list	US-PGPUB; USPAT	OR	ON	2014/04/15 15:42
S214	1	S210 and sequence near9 list same (viewer\$9 player client)	US-PGPUB; USPAT	OR	ON	2014/04/15 15:42
S215	1	S210 and sequence near9 list same (player\$9 client)	US-PGPUB; USPAT	OR	ON	2014/04/15 15:55
S216	1	S210 and (player\$9 client)	US-PGPUB; USPAT	OR	ON	2014/04/15 15:56

S217	1	S210 and (player\$9 client) same (adverti\$9 ad)	US-PGPUB; USPAT	OR	ON	2014/04/15 15:56
S218	1	"20010042249" and (forward backward)	US-PGPUB; USPAT	OR	ON	2014/04/16 11:39
S219	1	"20010042249" and (forward backward skip\$4)	US-PGPUB; USPAT	OR	ON	2014/04/16 11:39
S220	1	"20010042249" and (forward backward skip\$4 revers\$5)	US-PGPUB; USPAT	OR	ON	2014/04/16 12:17
S221	1	"20010042249" and (forward backward skip\$4 revers\$5)	US-PGPUB; USPAT	OR	ON	2014/04/16 12:17
S222	75	"6950804"	US-PGPUB; USPAT	OR	ON	2014/04/16 16:32
S223	6,778	(playlist music audio multimedia media) same (skip\$5 forward\$5) same (ad adverti\$8 marketing commercial)	US-PGPUB; USPAT	OR	ON	2014/04/16 16:39
S224	748	(playlist music audio multimedia media) same (skip\$5 forward\$5) same (ad adverti\$8 marketing commercial) same (play\$5 near5 (ad adverti\$9))	US-PGPUB; USPAT	OR	ON	2014/04/16 16:39
S225	284	(playlist music audio multimedia media) near6 (skip\$5 forward\$5) same (ad adverti\$8 marketing commercial) same (play\$5 near5 (ad adverti\$9))	US-PGPUB; USPAT	OR	ON	2014/04/16 16:40
S226	39	S225 and @pd<"20070101"	US-PGPUB; USPAT	OR	ON	2014/04/16 16:41
S227	1	"20030149975" and skip\$6	US-PGPUB; USPAT	OR	ON	2014/04/16 17:22
S228	284	(playlist music audio multimedia media) near6 (skip\$5 forward\$5) same (ad adverti\$8 marketing commercial) same (play\$5 near5 (ad adverti\$9))	US-PGPUB; USPAT	OR	ON	2014/04/16 17:59
S229	39	S228 and @pd<"20070101"	US-PGPUB; USPAT	OR	ON	2014/04/16 17:59
S230	172	(playlist music audio multimedia media) near6 skip\$5 same (ad adverti\$8 marketing commercial) same (play\$5 near5 (ad adverti\$9))	US-PGPUB; USPAT	OR	ON	2014/04/17 09:04
S231	31	playlist same (music audio multimedia media) near6 tag same (ad adverti\$8 marketing commercial) same play\$5	US-PGPUB; USPAT	OR	ON	2014/04/17 10:11
S232	1,560	playlist same (music audio multimedia media) same (ad adverti\$8 marketing commercial) same play\$5	US-PGPUB; USPAT	OR	ON	2014/04/17 10:13
S233	396	playlist same (music audio multimedia media) same (ad adverti\$8 marketing	US-PGPUB; USPAT	OR	ON	2014/04/17 10:14

		commercial) same play\$5 same (clip segment marker)				
S234	181	playlist same (music audio multimedia media) same (ad adverti\$8 marketing commercial) near9 (clip segment marker) same play\$6	US-PGPUB; USPAT	OR	ON	2014/04/17 10:19
S235	181	playlist same (music audio multimedia media) same (ad adverti\$8 marketing commercial) near9 (clip segment marker) same play\$6	US-PGPUB; USPAT	OR	ON	2014/04/17 11:02
S236	181	playlist same (music audio multimedia media) same (ad adverti\$8 marketing commercial) near9 (clip segment marker) same play\$6	US-PGPUB; USPAT	OR	ON	2014/04/17 11:36
S237	396	playlist same (music audio multimedia media) same (ad adverti\$8 marketing commercial) same (clip segment marker) same play\$6	US-PGPUB; USPAT	OR	ON	2014/04/17 11:44
S238	24	S237 and @pd<"20060101"	US-PGPUB; USPAT	OR	ON	2014/04/17 11:44
S239	106	S237 and @pd<"20090101"	US-PGPUB; USPAT	OR	ON	2014/04/17 11:45
S240	168	S237 and @pd<"20110101"	US-PGPUB; USPAT	OR	ON	2014/04/17 11:45
S241	23	S237 and @ad<"20030101"	US-PGPUB; USPAT	OR	ON	2014/04/17 11:48
S242	108	S237 and @ad<"20070101"	US-PGPUB; USPAT	OR	ON	2014/04/17 11:49
S243	39	playlist same (music audio multimedia media) same (ad adverti\$8 marketing commercial) same (clip segment marker) same play\$6 and marker	US-PGPUB; USPAT	OR	ON	2014/04/17 11:50
S244	81	S242 and (skip\$5 forward\$4)	US-PGPUB; USPAT	OR	ON	2014/04/17 11:52
S247	102	(playlist (play adj list) play-list) same (ad adverti\$8) near5 (clip segment marker tag spot) same (playback (playing adj back))	US-PGPUB; USPAT	OR	ON	2014/04/17 12:37
S248	113	(playlist (play adj list) play-list) same (ad adverti\$8 marketing commercial) near5 (clip segment marker tag spot) same (playback (playing adj back))	US-PGPUB; USPAT	OR	ON	2014/04/17 12:37
S249	1	"20080126193"	US-PGPUB; USPAT	OR	ON	2014/04/21 16:48
S250	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2014/04/21 16:49

S251	90	((adverti\$9 ad) near5 rule) same (media music multimedia multi-media) same (playlist player)	US-PGPUB; USPAT	OR	ON	2014/04/21 16:55
S252	291	((adverti\$9 ad) same rule) same (media music multimedia multi-media) same (playlist player)	US-PGPUB; USPAT	OR	ON	2014/04/21 17:40
S253	102	((adverti\$9 ad) same rule) same (media music multimedia multi-media) same (playlist player) same number	US-PGPUB; USPAT	OR	ON	2014/04/21 17:40
S254	293	((adverti\$9 ad) same rule) same (media music multimedia multi-media) same (playlist player)	US-PGPUB; USPAT	OR	ON	2014/04/22 09:51
S255	297	((adverti\$9 ad) same rule) same (media music multimedia multi-media songs) same (playlist player)	US-PGPUB; USPAT	OR	ON	2014/04/22 09:51
S256	32	S255 and @pd<"20050101"	US-PGPUB; USPAT	OR	ON	2014/04/22 09:52
S257	57	S255 and @pd<"20070101"	US-PGPUB; USPAT	OR	ON	2014/04/22 09:53
S258	297	((adverti\$9 ad) same rule) same (media music multimedia multi-media songs) same (playlist player)	US-PGPUB; USPAT	OR	ON	2014/04/22 11:44
S259	57	S258 and @pd<"20070101"	US-PGPUB; USPAT	OR	ON	2014/04/22 11:44
S260	297	((adverti\$9 ad) same rule) same (media music multimedia multi-media songs) same (playlist player)	US-PGPUB; USPAT	OR	ON	2014/04/22 13:04
S261	57	S260 and @pd<"20070101"	US-PGPUB; USPAT	OR	ON	2014/04/22 13:04
S262	1,756	(adverti\$9 ad) same (media music multimedia multi-media songs) same (playlist same player mediaplayer media-player realplayer real-player mp3)	US-PGPUB; USPAT	OR	ON	2014/04/22 13:32
S263	26	S262 and (number near5 (music song)) near5 play\$5 same (adverti\$8 ad)	US-PGPUB; USPAT	OR	ON	2014/04/22 13:33
S265	153	(number near5 (song music)) same play\$5 same adverti\$9	US-PGPUB; USPAT	OR	ON	2014/04/22 13:40
S266	153	(number near5 (song music)) same play\$5 same adverti\$9	US-PGPUB; USPAT	OR	ON	2014/04/22 15:55
S267	1	"20010042249" and (skip\$5 or forward\$5)	US-PGPUB; USPAT	OR	ON	2014/04/23 11:31
S268	1	(music song multimedia multi-media) same segement\$5 same (ad advertis\$8)	US-PGPUB; USPAT	OR	ON	2014/04/25 11:50

S269	3	(music audio song multimedia multi-media) same segment\$5 same (advertis\$8)	US-PGPUB; USPAT	OR	ON	2014/04/25 11:51
S270	5	(music audio song multimedia multi-media) same segment\$5 and (advertis\$8)	US-PGPUB; USPAT	OR	ON	2014/04/25 11:52
S271	2,075	(add\$5 same (music audio songs) near5 playlist)	US-PGPUB; USPAT	OR	ON	2014/04/25 13:03
S272	884	(add\$5 near4 (music audio songs) near5 playlist)	US-PGPUB; USPAT	OR	ON	2014/04/25 13:04
S273	25	(add\$5 near4 (music audio songs) near5 playlist) same (comercial ad adverti\$9)	US-PGPUB; USPAT	OR	ON	2014/04/25 13:04
S274	0	(select\$5 near new near4 (music audio songs) near5 playlist) same (comercial ad adverti\$9)	US-PGPUB; USPAT	OR	ON	2014/04/25 13:05
S275	0	select\$5 near9 (music audio songs) near5 to near5 playlist same (comercial ad adverti\$9)	US-PGPUB; USPAT	OR	ON	2014/04/25 13:07
S276	77	select\$5 near9 (music audio songs) near9 playlist same (comercial ad adverti\$9)	US-PGPUB; USPAT	OR	ON	2014/04/25 13:08
S277	14	select\$5 near9 (music audio songs) near9 playlist same (comercial ad adverti\$9) same modif\$7	US-PGPUB; USPAT	OR	ON	2014/04/25 13:10
S278	39	(music audio songs) near9 playlist same (comercial ad adverti\$9) same modif\$7	US-PGPUB; USPAT	OR	ON	2014/04/25 13:16
S279	134	(music audio songs) near9 playlist same (comercial ad adverti\$9) same add\$5	US-PGPUB; USPAT	OR	ON	2014/04/25 13:41
S280	37	new near9 (music audio songs) near9 playlist same (comercial ad adverti\$9)	US-PGPUB; USPAT	OR	ON	2014/04/25 13:45
S281	281	(generat\$5 creat\$5) near9 new near9 (music audio songs) near9 playlist	US-PGPUB; USPAT	OR	ON	2014/04/25 13:46
S282	71	S281 and @pd<"20070101"	US-PGPUB; USPAT	OR	ON	2014/04/25 13:46
S283	54	append\$5 same (ad adverti\$9) same number near4 (songs music audio video multimedia media multi-media)	US-PGPUB; USPAT	OR	ON	2014/04/25 17:30
S284	287	inser\$7 near6 (ad adverti\$9) same number near4 (songs music audio video multimedia media multi-media)	US-PGPUB; USPAT	OR	ON	2014/04/25 17:37
S285	0	inser\$7 near6 (ad adverti\$9) same number near4 of near5 (songs music audio video multimedia media multi-media)	US-PGPUB; USPAT	OR	ON	2014/04/25 17:37

S286	226	insert\$7 near6 (ad advertis\$9) same number near3 (songs music audio video multimedia media multi-media)	US-PGPUB; USPAT	OR	ON	2014/04/25 17:37
S287	56	insert\$7 near6 (ad advertis\$9) same number near3 (songs music audio video multimedia media multi-media) same play\$9	US-PGPUB; USPAT	OR	ON	2014/04/25 17:38
S288	3	S287 and less near5 (ad advertis\$9) near5 play\$5	US-PGPUB; USPAT	OR	ON	2014/04/25 17:43
S289	1	"20040003398" and rotat\$6	US-PGPUB; USPAT	OR	ON	2014/04/28 10:53
S290	0	"20010042249" and rotat\$6	US-PGPUB; USPAT	OR	ON	2014/04/28 10:55
S291	0	"20020120564" and rotat\$5	US-PGPUB; USPAT	OR	ON	2014/04/28 12:06
S293	39	advertis\$9 near8 rotat\$5 near5 segment	US-PGPUB; USPAT	OR	ON	2014/04/28 12:09
S294	5	advertis\$9 near8 rotat\$5 near5 songs	US-PGPUB; USPAT	OR	ON	2014/04/28 12:11
S295	2	advertis\$9 near8 rotat\$5 near5 music	US-PGPUB; USPAT	OR	ON	2014/04/28 12:13
S296	22	advertis\$9 near8 rotat\$5 same music	US-PGPUB; USPAT	OR	ON	2014/04/28 12:13
S297	22,681	705/14.1-14.73.ccls.	US-PGPUB; USPAT	OR	ON	2014/05/03 17:03
S298	21,535	g06q30/0201-0239.cpc.	US-PGPUB; USPAT	OR	ON	2014/05/03 17:05
S299	37,028	g06q30/0201-0277.cpc.	US-PGPUB; USPAT	OR	ON	2014/05/03 17:06
S300	288	insert\$7 near6 (ad advertis\$9) same number near4 (songs music audio video multimedia media multi-media)	US-PGPUB; USPAT	OR	ON	2014/05/03 17:07
S301	333	(media or music or audio or multimedia or multi-media) near5 insert\$5 near5 (ad or adverti\$7) same (player or preload\$5 or pre-load\$5 or download\$4)	US-PGPUB; USPAT	OR	ON	2014/05/03 17:07
S302	333	(media or music or audio or multimedia or multi-media) near5 insert\$5 near5 (ad or adverti\$7) same (player or preload\$5 or pre-load\$5 or download\$4)	US-PGPUB; USPAT	OR	ON	2014/05/03 17:08
S303	323	S302 and (profile or demographic\$5 or content or target\$5) same (ad or adverti\$8)	US-PGPUB; USPAT	OR	ON	2014/05/03 17:08
S304	97	S302 and (clip episode) same (ad adverti\$6)	US-PGPUB; USPAT	OR	ON	2014/05/03 17:10

S305	28	S297 and S304	US-PGPUB; USPAT	OR	ON	2014/05/03 17:10
S306	29	S299 and S304	US-PGPUB; USPAT	OR	ON	2014/05/03 17:10
S307	116	S297 and S301	US-PGPUB; USPAT	OR	ON	2014/05/03 17:10
S308	116	S297 and S303	US-PGPUB; USPAT	OR	ON	2014/05/03 17:11
S309	146	S299 and S303	US-PGPUB; USPAT	OR	ON	2014/05/03 17:11
S310	1	"20040059712"	US-PGPUB; USPAT	OR	ON	2014/08/26 09:38
S311	3,330	(search query) near (query engine result) same (bid\$5 auction) same (advertis\$6 ad)	US-PGPUB; USPAT	OR	ON	2014/08/26 09:56
S312	3,141	(search query) near (engine result) same (bid\$5 auction) same (advertis\$6 ad)	US-PGPUB; USPAT	OR	ON	2014/08/26 09:57
S313	1,051	(search query) near (engine result) same (bid\$5 same auction) same (advertis\$6 ad)	US-PGPUB; USPAT	OR	ON	2014/08/26 09:57
S314	303	((search query) near engine) same result same (bid\$5 same auction) same advertis\$6	US-PGPUB; USPAT	OR	ON	2014/08/26 09:58
S315	303	((search query) near engine) same result same (bid\$5 same auction) same advertis\$6	US-PGPUB; USPAT	OR	ON	2014/08/26 15:50
S316	9	((search query) near engine) same result same (automatic\$5 dynamic\$5 notification notif\$5) near9 (bid\$5 same auction) same advertis\$6	US-PGPUB; USPAT	OR	ON	2014/08/26 15:55
S318	132	(send\$5 transmit\$6 notif\$9) same (search query) same advertis\$6 near3 (agent computer system) same bid\$6	US-PGPUB; USPAT	OR	ON	2014/08/26 16:05
S319	760	"1" and seqenc\$6	US-PGPUB; USPAT	OR	ON	2015/08/12 10:18
S320	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2015/08/12 10:18
S321	0	S320 and seqenc\$6	US-PGPUB; USPAT	OR	ON	2015/08/12 10:18
S322	1	S320 and sequenc\$6	US-PGPUB; USPAT	OR	ON	2015/08/12 10:20
S323	1	S320 and sequenc\$6 same (advert\$5 commercial)	US-PGPUB; USPAT	OR	ON	2015/08/12 10:21

S324	37	"7565429" and (skip\$5 forward\$5)	US-PGPUB; USPAT	OR	ON	2015/08/12 16:54
S325	1	"20010042249" and (skip\$5 forward\$5)	US-PGPUB; USPAT	OR	ON	2015/08/12 16:54
S326	1	"20060206479"	US-PGPUB; USPAT	OR	ON	2015/08/13 08:47
S327	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2015/08/13 10:50
S328	1	S327 and average	US-PGPUB; USPAT	OR	ON	2015/08/13 10:50
S329	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2015/08/13 12:59
S330	1	"20040003398" and file	US-PGPUB; USPAT	OR	ON	2015/08/13 13:17
S331	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2015/08/18 11:38
S332	1	S331 and adverti\$6	US-PGPUB; USPAT	OR	ON	2015/08/18 11:38
S333	1	S331 and adverti\$8	US-PGPUB; USPAT	OR	ON	2015/08/18 11:40
S334	1	S331 and adverti\$8 near4 file	US-PGPUB; USPAT	OR	ON	2015/08/18 11:43
S335	1	S331 and adverti\$8 near4 (content file)	US-PGPUB; USPAT	OR	ON	2015/08/18 11:44
S336	1	S331 and skip\$5 same adverti\$8 near4 (content file)	US-PGPUB; USPAT	OR	ON	2015/08/18 11:54
S337	1	S331 and skip\$5 same adverti\$8 near4 (content file) and sequen\$9	US-PGPUB; USPAT	OR	ON	2015/08/18 11:55
S338	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2016/01/20 12:15
S339	0	S338 and (modif\$5 chang\$5) near5 sequenc\$6	US-PGPUB; USPAT	OR	ON	2016/01/20 12:27
S340	1	S338 and skip\$5	US-PGPUB; USPAT	OR	ON	2016/01/20 12:37
S341	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2016/01/20 14:51
S342	0	S341 and (modif\$5 chang\$5) near5 sequenc\$6	US-PGPUB; USPAT	OR	ON	2016/01/20 14:51
S343	1	S341 and sequenc\$6	US-PGPUB; USPAT	OR	ON	2016/01/20 14:51
S344	1	("6588015").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/01/20 16:32

S345	95	("6588015").URPN.	USPAT	OR	ON	2016/01/20 16:44
S346	95	("6588015").URPN.	USPAT	OR	ON	2016/01/20 17:21
S347	64	S346 and (skip\$5 sequence)	USPAT	OR	ON	2016/01/20 17:22
S348	32	S346 and skip\$5	USPAT	OR	ON	2016/01/20 17:22
S349	18	S346 and skip\$5 same adverti\$7	USPAT	OR	ON	2016/01/20 17:23
S350	1	(disabl\$5 disallow\$5) near5 (skip\$5 bypass\$5) near4 (commercial advertis\$6marketing) same (video music multimedia multi-media media) same play\$5	US-PGPUB; USPAT	OR	ON	2016/01/21 09:19
S351	77	(disabl\$5 disallow\$5) near4 (skip\$5 bypass\$5 by-pass\$5) same (commercial marketing advertis\$6) same play\$5	US-PGPUB; USPAT	OR	ON	2016/01/21 09:20
S352	182	(disabl\$5 disallow\$5) same (skip\$5 bypass\$5 by-pass\$5) same (commercial marketing advertis\$6) same play\$5	US-PGPUB; USPAT	OR	ON	2016/01/21 09:24
S353	112	(disabl\$5 disallow\$5) same (skip\$5 bypass\$5 by-pass\$5) same (commercial marketing advertis\$6) same play\$5 and (music songs)	US-PGPUB; USPAT	OR	ON	2016/01/21 09:24
S354	1	"7539711" AND (skip\$5 bypass\$5)	US-PGPUB; USPAT	OR	ON	2016/01/21 13:00
S355	1	"7539711" AND (skip\$5 bypass\$5 fast- forward (fast adj forward)) and (commercial advertis\$5)	US-PGPUB; USPAT	OR	ON	2016/01/21 13:03
S356	8	"6988277" AND (skip\$5 bypass\$5 fast- forward (fast adj forward)) and (commercial advertis\$5)	US-PGPUB; USPAT	OR	ON	2016/01/21 13:06
S357	2	"8418195" AND (skip\$5 bypass\$5 fast- forward (fast adj forward)) and (commercial advertis\$5)	US-PGPUB; USPAT	OR	ON	2016/01/21 13:08
S358	15	"6912571" AND (skip\$5 bypass\$5 fast- forward (fast adj forward)) and (commercial advertis\$5)	US-PGPUB; USPAT	OR	ON	2016/01/21 13:10
S359	15	"6912571" AND (skip\$5 bypass\$5 fast- forward (fast adj forward)) and (commercial advertis\$5)	US-PGPUB; USPAT	OR	ON	2016/01/21 13:15
S360	368	"6698020" AND (skip\$5 bypass\$5 fast- forward (fast adj forward)) and (commercial advertis\$5)	US-PGPUB; USPAT	OR	ON	2016/01/21 13:17

S361	173	"6698020" AND (skip\$5 bypass\$5 fast-forward (fast adj forward)) same(commercial advertis\$5) and (audio music)	US-PGPUB; USPAT	OR	ON	2016/01/21 13:18
S362	2	track\$5 near5 (adverti\$6 commercial) near5 play\$5 near9 amount same (skip\$6 fast-forward\$5) same (song music track album)	US-PGPUB; USPAT	OR	ON	2016/01/21 16:28
S363	2	track\$5 near5 (adverti\$6 commercial) near5 play\$5 same amount same (skip\$6 fast-forward\$5) same (song music track album)	US-PGPUB; USPAT	OR	ON	2016/01/21 16:29
S364	5	track\$5 near5 (adverti\$6 commercial) near5 play\$5 same amount same (skip\$6 fast-forward\$5) and (song music track album)	US-PGPUB; USPAT	OR	ON	2016/01/21 16:29
S365	0	monitor\$5 near5 (adverti\$6 commercial) near5 play\$5 same amount same (skip\$6 fast-forward\$5) and (song music track album)	US-PGPUB; USPAT	OR	ON	2016/01/21 16:31
S366	3	monitor\$5 near5 (adverti\$6 commercial) near5 play\$5 same (full amount percentage end) same (skip\$6 fast-forward\$5) and (song music track album)	US-PGPUB; USPAT	OR	ON	2016/01/21 16:31
S367	108	"5987210"	US-PGPUB; USPAT	OR	ON	2016/01/21 16:32
S368	0	S367 and skip\$%	US-PGPUB; USPAT	OR	ON	2016/01/21 16:33
S369	74	S367 and skip\$5	US-PGPUB; USPAT	OR	ON	2016/01/21 16:33
S370	1	("5987210").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/01/21 16:34
S371	62	S367 and skip\$5 same (commercial adverti\$8 marketing)	US-PGPUB; USPAT	OR	ON	2016/01/21 16:41
S372	4	(allow\$5 permit\$5) near5 (forward fast-forward) same (commercial adverti\$8 marketing) same (amount percent\$5) same played	US-PGPUB; USPAT	OR	ON	2016/01/21 16:55
S373	80	(forward fast-forward) same (commercial adverti\$8 marketing) same (amount percent\$5) same played	US-PGPUB; USPAT	OR	ON	2016/01/21 16:56
S374	89	(avoid\$5 disabl\$5 dis-abl\$5 disallow\$5 dis-allow\$5) same (commercial adverti\$8 marketing) same (amount percent\$5) same played	US-PGPUB; USPAT	OR	ON	2016/01/21 17:00

S375	2,508	(insert\$5 embed\$5) near5 (commercial adverti\$8 marketing) same (music audio multimedia multi-media media) same play\$6	US-PGPUB; USPAT	OR	ON	2016/01/21 17:05
S376	939	(insert\$5 embed\$5) near5 (commercial adverti\$8 marketing) same (music audio multimedia multi-media media) same play\$6 same (playback play-back (play adj back))	US-PGPUB; USPAT	OR	ON	2016/01/21 17:06
S377	246	S376 and (play listen) near4 (commercial adverti\$6)	US-PGPUB; USPAT	OR	ON	2016/01/21 17:06
S378	154	S376 and (play\$5 listen\$5) near4 (commercial adverti\$6) same skip\$5	US-PGPUB; USPAT	OR	ON	2016/01/21 17:07
S379	524	(play\$5 listen\$5) near4 end\$6 near5 (commercial adverti\$6) and (playlist playback play-back player) and (music audio)	US-PGPUB; USPAT	OR	ON	2016/01/21 17:18
S380	364	(play\$5 listen\$5) near4 end\$6 near5 (commercial adverti\$6) and (playlist playback play-back player) same (music audio)	US-PGPUB; USPAT	OR	ON	2016/01/21 17:19
S381	259	(play\$5 listen\$5) near4 end\$6 near5 (commercial adverti\$6) and (playlist playback play-back player) near5 (music audio)	US-PGPUB; USPAT	OR	ON	2016/01/21 17:19
S382	24	(play\$5 listen\$5) near4 end\$6 near5 (commercial adverti\$6) and (playlist playback play-back player) near5 (music audio) same insert\$5 same (commercial advert\$7)	US-PGPUB; USPAT	OR	ON	2016/01/21 17:20
S383	99	(play\$5 listen\$5) near4 end\$6 near5 (commercial adverti\$6) and (playlist playback play-back player) near5 (music audio) same (commercial advert\$7)	US-PGPUB; USPAT	OR	ON	2016/01/21 17:21
S391	0	advertis\$8 same play\$5 near4 while	US-PGPUB; USPAT	OR	ON	2016/01/21 18:02
S392	3	advertis\$8 same play\$5 near4 in adj progress	US-PGPUB; USPAT	OR	ON	2016/01/21 18:03
S393	592	(determin\$5 monitor\$5 track\$5) same end near4 (commercial advertis\$8) same play\$5	US-PGPUB; USPAT	OR	ON	2016/01/21 18:06
S394	476	(determin\$5 monitor\$5 track\$5) same end near4 (commercial advertis\$8) same play\$5 and (playlist (play adj list) playlist playback play-back sequence)	US-PGPUB; USPAT	OR	ON	2016/01/21 18:07
S395	294	(determin\$5 monitor\$5 track\$5) same end near4 (commercial advertis\$8) same	US-PGPUB; USPAT	OR	ON	2016/01/21 18:07

		play\$5 same (playlist (play adj list) play-list playback play-back sequence)				
S396	42	S395 and @pd<"20050101"	US-PGPUB; USPAT	OR	ON	2016/01/21 18:08
S397	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2016/04/06 12:48
S398	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2016/09/19 09:50
S399	1	"20040003398" and sequenc\$6 same play\$6	US-PGPUB; USPAT	OR	ON	2016/09/19 10:51
S400	1	"20040003398" and re -sequenc\$6 same play\$6	US-PGPUB; USPAT	OR	ON	2016/09/19 13:42
S401	1	"20040003398" and re-sequenc\$6 same play\$6	US-PGPUB; USPAT	OR	ON	2016/09/19 13:43
S402	195	playlist same (reordering re-ordering re- sequenc\$5)	US-PGPUB; USPAT	OR	ON	2016/09/20 09:12
S403	26	display\$5 near9 playlist same (reordering re-ordering re-sequenc\$5)	US-PGPUB; USPAT	OR	ON	2016/09/20 09:14
S404	20	display\$5 near9 playlist same (music audio media multimedia multi-media) same (reordering re-ordering re- sequenc\$5)	US-PGPUB; USPAT	OR	ON	2016/09/20 09:15
S405	168	display\$5 near9 playlist same (music audio media multimedia multi-media) and (reordering re-ordering re- sequenc\$5)	US-PGPUB; USPAT	OR	ON	2016/09/20 09:17
S406	1,995	display\$5 near9 playlist same (music audio media multimedia multi-media) and (skip\$5 forward\$5 shuffl\$4 reshuffl\$5 re-shuffl\$4)	US-PGPUB; USPAT	OR	ON	2016/09/20 09:19
S407	385	display\$5 near9 playlist same (music audio media multimedia multi-media) same (skip\$5 forward\$5 shuffl\$4 reshuffl\$5 re-shuffl\$4)	US-PGPUB; USPAT	OR	ON	2016/09/20 09:20
S408	3	display\$5 near9 playlist same (music audio media multimedia multi-media) same (skip\$5 forward\$5) same (shuffl\$4 reshuffl\$5 re-shuffl\$4)	US-PGPUB; USPAT	OR	ON	2016/09/20 09:20
S409	74	display\$5 near9 playlist same (music audio media multimedia multi-media) and (skip\$5 forward\$5) same (shuffl\$4 reshuffl\$5 re-shuffl\$4)	US-PGPUB; USPAT	OR	ON	2016/09/20 09:20
S410	1	"20040003398" and rules	US-PGPUB; USPAT	OR	ON	2016/09/20 09:24
S411	0	"20040003398" and (truck same count)	US-PGPUB; USPAT	OR	ON	2016/09/20 09:24

S412	1	"20040003398" and (track same count)	US-PGPUB; USPAT	OR	ON	2016/09/20 09:24
S413	50	("2001/0042249").URPN.	USPAT	OR	ON	2016/09/20 09:55
S414	75	(playlist play-list (play adj list)) same (music audio multimedia multi-media (multi adj media)) same (count\$5 track\$5) near5 number same play\$5 and advertis\$6	USPAT	OR	ON	2016/09/20 10:34
S415	260	(playlist play-list (play adj list)) same (music audio multimedia multi-media (multi adj media)) same (count\$5 track\$5) near5 number same play\$5 and advertis\$6	US-PGPUB; USPAT	OR	ON	2016/09/20 10:34
S416	16	S415 and @pd<"20030101"	US-PGPUB; USPAT	OR	ON	2016/09/20 10:35
S417	18	S415 and @pd<"20050101"	US-PGPUB; USPAT	OR	ON	2016/09/20 10:35
S418	1,356	(music audio multimedia multi-media (multi adj media)) same (count\$5 track\$5) near5 number same play\$5 and advertis\$6	US-PGPUB; USPAT	OR	ON	2016/09/20 10:40
S419	132	S418 and @pd<"20050101"	US-PGPUB; USPAT	OR	ON	2016/09/20 10:40
S420	687	(music audio multimedia multi-media (multi adj media)) same (count\$5 tracking) near5 number same play\$5 and advertis\$6	US-PGPUB; USPAT	OR	ON	2016/09/20 11:09
S421	30	S420 and @pd<"20050101"	US-PGPUB; USPAT	OR	ON	2016/09/20 11:09
S422	844	(music audio multimedia multi-media (multi adj media)) and (count\$5 tracking) near5 number near5 times same play\$5 and advertis\$6	US-PGPUB; USPAT	OR	ON	2016/09/20 12:36
S423	48	S422 and @pd<"20050101"	US-PGPUB; USPAT	OR	ON	2016/09/20 12:37
S424	89	(music audio multimedia multi-media (multi adj media)) and (count\$5 tracking) near5 number near5 (insert\$6 break play\$6) near5 (ad advertis\$6)	US-PGPUB; USPAT	OR	ON	2016/09/20 12:45
S425	248	(music audio multimedia multi-media (multi adj media)) same number near5 (insert\$6 break play\$6) near5 (ad advertis\$6)	US-PGPUB; USPAT	OR	ON	2016/09/20 12:50
S426	39	S425 and @pd<"20050101"	US-PGPUB; USPAT	OR	ON	2016/09/20 12:50

S427	86	(music audio multimedia multi-media (multi adj media)) near5 number same insert\$6 near5 (ad advertis\$6)	US-PGPUB; USPAT	OR	ON	2016/09/20 12:53
S428	532	(music audio multimedia multi-media (multi adj media)) same (time period number) same play\$6 same insert\$6 near5 (ad advertis\$6)	US-PGPUB; USPAT	OR	ON	2016/09/20 12:57
S429	48	S428 and @pd<"20050101"	US-PGPUB; USPAT	OR	ON	2016/09/20 12:57
S430	1,226	(music audio multimedia multi-media (multi adj media)) same play\$6 same insert\$6 near5 (ad advertis\$6)	US-PGPUB; USPAT	OR	ON	2016/09/20 13:12
S431	48	S429 and @pd<"20050101"	US-PGPUB; USPAT	OR	ON	2016/09/20 13:12
S432	122	S430 and @pd<"20050101"	US-PGPUB; USPAT	OR	ON	2016/09/20 13:13
S433	2,589	playlist same advertis\$8	US-PGPUB; USPAT	OR	ON	2016/09/20 14:15
S434	122	S433 and @pd<"20050101"	US-PGPUB; USPAT	OR	ON	2016/09/20 14:15
S435	1,227	swix and (music audio)	US-PGPUB; USPAT	OR	ON	2016/09/20 14:43
S436	539	swix and (music audio) same (advertis\$7 commercial)	US-PGPUB; USPAT	OR	ON	2016/09/20 14:43
S437	114	swix and (music audio) same (advertis\$7 commercial) same insert\$5	US-PGPUB; USPAT	OR	ON	2016/09/20 14:44
S438	581	"6718551"	US-PGPUB; USPAT	OR	ON	2016/09/20 14:46
S439	1	("6718551").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/09/20 14:46
S440	564	(music audio) same track same (count number period) same (insert\$5 play\$5) same (ad advertis\$5 commercial)	US-PGPUB; USPAT	OR	ON	2016/09/20 14:55
S441	74	S440 and @pd<"20050101"	US-PGPUB; USPAT	OR	ON	2016/09/20 14:55
S442	678	(music audio) same (track-count (track near3 count\$5))	US-PGPUB; USPAT	OR	ON	2016/09/20 15:19
S443	171	S442 and @pd<"20050101"	US-PGPUB; USPAT	OR	ON	2016/09/20 15:19
S444	165	(music audio) near5 counting same play\$5	US-PGPUB; USPAT	OR	ON	2016/09/20 15:22
S445	4	"7761327"	US-PGPUB; USPAT	OR	ON	2016/09/20 15:29

S446	1	"20010042249" and append\$6	US-PGPUB; USPAT	OR	ON	2016/09/20 17:06
S447	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2016/10/03 10:11
S448	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2016/10/03 11:05
S449	1	S448 and server	US-PGPUB; USPAT	OR	ON	2016/10/03 11:05
S450	0	S448 and server same (rule sequenc\$5)	US-PGPUB; USPAT	OR	ON	2016/10/03 11:05
S451	1	S448 and (rule sequenc\$5)	US-PGPUB; USPAT	OR	ON	2016/10/03 11:06
S452	0	S448 and (rule sequenc\$5) same (client remote)	US-PGPUB; USPAT	OR	ON	2016/10/03 11:36
S453	1	S448 and (rule sequenc\$5 modif\$5) same (client remote)	US-PGPUB; USPAT	OR	ON	2016/10/03 11:39
S454	1	S448 and (client remote)	US-PGPUB; USPAT	OR	ON	2016/10/03 11:39
S455	1	S448 and (client remot\$5 local\$4) same (sequen\$6 position)	US-PGPUB; USPAT	OR	ON	2016/10/03 12:09
S456	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2016/10/03 14:04
S457	1	S456 and (client remot\$5 local\$4 consumer server host computer) same (sequen\$6 position)	US-PGPUB; USPAT	OR	ON	2016/10/03 14:04
S458	1	S456 and re-sequenc\$5	US-PGPUB; USPAT	OR	ON	2016/10/03 14:57
S459	0	S456 and pre-defined	US-PGPUB; USPAT	OR	ON	2016/10/03 15:05
S460	1	S456 and rules	US-PGPUB; USPAT	OR	ON	2016/10/03 15:05
S461	1	S456 and rule same sequenc\$6 and re-sequenc\$6	US-PGPUB; USPAT	OR	ON	2016/10/03 15:06
S462	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2016/10/04 09:36
S463	1	S462 and rule	US-PGPUB; USPAT	OR	ON	2016/10/04 09:46
S464	0	S462 and rule and re-sequenc\$5	US-PGPUB; USPAT	OR	ON	2016/10/04 09:50
S465	1	S462 and rule and re-sequenc\$5	US-PGPUB; USPAT	OR	ON	2016/10/04 09:51
S466	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2016/10/04 11:16

S467	0	S466 and (user-perceptible perceptible)	US-PGPUB; USPAT	OR	ON	2016/10/04 11:16
S468	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2016/10/04 12:28
S469	1	"20040003398" and "434"	US-PGPUB; USPAT	OR	ON	2016/11/08 13:27
S470	1	"20040003398" and adaptiv\$4	US-PGPUB; USPAT	OR	ON	2018/10/02 11:17
S471	1	"20040003398" and adaptiv\$4	US-PGPUB; USPAT	OR	ON	2018/10/02 15:49
S472	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2018/10/09 10:11
S473	1	"20040003398" and sequenc\$5	US-PGPUB; USPAT	OR	ON	2018/10/09 18:27
S474	0	"20010042249" and intervention	US-PGPUB; USPAT	OR	ON	2018/10/09 19:57
S475	0	"20010042249" and intervention	US-PGPUB; USPAT	OR	ON	2018/10/09 19:57
S476	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2020/11/05 13:59
S477	16	"2004003879"	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2020/11/05 14:08
S478	2	((media adj player) media-player real- player (real adj player)) same intersplicer	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2020/11/05 14:10
S479	2	intersplicer	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2020/11/05 14:10
S480	24	intersplicing	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2020/11/05 14:12
S481	2,986	splic\$5 same (media multimedia multi- media music audio video) and adverti\$9	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2020/11/05 14:14
S482	613	splic\$5 same (media multimedia multi- media music audio video) same adverti\$9 same (play\$5 display\$5 arrang\$6)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2020/11/05 14:15
S483	332	splic\$5 same (media multimedia multi- media music audio video) same	US-PGPUB; USPAT;	OR	ON	2020/11/05 14:15

		advertis\$9 same (play\$5 display\$5 arrang\$6) same insert\$6	EPO; DERWENT			
S484	43	splic\$5 same (media multimedia multi- media music audio video) same advertis\$9 same (play\$5 display\$5 arrang\$6) same insert\$6 same player	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2020/11/05 14:16
S485	323	splic\$5 same (media multimedia multi- media music audio video) same advertis\$9 same (play\$5 display\$5 arrang\$6) same insert\$6	US-PGPUB; USPAT	OR	ON	2020/11/05 14:17
S486	575	splic\$5 same (media multimedia multi- media music audio video) same advertis\$9 same (play\$5 display\$5 arrang\$6)	US-PGPUB; USPAT	OR	ON	2020/11/05 14:24
S487	252	S486 not S485	US-PGPUB; USPAT	OR	ON	2020/11/05 14:25
S488	362	splic\$5 same (media multimedia multi- media music audio video) same player	US-PGPUB; USPAT	OR	ON	2020/11/05 14:28
S489	313	S488 not S485	US-PGPUB; USPAT	OR	ON	2020/11/05 14:28
S490	103	S489 and (commercial marketing advertis\$7) same (insert\$5 splicing)	US-PGPUB; USPAT	OR	ON	2020/11/05 14:30
S491	1,210	splicer same (media multimedia multi- media music audio video)	US-PGPUB; USPAT	OR	ON	2020/11/05 14:33
S492	374	splicer same (media multimedia multi- media music audio video) same (commercial marketing advertis\$8)	US-PGPUB; USPAT	OR	ON	2020/11/05 14:33
S493	47	splicer same (media multimedia multi- media music audio video) same (commercial marketing advertis\$8) same sequenc\$5	US-PGPUB; USPAT	OR	ON	2020/11/05 14:34
S494	1	"20040003398" and (splic\$5 intersplicer)	US-PGPUB; USPAT	OR	ON	2020/11/05 17:52
S495	1	"20040003398" and (splic\$5 intersplicer) same sequenc\$6	US-PGPUB; USPAT	OR	ON	2020/11/05 17:55
S496	1	"20040003398" and (splic\$5 intersplicer) same sequenc\$6 and application	US-PGPUB; USPAT	OR	ON	2020/11/05 17:56
S497	1	"20040003398" and sequenc\$6	US-PGPUB; USPAT	OR	ON	2020/11/05 17:59

11/6/2020 9:47:01 AM

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10606729	EXIN	11/10/2020	42327-501001US
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USPTO Automated Interview Request (AIR)

Nov 13 2020

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

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

Name(s) :

F. Jason Far-hadian

S-signature:

/FJF/

Registration Number:

42523

U.S. Application Number:

10606729

Confirmation Number:

5831

E-mail Address:

fjfar-hadian@mintz.com

Phone Number:

+1 858.314.2144

Proposed Time of Interview:

12-3-2020 2:30 PM ET

Preferred Interview Type:

Video Conference

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

Topic for Discussion:

Discuss pending rejections with SPE Stamber & possible amendments towards allowance - PLEASE CONFIRM OR PROPOSE NEW DATE AND TIME BY REPLY EMAIL. Thank you.



UNITED STATES
PATENT AND TRADEMARK OFFICE

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Application	Document	Mailroom Date	Attorney Docket No.
10606729	CTNF	11/13/2020	42327-501001US
	892	11/13/2020	42327-501001US

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,729	06/26/2003	Philip M. Donian	42327-501001US	5831
64046	7590	01/27/2021		
Mintz Levin/San Diego Office One Financial Center Boston, MA 02111			EXAMINER RETTA, YEHDEGA	
			ART UNIT 3688	PAPER NUMBER
			NOTIFICATION DATE 01/27/2021	DELIVERY MODE 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):

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<i>Applicant-Initiated Interview Summary</i>	Application No. 10/606,729	Applicant(s) Donian et al.		
	Examiner YEHDEGA RETTA	Art Unit 3688	AIA (First Inventor to File) Status No	Page 1 of 1

All Participants (applicant, applicants representative, PTO personnel)	Title	Type
YEHDEGA RETTA	Primary Examiner	Telephonic
KAMBIZ ABDI	SPE	
JASON FAR-HADIAN	Attorney	

Date of Interview: 21 January 2021

Issues Discussed:

35 U.S.C. 101

Applicant discussed the claimed invention and provided a proposed amendment. The claim was evaluated in view of the 101 issue. Examiner indicated, as claimed, the claimed language would not overcome the 101 rejection but no agreement was reached

/YEHDEGA RETTA/ Primary Examiner, Art Unit 3688	
Applicant is reminded that a complete written statement as to the substance of the interview must be made of record in the application file. It is the applicants responsibility to provide the written statement, unless the interview was initiated by the Examiner and the Examiner has indicated that a written summary will be provided. See MPEP 713.04 Please further see: MPEP 713.04 Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews, paragraph (b) 37 CFR § 1.2 Business to be transacted in writing	

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.

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Application	Document	Mailroom Date	Attorney Docket No.
10606729	EXIN	01/27/2021	42327-501001US

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UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Philip M. Donian, *et al.*

Application No.: 10/606,729

Confirmation No.: 5831

Filed: June 26, 2003

Art Unit: 3688

For: METHOD AND APPARATUS FOR THE FREE
LICENSING OF DIGITAL MEDIA CONTENT

Examiner: Yehdega Retta

AMENDMENT IN REPLY TO NON-FINAL OFFICE ACTION

FILED VIA EFS

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

Dear Madam:

This reply is responsive to the Non-Final Office Action mailed on November 13, 2020 in the above-reference matter (hereinafter "the Office Action").

The Applicant is a micro entity and has been granted prioritized examination of this application under Track One pursuant to 37 CFR 1.102(e)(2).

The consideration of the amended claims and the remarks provided below are respectfully requested, as they place the application in condition for allowance or better form for appeal.

Electronic Acknowledgement Receipt	
EFS ID:	41939683
Application Number:	10606729
International Application Number:	
Confirmation Number:	5831
Title of Invention:	Method and apparatus for the free licensing of digital media content
First Named Inventor/Applicant Name:	Philip M. Donian
Customer Number:	64046
Filer:	Mark D. Hammond/Jeremy Johnston
Filer Authorized By:	Mark D. Hammond
Attorney Docket Number:	42327-501001US
Receipt Date:	16-FEB-2021
Filing Date:	26-JUN-2003
Time Stamp:	23:56:08
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		042327-501001US-Response-v2.pdf	433198	yes	49
			49eb3ee550b3d31df1e4e3523536ade0a422838a		

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Applicant Arguments/Remarks Made in an Amendment	16	49
	Claims	4	15
	Applicant summary of interview with examiner	2	3
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Warnings:			
Information:			
Total Files Size (in bytes):		433198	
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.			

II. REMARKS

After entering the above amendments, claims 212, 214, 221, 225-230, 233, 237-238, 240-243, 267, and 274-279 will be pending. Reconsideration and allowance of the current Application are requested in light of the above-marked amendments and the following remarks.

Summary of Rejections. The Office has rejected claims 212, 214-223, 225-231, 233-238, 240-243, 267, and 274 under 35 U.S.C. §101, because the Office alleges that the claims are drawn to unpatentable subject matter; claims 212, 214-223, 225-231, 233-238, 240-243, 267 and 274 under 35 U.S.C. §112, second paragraph as allegedly failing to clearly and distinctly recite what the inventor considers to be the invention.

Summary of Amendments. With this amendment, claims 212, 214, 221, 225-230, 233, 237-238, 240-243, 267, and 274 are amended, claims 215-220, 222-224, 231, and 234-236 are canceled, and new claims 275-279 are added. The amendments and new claims are fully supported by the original specification and the claims previously pending in the application. No new matter is added with this amendment.

Request for Interview. The amendments/arguments presented herein are believed to be sufficient to overcome the pending rejections. However, if the contents of this paper are not deemed sufficient to further prosecution in this matter, or if any issues arise that can be most efficiently handled by telephone, the Examiner is respectfully requested to contact the undersigned by either phone or e-mail to schedule an interview at a mutually convenient time.

Procedural History

USPTO is “to foster innovation, competitiveness and economic growth, domestically and abroad, by providing high quality and timely examination of patent and trademark applications.” <https://www.commerce.gov/bureaus-and-offices/uspto>. A review of the prosecution history of the present application reveals that the examination of this Application does not comport with the USPTO's self-proclaimed mission.

First, the Office has failed to timely examine this Application. Following its filing on **June 23, 2003**, the Office took over five years to substantively review the Application. Not until October 3, 2008 was the first office action issued on the merits. From there, the Application was further ignored and was not subject to timely examination.

For example, following the filing of a request for continued examination on **March 14, 2011**, the examination of the Application was improperly delayed for over two years until a non-final rejection issued on **August 20, 2013**. This resulted in a two-year gap in prosecution of the Application by the Office between 2011 and 2013.

It is noteworthy that the Application has now been pending for over **18 years**, despite the Applicant's consistent and timely efforts to advance prosecution.

As to the quality of the examination, it should be also noted that the Application was rejected consistently for several years by the same cited reference as being anticipated under § 102, despite numerous claim amendments and arguments, which clearly established the § 102 reference did not teach all the recited elements. The Applicants position was later confirmed by the United States Patent Trial and Appeal Board.

Furthermore, the Application has been subject to piecemeal prosecution, improperly dragging out the examination time and increasing Applicant's costs. For example, additional grounds of rejection under §101 were not initially presented, but were introduced for the very first time in an Examiner's answer on August 28, 2015 over 12 years after the filing of the Application.

Most troublesome is the fact that the Application was prematurely and improperly **abandoned** by the examiner on December 11, 2017. This abandonment was vacated by the Director, noting that the Abandonment was improper and premature.

Rejections under 35 U.S.C. §112(b), Second Paragraph

Claims 212, 214-223, 225-231, 233-238, 240-243, 267 and 274 stand rejected under 35 U.S.C. §112(b) because the Office alleges that the claims fail to clearly delineate the subject matter that the Inventor(s) intend to claim.

The office alleges the term “user-perceptible” content stream in claims 212, 238, 243, and 267 is a relative term which renders the claim indefinite. The Applicant disagrees with this contention, but to advance prosecution has amended the claims.

Withdrawal of the pending rejection under 35 U.S.C. §112(a) is respectfully requested.

Rejections under 35 U.S.C §101

Claims 212, 214-223, 225-231, 233-238, 240-243, and 267 and 274 stand rejected under 35 U.S.C. §101, because the Office alleges that the claims are drawn to unpatentable subject matter. These rejections are respectfully traversed.

For at least these reasons, withdrawal of the pending rejection under 35 U.S.C. §101 is respectfully requested.

1. The Office Action Fails to Establish a Prima Facie Case:

The Office Action alleges the claimed process is directed to “mental process” and is therefore an abstract idea. *Office Action* 2. The Office Action further seems to allege there are no claim elements that amount to significantly more than the judicial exception and that the abstract idea is not integrated into a “practical application.” *Id.* 3.

Applicant respectfully submits that the Office Action fails to establish a prima facie case. Aside from the above conclusory statements, the Office Action does not provide any additional analysis that, in a meaningful manner, considers the detailed claim elements. The Office Action seems to generally categorize the claimed subject matter as abstract, but fails to provide any analysis as to why the claimed combination of elements is directed to a mental process, nor is there any support why the claimed subject matter has no practical application. The Office Action unreasonably and improperly characterizes the claimed subject matter as “a mental process” without due consideration of the claim language and recent USPTO Guidance. Respectfully, a cursory analysis such as that interposed in the Office Action does not comply with MPEP guidelines requiring that the claimed subject matter be compared to concepts already found to be abstract in the body of case law precedent.¹

A proper characterization of the claimed subject matter is integral to the comparison of the claimed subject matter to concepts found to be abstract by the courts. To that end, the courts have repeatedly admonished against oversimplification and overgeneralization of the claimed subject matter. As the *Alice*² decision points out, “at some level, all inventions ... embody, use, reflect, rest upon or apply laws of nature, natural phenomena, or abstract ideas.” Additionally, USPTO Guidance prohibits overgeneralization.³

Here, instead of providing a rational underpinning or reasoning, the Office Action simply repeats the claim language and makes the above conclusory statements. The Office Action neither cites to any case law that is relevant, nor does it provide any detailed analysis of how the well-drafted technical features are abstract. Unfortunately, the Office Action essentially ignores all the particularly recited elements and relationships and simply concludes that the claimed subject matter is directed to an abstract idea. This lack of analysis is untenable and fails to establish a prima facie case under § 101.

¹ MPEP 2106.04(a)

² *Alice Corp. Pty. Ltd. v. CLS Bank Intern.*, 134 S. Ct. 2347

³ USPTO November 2016 memorandum for *Recent Subject Matter Eligibility Decisions* (“November 2016 Memo”)

The Office Action also fails to recognize the technology-based solution set forth in claim 212 for addressing the technical problems of “adaptively regroup and re-sequence the insertion of ad blocks extemporaneously (i.e. “on the fly”), in response to the consumer's arbitrary direction of the playback within the requested content, by means of playback controls.” (*Specification*, 0117) This innovative feature solves the problem associated with a user bypassing sponsored content using the playback controls, while allowing the user some level of freedom to fast forward or reverse or rearrange playback without completely circumventing the sponsored media.

The device of claim 212 captures this inventive concept by reciting: “the one or more alternatively sequenced insertion points being adaptively selectable by the intersplicer according to selection criteria defined by the one or more adaptive preference rules taking into account the new play position and at least one of a length of time associated with playing the digital media content, a number of digital media data blocks of the digital media content to be played, and a point in time the digital media content is to be played.” The Office Action seems to allege the claimed method is performable in the human mind. The claimed subject matter is, however, tied to a computer-implemented process that cannot be possibly performed in human mind, or using a pencil and paper.

Respectfully, an assertion that the claimed media player device and the functionalities recited in detail in the pending claims can be performed using pen and paper is not sensible. The examiner's reasoning seems to be that as long as she can write down the claimed subject matter on paper using a pen, then the idea is abstract. This is not a reasonable position because it would render all inventions patent-ineligible. Examiner's position is also not supported by any judicial decisions nor is it contemplated in any portion of the MPEP or Office guidance. The judicial cases that refer to mental process and pen and paper are exclusively related to claims directed to mathematical algorithms used in performing financial transactions.

In contrast, there is nothing in the pending claims that is related to financial transactions or mathematical concepts. The examiner is respectfully requested to provide a fair and detailed analysis of the asserted grounds of rejection by citing to judicial cases that support her position or

otherwise withdraw the § 101 grounds of rejection.

In contrast to the Office's allegations of the claims reciting steps performable in the human mind, the claimed subject matter is intricately tied to computer processing by disabling user interface commands at a digital media player system during a play period and using an intersplicer to order data blocks of the digital media content and the digital advertising content. The intersplicer directly improves the functionality and processing of the digital media player system, which results in increased control over the insertion of digital advertising data blocks into the digital media content. This particular process allows computer performance of a function not previously performable by a computer (e.g., disabling user interface commands at a digital media player system during a play period), as evidenced by the claimed subject matter being new and inventive under 35 U.S.C. §102 and §103.

The Office Action contends:

more. The claimed invention is directed to sequencing, re-sequencing or modifying (changing) the presentational position of advertisement in a media player. The claims recite receiving media content, sequencing media content, modifying presentation position, causing presentation, keeping a setting, disabling user interface and storing presentation data. The limitation of receiving, creating (recommending), covers a mental process. That is, other than reciting a

This contention is incorrect. There is nothing in the Office Action that includes any analysis how or why the claimed subject matter is directed to an Abstract Idea. Furthermore, the Office Action does not include any analysis regarding the technical improvements to a computer (e.g., disabling user interface commands at a digital media player system during a play period) recited in the claims. The examiner has simply copied and pasted language from the claims followed by some boilerplate language that lacks any analysis. The grounds of rejection are basically a conclusory statement. There is no analysis why the claimed subject matter is abstract, other than the examiner concluding it is. Conclusory examiner remarks do not establish a prima facie case and do not shift the burden to the Applicant.

The Office Action also contends:

reasonable interpretation, the limitations of claim 212 recite a method for sequencing digital media and advertising content to prevent commercial skipping by receiving, organizing, re-organizing, displaying, and storing data and controlling access based on the stored data.⁸ This is an abstract idea comprising “[mental processes—concepts performed in the human mind (including an observation, evaluation, judgment, opinion)]” and a “[certain method{}] of organizing human activity— . . . commercial or legal interactions (including agreements in the form of contracts; legal obligations; advertising, marketing or sales activities or behaviors; business relations).”

At the outset, it is noted that the pending claims do not recited commercial or legal interactions. For this reason alone, the § 101 grounds of rejection is flawed as it unfairly and improperly construes the claim language to fall in a context that is clearly a fallacy and untrue. The Examiner is requested to point to portions of the claim that explicitly recite a commercial or legal transaction or otherwise withdraw the § 101 grounds of rejection.

Further, the contention that this is a certain method of organizing human activity is also incorrect. The Office Action alleges the method is “for sequencing digital media and advertising content to prevent commercial skipping.” But listing a potential market for the subject matter does not constitute a certain method of organizing human activity. There is nothing in the Office Action that includes any analysis how or why the claimed subject matter, including the recited details about the improvements to the computer and the claimed graphical user interface, are directed to a method of organizing human activity. The examiner has simply picked portions of the claim language, copied and pasted that language from the claims followed by more boilerplate language that lacks any analysis. Again, the grounds of rejection are basically a conclusory statement that in examiner’s opinion some selected portion of the claimed subject matter falls within “Methods of Organizing Human Activity”, but the examiner has failed to provide any analysis why that is the case.

The examiner has conveniently skipped over portions of the claims that recite

improvements to the computer, such as “[an] intersplicer configured to control one or more insertion points of the digital advertising content into the digital media content” and “disabling user interface commands comprising at least one of a user volume control or a user navigation control.” Unfortunately, again, there is no analysis whatsoever why the claimed subject matter is not eligible under § 101, other than the examiner’s conclusory remarks and copy and paste of boilerplate language that selectively repeats portions of the claim related to computer processors which only make up part of the claim. The examiner repeatedly choses to ignore detailed claim language that recites the inventive nature of the claimed subject matter and simply concludes that the entire claim is directed to an abstract idea. Conclusory examiner remarks do not establish a prima facie case and do not shift the burden to the Applicant.

Because the Office Action is deficient in properly setting forth grounds of rejection as required under the Office Guidance as well as under the provisions of the Berkheimer and Alice decisions (as provide in further detail below), the examiner has failed to establish a prima facie case -- the burden cannot be shifted to the Applicant to disprove a negative assertion with no basis in law or Office guidance. It is therefore respectfully requested that the § 101 grounds of rejection be withdrawn.

The Office Action contends:

environment or field of use (e.g., computers). The additional elements represent either a generic computer or steps that are normally performed by a generic computer including the steps of allowing the user to control presentation and insertion of advertising content. Accordingly, those steps are well-understood, routine and conventional because those steps are computer operations found in any computer system. Specifically there is no improvement to the functioning of the

The Examiner misunderstands the technical solution of the claim. The Examiner states that “the additional elements represent either a generic computer or steps that are normally performed by a generic computer including the *steps of allowing the user to control presentation and insertion of advertising content* (emphasis added).” The technical solution of the claims is a far cry from “allowing the user to control presentation.”

Here, using the adaptively modifying features, the claimed device *controls* the real-world experience for an end user by adaptively selecting alternative sequenced insertion points for presenting the data blocks of the digital media content and the digital advertising content. For example, the intersplicer can “according to selection criteria defined by the one or more adaptive preference rules taking into account the new play position and at least one of a length of time associated with playing the digital media content, a number of digital media data blocks of the digital media content to be played, and a point in time the digital media content is to be played.” Accordingly, the intersplicer may determine when the navigational controls of the digital media content player system are disabled. *See Specification*, 0052. Disabling such navigational controls prevents the consumer from skipping through the promotional material or lowering the sound volume beneath a predetermined threshold level. *Specification*, 0057. Therefore, claim 212 embodies a specific combination of features that controls the presentation of advertising content rather than allowing a user to control presentation. As such, the Office Action erred in concluding that claim 212 is directed to a generic computer including the steps of allowing the user to control presentation and insertion of advertising content.

The Office Action contends:

additional element of a digital media player. The media player is claimed and described in the specification at a high level of generality, which at best amounts to mere instruction to implement an abstract idea on a generic computer, or merely uses a generic computer as a tool to perform the abstract idea (see Applicant's specification [0040]-[0048], [0083]-[0089]). The steps of receiving, sequencing (re-sequencing modifying or changing) presentation, keeping a setting, disabling and storing are considered generic computer (media player) functions and the combination of the additional elements simply limits the use of the abstract idea to one particular environment or field of use (e.g., computers). The additional elements represent either a generic

In response to the Office Action's argument that claim 212 is abstract for merely using a

computer as a tool and for failing to improve technology (*See Office Action*, 3), a recent decision by the Federal Circuit provides critical insight. In *EcoServices, LLC v. Certified Aviation Serv., LLC*,⁴ the Federal Circuit ruled in favor of the patentee, holding that the claim in dispute was not directed to an abstract idea. The Court determined that the claimed subject matter was directed to a specific system that improves jet engine washing because it was for *a specific solution* for accomplishing jet engine washing rather than merely claiming a desired result of automated jet engine washing.⁵

The Court considered whether the "claims simply use a computer as a tool to automate conventional activity" in the context of *Alice* step one, and compared the claims to *McRO*, which employed a computer "to perform a distinct process to automate a task previously performed by humans" to reach the conclusion that the disputed claim language was directed to *a specific combination* of a type of washing unit, information detector, and control unit, configured in a certain way to create technical improvements to systems for washing jet engines.⁶

Similar to *EcoServices*, the pending claims are directed to a specific combination of features configured to improve the functionality of conventional digital media player systems. The specific combination of features includes intersplacers, a digital media player system, a user interface, user navigation control, and the sequencing of digital media content and digital advertising content. The combination of elements can be found in, for example, Claim 212. Claim 212 embodies a specific combination of features by using the intersplicer that "adaptively select[s] and re-sequence[s] the ads to be shown in response to the user's navigational actions throughout the content" and "disabl[es] certain user playback controls while the ads are running." *See Specification*, ¶¶0057, 0117. The device of claim 212 captures this unique combination of elements by reciting: "the one or more alternatively sequenced insertion points being adaptively selectable by the intersplicer according to selection criteria defined by the one or more adaptive preference rules taking into account the new play position and at least one of a length of time associated with playing the digital media content, a number of digital media data blocks of the digital media

⁴ *EcoServices*, No. 19-1602 (Fed. Cir. 2020)

⁵ *Id.* at 15-19.

⁶ *Id.* at 16-17.

content to be played, and a point in time the digital media content is to be played,” and “responsive to detecting the first value in the first memory, the user interface input is disabled to prevent commands comprising at least one of a user volume control or a user navigation control from altering a course of presentation.”

Using the adaptively modifying features, the claimed device controls the real-world experience for an end user by adaptively selecting alternative sequenced insertion points for presenting the data blocks of the digital media content and the digital advertising content. For example, the intersplicer can “adaptively select according to selection criteria defined by the one or more adaptive preference rules taking into account the new play position and at least one of a length of time associated with playing the digital media content, a number of digital media data blocks of the digital media content to be played, and a point in time the digital media content is to be played.” Accordingly, the intersplicer may determine when the navigational controls of the digital media content player system are disabled. *See Specification*, 0052. Disabling such navigational controls prevents the consumer from skipping through the promotional material or lowering the sound volume beneath a predetermined threshold level. *Specification*, 0057. Therefore, claim 212 embodies a specific combination of features for at least improving functionality of the conventional digital media player devices. As such, the Office Action erred in concluding that claim 212 is directed to an abstract idea.

The pending Office Action alleges “the focus of the claims is not on such an improvement in computers as tools, but on certain independently abstract ideas that use computers as tools.” (*Office Action*, 3). The Court in *EcoServices* warned against assuming a claimed system is necessarily directed to an abstract idea for merely achieving automation of a task previously performed by humans. That is, the Court concluded that using a computer as a tool to automate prior art or conventional systems can fall within the purview of § 101 to define patent-eligible subject matter when, as here, the new technology results in improvements to the older technology. The specific combination of features such as intersplacers, a digital media player system, a user interface, user navigation control, and the sequencing of digital media content and digital advertising content is sufficiently specific to integrate the claimed subject matter into a practical application. Accordingly, the Office Action erred in concluding that claim 212 is directed to an

abstract idea by merely alleging the computer is used as a tool.

The Office Action has not responded to above-noted Applicant arguments and therefore both are deficient and constitute examiner error. Also for this reason, the examiner is requested to withdraw the § 101 grounds of rejection or otherwise properly consider the Applicant's arguments and respond without relying on conclusory remarks and statements or copying and pasting from the claims and simply concluding that the pending claims are directed to an abstract idea or routine and conventional subject matter, while ignoring the detailed claim recitations.

The § 101 grounds of rejection seem to be supported by the examiner's own knowledge as the Office Action provides no evidence why the combination of claimed elements is abstract. Respectfully, in view of the fact that there are no art-based rejections that teach or suggest the claimed combination, an assertion that the claimed features lack inventive concept is unreasonable and without merit. Pursuant to MPEP §2144.03, if the examiner is relying on his personal knowledge to establish a prima facie case for rejecting the claims under § 101, it is respectfully requested for the examiner to provide supportive evidence in the form of a signed affidavit or citing a relevant reference.⁷ Otherwise, the § 101 grounds of rejection should be withdrawn.

Particularly, in view of the fact that there are no art-based rejections that teach or suggest the claimed combination, Office's assertion that the claimed features are abstract and do not provide significantly more than an abstract idea is respectfully traversed. Unless the Office can provide evidentiary support that each and every one of the above explicitly recited elements, relationships and combinations are routine and conventional, the purported analysis is defective and § 101 grounds of rejection should be withdrawn.

Accordingly, the Office Action fails to establish the prima facie case for non-patentable subject matter.

⁷ "The rationale supporting ... a rejection may be based on common knowledge in the art or "well-known" prior art ... If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position. When a rejection is based on facts within the personal knowledge of the examiner ... the facts must be supported, when called for by the applicant, by an affidavit from the examiner." Also see USPTO memorandum dated April 19, 2018, from Robert W. Bahr ("April 19, 2018 Memo").

2. The Claimed Subject Matter Is Integrated Into a Practical Application

Referring to Director Iancu's Jan. 7, 2019 Patent Eligibility Guidance (PEG), a claimed subject matter is patent-eligible, if the recited functions and relationships, in combination with all the other recited elements, have a ***practical application***, even if the claimed subject matter *involves* or *utilizes* a mental process.

It is irrefutable that the claimed processes have a practical application in the technological field of digital media player systems. The claimed processes enable the functionality of disabling user interface commands at a digital media player system during a play period and using an intersplicer to adaptively order data blocks of the digital media content and the digital advertising content. Claim 212 embodies a practical application by using the intersplicer that "adaptively select[s] and re-sequence[s] the ads to be shown in response to the user's navigational actions throughout the content" and "disabl[es] certain user playback controls while the ads are running." *See Specification*, ¶0057, 0117. Using the intersplicer features, the claimed system controls the real-world experience for an end user by sequencing the data blocks of the digital media content and the digital advertising content.

For example, the intersplicer can determine when advertisement data blocks are inserted into the sequence of data blocks of the media content. Accordingly, the intersplicer may determine when the navigational controls of the digital media content player system are disabled. *See Specification*, 0052. Disabling such navigational controls prevents the consumer from skipping through the promotional material or lowering the sound volume beneath a predetermined threshold level. *Specification*, 0057.

The fact that the particular practical applications recited in the claims are related to commercial skipping of advertisements should not summarily subject the claims to what amounts to be a discriminatory application of the § 101 based on a blanket allegation that the claims are abstract. Further, other than conclusory statements by the examiner, there is no factual or legal analysis (e.g., case law) cited in the Office Action to support a conclusion that the claims are abstract.

Any of the following claim aspects may be relied on to show that a claimed process has a practical application:

- (1) the claimed process helps improve a technological field,⁸
- (2) the claimed process is applied with, or by use of, a particular machine,⁹
- (3) the claimed process effects a transformation or reduction of a particular article to a different state or thing,¹⁰
- (4) the claimed process adds specific limitations, other than what is well-understood, routine, conventional activity in the field,¹¹ or
- (5) the claimed process is applied or used in a meaningful way to a particular technological environment without monopolization (i.e., preemption) of the entire field.¹²

Pursuant to MPEP 2106.05(a), claim 212 recites a computer-implemented process that has a practical application in disabling user interface commands at a digital media player system during a play period and using an intersplicer to order data blocks of the digital media content and the digital advertising content. Furthermore, the intersplicer described in claim 212 improves computing resource management (e.g., a user interface output for causing presentation such that a part of the digital advertising content is adaptively played at the one or more alternatively sequenced insertion points instead of the one or more initially sequenced insertion points). In comparison to conventional methods, the intersplicer enables the digital media player system to “adaptively regroup and re-sequence the insertion of ad blocks extemporaneously (i.e. “on the fly”), in response to the consumer's arbitrary direction of the playback within the requested content,” which was not technologically achievable for media presentation in the past. *See Specification*, p. 0057, 0117.

⁸ MPEP 2106.05(a).

⁹ MPEP 2106.05(b).

¹⁰ MPEP 2106.05(c).

¹¹ MPEP 2106.05(d).

¹² MPEP 2106.05(e).

Accordingly, the particularly recited arranged combination of elements and functions in claim 212 is directed to a method that improves digital media player system technologies (i.e., *improves a technological field*) by “adaptively select[ing] and re-sequence[ing] the ads to be shown in response to the user's navigational actions throughout the content” and “disabling certain user playback controls while the ads are running.” *See Specification*, ¶0057, 0117.

Pursuant to MPEP 2106.05(b), the claimed process is applied with, or by use of, a particular machine, which requires the specifically claimed functional and structural implementations. The Applicant's Specification clearly provides, and the claims definitively recite, an improvement to a technological implementation rooted in computing technology, by using an intersplicer sequencing data blocks of the digital media content and the digital advertising content. Based on the type of data blocks, the digital media player system may disable user interface commands during a play period in response to detecting a first value in a first memory.

Pursuant to MPEP 2106.05(d), as clear from the lack of any art-based rejections, the claimed process also adds specific limitations, other than what is well-understood, routine, or conventional activity in the recited technological field. The claimed features and functionalities “adaptively selecting and re-sequencing the ads to be shown in response to the user's navigational actions throughout the content” and “disabling certain user playback controls while the ads are running.” *See Specification*, ¶0057, 0117. This inventive concept is not intuitive because a digital media player system has traditionally been unable to adaptively select and re-sequence the ads to be shown in response to the user's navigational actions throughout the content, let alone allowing a user to navigate ad supported content in the first place. *Specification*, 0057, 0117.

Finally, pursuant to MPEP 2106.05(e), the claimed process is applied or used in a meaningful way to a particular technological device and environment (e.g., a digital media player device that adaptively selects and plays digital advertising content at the alternatively sequenced insertion points) without monopolization of the entire field. The particularly recited processes and functionality lead to the practical results of optimizing and simplifying the related technical field, and do not pre-empt the entire computerized digital media presentation or advertising landscape.

Moreover, the current subject matter, as recited in claim 212 correlates with **Example 39** of the 2019 PEG. In Example 39 of the 2019 PEG, the claims were directed to a method for training a neural network for facial detection. The exemplary claim in Example 39 recited a method comprising:

- collecting a set of digital facial images from a database;
- applying one or more transformations to each digital facial image including mirroring, rotating, smoothing, or contrast reduction to create a modified set of digital facial images;
- creating a first training set comprising the collected set of digital facial images, the modified set of digital facial images, and a set of digital non-facial images;
- training the neural network in a first stage using the first training set;
- creating a second training set for second stage of training comprising the first training set in digital non-facial images that are incorrectly detected as facial images after the first stage of training;
- and
- training the neural network in the second stage using the second train set.

In its analysis of the claim, the USPTO determined that the claimant was not directed to a judicial exception enumerated in the 2019 PEG.¹³ The USPTO noted, that “the claim does not recite any of the judicial exceptions enumerated in the 2019 PEG. For instance, the claim does not recite any mathematical relationships, formulas, or calculations. While some of the limitations may be based on mathematical concepts, mathematical concepts are not recited in the claims. Further, the claim does not recite a mental process because the steps are not practically performed in the human mind. Finally, the claimant does not recite any method of organizing human activity such as a fundamental economic concept or managing interactions between people.

¹³ 2019 PEG at p. 9.

Thus, the claim is eligible because it does not recite a judicial exception. For example, claim 212 does not recite a method of organizing human activity at least because like the claim in Example 39, claim 212 does not recite a fundamental economic concept or a mental process.”¹⁴

The claimed subject matter further recites a high degree of complexity that may only be addressed through use of computing systems and networks, but cannot be performed manually or by simple automation of a manual computation. As such, claim 212 does not recite “a mental process.”

Accordingly, claim 212 does not recite any of the judicial exceptions enumerated in the 2019 PEG. For example, the claim does not recite any mathematical relationships, formulas, or calculations. Much like Example 39 of the 2019 guidance, claim 212, does not include any of the judicial exceptions recited under prong one of step 2A.

Even if claim 212 recited a judicial exception under prong one of step 2A, under prong two of the 2019 guidance, claim 212 is integrated into a practical application. The 2019 PEG states “a claim that integrates a judicial exception into a practical application will apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception.” *2019 PEG* at p 53.

The claimed subject matter is not designed to monopolize the alleged judicial exception. On the contrary, the claimed subject matter provides a high degree of complexity that may only be addressed through use of computing networks, but cannot be performed manually or by simple automation of a manual computation. The claim as a whole is directed to a particular improvement.

Other independent claims recite features that are substantially the same or similar to claim 212 including processes that have a practical application and outcome and improve a technological field. That is, the claims are directed to a combination of arranged features that recite technical

¹⁴ *Id* at p. 15

implementations and solutions for improving a technology. As such, the claimed inventive concepts directed to a particular computing technology are patent-eligible, as distinguishable from abstract concepts in business, accounting, inventory management or pure financial transactions that, only under specific factual settings, have been deemed patent-ineligible by some courts or panels.

Subject Matter Eligibility Standard

In *Alice v. CLS Bank*, the Supreme Court outlined a two-step analytical framework for analyzing subject matter eligibility under Section 101.¹⁵ Step 1 requires a determination of whether the claim is directed to a process, machine, or composition of matter. In response to step 1 being decided in the affirmative, step 2A (part 1 of the *Mayo* test) requires a determination of whether the claims are directed to a law of nature, a natural phenomenon, or an abstract idea (judicial exceptions). In response to step 2A being decided in the affirmative, step 2B (part 2 of the *Mayo* test) requires a determination of whether the claim recites additional elements that amount to significantly more than the judicial exception.¹⁶

Subsequent Federal Circuit decisions and USPTO guidance have provided additional guidance on the subject matter eligibility requirement. For example, in *Enfish v. Microsoft*, the Federal Circuit held that a claim directed to a self-referential table was patent-eligible because it was directed to a specific, asserted improvement in computer capabilities.¹⁷ In *BASCOM v. AT&T*, the Federal Circuit held that a claim containing known, conventional pieces was patent-eligible because it provided a non-conventional and non-generic arrangement of those pieces.¹⁸ Further, in *McRO v. Bandai*, the Federal Circuit held that a claim requiring specific rules to render 3-D animations in a specific way was patent-eligible because the use of the rules did not preempt others from rendering 3-D animations using generic rules.¹⁹

¹⁵ *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 134 S. Ct. 2347, 2355 (2014).

¹⁶ *See id.*; 2014 USPTO Interim Guidance on Patent Subject Matter Eligibility (reflected in 79 Fed. Reg. 74,618 et seq. (December 16, 2014)).

¹⁷ *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335-36 (Fed. Cir. 2016).

¹⁸ *BASCOM Global Internet Servs. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 (Fed. Cir. 2016).

¹⁹ *McRO, Inc. v. Bandai Namco Games Am.*, 837 F.3d 1299, 1315 (Fed. Cir. 2016).

In the 2019 PEG, the USPTO specified that the analysis under step 2A involves a two-prong approach. Prong One: evaluate whether a claim recites a judicial exception including identifying specific limitation(s) that are believed to recite an abstract idea and determining whether the identified limitation(s) fall within an enumerated abstract idea grouping. The enumerated abstract groupings include: a) mathematical concepts, b) certain methods of organizing human activity, and c) mental processes. Under Prong Two: evaluate whether the claim integrates the judicial exception into a practical application. *2019 PEG*, p. 52-53. As applied to the instant application, claim 212 is directed toward new and useful processes, machines, and/or improvements thereof. *See* 35 U.S.C §101. Thus, claim 212 complies with step 1 of the *Alice/Mayo* test.

Step 2A – Prong 1: the pending claims do not recite an abstract idea because they are inextricably tied to computer technology and distinct from the types of concepts found by the courts to be abstract.

The MPEP requires the Examiner to identify abstract ideas by comparing the claimed subject matter to concepts already found to be abstract in the body of case law precedent.²⁰ The abstract idea inquiry in the two-part *Mayo*²¹ framework requires a proper construction of the claimed subject matter. The USPTO released 2019 revised patent subject matter eligibility guidance in January 2019 (2019 PEG) and a patent eligibility guidance update in October 2019 (2019 PEG Update). In the guidance, the USPTO specified that the analysis under step 2A involves a two-prong approach.

Prong One: evaluate whether a claim recites a judicial exception including identifying specific limitation(s) that are believed to recite an abstract idea and determining whether the identified limitation(s) fall within an enumerated abstract idea grouping. The enumerated abstract groupings include: a) mathematical concepts, b) certain methods of organizing human activity,

²⁰ MPEP 2106.04(a)

²¹ *Mayo v. Prometheus*, 132 S. Ct. 1289 (2012)

and c) mental processes. Under Prong Two: evaluate whether the claim integrates the judicial exception into a practical application. 2019 revised patent subject matter eligibility guidance (2019 PEG), p. 52-53.

As further explained below, the amended claims are not directed towards “mental processes” and “certain methods of organizing human activity” groupings, as alleged by the Office. *Decision on Appeal*, p. 15-16.

A correct characterization of the claimed subject matter is integral to the comparison of the claimed subject matter to concepts found to be abstract by the courts. To that end, the courts have repeatedly admonished against oversimplification and overgeneralization of the claimed subject matter. As the *Alice*²² decision points out, “at some level, all inventions ... embody, use, reflect, rest upon or apply laws of nature, natural phenomena, or abstract ideas.” Additionally, USPTO Guidance prohibits overgeneralization.²³

Here, the Office failed to recognize the technology-based solution set forth in claim 212 for addressing the technical problems of “adaptively regroup and re-sequence the insertion of ad blocks extemporaneously (i.e. “on the fly”), in response to the consumer's arbitrary direction of the playback within the requested content, by means of playback controls.” *See Specification*, ¶0117. In contrast to the Office’s allegations of the claims reciting steps performable in the human mind, the claimed subject matter is intricately tied to computer processing by disabling user interface commands at a digital media player system during a play period and using an intersplicer to order data blocks of the digital media content and the digital advertising content. The intersplicer directly improves the functionality and processing of the digital media player system, which results in increased control over the insertion of digital advertising data blocks into the digital media content. This particular process allows computer performance of a function not previously performable by a computer (e.g., disabling user interface commands at a digital media player system during a play period), as evidenced by the claimed subject matter being new and

²² *Alice Corp. Pty. Ltd. v. CLS Bank Intern.*, 134 S. Ct. 2347

²³ USPTO November 2016 memorandum for *Recent Subject Matter Eligibility Decisions* (“November 2016 Memo”)

inventive under 35 U.S.C. §102 and §103.

In the Decision on Appeal, the Office contends that the improvement recited by the claims is not tied to computer functionality. The Office reprints portions of the Background in the Specification to suggest that the claim language does not recite an improvement tied to computer functionality, while completely ignoring the remaining portions of the Specification with technical disclosures ties to computing and computing functionality. See *Decision on Appeal*, p. 11-12. It is well known that the Background section is provided for the purpose of generally discussing the problems associated with older technology, as here. Focusing on the disclosure in the Background section as a means to suggest the claimed subject matter is an abstract idea and has no technical character is respectfully disingenuous and misguided, considering the specific technical details disclosed in the remaining portions of the Specification that tie the inventive methods to specific technical details and integrate them into a practical application as provided below.

The Office should identify an “improvement in computer-related technology” that “allow[s] computer performance of a function not previously performable by a computer” in conducting an abstract idea analysis.²⁴ Here, the amended claims improve computer performance not previously performable by using an intersplicer that “adaptively select[s] and re-sequence[s] the ads to be shown in response to the user's navigational actions throughout the content” and “disabl[es] certain user playback controls while the ads are running.” See *Specification*, ¶¶0057, 0117. The ability to “adaptively regroup and re-sequence the insertion of ad blocks extemporaneously (i.e. “on the fly”), in response to the consumer's arbitrary direction of the playback within the requested content” was not technologically achievable for media presentation in the past. The device of claim 212 captures this inventive conceptive by reciting: “the one or more alternatively sequenced insertion points being adaptively selectable by the intersplicer according to selection criteria defined by the one or more adaptive preference rules taking into account the new play position and at least one of a length of time associated with playing the digital media content, a number of digital media data blocks of the digital media content to be played, and a point in time the digital media content is to be played.” Thus, the device claim 212 of the current

²⁴ *November 2016 Memo*, p. 2.

Application includes an inventive concept of a disabled user interface input to prevent commands comprising at least one of a user volume control or a user navigation control from altering a course of presentation and one or more processors to adaptively modify a presentation position of the digital advertising content from an initially sequenced insertion points to one or more alternatively sequenced insertion points.

Mental Processes

The Office Action alleges that the steps of claim 212 fall within the mental process grouping, contending the technology cannot be patentable subject matter because the technology mimics a mental process.

A proper abstract idea inquiry cannot be based on an oversimplification and overgeneralization of the claimed subject matter, which the courts have repeatedly admonished against. As the *Alice*²⁵ decision points out, “at some level, all inventions ... embody, use, reflect, rest upon or apply laws of nature, natural phenomena, or abstract ideas.” The Federal Circuit, in its *McRO*²⁶ decision, cautioned against oversimplifying the claims “by looking at the claims generally and failing to account for the specific requirements of the claims.”

Here, the subject matter recited in the amended claims directly improves a digital media player device. The improved digital media player device has one or more processors to adaptively modify a presentation position of the digital advertising content from an initially sequenced insertion points to one or more alternatively sequenced insertion points. Based on the type of data blocks, the digital media player system may disable user interface commands during a play period.

Claim 212 recites steps intricately linked to an improved digital media player device. For example, claim 212 recites “[an] intersplicer configured to control one or more insertion points of the digital advertising content into the digital media content” and “disabling user interface

²⁵ *Alice Corp. Pty. Ltd. v. CLS Bank Intern.*, 134 S. Ct. 2347

²⁶ *McRO, Inc. v. Bandai Namco Games America Inc.*, (Fed. Cir. 2016).

commands comprising at least one of a user volume control or a user navigation control.” Additionally, one or more processors may adaptively modify a presentation position of the digital advertising content from an initially sequenced insertion points that “adaptively regroup[s] and re-sequence[s] the insertion of ad blocks extemporaneously (i.e. “on the fly”), in response to the consumer's arbitrary direction of the playback within the requested content,” which was not technologically achievable for media presentation in the past. *See Specification*, p. 0057, 0117.

Claim 212, as amended, recites claim elements that cannot be categorized as mental processes. On page 15 of the Decision on Appeal, the Office alleges “the limitation of disallowing a choice is recited functionally without detail on how, technologically or by what algorithm, a disallowance is achieved, and as such is a way of controlling access to resources or data” and thus can be performed in the human mind. The Applicant has further amended the claims to show that the “disallowing a choice” claim element is a far cry from any mental process. This claim element has been amended to recite, “a user interface output for causing presentation of the content stream during a play period associated with one or more states of play such that a part of the digital advertising content is adaptively played at the one or more alternatively sequenced insertion points, instead of the one or more initially sequenced insertion points.” As amended, this claim element cannot be a mental process. It is unclear how a mental process could cause a digital media player system to control access to the user interface commands, let alone create “[a] user interface input is disabled to prevent commands” in response to detecting the first value in the first memory. As such, the elements of claim 212 are not directed to mental processes.

Furthermore, on page 14 of the Decision on Appeal, the Office alleges “the receiving data” claim element is extra-solution activity. The Applicant has further amended the claims to show that the “receiving data” claim element does not purely involve extra-solution activity. This claim element has been amended to recite, “a user interface input for allowing a user to control a course of presentation of the digital media content received” and “an intersplicer for controlling one or more insertion points of the digital advertising content into the digital media content thereby sequencing the digital media content and the digital advertising content.” This claim element outlines the role of the intersplicer to control insertion points of digital advertising content, which involves the sequencing of data blocks at the digital media player system.

Accordingly, the amended claim element cannot be extra solution activity because the ordering of data blocks changes the content presented at the digital media player system. As such, the limitations of claim 212 are not directed to a mental process.

The 2019 PEG Update provides further clarification as to whether claims fall within the enumerated groupings by providing examples of claims that *do not* recite a mental process. For instance, the 2019 PEG describes a claim²⁷ to detect suspicious activity by using network monitors and analyzing network packets. *Similar to this exemplary claim, claim 212 uses digital media player systems (e.g., back-end server computers, databases, decision engines) having intersplacers to analyze data blocks (e.g., transaction data) to determine when to disable user interface commands (e.g., detect suspicious activity).* Moreover, claim 212 here recites several specific steps with a high level of sophistication, such as disabling user interface commands comprising at least one of a user volume control or a user navigation control that alters a corresponding volume or a course of presentation responsive to detecting the first value in the first memory. Thus, claim 212 is not a mental process for at least using intersplacers to sequence data blocks and disabling user interface commands at a digital media player system during a play period in response to detecting the first value in the first memory.

As such, claim 212 is clearly not an abstract idea, including a method directed to mental processes. For at least these reasons, the rejection of pending claim 212 under 35 U.S.C. §101 should be withdrawn.

Certain Methods of Organizing Human Activity

The Decision on Appeal contends that claim 212 falls within the "Certain Methods of Organizing Human Activity." *Decision on Appeal*, p. 16.

The 2019 PEG Update states that the Certain Methods of Organizing Human Activity “grouping is limited to activity that falls within the enumerated sub-groupings of fundamental economic principles or practices, commercial or legal interactions, managing personal behavior,

²⁷ *SRI Int'l, Inc. v. Cisco Systems, Inc.*, 930 F.3d 1295, 1304 (Fed. Cir. 2019)

and relationships or interactions between people, and is not to be expanded beyond these enumerated sub-groupings.”²⁸ (Emphasis added) *2019 PEG Update*, p. 4-5.

According to the 2019 PEG, “fundamental economic principles or practices” include hedging, insurance, and mitigating risk and “describe subject matter relating to the economy and commerce.”²⁹ Additionally, MPEP 2106.04(a)(2)(I) provides examples of “fundamental economic principles or practices.” Even if amended claim 212 was stripped of its technical features, amended claim 212 would still be directed to “A digital media player device for controlling digital media presentations” which is not an enumerated fundamental economic principle or practice and is not included in the examples of MPEP 2106.04.

Further, claim 212 as amended is not directed to matters that *purely* relate to controlling commercial transactions or economic activity. While certain aspects of the claim may be related to advertising activity, the focus of the claimed subject matter is to improve a conventional digital media player to control media playback in a practical manner, such that the presentation of certain segments of digital media data cannot be circumvented by a human operator or end user. The recited control over presentation of the digital media and how certain segments of the digital media may or may not be circumvented by a human operator is achieved by way of the claimed technical improvements to conventional computer-implemented digital media player systems that have been incapable of practically solving the noted circumvention problem. As such, claim 212 is distinguishable from claims that purely recite commercial transactions.

For at least these reasons, the rejection of pending claim 212 under 35 U.S.C. §101 should be withdrawn.

Step 2A – Prong 2: the pending claims are patent eligible at least because the claims are integrated into a practical application.

²⁸ USPTO Training “Subject Matter Eligibility: Well-Understood, Routine, Conventional Activity, April 2018 (<https://www.uspto.gov/patent/laws-and-regulations/examination-policy/subject-matter-eligibility>).

²⁹ *2019 PEG Update*, p. 5.

Even assuming, *arguendo*, that claim 212 is directed to an abstract idea under prong 1, which Applicant disputes, claim 212 still integrates the alleged abstract idea into a practical application under prong 2.

The 2019 PEG Update states “the evaluation of Prong Two requires the use of the considerations (e.g., **improving technology**, effecting a particular treatment or prophylaxis, implementing with a particular machine, etc.) identified by the Supreme Court and the Federal Circuit, to ensure that the claim as a whole “integrates [the] judicial exception into a practical application [that] will apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception.” 2019 *PEG Update*, p. 11.

Here, claim 212 is clearly integrated into a practical application because claim 212 is directed to a technical improvement of the digital media player system (e.g., disabling user interface commands at a digital media player system during a play period and using an intersplicer to order data blocks of the digital media content and the digital advertising content). Claim 212 embodies a practical application by using the intersplicer that “adaptively select[s] and re-sequence[s] the ads to be shown in response to the user's navigational actions throughout the content” and “disabl[es] certain user playback controls while the ads are running.” *See Specification*, ¶0057, 0117.

Using the intersplicer features, the claimed system controls the real-world experience for an end user by sequencing the data blocks of the digital media content and the digital advertising content. For example, the intersplicer can determine when advertisement data blocks are inserted into the sequence of data blocks of the media content. Accordingly, the intersplicer may determine when the navigational controls of the digital media content player system are disabled. *See Specification*, 0052. Disabling such navigational controls prevents the consumer from skipping through the promotional material or lowering the sound volume beneath a predetermined threshold level. *Specification*, 0057. Therefore, claim 212 is clearly integrated into a practical application for at least improving functionality of the conventional digital media player systems.

Furthermore, the intersplicer described in claim 212 improves computing resource management (e.g., a user interface output for causing presentation such that a part of the digital advertising content is adaptively played at the one or more alternatively sequenced insertion points instead of the one or more initially sequenced insertion points). In comparison to conventional methods, the intersplicer enables the digital media player system to “adaptively regroup and re-sequence the insertion of ad blocks extemporaneously (i.e. “on the fly”), in response to the consumer's arbitrary direction of the playback within the requested content,” which was not technologically achievable for media presentation in the past. *See Specification*, p. 0057, 0117. Therefore, Claim 212, when practically applied, solves the particular technical problem of preventing the consumer from skipping through the promotional material or lowering the sound volume beneath a predetermined threshold level while still allowing the end user control over the presentation of the digital media content.

The 2019 PEG Update explains the Supreme Court and the Federal Circuit identified improving technology as a consideration to ensure that the claims as a whole “integrate [the] judicial exception into a practical application [that] will apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception.” The 2019 PEG Update provides examples indicative of whether a judicial exception has been integrated into a practical application. One listed example recites: “an additional element reflects an improvement in the functioning of a computer *or an improvement to other technology or technical field*.”³⁰ Here, the technical solution of claim 212 is necessarily rooted in computer technology by using an intersplicer that “adaptively select[s] and re-sequence[s] the ads to be shown in response to the user's navigational actions throughout the content” and “disabl[es] certain user playback controls while the ads are running.” *See Specification*, ¶0057, 0117. The intersplicer sequences data blocks of the digital media content and the digital advertising content. Based on the type of data blocks, the digital media player system may disable user interface commands during a play period in response to detecting a first value in a first memory.

As discussed during the examiner interview, the claimed subject matter is comparable to

³⁰ 2019 PEG Update, p. 12.

the claims in Federal Circuit decision in *Core Wireless Licensing S.A.R.L. v. LG Electronics, Inc.*,³¹ in which the Federal Circuit held that graphical user interface claims are patent-eligible under 35 U.S.C. § 101 because when they “recite a specific improvement over prior systems, resulting in an improved user interface for electronic devices.” (*Slip Op.* at 9). The Court determined that the claims are directed to “a particular manner of summarizing and presenting information in electronic devices” and that the claims do not “us[e] conventional user interface methods to display a generic index on a computer.” (*Id.*).

Similar to the improved user interface in *Core Wireless*, claims 278 and 279 of the present Application recites a specific improvement over prior systems by using a graphical user interface that presents a time bar configured to control the intersplicer to alter the course of the presentation of the content stream in response to the user dragging the time bar on the graphical user interface. The particular manner of presenting the precise selectable menu goes far beyond conventional systems by generating “one of many important novelties of the invention is its ability to ensure the viewing of promotional ad material when the service level calls for it, whether through these controls or by some other approach. As these commands alter the course of play, they are also responsible for gathering user play history data, effectively keeping track of the user's navigation history throughout the material, as shown in the following figures.” *Specification*, para. 0249. Accordingly, the Office Action erred in concluding claim 212 is directed to an abstract idea in light of recent Federal Circuit decisions.

Additionally, claim 212 requires a physical device, such as a digital media player system capable of disabling user interface commands in response to detecting a first value in a first memory during a play period. Claim 212 also requires a physical device, such as a digital media player having an intersplicer capable of sequencing and resequencing data blocks and control one or more insertion points of the digital advertising content into the digital media content at alternate insertions points. *See Ex parte Schmid* (PTAB reversing §101 rejection because the claims required a physical device); *Ex parte Balestrieri* (PTAB reversing §101 rejection because the method claim could not be performed by a human).

³¹ *Core Wireless*, 880 F.3d 1356, 1362-1363 (Fed. Cir. 2018).

As such, claim 212 is clearly not an abstract idea for at least integrating the alleged abstract idea into a practical application. For at least these reasons, the rejection of pending claim 212 under 35 U.S.C. §101 should be withdrawn.

Step 2B: the pending claims are patent eligible at least because the claims recite significantly more than the alleged abstract idea.

Even assuming, *arguendo*, that amended Claim 212 is directed to an abstract idea under part 2A of the Interim Guidance, amended Claim 212 recites significantly more than the alleged abstract idea of “method to prevent commercial skipping.” *Decision on Appeal*, p. 15.

Under Step 2B, claim 212 is significantly more than an abstract idea at least because the claimed implementation entails an unconventional solution to a technical problem, as discussed below.

In light of the 2019 PEG Update, a “Step 2B” rejection based on a failure to claim an invention that is directed to patent-eligible subject matter (i.e., the claim is directed to a judicial exception without providing an inventive concept/significantly more at Step 2B of the eligibility analysis) should explain the following:

First, the rejection should identify the judicial exception (i.e., abstract idea enumerated in Section I of the 2019 PEG, laws of nature, or a natural phenomenon) by referring to *what is recited* (i.e., set forth or described) in the claim and *explaining why* it is considered to be an exception (Step 2A Prong One). There is no requirement for the examiner to provide further support, such as publications or an affidavit or declaration under 37 CFR 1.104(d)(2), for the conclusion that a claim recites a judicial exception.

Second, the rejection should *identify* any additional elements recited in the claim beyond the judicial exception and *evaluate* the integration of the judicial exception into a practical application *by explaining* that 1) there are no additional elements in the claim; or 2) the claim as a whole, looking at the additional elements individually and in combination, does not integrate the

judicial exception into a practical application using the considerations set forth in the 2019 PEG (Step 2A Prong Two).

Finally, the examiner should *explain why* the additional elements, taken individually and in combination, do not result in the claim, as a whole, amounting to significantly more than the exception (Step 2B). For instance, when the examiner has concluded that certain claim elements recite well-understood, routine, conventional activity in the relevant field, the examiner must expressly support such a rejection in writing with one of the four options specified in Section III.A. of the *Berkheimer* Memorandum.

An inventive concept can be found in the non-conventional and non-generic arrangement of known conventional pieces. In the *Bascom* decision, the Federal Circuit found patent-eligible subject matter even though the claims were directed towards the abstract idea of organizing human activity.³² The Federal Circuit criticized the District Court's piecemeal step 2B analysis and stated that the inventive concept inquiry "requires more than recognizing that each claim element, by itself, was known in the art," as "an inventive concept can be found in the non-conventional and non-generic arrangement of known, conventional pieces."³³ The Federal Circuit also noted that the District Court analysis looked "similar to an obviousness analysis under 35 U.S.C. § 103, except lacking an explanation of a reason to combine the limitations." *Id.* at p. 4. The *Bascom* court clearly recognizes that "software-based inventions that improve the performance of the computer itself" are patent eligible even when the inventions are otherwise directed toward abstract ideas. *Id.* at p. 18.

Here, similar to *Bascom*, claim 212 of the current Application recites an inventive concept that can be found in the non-conventional and non-generic arrangement of the recited features. At least, one inventive concept of claim 212 includes "adaptively selecting and re-sequencing the ads to be shown in response to the user's navigational actions throughout the content" and "disabling certain user playback controls while the ads are running." *See Specification*, ¶¶0057, 0117. This

³² *Bascom Global Internet Services Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016)

³³ *Id.* at 15.

inventive concept is not intuitive because a digital media player system has traditionally been unable to adaptively select and re-sequence the ads to be shown in response to the user's navigational actions throughout the content. *Specification*, 0057, 0117. This non-intuitive inventive concept transforms the claim language into non-conventional and non-generic claim elements.

Claim 212 captures this inventive concept by reciting: “the one or more alternatively sequenced insertion points being adaptively selectable by the intersplicer according to selection criteria defined by the one or more adaptive preference rules taking into account the new play position and at least one of a length of time associated with playing the digital media content, a number of digital media data blocks of the digital media content to be played, and a point in time the digital media content is to be played.” Thus, claim 212 of the current Application includes an inventive concept that can be found at least in the non-conventional and non-generic arrangement of known, conventional pieces.

The Federal Circuit held in *Amdocs* that the claims at issue were significantly more than abstract because they “entail[] an unconventional solution (enhancing data in a distributed fashion) to a technological problem (massive record flows which previously required massive databases).”³⁴ Claim 212 describes the unconventional solution (e.g., a user interface output for causing presentation such that a part of the digital advertising content is adaptively played at the one or more alternatively sequenced insertion points instead of the one or more initially sequenced insertion points) of using the claimed technique to solve a technical problem of sequencing of data blocks of the digital media content and the digital advertising content processing in real-time. Therefore, in view of the rationale in *Amdocs*, claim 212 should be deemed significantly more than an abstract idea.

Moreover, the claimed elements in claim 212 are **not** well-understood, routine, and conventional. The Federal Circuit in *BASCOM* found each element of the claim individually in the prior art. However, they held that the ordered combination of the claim elements rendered the

³⁴ *Amdocs (Israel) Ltd. V. Openet Telecom*, 841 F.3d 1288, 1300-01 (Fed. Cir. 2016).

claims subject matter eligible. Here, the claimed elements, either individually or in an ordered combination, are not found in the prior art and hence, for at least this reason, claim 212 cannot be said to contain only elements that are well-understood, routine, and conventional. *See, BASCOM*³⁵.

Ultimately, Applicant respectfully submits that claim 212 does not recite an abstract idea (step 2A), and, even if claim 212 does recite an abstract idea (which Applicant disputes), claim 212 is integrated into a practical application and/or amounts to significantly more than the abstract idea itself (step 2B). Therefore, claim 212 is directed to patent-eligible subject matter.

Accordingly, Applicant requests the withdrawal of the rejections of claim 212 under 35 U.S.C. §101. Independent claims 238, 243, and 267 recite features similar to at least some of the patentable features discussed in connection with claim 212 above and also define patent-eligible subject matter.

Accordingly, for at least these reasons, Appellant respectfully requests the reversal of the rejections of the pending claims under 35 U.S.C. § 101.

Dependent Claims are allowable over the applied references at least by virtue of their dependency from one of independent Claims.

Dependent claims 214, 221, 225-230, 233, 237, 239-242, and 274 each depend either directly or indirectly on one of independent claims 212, 238, 243, and 267. New claims 275-279 are allowable for at least the reasons discussed above with respect to Claim 212.

Thus, the dependent claims incorporate by reference all the features of their respective independent claims pursuant to 35 U.S.C. § 112, ¶ 4. In view of the features as recited in the independent claims, and in view of the additional features as recited in the dependent claims, Appellant respectfully submits that the dependent claims define patentable subject matter over the

³⁵ *Bascom Global Internet Services Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016)

applied references for at least the reasons discussed above, and for their respective additional novel features. Thus, Appellant respectfully submits that dependent claims 214, 221, 225-230, 233, 237, 239-242, and 274 are also patent eligible.

Accordingly, the pending claims define patent-eligible subject matter and the 35 U.S.C. §101 grounds of rejection should now be moot.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

Enclosed herewith please find the requisite **micro entity** fees for continued examination and prioritized examination. No additional fees are believed to be due. However, the Commissioner is hereby authorized to charge any additional claim fees and any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 42327-501001US. If there are any questions regarding this response, the undersigned may be contacted at the telephone number provided below.

Respectfully submitted,

Dated: February 16, 2021

/Mark Hammond/
Mark Hammond, Esq.
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I. CLAIMS

1-211 (Canceled)

212. (Currently Amended) A ~~computer-implemented method~~ digital media player device for controlling digital media presentations ~~using an improved digital media player system,~~ the digital media player device ~~method~~ comprising:

one or more processors for receiving, ~~by the digital media player system,~~ data comprising digital media content and digital advertising content; ~~the digital media player system having~~

a user interface input ~~and an intersplicer,~~ the user interface configured to allow for allowing a user to control ~~[[of]]~~ a course of presentation of the digital media content received; ~~and the~~

an intersplicer configured to control ~~for controlling~~ one or more insertion points of the digital advertising content into the digital media content~~[[;]]~~ thereby sequencing the digital media content and the digital advertising content, ~~using the intersplicer,~~

the sequencing comprising ordering one or more data blocks of ~~[[in]]~~ the digital media content and one or more data blocks of ~~[[in]]~~ the digital advertising content into a ~~user-perceptible~~ content stream playable as audio or visual content perceivable by the user,

the ~~user-perceptible~~ content stream comprising one or more initially sequenced insertion points at which the digital advertising content is scheduled to be presented relative to the digital media content during play;

in response to user input updating a current play position in the content stream to a new play position in the content stream, the one or more processors using one or more adaptive preference rules to adaptively modify ~~adaptively modifying, using one or more~~

~~pre-defined rules and in response to a user input detected by the digital media player system,~~ a presentation position of the digital advertising content from at least one of the one or more initially sequenced insertion points to one or more alternatively sequenced insertion points in the digital media content,

at least one of the one or more alternatively sequenced insertion points being different than the one or more initially sequenced insertion points relative to the digital media content within the ~~user-perceptible~~ content stream;

the one or more alternatively sequenced insertion points being adaptively selectable by the intersplicer according to selection criteria defined by the one or more adaptive preference rules taking into account the new play position and at least one of a length of time associated with playing the digital media content and a number of digital media data blocks of the digital media content to be played,

such that at least one of the alternatively sequenced insertion points is positioned at a play position in the digital media content that satisfies a condition selected from:

the play position being a predetermined length of time after the new play position,

the play position being a predetermined number of digital media data blocks after the new play position; and

a user interface output for causing presentation of the ~~user-perceptible~~ content stream at the digital media player system during a play period associated with one or more states of play such that a part of the digital advertising content is adaptively played at the one or more alternatively sequenced insertion points, instead of at the one or more initially sequenced insertion points; and

keeping a setting, in a at least a first memory of the digital player system, for storing a setting to indicate a first state of play, the setting including a first value to indicate presentation

of a required part of the digital advertising content is in progress during presentation of the ~~user-perceptible~~ content stream ~~[[;]]~~ such that responsive to detecting the first value in the first memory, ~~disabling the user interface input is disabled to prevent~~ commands comprising at least one of a user volume control or a user navigation control ~~that alters from altering~~ a course of presentation of the ~~user-perceptible~~ content stream while presentation of the required part of the digital advertising content is in progress; and

~~storing, in a second memory of the digital player system, presentation data comprising an indication of the digital advertising content that has been presented.~~

213. (Canceled)

214. (Currently Amended) ~~A method~~ The digital media player device as in claim 212, wherein the user interface input comprises a graphical user interface that includes a time bar to allow the user to control the course of presentation of the digital media content received to a specific point in the presentation past at least one of the one or more initially sequenced insertion points causing presentation of the user-perceptible content stream on the digital media player system comprises causing display of the user-perceptible content stream by way of a graphical user interface.

215-220. (Canceled)

221. (Currently Amended) ~~A method~~ The digital media player device as in claim 212, wherein the sequencing ~~and the adaptively modifying are~~ is performed by at least one remote system differing from the digital media player ~~device system~~, the at least one remote system comprising a processor.

222-224 (Canceled)

225. (Currently Amended) ~~A method~~ The digital media player device as in claim 212, wherein the digital media content comprises at least one media file.

226. (Currently Amended) ~~A method~~ The digital media player device as in claim 212, wherein the digital advertising content comprises at least one advertisement file.

227. (Currently Amended) ~~A method~~ The digital media player device as in claim 226, ~~further comprising: generating~~ wherein a sequence is generated by sub-dividing a media file into two or more segments, and wherein at least a part of the at least one of the advertising file is presented between two of the segments.

228. (Currently Amended) ~~A method~~ The digital media player device as in claim 225, wherein the user input results in a change of a sequence of two or more media files by at least one of subtracting an existing media file, ~~or by~~ and re-arranging the sequence of two or more media files ~~or results~~ in a change of sequence by adding a new media file.

229. (Currently Amended) ~~A method~~ The digital media player device as in claim 212, wherein the user input further comprises one or more navigational choices for the content stream.

230. (Currently Amended) ~~A method~~ The digital media player device as in claim 229, wherein the one or more navigational choices are selected from a group consisting of: play, stop, pause/continue, reverse, rewind, fast-forward, slow-motion, track advance, frame-by-frame advance, go direct to point or page in sequence, advance chapter, page turn, change track, change media selection, shuttle knob, and one or more sound controls.

231-232 (Canceled)

233. (Currently Amended) ~~A method~~ The digital media player device as in claim 212, further comprising: rotating, using an ad manager and an ad rotator, new advertising content into the ~~user-perceptible~~ content stream in response to the user input, the ad manager operative to receive ad files and select ad files for presentation from a database of ad files and the ad rotator configured to replace ad files with new ad files after the ad files have been presented.

234-236 (Canceled)

237. (Currently Amended) ~~A method~~ The digital media player device as in claim 212, wherein the adaptively modifying uses two or more of the adaptive preference rules for determining the one or more alternatively sequenced insertion points ~~corresponding presentation position~~ of at least a part of the digital advertising content.

238. (Currently Amended) A computer-implemented ~~system method~~ for controlling digital media presentations ~~using an improved digital media player system~~, the system method comprising:

~~transmitting to a digital media player system, data comprising digital media content and digital advertising content, the digital media player system~~

one or more processors;

~~a user interface and an intersplicer, the user interface configured to allow~~ for allowing a user to control a course of presentation of ~~the~~ digital media content; ~~received, and the~~

~~an intersplicer configured to control~~ for controlling one or more insertion points of ~~the~~ digital advertising content into the digital media content~~[[;]]~~ thereby sequencing the digital media content and ~~[[the]]~~ digital advertising content, ~~using the intersplicer,~~

the sequencing comprising ordering one or more data blocks of ~~[[in]]~~ the digital media content and one or more data blocks of ~~[[in]]~~ the digital advertising content into a ~~user-perceptible~~ content stream playable as audio or visual content perceivable by the user,

~~the user-perceptible~~ content stream comprising one or more initially sequenced insertion points at which the digital advertising content is scheduled to be presented relative to the digital media content during play;

in response to user input updating a current play position in the content stream to a new play position in the content stream, the one or more processors using one or more adaptive preference rules to adaptively modify ~~detected by the digital media player system,~~ a presentation position of the digital advertising content from at least one of the

one or more initially sequenced insertion points to one or more alternatively sequenced insertion points;

the one or more alternatively sequenced insertion points being adaptively selectable by the intersplicer according to selection criteria defined by the one or more adaptive preference rules taking into account the new play position and at least one of a length of time associated with playing the digital media content, a number of digital media data blocks of the digital media content to be played, and a point in time the digital media content is to be played, such that at least one of the alternatively sequenced insertion points is positioned at a play position in the digital media content that satisfies a condition selected from:

the play position being a predetermined length of time after the new play position,

the play position being a predetermined number of digital media data blocks after the new play position, and

the play position being at a predetermined time of the hour after the new play position;

a user interface output for causing presentation of the user-perceptible content stream at the digital media player system during a play period associated with one or more states of play such that a part of the digital advertising content is adaptively played at the one or more alternatively sequenced insertion points, instead of the one or more initially sequenced insertion points; and

keeping a setting, in a at least a first memory of the digital player system, for storing a setting to indicate a first state of play, the setting including a first value to indicate presentation of a required part of the digital advertising content is in progress during presentation of the user-perceptible content stream[[:]] such that responsive to detecting the first value in the first memory, disabling the user interface is disabled to prevent commands comprising a user

navigation control ~~that alters from altering a corresponding volume or a course of presentation of the user-perceptible content stream; and~~

~~storing, in a second memory of the digital player system, presentation data comprising an indication of the digital advertising content that has been presented.~~

239. (Canceled)

240. (Currently Amended) ~~A method~~ The system as in claim 238, wherein the at least first memory is part of the computer-implemented digital media player system ~~and the second memory is part of at least one remote system.~~

241. (Currently Amended) ~~A method~~ The system as in claim 238, wherein the at least first memory is part of at least one remote system ~~and the second memory is part of the digital media player system.~~

242. (Currently Amended) ~~A method~~ The system as in claim 238, wherein the at least first memory ~~and the second memory are~~ is part of at least one remote system.

243. (Currently Amended) A computer-implemented method for controlling digital media presentations using an improved digital media player system, the method comprising:
receiving, on a digital media player system, data comprising digital media content and digital advertising content, the digital media player system having a user interface and an intersplicer, the user interface configured to allow a user to control ~~[[of]]~~ a course of presentation of the digital media content received, and the intersplicer configured to control one or more initially sequenced insertion points of the digital advertising content into the digital media content;

sequencing the digital media content, using the intersplicer, the sequencing comprising ordering one or more data blocks of ~~[[in]]~~ the digital media content into a ~~user-perceptible~~ content stream playable as audio or visual content perceivable by the user, the content stream comprising a media section that comprises at least some of the digital media content, the ~~user-perceptible~~ content stream further comprising an advertising block within which at least some of

the digital advertising content is scheduled to be presented, the advertising block being arranged within the ~~user-perceptible~~ content stream at an initially defined insertion position relative to the media section during play;

adaptively re-sequencing the ~~user-perceptible~~ content stream into a modified ~~user-perceptible~~ content stream to reflect a user input comprising updating a current play position to a new play position in the digital media content detected at the digital media player system, the modified ~~user-perceptible~~ content stream comprising an alternate insertion position of the advertising block relative to the media section, the adaptively re-sequencing comprising determining the alternate insertion position using one or more ~~pre-defined~~ adaptive preference placement rules associated with the digital media content;

the alternate insertion position being adaptively selectable by the intersplicer according to selection criteria defined by the one or more adaptive preference placement rules taking into account the new play position and at least one of a length of time associated with playing the digital media content, a number of digital media data blocks of the digital media content to be played, and a point in time the digital media content is to be played, such that the alternate insertion position is positioned at a play position in the digital media content that satisfies a condition selected from:

the play position being a predetermined length of time after the new play position,

the play position being a predetermined number of digital media data blocks after the new play position, and

the play position being at a predetermined time of the hour after the new play position;

causing presentation of the modified ~~user-perceptible~~ content stream at the digital media player system during a play period associated with one or more states of play;

causing adaptive presentation of a required part of the digital advertising content at the alternate insertion position, instead of at the one or more initially sequenced insertion points;

keeping a setting, in at least a first memory of the digital media player system, to indicate a first state of play, the setting including a first value to indicate presentation of the[[a]] required

part of the digital advertising content is in progress during presentation of the modified ~~user-perceptible~~ content stream; and

responsive to detecting the first value in the first memory, disabling user interface commands comprising ~~at least one of a user volume control or a user navigation control that enables the user to alter a corresponding volume or a course of presentation of the modified user-perceptible content stream; and~~

~~storing, in a second memory of the digital player system, presentation data comprising an indication of the digital advertising content that has been presented.~~

244-266. (Canceled)

267. (Currently Amended) A computer-implemented method for controlling digital media presentations using an improved digital media player system, the method comprising:

transmitting, by at least one remote system to a digital media player system, data comprising digital media content and digital advertising content, the digital media player system having a user interface and an intersplicer, the user interface configured to allow a user to control ~~[[of]]~~ a course of presentation of the digital media content received, and the intersplicer ~~configured to control~~ for controlling one or more insertion points of the digital advertising content into the digital media content;

sequencing the digital media content, using the intersplicer, the sequencing comprising ordering one or more data blocks of [[in]] the digital media content into a ~~user-perceptible~~ content stream playable as audio or visual content perceivable by the user, the content stream comprising a media section that comprises at least some of the digital media content, the ~~user-perceptible~~ content stream further comprising an advertising block within which at least some of the digital advertising content is scheduled to be presented during play, the advertising block being arranged within the ~~user-perceptible~~ content stream at an initially defined insertion position relative to the media section;

adaptively re-sequencing the ~~user-perceptible~~ content stream into a modified ~~user-perceptible~~ content stream to reflect a user input comprising updating a current play position to a new play position in the digital media content detected at the digital media player system, the modified ~~user-perceptible~~ content stream comprising an alternate insertion position of the

advertising block relative to the media section, the adaptively re-sequencing comprising determining the alternate insertion position using one or more ~~pre-defined~~ adaptive preference placement rules associated with the digital media content during play;

the alternate insertion position being adaptively selectable by the intersplicer according to selection criteria defined by the one or more adaptive preference placement rules taking into account the new play position and at least one of a length of time associated with playing the digital media content, a number of digital media data blocks of the digital media content to be played, and a point in time the digital media content is to be played

such that the alternate insertion position is positioned at a play position in the digital media content that satisfies a condition selected from:

the play position being a predetermined length of time after the new play position,

the play position being a predetermined number of digital media data blocks after the new play position, and

the play position being at a predetermined time of the hour after the new play position;

causing presentation of the modified ~~user-perceptible~~ content stream at the digital media player system during a play period associated with one or more states of play;

causing adaptive presentation of a required part of the digital advertising content at the alternate insertion point, instead of the initially defined insertion position;

keeping a setting, in at least a first memory of the digital media player system, to indicate a first state of play, the setting including a first value to indicate presentation of the ~~the~~ required part of the digital advertising content is in progress during presentation of the modified ~~user-perceptible~~ content stream; and

responsive to detecting the first value in the first memory, disabling user interface commands comprising ~~at least one of a user volume control or a user navigation control~~ that enables the user to alter ~~alters~~ a course of presentation of the ~~user-perceptible~~ content stream; and

~~storing, in a second memory of the digital player system, presentation data comprising an indication of the digital advertising content that has been presented.~~

268–273. (Canceled)

274. (Currently Amended) The method as in claim 267, wherein presentation data comprising an indication of the digital advertising content that has been presented is stored in a second memory of the digital media player system.

275. (New) The device as in claim 212, wherein the intersplicer generates control signals configured to instruct the one or more processors to interrupt the presentation of the digital media content with the presentation of the one or more data blocks at the one or more alternatively sequenced insertion points on the digital media player device.

276. (New) The device as in claim 212, the digital media player device further comprising a media file decryptor configured to receive and decrypt the digital media content during play, the media file decryptor configured to limit access to a non-volatile memory following the decryption of the digital media content.

277. (New) The device as in claim 212, wherein the digital media player device is configured to read a data structure of the one or more data blocks of the digital media content, the data structure including a first field containing data identifying a media file associated with the digital media content, a second field containing data indicative of an ad requirement associated with the digital media content, and a third field containing data representing an ad file associated with the digital advertising content to be displayed with the media file.

278. (New) The device as in claim 212, wherein the user interface input includes a time bar configured to control the intersplicer to alter a course of presentation of the content stream in response to the user dragging the time bar, the dragging of the time bar enabling at least one of fast-forward play, skipping forward, backward skipping to a fixed point, slow motion play, and frame advance play.

279. (New) The device as in claim 212, wherein the user interface input includes a graphical user interface comprising a first tab indicative of a first media type and a second tab indicative of a second media type such that a user selection of the first tab causes the digital media player device to present a media file of the first media type in an active display window with a time bar, the time bar configured to control the intersplicer to alter a course of presentation of the content stream in response to the user dragging the time bar, and a user selection of the second tab causes the digital media player device to present another media file of the second media type in a background window.

EXAMINER INTERVIEW SUMMARY

On January 21, 2021, an examiner interview was conducted with Examiner Retta and SPE Abdi. Applicant wishes to thank both for their time and gracious efforts in considering Applicant's position in this matter and reviewing the proposed amendments submitted.

During the interview, pending rejections under 35 U.S.C. § 101 were discussed. Applicant's representative explained the claimed improvements over older media player devices and playback technology and also covered inventive features and aspects that integrate the claimed subject matter into a practical application.

Particularly, it was noted that the proposed claim amendments were directed to an improved media player device and technology with graphical user interface components (e.g., a time bar) that would allow a user to interactively control the playback of content on the media player device. Because a user interface that improves user experience and functionality of the media player device is deemed to be patent eligible under *Core Wireless Licensing S.A.R.L. v. LG Elecs., Inc.*, 880 F.3d 1356, 1361, 125 USPQ2d 1436, 1440 (Fed. Cir. 2018)), it was noted that reciting such features in the claims would overcome the § 101 grounds of rejection.

Further, it was noted that the claimed media playback device includes practical functional features which provide for adaptive insertion of advertisement media into content being played by the media player device. It was explained that the adaptive insertion is an improvement to the older media player devices and technology that were limited to playing advertising media at pre-fixed portions. The older devices, disadvantageously, prevented a user from fast forwarding or rewinding past the designated pre-fixed portions, unless the user had watched the advertising content.

As it was further discussed in much detail during the telephonic interview, the claimed inventive and practical features of the recited media player obviate the need for a user to consume advertisement media at fixed intervals, an experience that can be extremely

inconvenient and frustrating for the user. Instead, the improved media player provides for the timing of the playback of the advertisements relative to the content to be adaptively shifted to a different time, based on certain adaptable rules.

The examiner was asked but did not provide any constructive assistance to help advance prosecution with respect to possible claim amendments. Examiner suggested that the claimed subject matter was abstract regardless of the claimed detailed features and improvements because it could be done in the “human mind” and using “pen and paper.” When it was inquired how the claimed technology could be performed with pen and paper, the examiner suggested because the general idea can be written down on a piece of paper.

CERTIFICATION OF MICRO ENTITY STATUS (GROSS INCOME BASIS)					
Application Number or Control Number (if applicable): 10/606,729			Patent Number (if applicable):		
First Named Inventor: Philip Donian			Title of Invention: Method and apparatus for the free licensing of digital media content		
The applicant hereby certifies the following—					
(1) SMALL ENTITY REQUIREMENT – The applicant qualifies as a small entity as defined in 37 CFR 1.27. (2) APPLICATION FILING LIMIT – Neither the applicant nor the inventor nor a joint inventor has been named as the inventor or a joint inventor on more than four previously filed U.S. patent applications, excluding provisional applications and international applications under the Patent Cooperation Treaty (PCT) for which the basic national fee under 37 CFR 1.492(a) was not paid, and also excluding patent applications for which the applicant has assigned all ownership rights, or is obligated to assign all ownership rights, as a result of the applicant's previous employment. (3) GROSS INCOME LIMIT ON APPLICANTS AND INVENTORS – Neither the applicant nor the inventor nor a joint inventor, in the calendar year preceding the calendar year in which the applicable fee is being paid, had a gross income, as defined in section 61(a) of the Internal Revenue Code of 1986 (26 U.S.C. 61(a)), exceeding the "Maximum Qualifying Gross Income" reported on the USPTO Web site at http://www.uspto.gov/patents/law/micro_entity.jsp which is equal to three times the median household income for that preceding calendar year, as most recently reported by the Bureau of the Census. (4) GROSS INCOME LIMIT ON PARTIES WITH AN "OWNERSHIP INTEREST" – Neither the applicant nor the inventor nor a joint inventor has assigned, granted, or conveyed, nor is under an obligation by contract or law to assign, grant, or convey, a license or other ownership interest in the application concerned to an entity that, in the calendar year preceding the calendar year in which the applicable fee is being paid, had a gross income, as defined in section 61(a) of the Internal Revenue Code of 1986, exceeding the "Maximum Qualifying Gross Income" reported on the USPTO Web site at http://www.uspto.gov/patents/law/micro_entity.jsp which is equal to three times the median household income for that preceding calendar year, as most recently reported by the Bureau of the Census.					
SIGNATURE by an <u>authorized party</u> set forth in 37 CFR 1.33(b)					
Signature		/FJF/			
Name		F. Jason Far-hadian			
Date		2021/02/16	Telephone	858-314-2144	Registration No. 42,523
☐		There is more than one inventor and I am one of the inventors who are jointly identified as the applicant. The required additional certification form(s) signed by the other joint inventor(s) are included with this form.			

Privacy Act Statement

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

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

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

Electronic Acknowledgement Receipt	
EFS ID:	41939740
Application Number:	10606729
International Application Number:	
Confirmation Number:	5831
Title of Invention:	Method and apparatus for the free licensing of digital media content
First Named Inventor/Applicant Name:	Philip M. Donian
Customer Number:	64046
Filer:	Farshad Jason Far-hadian/Jeremy Johnston
Filer Authorized By:	Farshad Jason Far-hadian
Attorney Docket Number:	42327-501001US
Receipt Date:	17-FEB-2021
Filing Date:	26-JUN-2003
Time Stamp:	00:04:40
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	Certification of Micro Entity (Gross Income Basis)	042327-501001US_Cert_for_Micro_Entity_Status_sb0015a.pdf	123266 ad9ddde3cd02072dfdd5b92d6880118bcd699bd8c	no	2

Warnings:

Information:	
Total Files Size (in bytes):	123266
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.	



United States Patent and Trademark Office

Office of the Chief Financial Officer

Document Code:WFEE

User :93066

Sale Accounting Date:02/17/2021

Sale Item Reference Number

10606729

Effective Date

02/17/2021

Document Number

I20212GE01510672

Fee Code

3251

Fee Code Description

EXTENSION FOR RESPONSE
WITHIN 1ST MONTH

Amount Paid

\$55.00

Payment Method

Deposit Account

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 10/606,729		Filing Date 06/26/2003		☐ 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), (l), 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(j))		minus 20 =	*	x \$18 =						
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*	x \$84 =						
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL						
APPLICATION AS AMENDED - PART II										
		(Column 1)	(Column 2)	(Column 3)						
AMENDMENT	02/16/2021	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)			
	Total (37 CFR 1.16(i))	* 23	Minus	** 137	= 0	x \$100 =		0		
	Independent (37 CFR 1.16(h))	* 4	Minus	*** 5	= 0	x \$480 =		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		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	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.					Non-Examiner					
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".					/RICARDO ANTONIO CAMOU/					
*** 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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

64046 7590 03/10/2021
Mintz Levin/San Diego Office
One Financial Center
Boston, MA 02111

EXAMINER

RETTA, YEHDEGA

ART UNIT

PAPER NUMBER

3688

DATE MAILED: 03/10/2021

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,729	06/26/2003	Philip M. Donian	42327-501001US	5831

TITLE OF INVENTION: Method and apparatus for the free licensing of digital media content

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	MICRO	\$300	\$0.00	\$0.00	\$300	06/10/2021

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

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

HOW TO REPLY TO THIS NOTICE:

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

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

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

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

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

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

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

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

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

64046 7590 03/10/2021
Mintz Levin/San Diego Office
One Financial Center
Boston, MA 02111

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

Certificate of Mailing or Transmission

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

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,729	06/26/2003	Philip M. Donian	42327-501001US	5831

TITLE OF INVENTION: Method and apparatus for the free licensing of digital media content

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	MICRO	\$300	\$0.00	\$0.00	\$300	06/10/2021

EXAMINER	ART UNIT	CLASS-SUBCLASS
RETTA, YEHDEGA	3688	014-014000

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

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

1 _____

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

2 _____

3 _____

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

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

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

4a. Fees submitted: ☐ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

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

☐ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

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

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

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

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

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

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

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,729	06/26/2003	Philip M. Donian	42327-501001US	5831
64046	7590	03/10/2021	EXAMINER	
Mintz Levin/San Diego Office			RETTA, YEHDEGA	
One Financial Center			ART UNIT	
Boston, MA 02111			PAPER NUMBER	
			3688	
DATE MAILED: 03/10/2021				

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

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

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

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

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

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

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.** Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

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

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

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

Notice of Allowability	Application No. 10/606,729	Applicant(s) Donian et al.	
	Examiner YEHDEGA RETTA	Art Unit 3688	AIA (FITF) Status No

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

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

1. ☒ This communication is responsive to 2/16/21.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

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

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
Certified copies:
a) ☐ All b) ☐ Some *c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

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

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

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

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

Attachment(s)

1. ☐ Notice of References Cited (PTO-892) 2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____. 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____. 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.	5. ☐ Examiner's Amendment/Comment 6. ☒ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
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/YEHDEGA RETTA/ Primary Examiner, Art Unit 3688	
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Continuation of 3. The allowed claim(s) is/are: 212,214,221,225-230,233,237-238,240-243,267 and 274-279

Notice of Pre-AIA or AIA Status

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

Allowable Subject Matter

Claims 212, 214, 221, 225-230, 233, 237, 238, 240-243, 267 and 274-279 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art of record, Knepper et al. (US 2001/0042249A1), Hannah et al. (US 7,761,327 B1) and Wang (US 2002/0191950 A1) failed to teach the following limitation:

the content stream comprising one or more initially sequenced insertion points at which the digital advertising content is scheduled to be presented relative to the digital media content during play;

in response to user input updating a current play position in the content stream to a new play position in the content stream, the one or more processors using one or more adaptive preference rules to adaptively modify a presentation position of the digital advertising content from at least one of the one or more initially sequenced insertion points to one or more alternatively sequenced insertion points in the digital media content;

at least one of the one or more alternatively sequenced insertion points being different than the one or more initially sequenced insertion points relative to the digital media content within the content stream;

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YEHDEGA RETTA whose telephone number is (571)272-6723. The examiner can normally be reached on Monday-Thursday 8am-6pm.

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, Kambiz Abdi can be reached on 571-272-6702. 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 <https://ppair-my.uspto.gov/pair/PrivatePair>. 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.

YR

/YEHDEGA RETTA/
Primary Examiner, Art Unit 3688

<i>Search Notes</i> 	Application/Control No. 10/606,729	Applicant(s)/Patent Under Reexamination Donian et al.
	Examiner YEHDEGA RETTA	Art Unit 3688

CPC - Searched*		
Symbol	Date	Examiner

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

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
see EAST search	11/06/2020	YR
see Proquest search	11/06/2020	YR
EAST search	02/25/2021	YR
STIC search	02/25/2021	YR

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
H04N	21	02/26/2021	YR

/YEHDEGA RETTA/ Primary Examiner, Art Unit 3688	
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<i>Index of Claims</i> 	Application/Control No. 10/606,729	Applicant(s)/Patent Under Reexamination Donian et al.
	Examiner YEHDEGA RETTA	Art Unit 3688

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

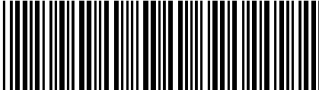
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☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
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<i>Index of Claims</i> 	Application/Control No. 10/606,729	Applicant(s)/Patent Under Reexamination Donian et al.
	Examiner YEHDEGA RETTA	Art Unit 3688

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<i>Index of Claims</i> 	Application/Control No. 10/606,729	Applicant(s)/Patent Under Reexamination Donian et al.
	Examiner YEHDEGA RETTA	Art Unit 3688

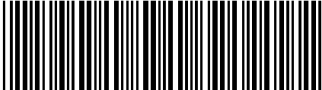
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<i>Index of Claims</i> 	Application/Control No. 10/606,729	Applicant(s)/Patent Under Reexamination Donian et al.
	Examiner YEHDEGA RETTA	Art Unit 3688

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<i>Index of Claims</i> 	Application/Control No. 10/606,729	Applicant(s)/Patent Under Reexamination Donian et al.
	Examiner YEHDEGA RETTA	Art Unit 3688

CLAIM		DATE									
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<i>Index of Claims</i> 	Application/Control No. 10/606,729	Applicant(s)/Patent Under Reexamination Donian et al.
	Examiner YEHDEGA RETTA	Art Unit 3688

CLAIM		DATE							
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Issue Classification 	Application/Control No. 10/606,729	Applicant(s)/Patent Under Reexamination Donian et al.
	Examiner YEHDEGA RETTA	Art Unit 3688

CPC						
Symbol					Type	Version
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CPC Combination Sets				
Symbol	Type	Set	Ranking	Version

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	23	
/YEHDEGA RETTA/ Primary Examiner, Art Unit 3688	26 February 2021	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	4A

Issue Classification 	Application/Control No. 10/606,729	Applicant(s)/Patent Under Reexamination Donian et al.
	Examiner YEHDEGA RETTA	Art Unit 3688

INTERNATIONAL CLASSIFICATION			
CLAIMED			
G06Q		30	00

NON-CLAIMED			

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS

CROSS REFERENCES(S)						
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					

NONE (Assistant Examiner) _____ (Date) _____		Total Claims Allowed: 23	
/YEHDEGA RETTA/ Primary Examiner, Art Unit 3688 (Primary Examiner) _____ (Date) _____		26 February 2021 O.G. Print Claim(s) 1	O.G. Print Figure 4A

Issue Classification 	Application/Control No. 10/606,729	Applicant(s)/Patent Under Reexamination Donian et al.
	Examiner YEHDEGA RETTA	Art Unit 3688

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

CLAIMS															
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	216	4	225		234	21	243		252		261		270	16	279
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	219	7	228	11	237		246		255		264		273		
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NONE (Assistant Examiner) _____ (Date) _____		Total Claims Allowed: 23	
/YEHDEGA RETTA/ Primary Examiner, Art Unit 3688 (Primary Examiner) _____ (Date) 26 February 2021		O.G. Print Claim(s) 1	O.G. Print Figure 4A

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
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S538	299	S527 and (rearrang\$5 re-arrang\$5 re-sequenc\$5 resequence) same (skip\$5 forward\$5)	US-PGPUB; USPAT	OR	ON	2021/02/22 10:46
S539	139	S527 and (rearrang\$5 re-arrang\$5 re-sequenc\$5 resequence) same (skip\$5 forward\$5) same (playlist play-list list sequence)	US-PGPUB; USPAT	OR	ON	2021/02/22 10:47
S540	3	S527 and (rearrang\$5 re-arrang\$5 re-sequenc\$5 resequence) same (skip\$5 forward\$5) same (playlist play-list list sequence) and splic\$5	US-PGPUB; USPAT	OR	ON	2021/02/22 10:48
S541	8	((("DONIAN") near3 ("Philip")) OR ((("HENNEMAN") near3 ("Larry")) OR ((("MALIONE") near3 ("Michael")))).INV.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2021/02/22 10:57

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	3	(playlist media music audio) same insert\$ near5 (advertis\$5 marketing promotion\$4) same sequenc\$5 same (skip\$5 (select\$5 adj (out adj order)))	USPAT	OR	ON	2021/02/26 08:26
S542	17	(playlist play-list (media-player realplayer real-player)) same (music media audio) same (insert\$5 play\$5) same (adverti\$8 marketing) same splic\$5	USPAT	OR	ON	2021/02/22 10:51
S543	0	S542 and @pd<"20040101"	USPAT	OR	ON	2021/02/22 10:51

2/26/2021 8:29:45 AM

C:\Users\yretta\Documents\EAST\Workspaces\10606729-1.wsp

Bibliographic Data

Application No: 10/606,729

Foreign Priority claimed: ☐ Yes ☒ No

35 USC 119 (a-d) conditions met: ☐ Yes ☒ No ☐ Met After Allowance

Verified and Acknowledged:

Examiner's Signature

Initials

Title:

Method and apparatus for the free licensing of digital media content

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
06/26/2003	705	3688	42327-501001US
RULE			

APPLICANTS

INVENTORS

Philip M. Donian, San Francisco, CA,

Larry E. Henneman JR., Three Rivers, MI,

Michael M. Malione, Oakland, CA,

CONTINUING DATA

This application has PRO of 60393193 06/27/2002

This application has PRO of 60392232 06/27/2002

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

09/17/2003

**** MICRO ENTITY ****

STATE OR COUNTRY

ADDRESS

Mintz Levin/San Diego Office

One Financial Center

Boston, MA 02111

UNITED STATES

FILING FEE RECEIVED

\$1,291

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1	"20040003398"	US-PGPUB; USPAT	OR	ON	2021/02/22 09:11
L2	1	"20040003398" and sequenc\$5	US-PGPUB; USPAT	OR	ON	2021/02/22 09:19
L3	1	"20040003398" and sequenc\$5 same adverti\$7	US-PGPUB; USPAT	OR	ON	2021/02/22 09:19
L4	9,129	(H04N21/44204 or H04N21/4532 or H04N21/4627 or G06F21/10 or H04N21/44016 or H04N21/482 or H04N21/25891 or H04N21/2541 or H04N21/4147 or H04N21/458 or H04N21/4788 or H04N21/23424 or H04N21/8193 or H04N21/8173 or H04N21/8456 or H04N21/47202 or H04N21/8355 or G06Q30/02 or H04N21/4314 or H04N7/17318).cpc. and (playlist play-list (media-player realplayer real-player))	US-PGPUB; USPAT	OR	ON	2021/02/22 10:04
L5	4,488	(H04N21/44204 or H04N21/4532 or H04N21/4627 or G06F21/10 or H04N21/44016 or H04N21/482 or H04N21/25891 or H04N21/2541 or H04N21/4147 or H04N21/458 or H04N21/4788 or H04N21/23424 or H04N21/8193 or H04N21/8173 or H04N21/8456 or H04N21/47202 or H04N21/8355 or G06Q30/02 or H04N21/4314 or H04N7/17318).cpc. and (playlist play-list (media-player realplayer real-player)) same (music media audio) and (adverti\$8 marketing)	US-PGPUB; USPAT	OR	ON	2021/02/22 10:05
L6	1,712	(H04N21/44204 or H04N21/4532 or H04N21/4627 or G06F21/10 or H04N21/44016 or H04N21/482 or H04N21/25891 or H04N21/2541 or H04N21/4147 or H04N21/458 or H04N21/4788 or H04N21/23424 or H04N21/8193 or H04N21/8173 or H04N21/8456 or H04N21/47202 or H04N21/8355 or G06Q30/02 or H04N21/4314 or H04N7/17318).cpc. and (playlist play-list (media-player realplayer real-player)) same (music	US-PGPUB; USPAT	OR	ON	2021/02/22 10:05

		media audio) same (insert\$5 play\$5) same (advertis\$8 marketing)				
L7	23	6 and @pd<"20040101"	US-PGPUB; USPAT	OR	ON	2021/02/22 10:07
L8	137,246	(H04N21/44204 or H04N21/4532 or H04N21/4627 or G06F21/10 or H04N21/44016 or H04N21/482 or H04N21/25891 or H04N21/2541 or H04N21/4147 or H04N21/458 or H04N21/4788 or H04N21/23424 or H04N21/8193 or H04N21/8173 or H04N21/8456 or H04N21/47202 or H04N21/8355 or G06Q30/02 or H04N21/4314 or H04N7/17318).cpc.	US-PGPUB; USPAT	OR	ON	2021/02/22 10:09
L9	12,454	8 and @pd<"20040101"	US-PGPUB; USPAT	OR	ON	2021/02/22 10:09
L10	23	9 and (playlist play-list (media-player realplayer real-player)) same (music media audio) same (insert\$5 play\$5) same (advertis\$8 marketing)	US-PGPUB; USPAT	OR	ON	2021/02/22 10:09
L11	125	9 and (playlist play-list (media-player realplayer real-player) (media music audio) adj3 player) same (insert\$5 play\$5) same (advertis\$8 marketing)	US-PGPUB; USPAT	OR	ON	2021/02/22 10:12
L12	5,112	(H04N21/44204 or H04N21/4532 or H04N21/4627 or G06F21/10 or H04N21/44016 or H04N21/482 or H04N21/25891 or H04N21/2541 or H04N21/4147 or H04N21/458 or H04N21/4788 or H04N21/23424 or H04N21/8193 or H04N21/8173 or H04N21/8456 or H04N21/47202 or H04N21/8355 or G06Q30/02 or H04N21/4314 or H04N7/17318).cpc. and (playlist play-list (media-player realplayer real-player) (media music audio) adj3 player) same (insert\$5 play\$5) same (advertis\$8 marketing)	US-PGPUB; USPAT	OR	ON	2021/02/22 10:13
L13	125	12 and @pd<"20040101"	US-PGPUB; USPAT	OR	ON	2021/02/22 10:13
L14	122	13 and (sequenc\$5 order\$4 arrang\$5)	US-PGPUB; USPAT	OR	ON	2021/02/22 10:14
L15	106	13 and (sequenc\$5 order\$4 arrang\$5) same (audio music list media playlist)	US-PGPUB; USPAT	OR	ON	2021/02/22 10:15
L16	1	15 and (rearrang\$5 re-arrang\$5 re- sequenc\$5 resequence) same (skip\$5 forward\$5)	US-PGPUB; USPAT	OR	ON	2021/02/22 10:16

L17	3,485	(playlist play-list (media-player realplayer real-player)) same (music media audio) same (insert\$5 play\$5) same (adverti\$8 marketing)	US-PGPUB; USPAT	OR	ON	2021/02/22 10:46
L18	55	17 and @pd<"20040101"	US-PGPUB; USPAT	OR	ON	2021/02/22 10:46
L19	299	8 and (rearrang\$5 re-arrang\$5 re-sequenc\$5 resequence) same (skip\$5 forward\$5)	US-PGPUB; USPAT	OR	ON	2021/02/22 10:46
L20	139	8 and (rearrang\$5 re-arrang\$5 re-sequenc\$5 resequence) same (skip\$5 forward\$5) same (playlist play-list list sequence)	US-PGPUB; USPAT	OR	ON	2021/02/22 10:47
L21	3	8 and (rearrang\$5 re-arrang\$5 re-sequenc\$5 resequence) same (skip\$5 forward\$5) same (playlist play-list list sequence) and splic\$5	US-PGPUB; USPAT	OR	ON	2021/02/22 10:48
L24	8	((("DONIAN") near3 ("Philip")) OR ((("HENNEMAN") near3 ("Larry")) OR ((("MALIONE") near3 ("Michael")))).INV.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2021/02/22 10:57

2/22/2021 10:59:25 AM

C:\Users\yretta\Documents\EAST\Workspaces\10606729-1.wsp

EIC 3600 Search Report

To: Yehdega Retta Location: PHP Art Unit: 3688 Case Serial Number: 10/606,729		Searcher:	Jermaine Wilson
		Location:	EIC-3600 KNOX 4B
		Phone:	571-270-5791
		Email:	Jermaine.wilson@uspto.gov
		Date Completed:	2/25/2021
Access Search Log Number:	626474		

This search report contains the following content:

- **Search Histories**

Keyword/synonym strings and search strategies used by the EIC Searcher in completing the prior art search are included. The search history for each database or resource utilized appears at the top of each database/resource section, indicated by the database/resource section headings.

- **Search Results**

Only on-topic results are included in the search report. On-topic results include all references found that are related to the art area being searched. These references may not necessarily be useful for a rejection or other office action, but are included for the Examiner's review. Off-topic, unrelated, or irrelevant search results ("false drops" or "false hits") were removed by the Searcher. Off-topic results include all references that are unrelated to the art area being searched.

If you have any questions about this search, or about how to interpret this search report, please do not hesitate to contact the Searcher using the contact information listed above.

If you need assistance retrieving the full text of any of the references contained in this report, please contact the Searcher listed above, or the EIC 3600 Reference Desk at 571-272-3488 (x23488) or STIC-EIC3600@uspto.gov.

Thank you for using the EIC, and we look forward to your next search!

Per our conversation, I was unable to find any good references for "re-arranges or re-sequences advertisement after changing play list on a media player" See attached search history below.

ProQuest Dialog - Patent

Databases: Argentina Patents Fulltext, Australia Patents Fulltext, Austria Patents Fulltext, Belgium Patents Fulltext, Brazil Patents Fulltext, Canada Patents Fulltext, China Patents Fulltext, Denmark Patents Fulltext, Derwent Chemistry Resource, Derwent Patents Citation Index®, Derwent World Patents Index®, Eurasia Patents Fulltext, European Patents Fulltext, Finland Patents Fulltext, France Patents Fulltext, Germany Patents Fulltext, Global Patents Bibliographic, Great Britain Patents Fulltext, IFI CLAIMS® US Patents and Legal Status, IMS Patent Focus, India Patents Fulltext™, INPADOC / Family and Legal Status, Ireland Patents Fulltext, Italy Patents Fulltext, Japan Patents Fulltext, JAPIO - Patent Abstracts of Japan, Korea Patents Fulltext, LitAlert®, Luxembourg Patents Fulltext, Mexico Patents Fulltext, Monaco Patents Fulltext, Netherlands Patents Fulltext, Norway Patents Fulltext, Portugal Patents Fulltext, Russia Patents Fulltext, Spain Patents Fulltext, Sweden Patents Fulltext, Switzerland Patents Fulltext, United States Patents Fulltext, WIPO PCT Patents Fulltext

Set#	Searched for	Results
S1	((mp3 or audio or music or media or multimedia or playback) pre/2 (player[*1] or device[*1] or appts or apparatus)) or ipod[*1])	6800601
S2	(re[*1]arrang[*3] or rearrang[*3] or re[*1]sequenc[*3] or resequenc[*3] or reorganiz[*3] or reord[*3] or regroup[*3] or reconfigur[*3] or shuffl[*3]) near/5 ((play[*1]list or (play pre/0 list) or song[*1]list or (song pre/0 list) or ((play or song or music) pre/0 (preset[*1] or pre[*1]set[*1] or ("pre" pre/0 set[*1])))))	3424
S3	(re[*1]arrang[*3] or rearrang[*3] or re[*1]sequenc[*3] or resequenc[*3] or reorganiz[*3] or reord[*3] or regroup[*3] or reconfigur[*3] or shuffl[*3]) near/5 (advertisement or ad[*1] or advertis[*3] or advertiser or commercial[*1] or marketing or campaign[*1])	29838

S4	s1 AND s2 AND s3	94°
S5	(s1 AND s2 AND s3) and (pd(19900101-20020626))	0°

ProQuest Dialog – Non-Patent Literature

Databases: ABI/INFORM® Professional Advanced, Abstracts in New Technology & Engineering, British Library Inside Conferences, Business & Industry, Civil Engineering Abstracts, Current Contents® Search, Earthquake Engineering Abstracts, Ei Compendex®, Gale Group Computer Database™, Gale Group New Product Announcements / Plus®, Gale Group Newsletter Database™, Gale Group PROMT®, Gale Group Trade & Industry Database™, Inspec®, Mechanical & Transportation Engineering Abstracts, NTIS: National Technical Information Service, ProQuest Advanced Tech & Aerospace Professional, ProQuest Dissertations and Theses Professional, ProQuest Materials Research Professional, ProQuest Newsstand Professional, ProQuest Technology Research Professional, UBM Computer Full Text

Set#	Searched for	Results
S1	((mp3 or audio or music or media or multimedia or playback) pre/2 (player[*1] or device[*1] or appts or apparatus)) or ipod[*1])	1524049*
S2	(re[*1]arrang[*3] or rearrang[*3] or re[*1]sequenc[*3] or resequenc[*3] or reorganiz[*3] or reord[*3] or regroup[*3] or reconfigur[*3] or shuffl[*3]) near/5 ((play[*1]list or (play pre/0 list) or song[*1]list or (song pre/0 list) or ((play or song or music) pre/0 (preset[*1] or pre[*1]set[*1] or ("pre" pre/0 set[*1]))))	1106°
S3	(re[*1]arrang[*3] or rearrang[*3] or re[*1]sequenc[*3] or resequenc[*3] or reorganiz[*3] or reord[*3] or regroup[*3] or reconfigur[*3] or shuffl[*3]) near/5 (advertisement or ad[*1] or advertis[*3] or advertiser or commercial[*1] or marketing or campaign[*1])	38668*
S4	s1 AND s2 AND s3	39°
S5	(s1 AND s2 AND s3) and (pd(19900101-20020626))	0°

EAST

Ref #	Hits	Search Query	DBs	Default Operator	Plurals
L1	394,520	((mp3 audio music media multimedia playback) adj2 (player\$1 device\$1 appts apparatus)) ipod\$1)	FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON
L2	83	(re\$1arrang\$3 rearrang\$3 re\$1sequenc\$3 resequenc\$3 reorganiz\$3 reord\$3 regroup\$3 reconfigur\$3 shuffl\$3) near5 ((play\$1list (play adj list) song\$1list (song adj list)) ((play song music) adj (preset\$1 pre\$1set\$1 (pre adj set\$1))))	FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON
L3	635	(re\$1arrang\$3 rearrang\$3 re\$1sequenc\$3 resequenc\$3 reorganiz\$3 reord\$3 regroup\$3 reconfigur\$3 shuffl\$3) near5 (advertisement ad\$1 advertis\$3 advertiser commercial\$1 marketing campaign\$1)	FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON
L4	0	I1 and I2 and I3	FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON
L5	954,947	((mp3 audio music media multimedia playback) adj2 (player\$1 device\$1 appts apparatus)) ipod\$1)	US-PGPUB; USPAT; USOCR	OR	ON
L6	1,333	(re\$1arrang\$3 rearrang\$3 re\$1sequenc\$3 resequenc\$3 reorganiz\$3 reord\$3 regroup\$3 reconfigur\$3 shuffl\$3) near5 ((play\$1list (play adj list) song\$1list (song adj list)) ((play song music) adj (preset\$1 pre\$1set\$1 (pre adj set\$1))))	US-PGPUB; USPAT; USOCR	OR	ON
L7	11,017	(re\$1arrang\$3 rearrang\$3 re\$1sequenc\$3 resequenc\$3 reorganiz\$3 reord\$3 regroup\$3 reconfigur\$3 shuffl\$3) near5 (advertisement ad\$1 advertis\$3 advertiser commercial\$1 marketing campaign\$1)	US-PGPUB; USPAT; USOCR	OR	ON
L8	59	I5 and (I6 same\$3 I7)	US-PGPUB; USPAT; USOCR	OR	ON

IP.com / InnovationQ - Patents

US Patents, US Designs, US Applications, Canadian Patents, Canadian Applications, Mexican Patents, Mexican Applications, European Patents, European Applications, French Patents, French Applications, German Patents, German Applications, Great Britain Patents, Great Britain Applications, Netherlands Patents, Netherlands Applications, Luxembourg Patents, Denmark Patents, Denmark Applications, Finnish Patents, Finnish Applications, Sweden Patents, Sweden Applications, Switzerland Patents, Switzerland Applications, Austrian Patents, Austrian Applications, Italian Patents, Italian Applications, Spanish Patents, Spanish Applications, Poland Patents, Poland Applications, Chinese Patents, Chinese Applications, Indian Patents, Indian Applications, Japanese Patents, Japanese Applications, Korean Patents, Korean Applications, Taiwanese Patents, Taiwanese Applications, Israel Applications, Australian Patent Documents, Brazil Patents, Brazil Applications, New Zealand Patents, Russian Patents, Russian Applications, WIPO Applications, and South Africa Patents.

Main Concept Text

=====

re-arranges or re-sequences advertisement after changing play list on a media player

Filters (1)

=====

Publication Date: From 1997-09-16 To 2002-06-26

1.

System and method of joining encoded video streams for continuous play

A system and method for transferring entertainment media files and advertisement media files. A set of advertisement files is pre-cached at the client side (101). A show, movie or other form of entertainment object is delivered to the user over the Internet (109). An instruction set is downloaded...

CURRENT ASSIGNEES: LOAD MEDIA NETWORKS INC
WO2001069929A1 | WIPO APPLICATIONS | 20-SEP-2001

2.

System and method of joining encoded video streams for continuous play

A system and method for transferring entertainment media files and advertisement media files. A set of advertisement files is pre-cached at the client side. A show, movie or other form of entertainment object may be requested by a user, and the set of files of which that entertainment object is...

CURRENT ASSIGNEES: LOAD MEDIA NETWORK INC
US20010042249 | US APPLICATIONS | 15-NOV-2001

3.

List building system

A system implementable using a programmable processor includes a plurality of pre-stored commands for building an inventory of audio, musical, works or audio/visual works, such as music videos. A plurality of works can be collected together in a list for purposes of establishing a play or a...

CURRENT ASSIGNEES: PREMIER INTL ASSOC LLC [+ 1]
US6243725 | US PATENTS | 05-JUN-2001

4.

Programmed juke box capable of calculating a continuous updated playlist

EIC 3600 Search Report

5

2/25/2021

A system for playing performances recorded on disc, tape and records includes video display terminals with touch panel control for audience selection of particular performances to be played. The terminals display not only lists of performances but also the graphics and text on the album covers or...

CURRENT ASSIGNEES: ALLISON AVERY VINCE
US5668788 | US PATENTS | 16-SEP-1997

5.

A web application for accessing media streams

A web page (10) has a player (16) for playing media objects, a sequencer (14) which displays a play list that defines an order in which media objects are played by the player (16), and a media access area (12) for containing a plurality of graphical icons. Each graphical icon representing a media...

CURRENT ASSIGNEES: MEDIA & TRANSACTIONS INC
WO2000028396A2 | WIPO APPLICATIONS | 18-MAY-2000

6.

Personalized disc jockey system

Automated insertion of personalized information content between segments of an audio program. The information may be based on user preferences and unique for the individual user. When a user is listening to a series of digital audio files being rendered by an audio player application according to a...

CURRENT ASSIGNEES: INTEL CORP
WO2002009088A2 | WIPO APPLICATIONS | 31-JAN-2002

7.

Online multimedia system and method

A system and method for delivering a targeted advertisement, comprising means for performing the steps of classifying a consumer by assigning to the consumer a behavior classification based on a set of expressly defined set of preferences, an automatically derived set of preferences, and a prior...

CURRENT ASSIGNEES: ZEBUS GROUP INC
WO2001093161A1 | WIPO APPLICATIONS | 06-DEC-2001

8.

Data communication system

A computer program product is provided which includes in combination a media player control (12) and a web browser control (14) stored on a digital storage medium. The product further includes a display controller which defines a browsing zone and a media player zone on a display screen of a...

CURRENT ASSIGNEES: M WEB CONNECT PTY LTD
WO2001020471A1 | WIPO APPLICATIONS | 22-MAR-2001

9.

Method, system and computer program product for producing and distributing enhanced media downstreams

A multimedia production and distribution system collects or assembles a media production (such as, a news program, television programming, or radio broadcast) from a variety of sources, including television stations and other media hosting facilities. The media production is categorized and indexed...

CURRENT ASSIGNEES: PARKERVISION INC
US20020053078 | US APPLICATIONS | 02-MAY-2002

10.

Universal music player

A universal music player system includes a virtual player which has the appearance and functionality of a real media player. One or more media object displays display media objects which are owned by or accessible to a user. An animator visually emulates loading a media object from the virtual rack...

CURRENT ASSIGNEES: ROCK COM INC
WO2000054187A1 | WIPO APPLICATIONS | 14-SEP-2000

To: IPDocketingBOS@mintz.com,IPFilerombos@mintz.com,mintzdocketing@cpaglobal.com
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 64046

Mar 10, 2021 11:18:25 AM

Dear PAIR Customer:

Mintz Levin/San Diego Office
One Financial Center
Boston, MA 02111
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 64046 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

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Application	Document	Mailroom Date	Attorney Docket No.
10606729	NOA	03/10/2021	42327-501001US

To view your correspondence online or update your email addresses, please visit us anytime at <https://sportal.uspto.gov/secure/myportal/privatepair>.

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Mintz Levin/San Diego Office
One Financial Center
Boston, MA 02111



**Courtesy Reminder for
Application Serial No: 10/606,729**

Attorney Docket No: 42327-501001US

Customer Number: 64046

Date of Electronic Notification: 03/10/2021

This is a courtesy reminder that new correspondence is available for this application. If you have not done so already, please review the correspondence. The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

An email notification regarding the correspondence was sent to the following email address(es) associated with your customer number:

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To view your correspondence online or update your email addresses, please visit us anytime at **<https://ppair-my.uspto.gov/pair/PrivatePair>**.

If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov or call 1-866-217-9197.

PART B – FEE(S) TRANSMITTAL

Complete and send this form, together with the applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By fax, send to: (571) 273-2885

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

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

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
US
One Financial Center
Boston, MA 02111

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

Certificate of Mailing or Transmission

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

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
10/606,729	2003-06-26	Philip M. DONIAN	042327-501001US	5831

TITLE OF INVENTION: METHOD AND APPARATUS FOR THE FREE LICENSING OF DIGITAL MEDIA CONTENT

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
UTILITY	MICRO	300	0	0	300	2021-06-10

EXAMINER	ART UNIT	CLASS-SUBCLASS
YEHDEGA RETTA	3688	-

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

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

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

1. Mintz, Levin, Cohn, Ferris,
2. Glovsky and Popeo, P.C.
3.

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Piranha Media Distribution, Inc.

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

San Francisco, CA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government4a. Fees Submitted: ☒ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

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

- ☒ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)
- ☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. 50-0311

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

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

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

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

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

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

Authorized Signature /Mark Hammond/Date March 19, 2021Typed or printed name Mark D. HammondRegistration No. 75,822

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

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

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

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

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Philip M. Donian

Application No.: 10/606,729

Filed: June 26, 2003

For: Method and Apparatus for the Free
Licensing of Digital Media Content

Confirmation No.: 5831

Examiner: Yehdega Retta

Technology Center/Art Unit: 3688

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Commissioner:

Applicant has received the Examiner's Statement of Reasons for Allowance with the March 10, 2021 Notice of Allowance and Allowability regarding the above-identified application. Entry of the Statement into the record should not be construed as any agreement with or acquiescence in the reasoning stated by the Examiner. Each of the claims stands on its own merits and is patentable because of the combination it recites and not because of the presence or absence of any one particular element.

The Examiner's Statement was not prepared by Applicant and only contains the Examiner's possible positions in one or more reasons for allowability. Thus, any interpretation with respect to the Examiner's Statement of Reasons for Allowance should not be imputed to the Applicant.

Dated: March 19, 2021

Respectfully submitted,

/Mark Hammond/

Mark D. Hammond

Reg. No. 75,822

MINTZ LEVIN COHN FERRIS GLOVSKY
AND POPEO, P.C.

3580 Carmel Mountain Road, Suite 300

San Diego, CA 92130

(858) 314-1500

Attorneys for Applicant

Electronic Patent Application Fee Transmittal				
Application Number:		10606729		
Filing Date:		26-Jun-2003		
Title of Invention:		Method and apparatus for the free licensing of digital media content		
First Named Inventor/Applicant Name:		Philip M. Donian		
Filer:		Mark D. Hammond/Matthew Tupper		
Attorney Docket Number:		42327-501001US		
Filed as Micro 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:				
UTILITY ISSUE FEE	3501	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				300

Electronic Acknowledgement Receipt	
EFS ID:	42233537
Application Number:	10606729
International Application Number:	
Confirmation Number:	5831
Title of Invention:	Method and apparatus for the free licensing of digital media content
First Named Inventor/Applicant Name:	Philip M. Donian
Customer Number:	64046
Filer:	Mark D. Hammond/Matthew Tupper
Filer Authorized By:	Mark D. Hammond
Attorney Docket Number:	42327-501001US
Receipt Date:	19-MAR-2021
Filing Date:	26-JUN-2003
Time Stamp:	17:56:53
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$ 300
RAM confirmation Number	E20213IH57413668
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	Issue Fee Payment (PTO-85B)	042327-501001US_Issuefee.pdf	114167	no	2
			870e029509684d15244c9ec042bbca47df2ced11		
Warnings:					
Information:					
2	Post Allowance Communication - Incoming	042327-501001US_Comments.pdf	103457	no	1
			a89d0696d49b442e84ba257ff6b6a6b03c1ffe0d		
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30020	no	2
			0addf99db8a4740c9b673a2afe6878d8668a4688		
Warnings:					
Information:					
Total Files Size (in bytes):			247644		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					



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
10/606,729	06/26/2003	3688	2110	42327-501001US	108	5

CONFIRMATION NO. 5831
CORRECTED FILING RECEIPT

64046
Mintz Levin/San Diego Office
One Financial Center
Boston, MA 02111



Date Mailed: 03/23/2021

Receipt is acknowledged of this non-provisional utility 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 FIRST INVENTOR, 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 corrected Filing Receipt, including a properly marked-up ADS showing the changes with strike-through for deletions and underlining for additions. If you received a "Notice to File Missing Parts" or other Notice requiring a response for this application, please submit any request for correction 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 provided that the request is grantable.

Inventor(s)

Philip M. Donian, San Francisco, CA;
Larry E. Henneman JR., Three Rivers, MI;
Michael M. Malione, Oakland, CA;

Applicant(s)

Philip M. Donian, San Francisco, CA;
Larry E. Henneman JR., Three Rivers, MI;
Michael M. Malione, Oakland, CA;

Power of Attorney: The patent practitioners associated with Customer Number 64046

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/393,193 06/27/2002
and claims benefit of 60/392,232 06/27/2002

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: 09/17/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/606,729**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** MICRO ENTITY ****

Title

INTERACTIVE DIGITAL MEDIA AND ADVERTISING PRESENTATION PLATFORM

Preliminary Class

014

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

page 2 of 4

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).

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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

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

NOT GRANTED

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

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

To: IPDocketingBOS@mintz.com,IPFilerombos@mintz.com,mintzdocketing@cpaglobal.com
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 64046

Mar 23, 2021 08:50:43 AM

Dear PAIR Customer:

Mintz Levin/San Diego Office
One Financial Center
Boston, MA 02111
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 64046 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

Disclaimer:

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Application	Document	Mailroom Date	Attorney Docket No.
10606729	APP.FILE.REC	03/23/2021	42327-501001US

To view your correspondence online or update your email addresses, please visit us anytime at <https://sportal.uspto.gov/secure/myportal/privatepair>.

If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov with 'e-Office Action' on the subject line or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m.

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,729	04/20/2021	10986403	42327-501001US	5831

64046 7590 03/31/2021
Mintz Levin/San Diego Office
One Financial Center
Boston, MA 02111

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

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

The Patent Term Adjustment is 958 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

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

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

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

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

Philip M. Donian, San Francisco, CA;
Larry E. Henneman JR., Three Rivers, MI;
Michael M. Malione, Oakland, CA;

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

To: IPDocketingBOS@mintz.com,IPFilerombos@mintz.com,mintzdocketing@cpaglobal.com
From: PAIR_eOfficeAction@uspto.gov
Cc: PAIR_eOfficeAction@uspto.gov
Subject: Private PAIR Correspondence Notification for Customer Number 64046

Apr 01, 2021 03:45:59 AM

Dear PAIR Customer:

Mintz Levin/San Diego Office
One Financial Center
Boston, MA 02111
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 64046 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

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Application	Document	Mailroom Date	Attorney Docket No.
10606729	ISSUE.NTF	03/31/2021	42327-501001US

To view your correspondence online or update your email addresses, please visit us anytime at <https://sportal.uspto.gov/secure/myportal/privatepair>.

If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov with 'e-Office Action' on the subject line or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m.

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:

Philip M. Donian, *et al.*

Application No.: 10/606,729

Filed: June 26, 2003

Patent No.: 10,986,403

Issue Date: April 20, 2021

For: METHOD AND APPARATUS FOR THE FREE
LICENSING OF DIGITAL MEDIA CONTENT

Confirmation No.: 5831

Art Unit: 3688

Examiner: Yehdega Retta

FILED VIA EFS

Mail Stop: Office of Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 CFR § 1.705

On behalf of the Applicant, the undersigned requests reconsideration of patent term adjustment under 37 C.F.R. § 1.705 indicated on the front page of the above-issued patent (issue date of April 20, 2021) (*see Exhibit A*) and on the Issue Notification (*see Exhibit B*).

Summary

Applicant disagrees with the Office regarding the calculation of “A-delay” of 2272 days appearing in the upper section of the tab entitled “Patent Term Adjustments” of the Patent Application Information Retrieval (“PAIR”). *See Exhibit C*. Additionally, Applicant disagrees with the Office regarding the calculation of “Applicant Delays” of 1761 days appearing in the upper section of the tab entitled “Patent Term Adjustments” of the Patent Application Information Retrieval (“PAIR”). *See Exhibit C*.

Applicant does not dispute the Office’s calculation of “B and C delays.”

Applicant does not dispute the Office’s calculation of “Overlapping Days.”

Applicant does dispute the Office’s calculation of “A delays”. The total “A Delays” should be **2513 days** rather than 2272 days.

Applicant does dispute the Office’s calculation of “Applicant Delays.” The total “Applicant Delays” should be **1138 days** rather than 1761 days.

Applicant calculates the total Patent Term Adjustment to be 1822 days and not 958 days. The formula for the calculation of the PTA is as follows:

A Delay (2513 days) + B Delay (1277 days) – C Delay (0 day) – A/B Delay (830 day) – Applicant’s Delay (1138 day) = 1822 days.

Statement of Facts Regarding the A delay**I. Undisputed Facts:**

1. A Final Office Action was mailed on October 12, 2016.
2. A Notice of Appeal was timely filed by Applicant on April 4, 2017 along with a Pre-Brief Conference Request and fees for a three-month extension of time.
3. The Office incorrectly mailed a Notice of Abandonment on December 11, 2017.
4. A “Notice of Rescinded Abandonment” mailed on January 29, 2018.
5. A Pre-Brief Appeal Conference Decision mailed on April 2, 2018.

II. Disputed Facts:

1. Applicant asserts that 241 days should be added to the Office calculation of “A Delay” of 2272 days under 35 U.S.C. § 154(b)(1)(A) for the reason stated below.

Statement of Facts Regarding the Applicant’s Delay

I. Undisputed Facts:

1. A Notice of Appeal was filed on July 2, 2014.
2. A corresponding Appeal Brief was filed on February 13, 2015.
3. A separate Notice of Appeal was filed on April 4, 2017.
4. A corresponding Appeal Brief was filed July 19, 2018.

II. Disputed Facts:

1. Applicant disagrees with the Office about the calculation of Applicant Delay” of 1761 days and, more specifically, the “Applicant Delay” of 1386 days associated with the Appeal Brief filed on July 19, 2018 under 37 C.F.R. § 1.704(b) for the reason stated below.

Argument

“A Delays” Calculation

The total “A Delay” calculation is **2513 days** rather than the 2272 days calculated by the Office. Applicant should be credited with 241 days due to 1) the Office’s improper abandonment of the application and 2) failure to timely issue a Pre-Brief Conference Request Decision.

The Office incorrectly mailed a Notice of Abandonment despite Applicant’s timely filings. Applicant timely responded to a Final Office Action mailed on October 12, 2016 by filing a Notice of Appeal on April 4, 2017 along with a Pre-Brief Conference Request and fees for a three-month extension of time. Applicant did not receive a response from the Office until the Office incorrectly mailed a Notice of Abandonment on December 11, 2017. The Office then noted the error and mailed a Notice of Rescinded Abandonment on January 29, 2018 that vacated the holding of abandonment. The Notice of Rescinded Abandonment noted that the April 4, 2017 filing was timely and that the Office had not yet responded to the Pre-Brief Conference request. As such, the Office observed its failure in responding to the Pre-Brief Conference Request and the delay caused by the holding of abandonment was without merit.

Additionally, the Pre-Brief Conference Request Decision should have been issued by no later than August 4, 2017, which is four months from the filing of the Pre-Brief Conference Request. But the Office did not issue the Pre-Brief Conference Request Decision until April 2, 2018 – almost a year after the Notice of Appeal and the Pre-Brief Conference Request was filed with the USPTO.

When an Applicant files a Notice of Appeal and a Pre-Brief Conference Request, the Office applies 37 C.F.R. § 154(b)(1)(A) in order to calculate the “A Delay” to “guarantee prompt patent and trademark office responses.”

37 C.F.R. § 154(b)(1)(A) provides:

Subject to the limitations under paragraph (2), **if the issue of an original patent is delayed due to the failure of the Patent and Trademark Office to—**
(i) provide at least one of the notifications under section 132 or a notice of allowance under section 151 not later than 14 months after—
(I) the date on which an application was filed under section 111(a); or
(II) the date of commencement of the national stage under section 371 in an international application;

(ii) **respond to a reply under section 132, or to an appeal taken under section 134, within 4 months after the date on which the reply was filed or the appeal was taken;**

(iii) act on an application within 4 months after the date of a decision by the Patent Trial and Appeal Board under section 134 or 135 or a decision by a Federal court under section 141, 145, or 146 in a case in which allowable claims remain in the application; or

(iv) issue a patent within 4 months after the date on which the issue fee was paid under section 151 and all outstanding requirements were satisfied,

the term of the patent shall be extended 1 day for each day after the end of the period specified in clause (i), (ii), (iii), or (iv), as the case may be, until the action described in such clause is taken (emphasis added).

Here, the Office had four months to respond to the Pre-Brief Conference Request filed on April 4, 2017 before incurring A delay. However, there was no communication or response in regards to the Pre-Brief Conference Request by the Office until almost a year later on April 2, 2018. This delayed response was at least partially caused by the incorrectly mailed Notice of Abandonment on December 11, 2017, which was subsequently rescinded on January 29, 2018. Accordingly, the patent term is to be extended one day for each day after August 4, 2017 until the mailing of the Pre-Brief Conference Request Decision.

It is noteworthy that the Applicant was unable to take any action to advance prosecution prior to receiving a response from the Office regarding the Pre-Brief Conference Request all due to the Office's negligence in improperly and unduly abandoning the Application. Accordingly, Applicant should be credited with 241 days for the improper abandonment of the Application and for failing to respond to the Pre-Brief Conference Request filed on April 4, 2017, until its Pre-Brief Conference Request Decision mailed on April 2, 2018. Thus, a calculation of 241 days should be added to the "A delays" of 2272, resulting in 2513 days under 35 U.S.C. § 154(b)(1)(A).

"Applicant Delays" Calculation

The Office's calculation of 1761 days "Applicant Delays" is incorrect. More specifically, the Office incorrectly calculated 1386 days of Applicant Delay for assuming a *second* Appeal Brief filed on July 19, 2018 was responsive to the *first* Notice Of Appeal filed July 2, 2014.

The Office applies 37 C.F.R. § 1.704 in order to calculate Applicant's delay "to engage in reasonable efforts to conclude prosecution (processing or examination)".

37 C.F.R. § 1.704(b) provides:

With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), **an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed (emphasis added).**

Here, Applicant engaged in reasonable efforts and the Office miscalculated the time between the first Notice of Appeal and its corresponding Appeal Brief. The Office's calculation is incorrect because the Appeal Brief filed on July 19, 2018 was responsive to the *second* Notice of Appeal filed on April 4, 2017, not the *first* Notice of Appeal filed on July 2, 2014.

Applicant properly filed an Appeal Brief on February 13, 2015, that was responsive to the Notice of Appeal of July 2, 2014. Applicant should not be penalized for the 1386 days (*see Entry Number 104 of Exhibit C*) because the Office apparently overlooked the Appeal Brief filed on February 13, 2015, and mistakenly assumed the Appeal Brief of July 19, 2018 was responsive to the *First* Notice of Appeal on July 2, 2014.

Furthermore, Applicant should not be penalized with 1386 days of Applicant Delay because there was no failure on the part of the Applicant to engage in reasonable efforts to move prosecution forward. Thus, the calculation of 1386 days should be removed from the Office calculation of 1761 days of "Applicant delays" under 35 U.S.C. § 154(b)(2)(C).

With the removal of the 1386 days of Applicant Delay and the addition of some Applicant Delays discussed in the Additional Remarks, the total Applicant Delay will be **1138 days** rather than 1761 days.

Additional Remarks

Applicant agrees with the Office about the calculation of “B Delays” of 1277 days under 35 U.S.C. § 154(b)(1)(B). Applicant agrees with the Office about the calculation of “C Delays” of 0 days under 35 U.S.C. § 154(b)(1)(C).

The Office missed four Applicant Delays due to the miscalculation of 1386 days of the Applicant Delay by assuming the Appeal Brief filed on July 19, 2018 was responsive to the Notice of Appeal filed on April 2, 2014. First, an Applicant Delay of 91 days resulted from responding to a Non-Final Rejection mailed on February 2, 2016 on August 1, 2016. Second, an Applicant Delay of 82 days resulted from responding to a Final Rejection mailed October 12, 2016 on April 3, 2017. Third, an Applicant Delay of 203 days resulted from filing an Appeal Brief on April 23, 2015 after the Notice of Appeal was filed July 2, 2014. *See* 37 CFR 1.704(c)(11). Additionally, an Applicant Delay of 387 days is attributable to filing the Appeal Brief on July 26, 2018 following the Notice of Appeal filed April 4, 2017 (partially due to the improper abandonment by the Office). *See* 37 CFR 1.704(c)(11). Accordingly, the total “Applicant Delays” should be 1138 days rather than 1761 days.

The Patent is not subject to a terminal disclaimer. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application that resulted in the Patent as set forth in 37 C.F.R. § 1.704, other than the circumstances of record.

Conclusion

This request is timely filed within two months after issuance pursuant to 37 C.F.R. § 1.705(d), that is, prior to June 20, 2021. The requisite **micro entity** fee required under 37 C.F.R. §§ 1.705(b)(1) and 1.705(d) as set forth in 37 C.F.R. §1.18(e) of \$210.00 is enclosed with the present request. Applicant believes no additional fees are due with the filing of this Request. However, if any fees are required, Applicant hereby authorizes the Commissioner to charge such fee, or credit any overpayment in fees, to Deposit Account No. 50-0311; Reference Number: 42327-501001US.

In conclusion, Applicant calculates the total Patent Term Adjustment to be 1822 days and not 958 days. The formula for the calculation of the PTA is as follows:

A Delay (2513 days) + B Delay (1277 days) – C Delay (0 day) – A/B Delay (830 day) – Applicant's Delay (1138 day) = 1822 days.

Applicant thereby petitions the U.S. Patent and Trademark Office for reconsideration of the patent term adjustment calculation based on the facts provided herein.

Respectfully submitted,

Dated: May 20, 2021

Electronic signature: /Mark Hammond/
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US010986403B2

(12) **United States Patent**
Donian et al.

(10) **Patent No.: US 10,986,403 B2**

(45) **Date of Patent: Apr. 20, 2021**

(54) **INTERACTIVE DIGITAL MEDIA AND
ADVERTISING PRESENTATION PLATFORM**

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(73) Assignee: **Piranha Media Distribution, Inc.**, San
Francisco, CA (US)

(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 958 days.

(21) Appl. No.: **10/606,729**

(22) Filed: **Jun. 26, 2003**

(65) **Prior Publication Data**

US 2004/0003398 A1 Jan. 1, 2004

Related U.S. Application Data

(60) Provisional application No. 60/393,193, filed on Jun.
27, 2002, provisional application No. 60/392,232,
filed on Jun. 27, 2002.

(51) **Int. Cl.**
G06Q 30/00 (2012.01)
H04N 21/442 (2011.01)

(Continued)

(52) **U.S. Cl.**
CPC **H04N 21/44204** (2013.01); **G06F 21/10**
(2013.01); **G06Q 30/02** (2013.01); **H04N**
7/17318 (2013.01); **H04N 21/23424** (2013.01);
H04N 21/2541 (2013.01); **H04N 21/25891**
(2013.01); **H04N 21/4147** (2013.01); **H04N**
21/4312 (2013.01); **H04N 21/4314** (2013.01);
H04N 21/44016 (2013.01); **H04N 21/454**

(2013.01); **H04N 21/458** (2013.01); **H04N**
21/4532 (2013.01); **H04N 21/4627** (2013.01);
H04N 21/4667 (2013.01); **H04N 21/4788**
(2013.01); **H04N 21/47202** (2013.01); **H04N**
21/482 (2013.01); **H04N 21/4825** (2013.01);

(Continued)

(58) **Field of Classification Search**

None

See application file for complete search history.

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Primary Examiner — Yehdega Retta

(74) *Attorney, Agent, or Firm* — Mintz, Levin, Cohn,
Ferris, Glovsky and Popeo, P.C.

(57) **ABSTRACT**

A system and method for displaying digital media files with compulsory advertisement files is disclosed. In one embodiment, the system includes a user interface, a media file decryptor, an ad manager, an intersplicer, and a media player. The user interface receives input from a user indicating the selection of media files to be presented. The media file decryptor receives and decrypts the selected media files. The ad manager receives and manages ad files from an ad file source. The intersplicer combines the media files with the ad files by providing control signals to the media player, causing the media player to present the ad files with the selected media files. Various embodiments of the invention facilitate the wide distribution of media content in a way that allows the free use of media properties, on demand, with direct consumer exchange capabilities, while at the same time enabling compensation to copyright holders.

23 Claims, 18 Drawing Sheets

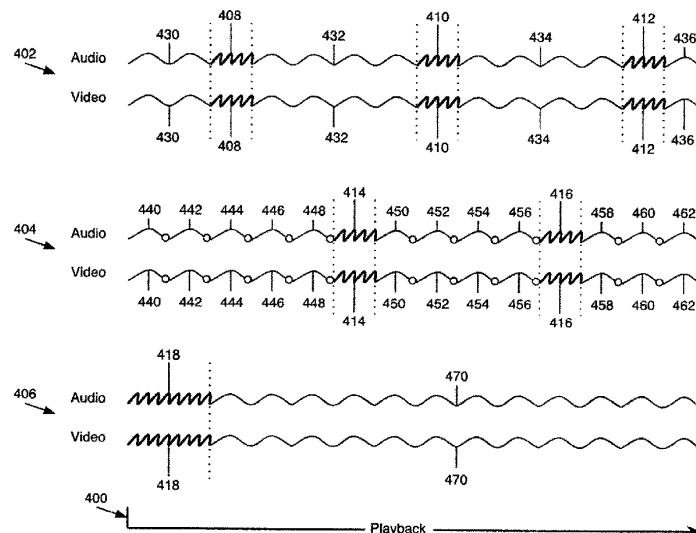


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US 10,986,403 B2

Page 2

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Figure 1

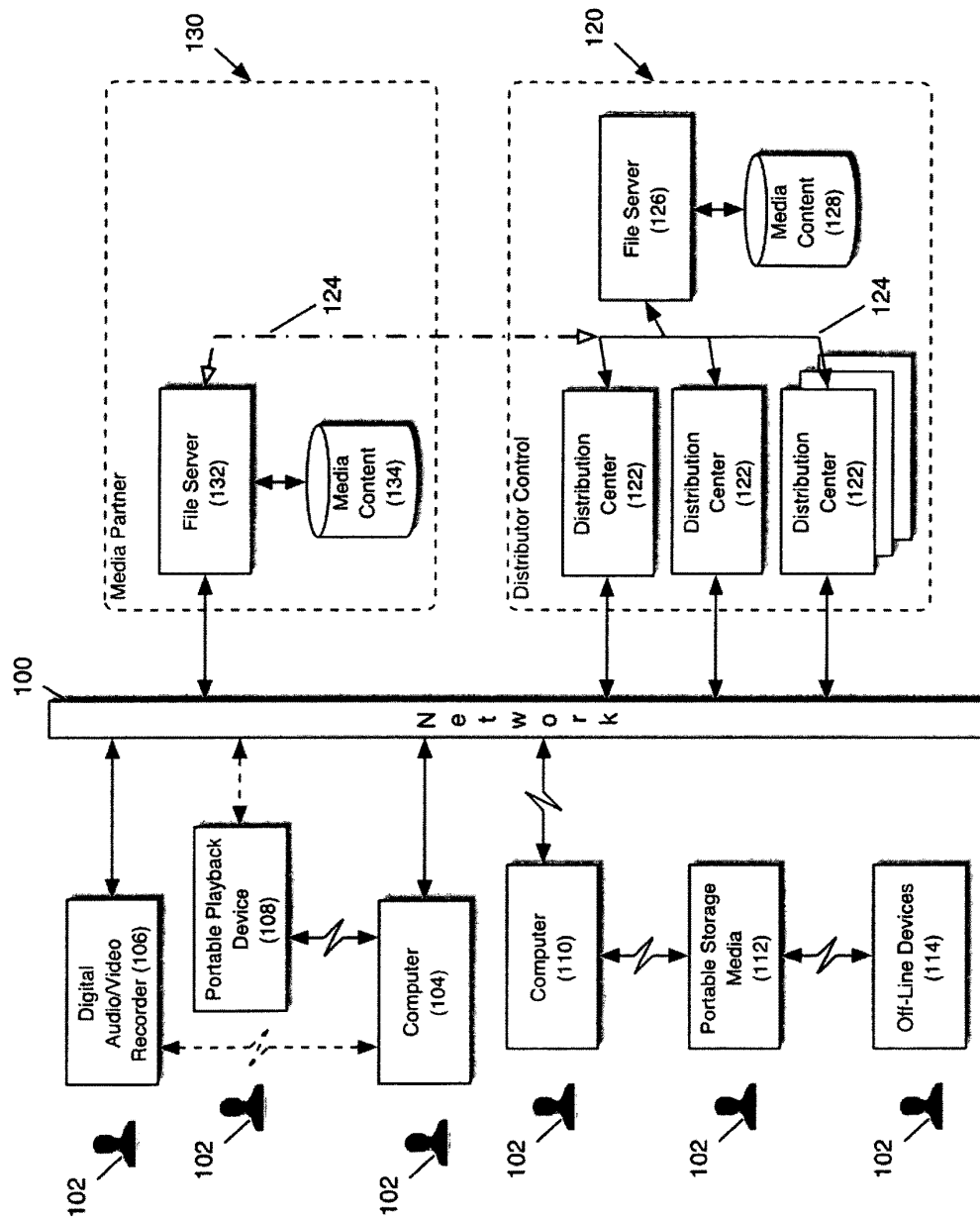


Figure 2

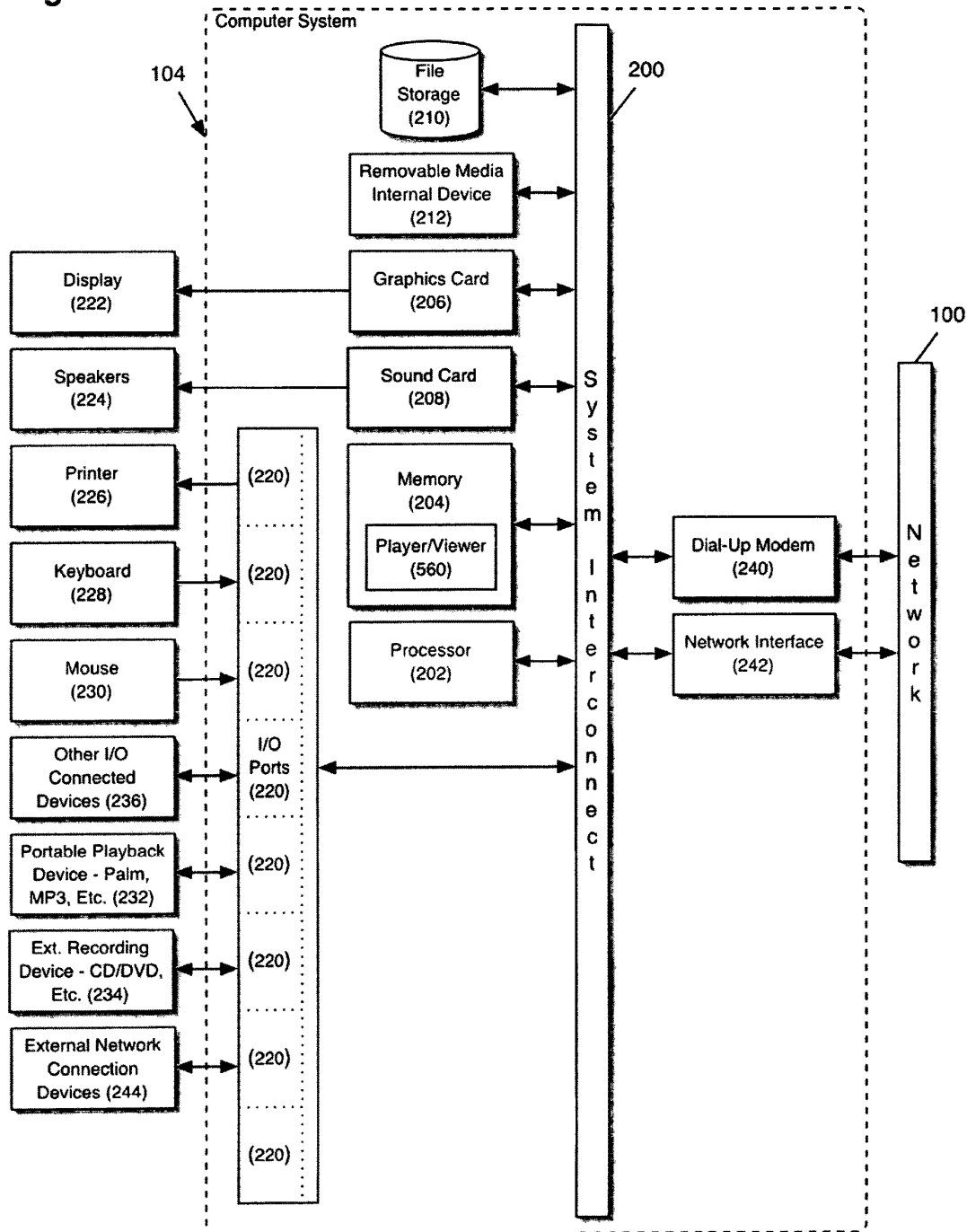
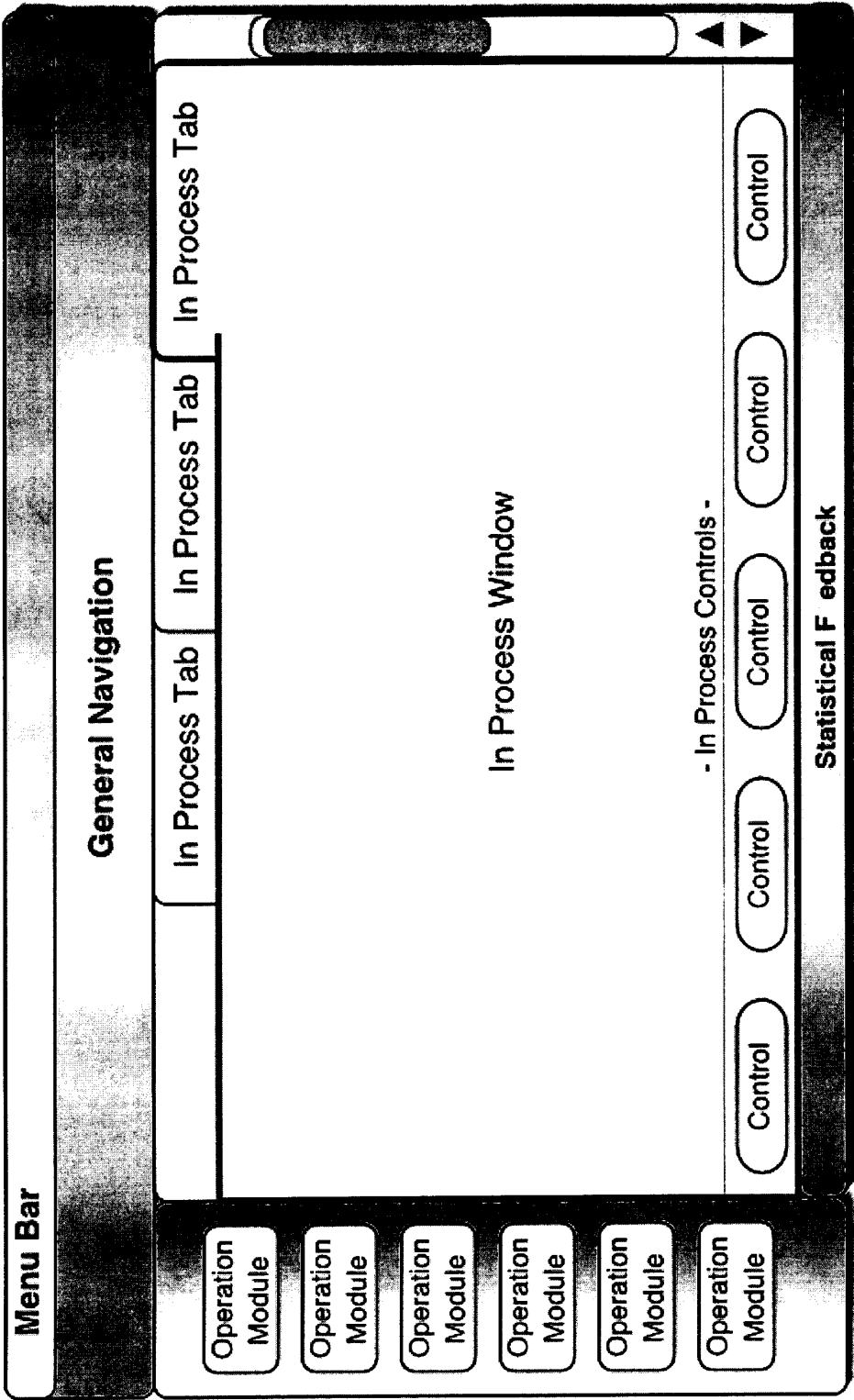


Figure 3A



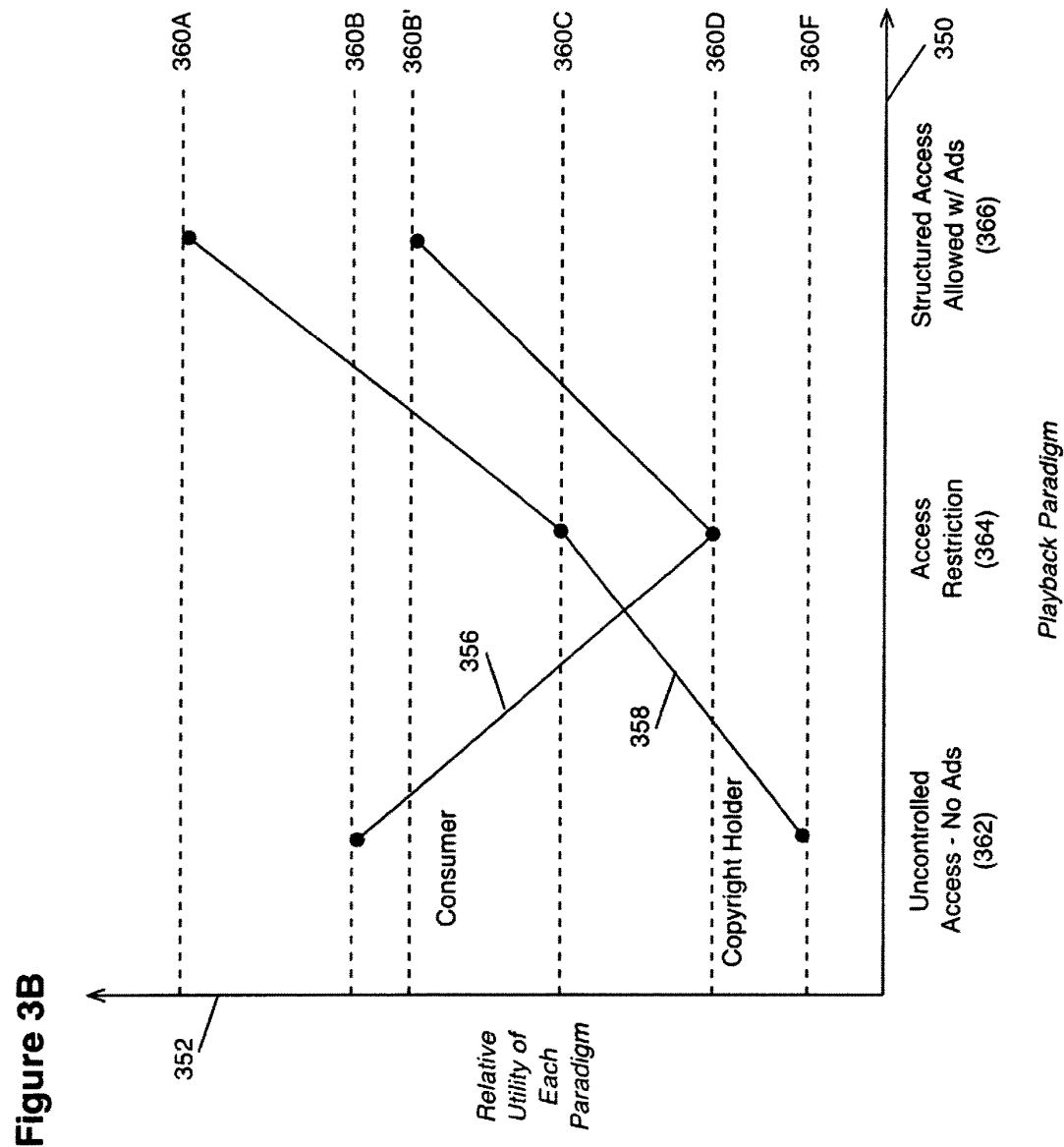


Figure 4A

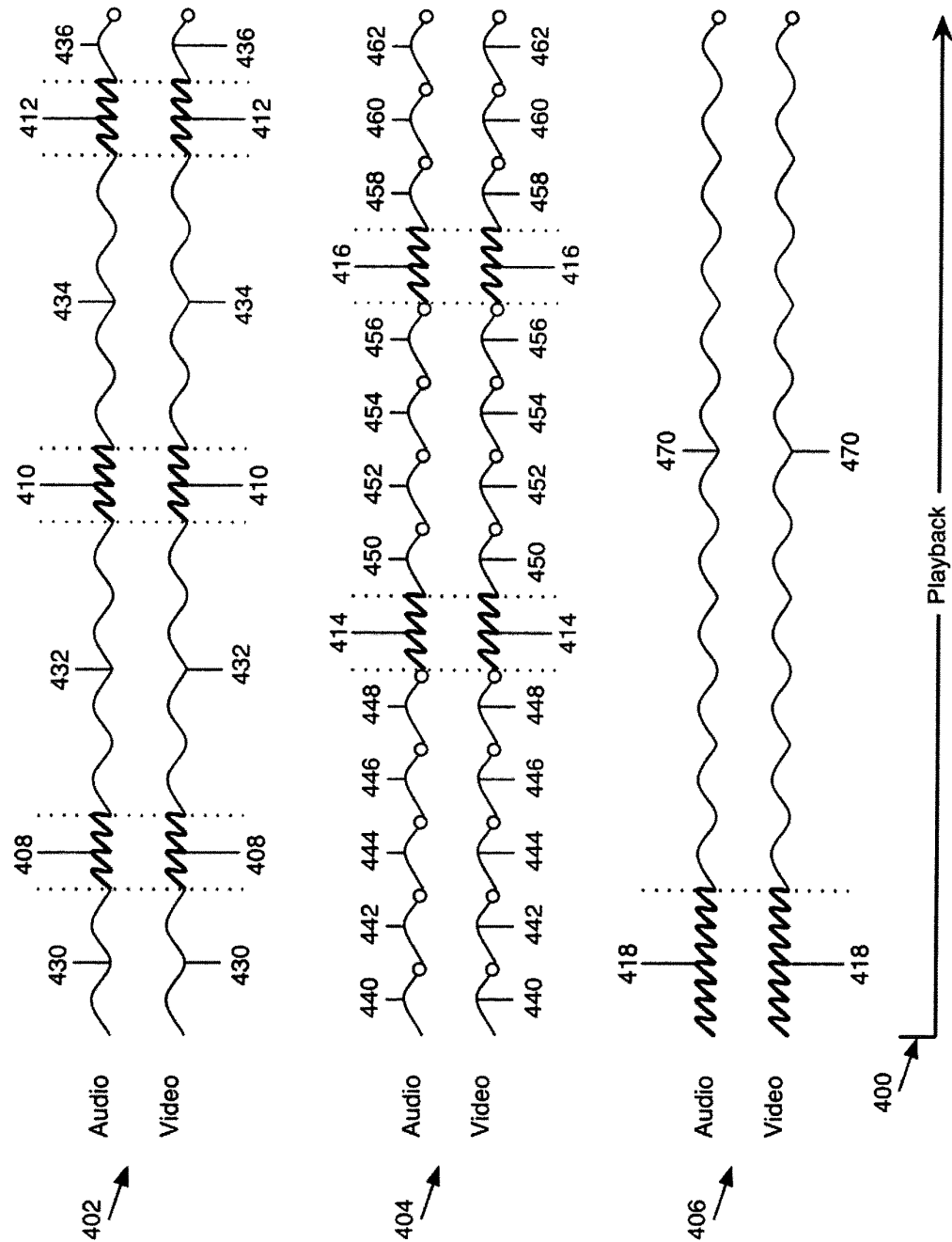


Figure 4B

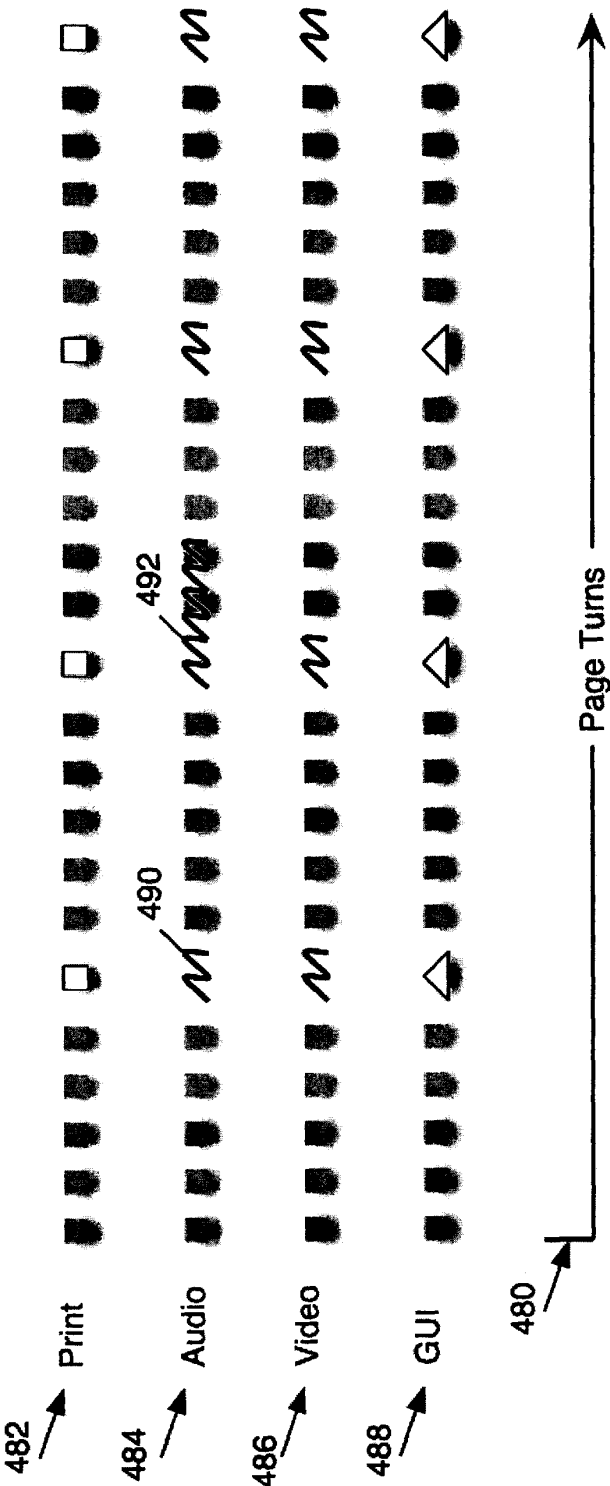
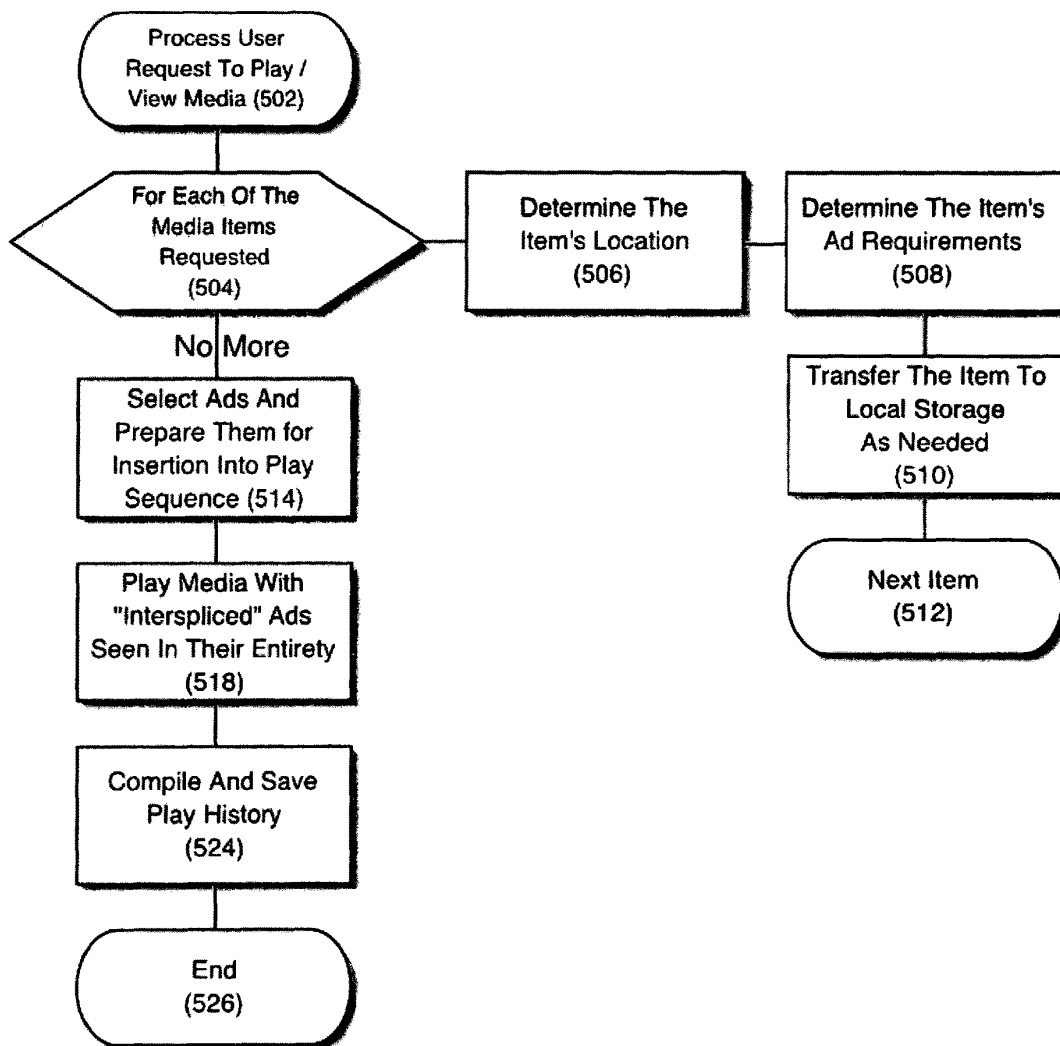


Figure 5A

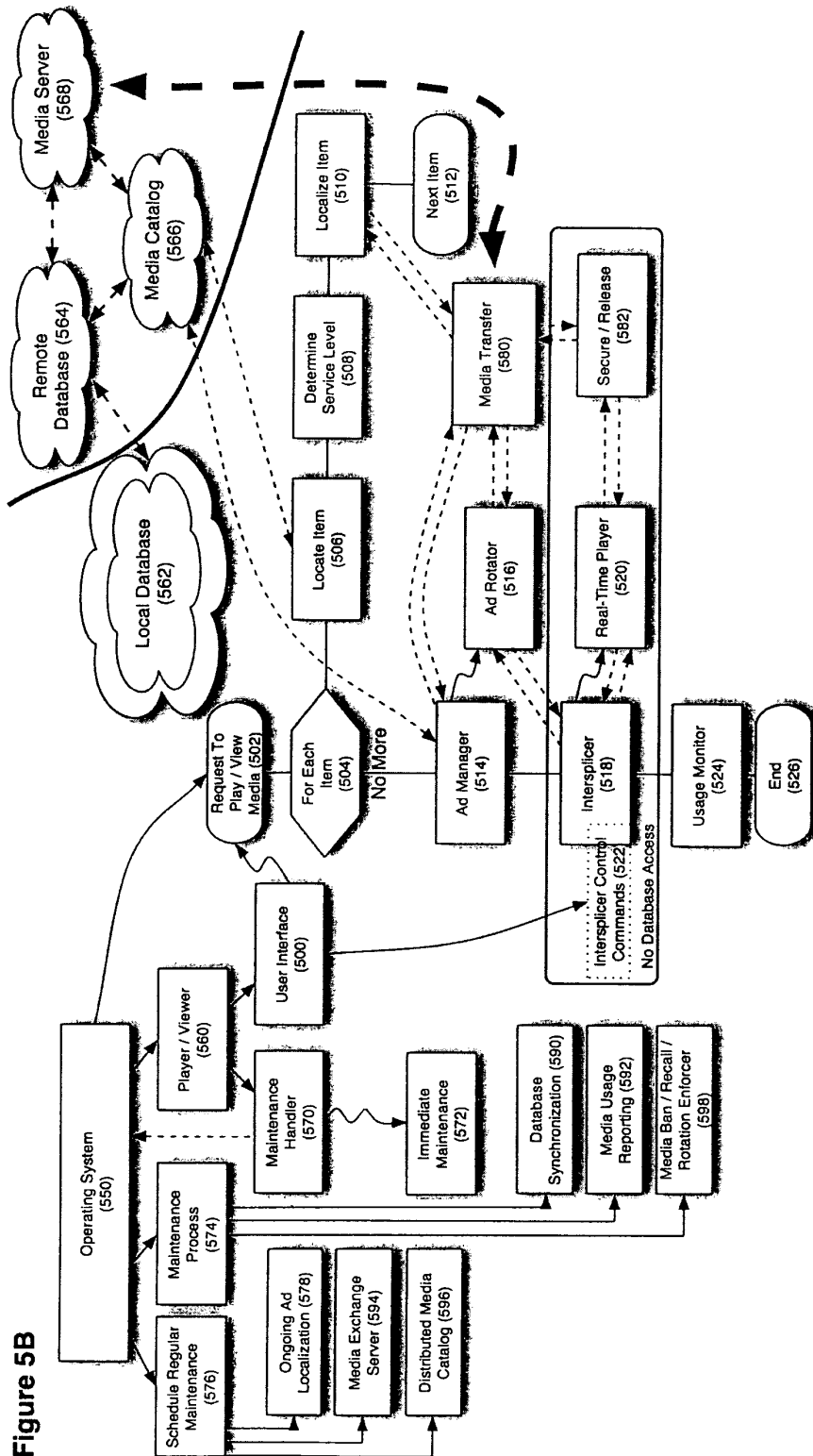


Figure 6B

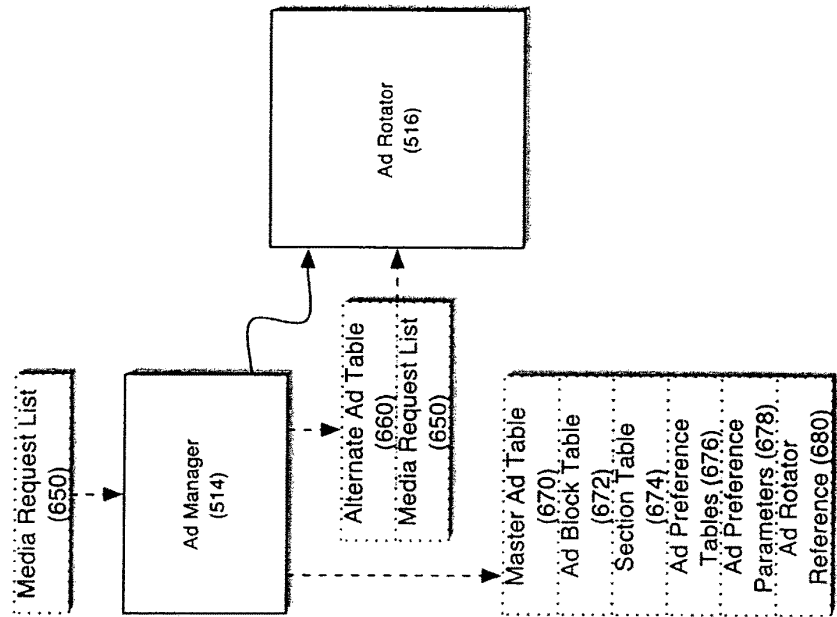


Figure 6A

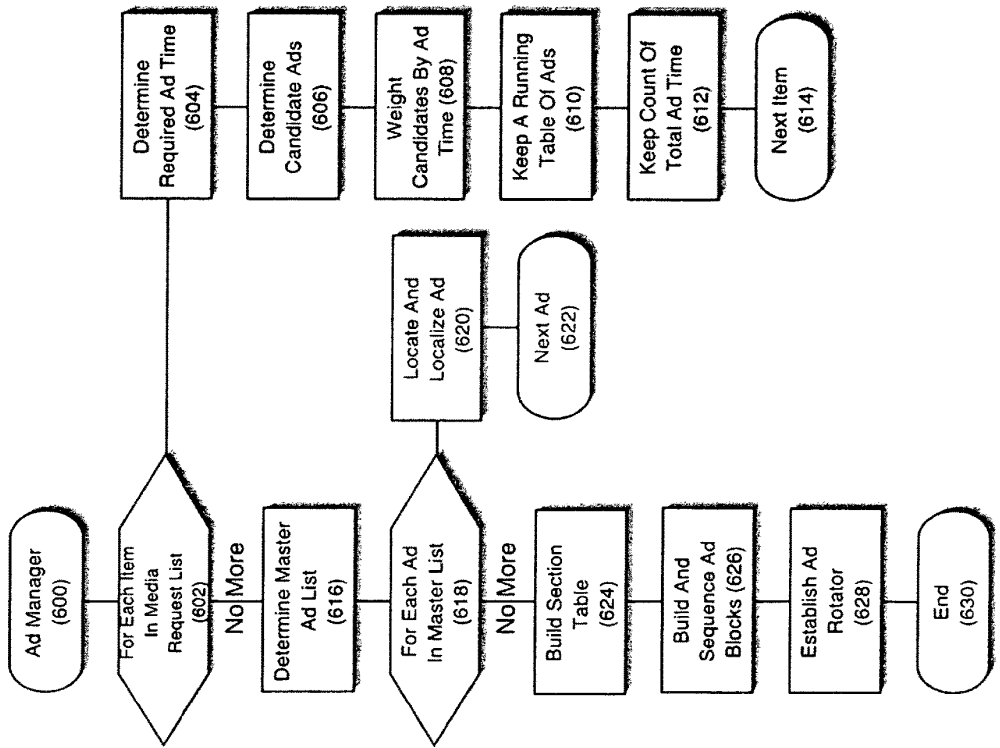


Figure 7A

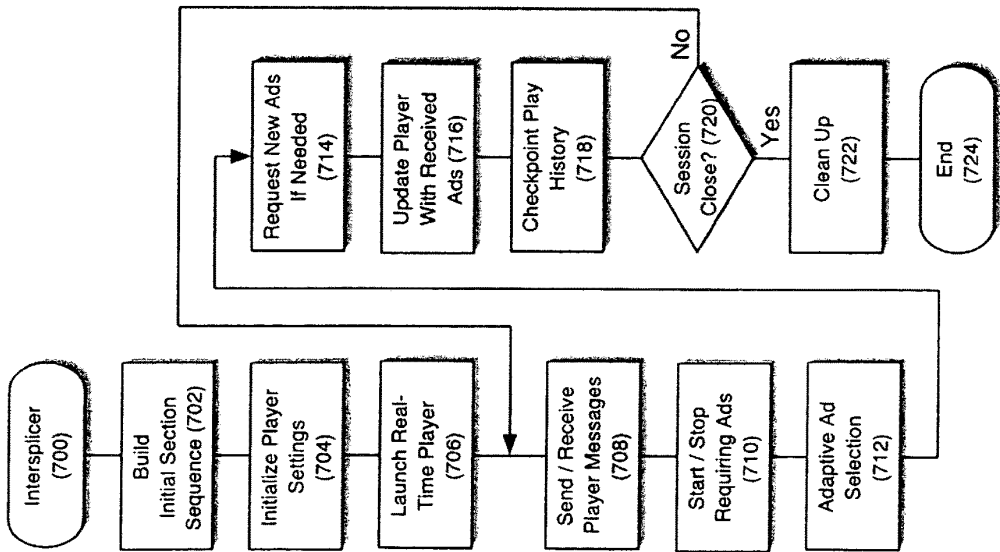


Figure 7B

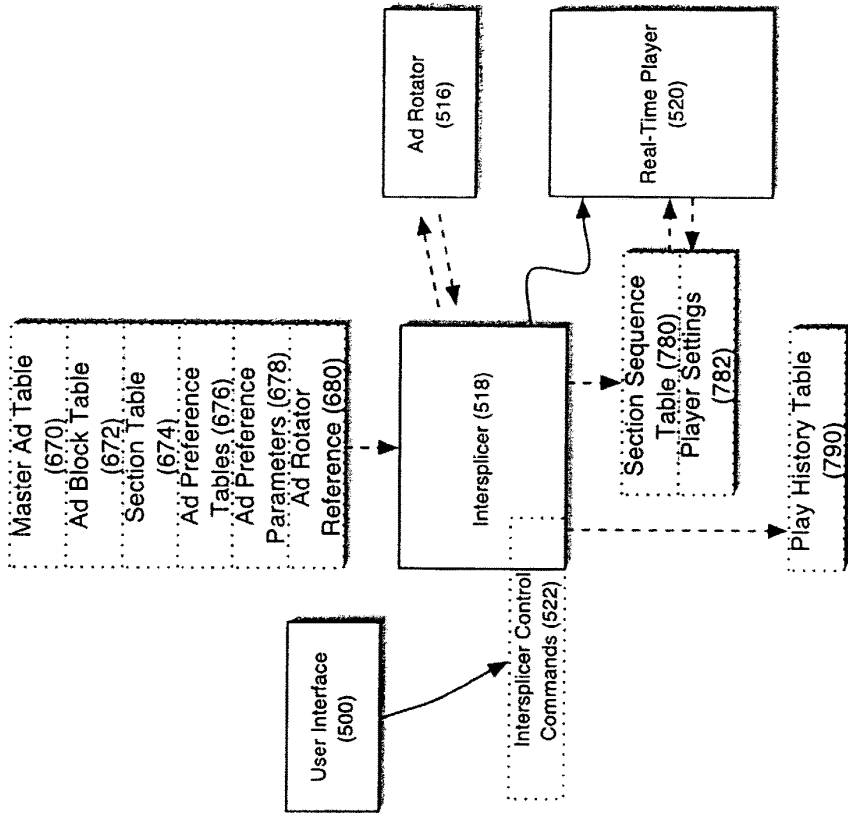


Figure 8A

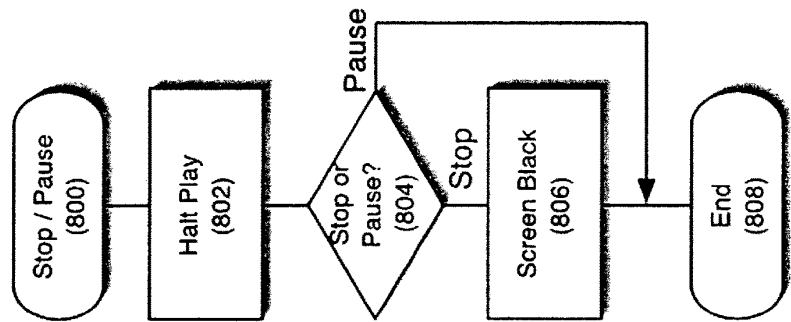


Figure 8B

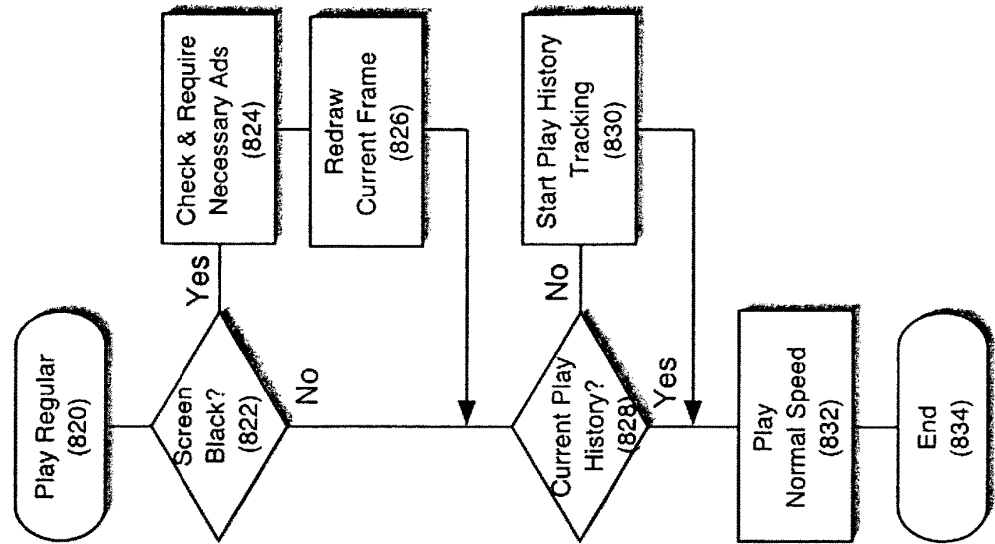


Figure 8D

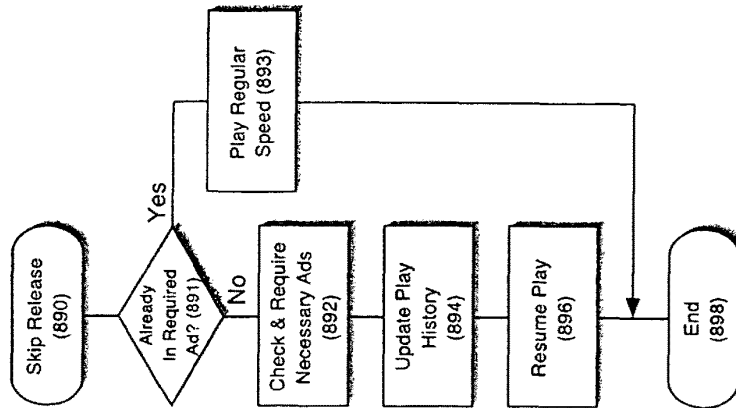
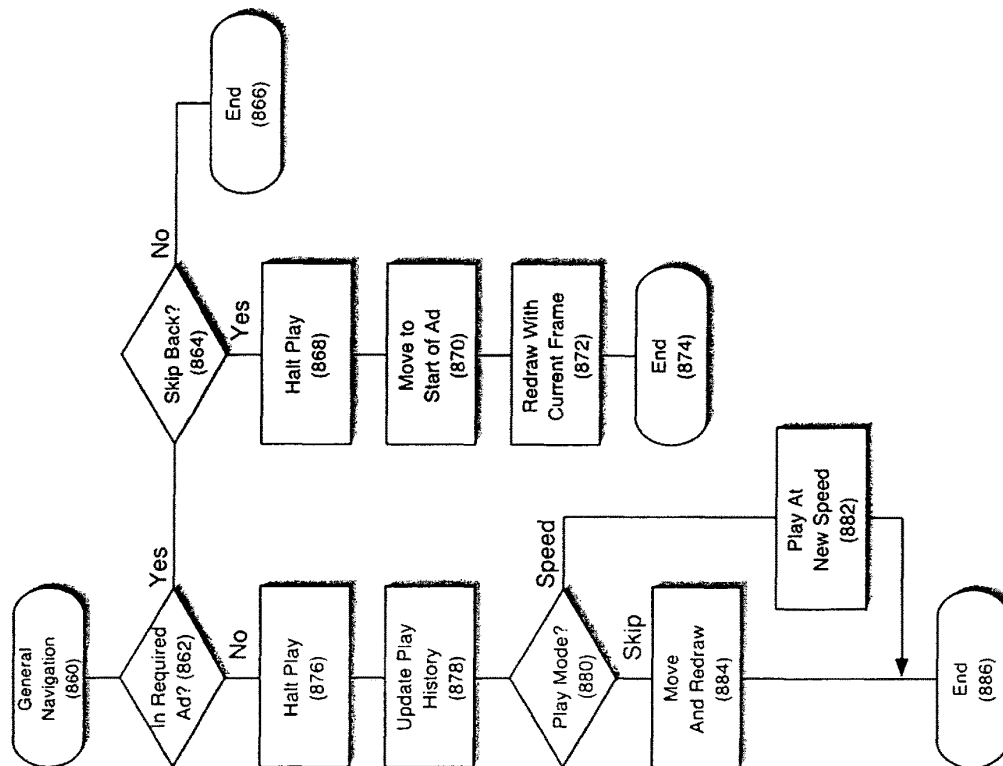


Figure 8C



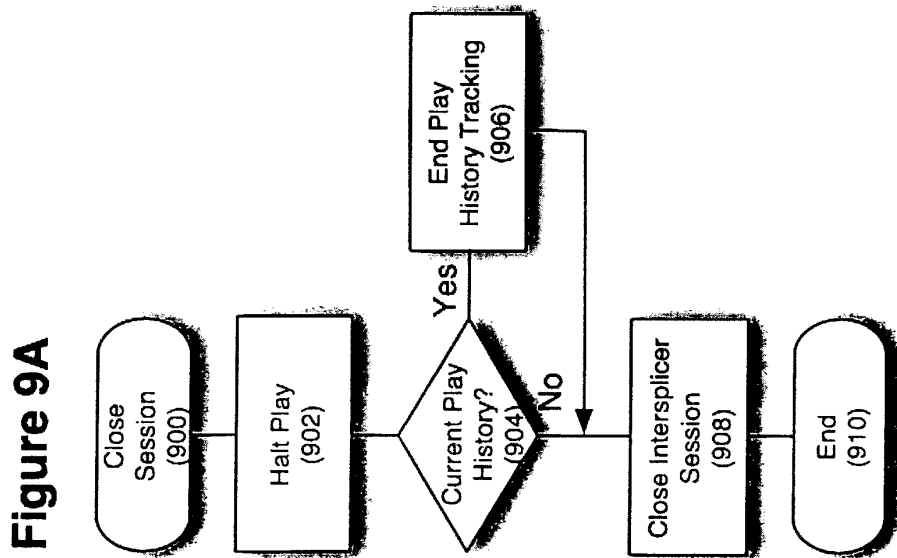
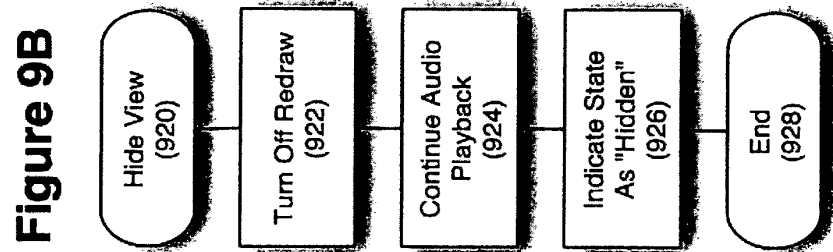
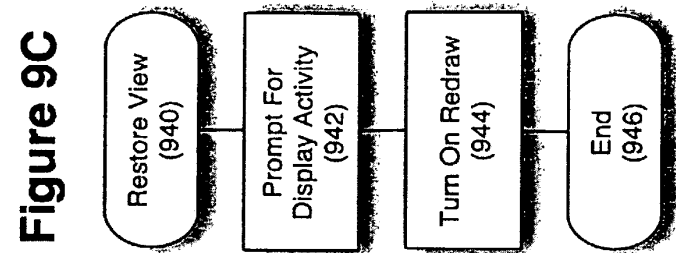


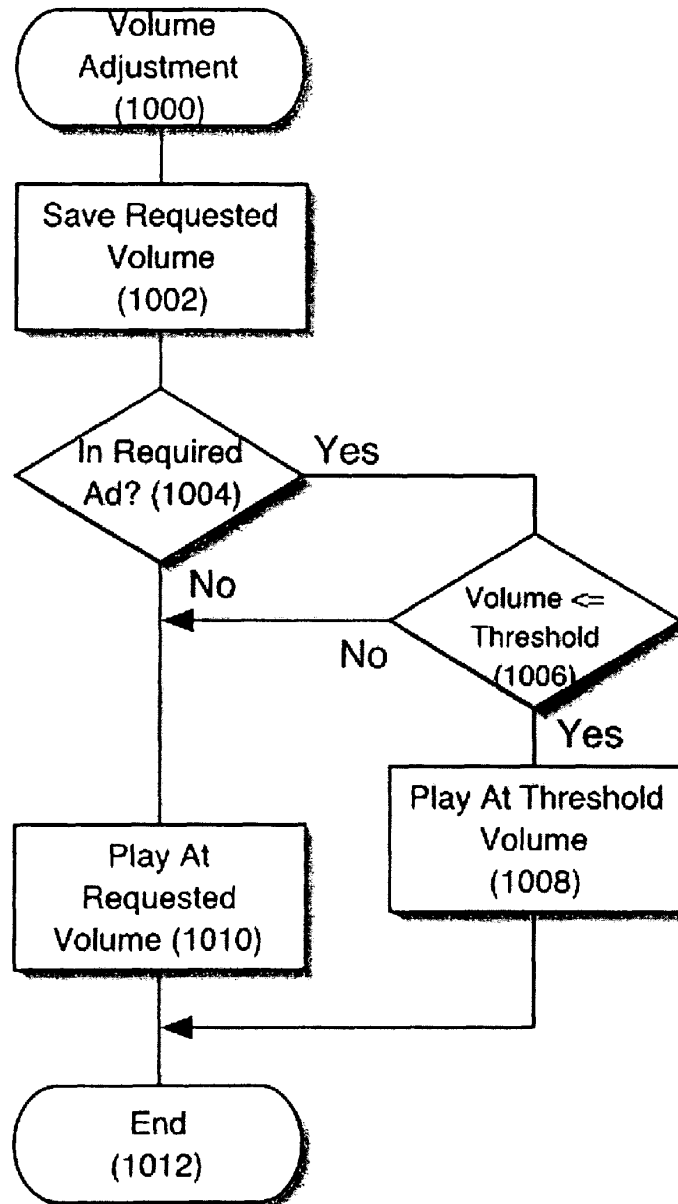
Figure 10A

Figure 10B

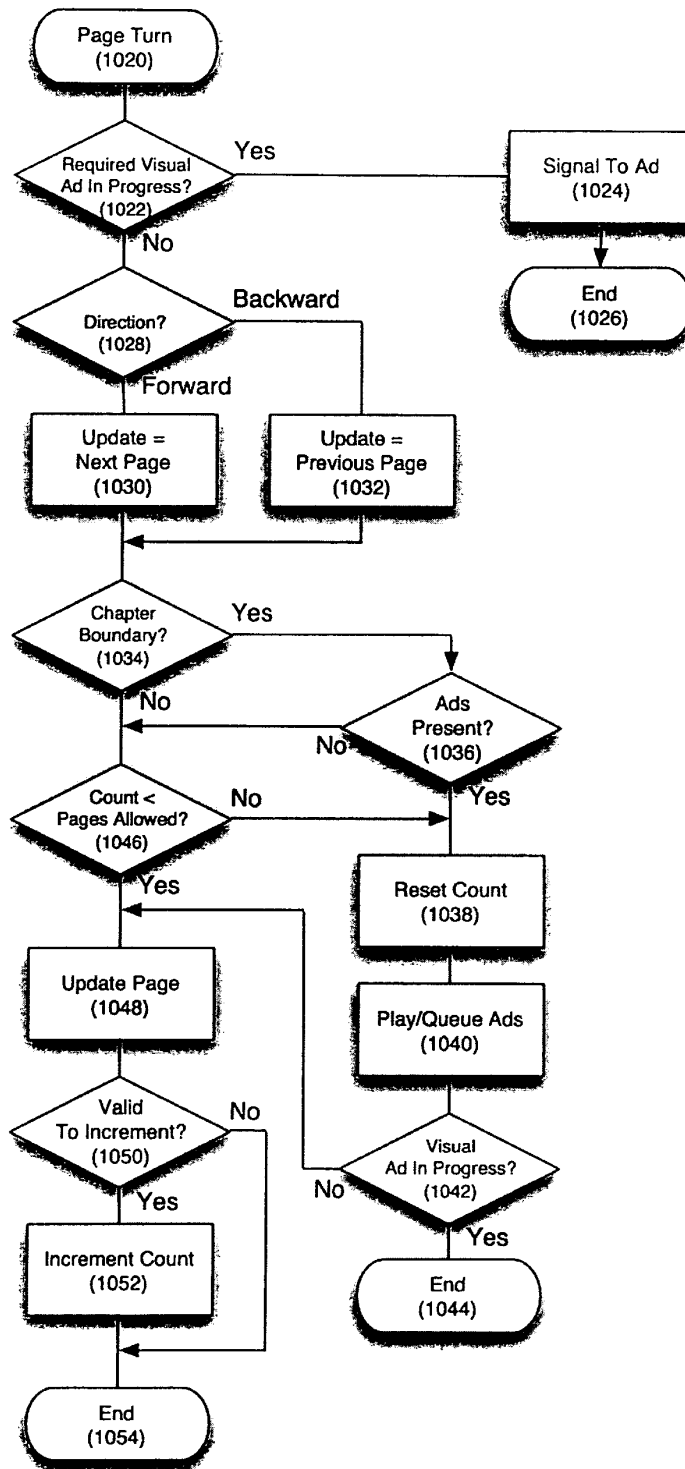


Figure 11A
PRIOR ART

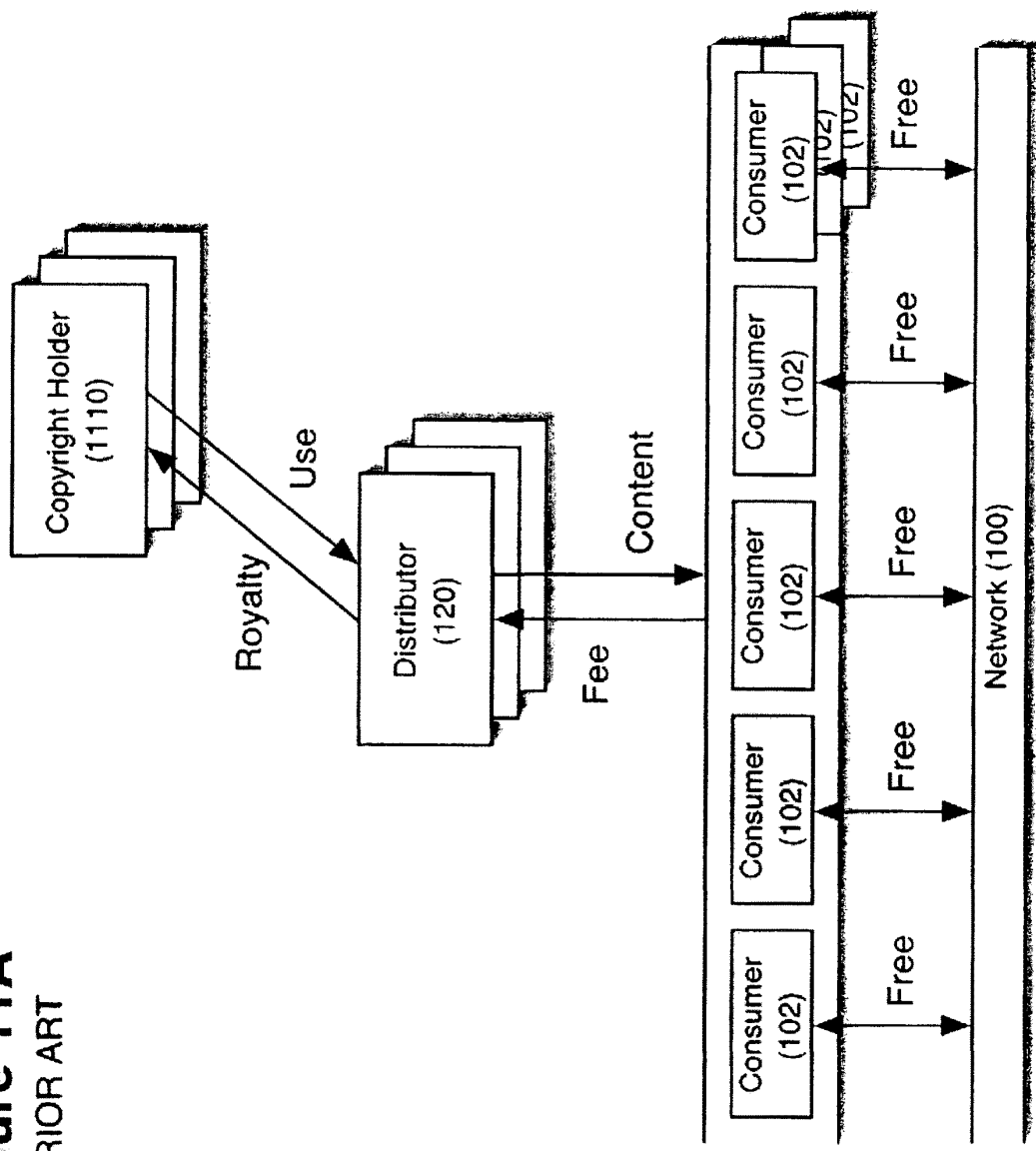


Figure 11B
PRIOR ART

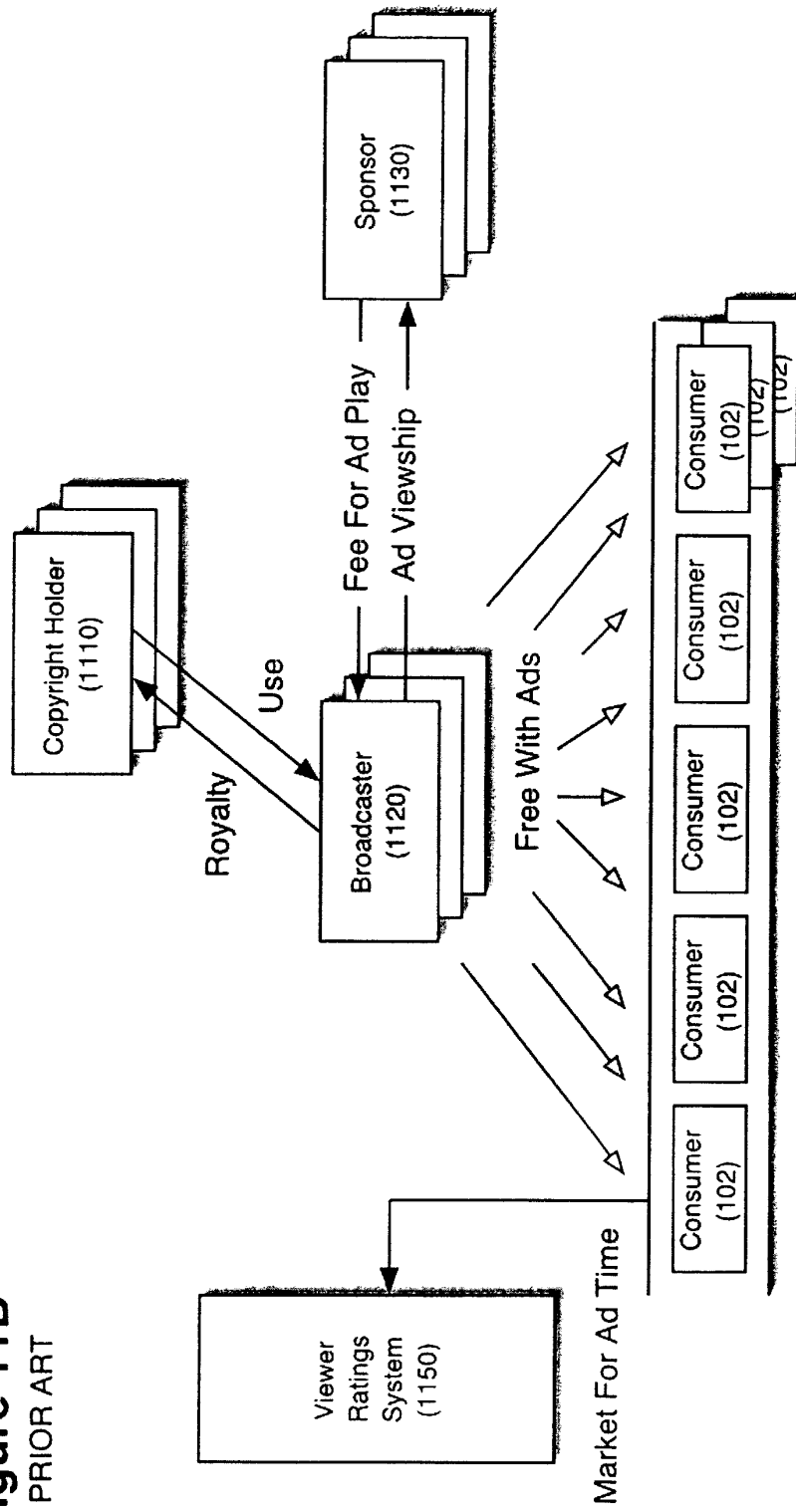
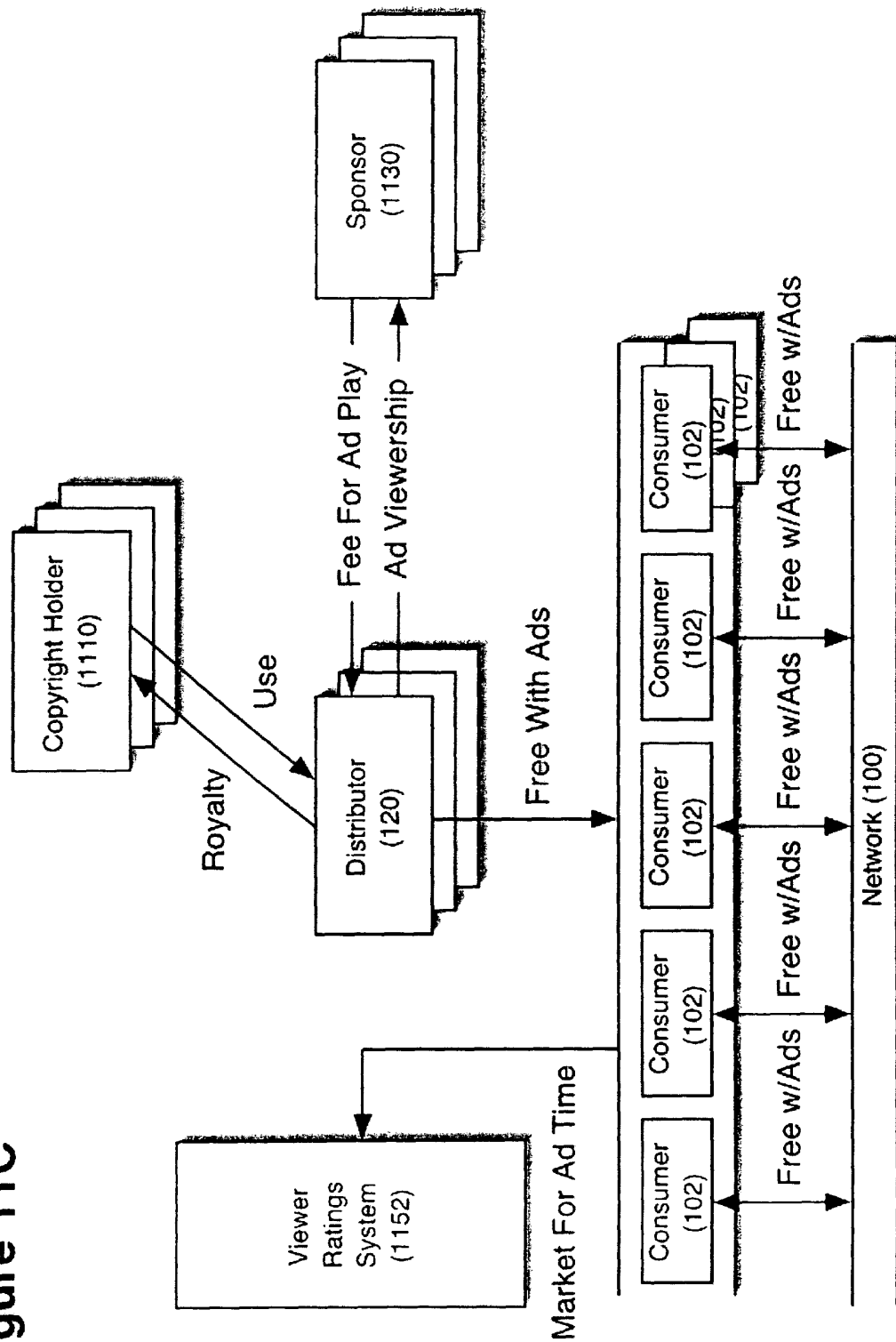


Figure 11C

INTERACTIVE DIGITAL MEDIA AND ADVERTISING PRESENTATION PLATFORM

RELATED APPLICATIONS

This application claims the right of priority to U.S. Provisional Application Ser. No. 60/393,193 filed Jun. 27, 2002, and to U.S. Provisional Application Ser. No. 60/392,232 filed Jun. 27, 2002, each having at least one inventor in common herewith, both of which are incorporated herein by reference in their entirety.

BACKGROUND

Field of the Invention

This invention relates generally to the distribution of audio, video, and print media content, copyrighted or otherwise, via digital replication and delivery channels. More particularly, the invention relates to an apparatus and method for the wide digital distribution of media content in a way that allows the free use of media properties, on demand, with direct consumer exchange capabilities, while at the same time offering equitable return to the copyright holder, and providing for a strict level of control over the enforcement of license agreements on the part of the distributor.

Description of Background Art

The problem of widespread consumer-directed copying and redistribution of licensed material has in recent years become a critical concern for the motion picture, television, and recording industries. In light of this issue, publishing and other print media content providers have also had good reason to be apprehensive about digital delivery of their products.

As it stands now, there is much acrimony between the media copyright holders, distributors, and consumers over how to provide the convenience of digital delivery and replication of licensed material, while maintaining adequate control over its use and redistribution. New technologies to restrict consumer copying and unencumbered use of content have met with opposition and a determination on the part of some consumers to defeat them.

The distributor provides digital audio, video, and/or print media content to consumers, while maintaining the rights of copyright holders under a distribution agreement. Consumers desire to have free selection on demand from a wide range of content, and have grown accustomed to exchanging the media content in their possession in order to defeat the pay-for-use policy of the distributor. Given the nature of modern networked digital devices, the consumers' power to redistribute media files illicitly is formidable.

A number of methods for media distribution and licensing have been put into practice throughout the history of mass media. However, as discussed below the conventional methods and apparatus have inherent drawbacks that make it difficult for them to maintain their limitations to consumer access in the presence of modern digital technology and a consumer culture driven to defeat them in open defiance of the rights of copyright holders.

Broadcast Television, Broadcast Radio

Wide distribution of copyrighted material via broadcast television and radio, provided for free to the consumer population, uses the value of advertising promotion to generate revenue for the content creation and delivery system. Media broadcasting employs the practice of mixing licensed content with advertisements and other paid announcements in a pre-configured time sequence, then transmitting this sequence asymmetrically over the airwaves

to a large number of consumer receivers capable of showing the content in real-time as it comes in. By virtue of the advertising sponsorship, broadcasters need not be concerned about the large number of consumers who view the content for free, and in fact, they seek the widest audience they can obtain, knowing that greater viewership leads to greater advertising revenue. Broadcasters benefit when their content is played with the commercials in tact, and they rely on the real-time nature of this distribution method to uphold this condition.

Cable Television, Cable Radio

Wide distribution of copyrighted material to the consuming population via cable television and cable radio is based on the concept of charging a recurring subscription fee, with select services available for a premium, to generate revenue for the content creation and delivery system. Pre-configured analog or digital media content, with or without commercial advertisement, is conveyed asymmetrically to the consuming population via coaxial cable. Cable is run to every home and other cable ready institution, without concern over the large and increasing size of this viewership, provided that all consumer receivers that get their signal from the cable are valid subscription users, and that select services are provided only to those subscribers who have purchased them.

To avert theft of service, cable delivery systems have employed a variety of signal scrambling methods to act as a form of encryption, providing means to decode the signal only to those subscribers who have paid for a particular premium service. Other technologies support the limited use of two-way signals on the coaxial cable, allowing subscriber verification on a receiver by receiver basis.

Satellite TV, Satellite Radio

Wide distribution of copyrighted material to the consuming population via satellite television and satellite radio is based on the same concept as those employed with cable television and radio, replacing the coaxial cable delivery apparatus with a system of orbital satellites and terrestrial receivers. Many of the subscriber verification and service level determination methods from cable have been facilitated in these systems via smart cards and other certification technologies incorporated into the satellite receiving equipment.

Pay-Per-View

Video On Demand (VOD) services based on user at-will consumption of asymmetrical content delivery is in use by cable, satellite, and internet based media delivery systems. Apparatuses to establish two-way communication enable the consuming population to request that content be delivered for a single use or limited time period, at any time upon request, rather than on an infrequent programming schedule of the delivery system. Pay-Per-View VOD allows for the immediate wide area distribution of live or prerecorded individual content without the delays associated with any physical circulation through retail locations.

Transmission Recording Technologies

All of the distribution methods described so far share a common shortcoming, which is that none of them can prevent the consumer from replicating and redistributing copyrighted material to others. Instead, they rely on the inherent limitations of consumer equipment to provide this control.

As consumer audio and video recording and editing equipment has become more commonplace, this lack of direct control has become a serious problem. New advances in technology reduce the time and labor associated with reconstituting broadcast material into a form that is otherwise available only for a fee, and the rise of digital tech-

nology has brought near perfect levels of fidelity and ease of reproduction to this equipment. When such devices are networked, the consumer gains the power to reproduce and disseminate copyrighted material at will, and there is little the copyright holders can do to stop or hold people responsible for this practice if it is widespread.

Retail Purchase of Licensed Media

Consumer retail purchase of copyrighted media is enabled by the availability of portable media storage receptacles, ever increasing in quality and capacity. Copyright holders have their content transferred to this portable media for sale in retail locations, through mail order, over the internet, and elsewhere. This method of distribution provides for high revenue generation while limiting explicit theft, however, once the media is removed from the retail environment, the consuming population has at its disposal multiple apparatus—including tape recorders, video cassette recorders, compact disk burners, digital video disk burners, and computer systems capable of reading the media directly, among others—available for the illicit manipulation, replication, and redistribution of purchased media.

Short Term Rental

Limited use of video cassette and digital video disc portable media is based on the ability of the consuming population to enter into rental agreements with licensed distributors through retail, mail order, internet, and other means. A small rental fee is relinquished in exchange for use of the media for a certain predefined time period. If, on expiration of this time allotment, the rented material is not surrendered to the licensed rental distributor, or is never surrendered, late fees may be assessed in an amount equal to or greater than the actual value of the media, in accordance with the terms of the rental agreement. While less costly than purchase of the media at retail locations, if the consuming population desires to re-use any media title, they must re-rent it, incurring additional rental cost and the added inconvenience of another trip to the rental location (or mail order or internet process).

Print Media (Books, Magazines, Newspapers, Other Periodicals)

eBooks and internet based periodicals have extended the physical print medium into the realm of the digital age by enabling the distribution channel to pare down the prerequisite paper volume and inherent bulk of traditional print media, while providing an efficient means of distribution and consumption. Electronic forms of print media require a computer or other digital device to navigate the representation of their print based content.

As it stands today, most newspapers and magazines in digital format bear little resemblance to their physical counterparts. They are commonly conveyed in a live website design which archives old content while sporadically presenting new subject matter. Given the ease with which audio and video media (which generally have much larger data file sizes) may be redistributed once they reach the consumer, publishers have been hesitant to release their content in a more familiar format, through digital means, for fear of widespread redistribution made possible by their diminutive file sizes.

Digital Video Recorder (TiVo, Replay TV, Ultimate TV)

Advances in home entertainment technology have given rise to a new breed of video recording systems based on the commoditization of components usually reserved for computer and other digital media manipulation devices. Digital Video Recorders (DVRs) record broadcast, cable, or satellite transmissions digitally to internal hard drive storage devices. Refinements to the first DVRs include the ability to elimi-

nate commercial advertisements saved during the recording process and to redistribute recorded media from one DVR to another via an open network, such as the internet.

DVRs emulating this peer-to-peer technology provide an efficient means for consumers to redistribute digital media, but without central administration, they lack the necessary controls to prevent widespread redistribution of licensed media content beyond the level of personal use, to DVR users who don't maintain a license to consume the media.

Media Transfer (Burn CD/DVD, Transfer to Mobile Device)

Portability of media has been a hallmark of the technology revolution since the invention of the record album, and is based on the now usual and customary assignment of rights, allowing a consumer to play back, transfer, copy, and otherwise manipulate licensed media for personal use. Significant improvements in portable storage media over the decades have enabled the near perfect reproduction of media content in larger quantity to smaller storage media and other digital devices.

At present, to facilitate the highest possible reproduction standards, analog or digital content may either be 'burned' to Compact Disc or Digital Video Disc storage media, or transferred to digital devices which store the media on physical hard drives or other non-volatile storage apparatus. Once digital media has been transferred to these storage devices, it can be redistributed at will to others with the same ability to manipulate the media, including those who don't possess a license to do so.

Media Sampling

Pre-sales and pre-broadcast content delivery is based on the marketing principle of using promotion to generate sales and/or viewership. Media sampling turns a small section of a copyrighted content property into a revenue-generating advertisement, and redistribution of the sample adds value for the copyright holder. Sampling takes on many forms depending on the nature of the media, and these forms include listening stations in record stores, movie trailers shown prior to the feature presentation or through broadcast means, and television promos for upcoming shows. Given that media sampling in its current form is little more than promotional advertising, it does little to stem the tide of outlaw distribution.

The Internet (Web Sites, Pop-Up Ads, Redirects, Downloads, Subscription)

The rapid spread of networked computing devices has given rise to the Internet, a system for communication based on its ability to facilitate digital communication of thoughts, ideas, tools, art, and other valuable things, in a new and efficient digital manner. To connect, the consuming population generally enters into service agreements with Internet Service Providers who offer the means to get 'on-line' through computer modem dial-up, always-on cable, and other fixed access lines, as well as other wireless means of connection.

With the explosion of the World Wide Web and Email over the last several years, internet savvy consumers have become accustomed to receiving information on-line, much of it for free, as the world community wrestles with how to mature the Web into a tool for business and economy, rather than just for information distribution and collaboration. Efforts to defray the costs associated with keeping free content available on the Internet have included the use of banner advertisements on websites, pop-up advertisements, unwanted redirects to partner websites, voyeuristic monitoring of consumer habits for marketing and other data

5

mining purposes, and the creation of stealth networks which invisibly hijack the computing resources of unsuspecting users.

The prevailing free atmosphere surrounding the internet has encouraged many consumers to redistribute licensed intellectual property, including copyrighted print media, picture content, audio media, video media, and software, with open disregard for the use agreements binding upon them. Subscription services have arisen to offer consumers an alternative to the pervasive means by which free websites maintain their support, but they have done little to alter the consumer sentiment that the power to disregard copyright agreements with impunity gives one the right to do so. Streaming Media (RealPlayer®, QuickTime®, Microsoft Media Player®)

Analogous to the old style nickelodeon movie projectors, streaming media content over open networked systems (i.e. the internet) provides an asymmetrical means by which media content may be delivered to consumers in a manner that strictly controls its use. A user makes a request for media via client software running on a computer or other networked digital device, and distribution occurs through a local software client that receives and presents said streamed media in its intended form only for as long as the streaming session is active. Though it provides significant copyright holder protection benefits, streaming media does not reside locally with the consumer, impeding the usual and customary right of the consumer to personal use applications such as making copies or recording for review at a later date or time.

Peer to Peer Networks (Napster®, Gnutella®, Morpheus®, Kazaa®, LimeWire®, Etc.)

Present peer to peer file distribution systems are based on advances in networking technologies and concepts which allow for the delivery of digital files directly from one member of the peer community to another without the need for central administration. Individual peer members make a request by way of entering search criteria into a local peer client software application, which then contacts other peers on the network as it searches for files matching the request criteria. Once located, such files are transferred directly from peer to peer. Peer to peer networks provide an efficient apparatus for the distribution of digital media, but without central administration, they lack the necessary controls to prevent the widespread redistribution of licensed media content to unlicensed members of the peer community. Several such systems appear to have been designed with this purpose specifically in mind.

Digital Rights Management

Digital Rights Management, or DRM, is a concept rooted in the notion that content owners may wish to maintain control over the digital distribution of their media. While DRM systems tend to vary in their technology and implementation, in general, they allow owners the ability to grant access to particular encrypted content, allow for authorized redistribution, and provide for transfer to portable media storage receptacles (amongst other assignable privileges) on an item-by-item, user-by-user, or some other basis. While DRM may provide a secure means for content owners to control distribution of their media with approval or denial of access to potential users, it has yet to be implemented in a manner consistent with offering a general license option for free use and redistribution.

Portable Media Access Management

Current “copy-lock” technologies are employed to control the method by which certain portable media storage receptacles such as CD’s and DVD’s can be used. Through

6

methods which may include placing invisible directories or indiscriminant information at the beginning of the storage receptacles, copy-lock seeks to grant access to the media through some devices while restricting access on others which the copyright holder feels may be used to violate its rights. These methods generally allow for the playback of media content through traditional home entertainment devices while limiting their use in digital reproduction devices such as desktop computer systems. While copy-lock technologies may prove an effective means to curb the ease with which consumers at present may redistribute media through a digital network or media transfer process as outlined above, in their current embodiment they seriously limit the usual and customary rights to personal use and can generally be worked around with the aid of fairly ubiquitous analog technology—commonly referred to as the “analog hole.”

To the inventor’s knowledge, there is currently no conventional digital media distribution method in practice that incorporates the free consumer-directed access and exchange of content with the distributor-directed control of media sequencing after all such exchanges.

SUMMARY

It is an object of the present invention to provide a revenue generating market for the free consumer redistribution of media content, sponsored through paid advertising that a consumer may be required to experience during the course of media playback, provided by means of a system and/or method that offers the benefits of content restriction and controlled playback, working in conjunction with customized, addressable advertising on an individual consumer basis, with monitoring of content use and ad penetration to track audience viewership.

In accordance with the above objects and those that will be mentioned and will become apparent below, one particular embodiment of the digital media distribution method and apparatus in accordance with this invention comprises an interconnected network of computer systems and other digital devices, for use by a multitude of human consumers who access and use media content by way of these networked devices, a distributor who releases media content to consumers over the network, and a software application that imposes limitations on the consumer’s use of media content.

The application software functions primarily as a media presentation “player/viewer”, capable of running audio, video, and print media content. There is the provision for compatible versions of the player/viewer software to run on most consumer digital device and computer systems. The player/viewer software applies digital rights management techniques to control consumer use of media in a novel way. The player/viewer allows for a “general license”, whereby a consumer can obtain free use of a media property, with strict controls enforced during media playback.

These enforced controls amount to the intermittent insertion of paid commercial advertisements and other promotional material into the time sequence of the media content during its course of presentation, along with the temporary disabling of certain user controls to ensure that this material is presented in its entirety. The consumer gains free use of content in exchange for exposure to these paid advertisements.

Some of the forms these advertisements may take are novel in the realm of digital advertising over open networks. Advertisements may occur in the same media style as the content. That is, in addition to any software-controlled

advertising methods in ordinary practice on consumer digital devices, audio ads are inserted into audio content as they have traditionally been heard in radio broadcasts, video ads are spliced into video content as they have traditionally been seen in television broadcasts, and print ads are interspersed with print content as they have traditionally appeared in newspapers and magazines. In addition, for book and other print content, there may be, according to the invention, audio ads played at certain intervals, similar to those traditionally heard over the radio.

Rather than strictly granting or denying access to secured content, one particular method of the invention provides for unlimited redistribution and free use under general license, enforced by the player/viewer software. This is a new use of digital rights management practices, and it provides improved security by diminishing incentive on the part of the consumer to breach the system, since the desired content is already available free-of-charge from within it.

The player/viewer software has the means to assemble a new, customized sequence of requested content, interspersed with promotional material every time it runs, selecting appropriate ads on demand from a greater repository. Ads are selected on the basis of requested content and other specific information that the system maintains about consumers and their media/ad play histories, and new ads may be chosen even when reusing the same content.

Where demographic, geographic, or other relevant user and/or system information is available, the player/viewer software can apply targeted marketing in the ad selection process. Targeted marketing takes the form of addressable advertising, which not only identifies a select advertising candidate list, but additionally verifies that individual ads were received and consumed by the intended recipient. This custom-selection of advertisements, addressable to unique users, conducted by software running on the consumer's device, is a novel use of new and existing technologies.

In the course of playing or viewing media content, the application software automatically edits the selected advertisements into the presentation stream. The novel "intersplicer" module providing this functionality enforces the conveyance of required ads in their entirety at least once, by disabling certain user playback controls while the ads are running. This module also has the power to adaptively select and re-sequence the ads to be shown in response to the user's navigational actions throughout the content, and keeps a history of all the content and advertising material that is presented.

After monitoring content use and ad penetration in the course of running media, the software provides a usage monitor that compiles this data after a play/view session is finished, possibly reporting it back to the distributor. Where such reporting occurs, this functionality gives the distributor the power to measure audience viewership of media content and advertisement penetration, provide for ad rotation, and generate valuable ad usage statistics. For media, the data records provide a detailed profile indicating the number of repeated times that each part of the content is consumed. This novel improvement allows the distribution system to derive greater value from media that is redistributed to a wide audience, through better knowledge of viewership patterns on an item by item basis.

The player/viewer software may employ a distributor-controlled licensing database, allowing the system to track a variety of service types by which a particular user could license a particular media property. Such a database also gives the distributor complete control over the system, providing the player/viewer the ability to grant or deny

service altogether, depending on the property and/or the user. In this way, the present invention endows the distributor with the complete power to limit consumer use as directed by the copyright holder, on a property by property basis, and to adjust the amount of required advertising as needed. Local mirrors of this database on consumer-accessible devices are secured via digital rights management, so that the consumer cannot access them outside the running player/viewer software.

The software may also make use of a distributed media catalog for the purpose of locating particular media content throughout the distributor's system, and a hybrid central server and peer-to-peer media transfer system, by which secured media files are delivered to a consumer system upon request. When a centrally administered database for digital rights management is employed in conjunction with peer-to-peer file exchange of secured media content, in a distribution system that provides multiple service levels and types, including a general license to allow free viewing with ads, carried out by player/viewer application software running on the consumer device, there is a new and improved use of these technologies.

Through this software apparatus running on individual consumer systems, the present invention functions as a new use of the traditional broadcasting business model, which acts as an improvement by adding value to freely exchanged copies of media, distributed over a digital network. By coupling the long-standing broadcast media practice of commercial advertisement sponsorship with the appeal of select, on-demand, consumer-level redistribution over a digital network, the consumer gets the conveniences of virtually unlimited free media selection, instant access, and unrestricted sharing, while the copyright holder gains a tangible value from the increased viewership that results, through an apparatus that makes it possible to maintain explicit control over media use throughout.

The consumer is free to select and program any desired sequence of content, and the player/viewer software has the ability to present this material with ads inserted, while it monitors and measures all use of media and ad content, including repeated use of the same material. Through its use of paid advertising and sophisticated audience monitoring, the invention improves on current digital media distribution practices by creating an advertising-based market for unlimited free consumer use and exchange of media content over a digital network. The content use restrictions resulting from this distribution method and apparatus are an improvement over currently practiced methods, in that they benefit both consumers and copyright holders.

BRIEF DESCRIPTION OF THE DRAWINGS

Further features and advantages will become apparent from the following and more particular description of particular embodiments of the invention, as illustrated in the accompanying drawings, wherein like referenced characters generally refer to the same or similar parts or elements throughout the views, and in which:

FIG. 1 illustrates a networked computer system for the wide distribution of digital media content, according to one embodiment of the invention;

FIG. 2 illustrates a consumer computer system, according to one embodiment of the invention;

FIG. 3A illustrates the player/viewer software graphical user interface, according to one embodiment of the invention;

FIG. 3B illustrates an economic value comparison of existing digital media distribution practices against one particular method and apparatus of the invention;

FIG. 4A is a schematic diagram illustrating the sequence of play for common audio/video media use sessions, according to one embodiment of the invention;

FIG. 4B is a schematic diagram illustrating the sequence of viewing for a typical print media use session, according to one embodiment of the invention;

FIG. 5A is a flowchart illustration of software operation in response to a user request to run media content, according to one embodiment of the invention;

FIG. 5B is a block diagram illustrating certain software components that operate together to carry out the method of FIG. 5A, according to one embodiment of the invention;

FIG. 6A is a flowchart illustrating one particular method for performing the ad selection operation of FIG. 5A, according to one embodiment of the invention;

FIG. 6B is a block diagram illustrating in more detail the flow of data between certain software components operating in FIG. 6A, according to one embodiment of the invention;

FIG. 7A is a flowchart illustrating one particular method for performing the intersplicing operation of FIG. 5A, according to one embodiment of the invention;

FIG. 7B is a block diagram illustrating in more detail the flow of data between certain software components operating in FIG. 7A, according to one embodiment of the invention;

FIGS. 8A-8D are flowchart illustrations of software operation in response to user-generated playback control events, according to one embodiment of the invention;

FIGS. 9A-9C are flowchart illustrations of software operation in response to user-generated display control events during playback, according to one embodiment of the invention;

FIG. 10A is a flowchart illustration of software operation in response to user-generated audio-level control events during playback, according to one embodiment of the invention;

FIG. 10B is a flowchart illustration of software operation in response to user-generated print media viewing control events, according to one embodiment of the invention;

FIGS. 11A-11B are schematic illustrations of prior art business models employed for the purpose of media content distribution; and

FIG. 11C is a schematic illustration of one particular business model capable of implementation with various methods and apparatus of the invention.

DETAILED DESCRIPTION

Referring now to FIG. 1, there is shown a diagram of a networked computer system for the wide distribution of digital media content over at least one public or private telecommunications network 100, such as the Internet. The system supports both client-server and peer-to-peer network communication architecture models, as well as any other networking methodology that can operate according to the invention.

A multitude of consumers 102 use their individual computer systems 104 and 110 or other digital device systems 106, 108, and 114 to play and view a variety of media content. Any consumer-used computer device 110, digital device 114, or storage medium device 112 that is capable of a temporary or ongoing digital transfer connection to any of the networked systems 104, 106, 108, and 110, either directly or indirectly, is also to be considered as part of

network 100 if the device ever stores or runs any media that is an original or copy of content distributed by way of the present invention.

For instance, at a time when computer 110 is connected to network 100, consumer 102 may via the method of the invention obtain media that is then stored on the hard drive of computer 110, in order to use it at a later time when the connection is not available. If this media data is copied to or used with device 114 via removable storage medium 112, then device 114 is to be considered as part of network 100 according to the invention.

A distributor 120, shown in the figure as a box, is a person or business entity employing or participating in the method of the invention to release digital media content titles and tracks to consumers 102. A "title" refers to an individual stock keeping unit, as managed by the distributor. A "track" is a self-contained portion of a title that a consumer may specifically order separately.

Titles and tracks are media content, occurring in any combination of video, audio, and print forms, or any other media format now known or later developed. Video refers to any media that consists of moving pictures, with or without sound, in a page-free context, including, without limitation, a film, television show, documentary, short subject, or music video. When audio accompanies video, the content is still classified as video. Audio refers to any media that contains audio only, in a page-free context, including, without limitation, a short musical track, such as a rock or popular song, a long musical piece such as a symphony or rave music track, or an audio program, such as a lecture, speech, radio drama, or book on tape.

Print media forms include any static or software-driven content that employs text and/or images laid out into pages, including, without limitation, a newspaper, magazine, book, reference material, or user-interactive hypermedia document. Print media may contain audio and/or video material, but if the primary value of the content involves page layout, it is classified as print media. However, when page-based operations take place within a single video area, and are subsidiary in value to accompanying video content, the media is video. For instance, the page-based menus on a DVD count as part of video media content, even though they involve text, menus, and pages.

Any audio, video, or print media content may also include extra application software code and/or document data as a part of it. Such code/data provides the player/viewer with specific logic functionality to accompany the content. The menus and text that accompany DVD format movies are a prime example of this kind of code/data.

Distributor systems 122, 126 are those computers and devices on network 100 that are secured under strict control of the distributor 120. Apart from these distributor systems, there may be a very large number of "consumer systems"—a term to denote any computer or other digital device under unrestricted consumer control and having either direct or indirect access to the network 100. Such a consumer system may be, among other things, a computer system, a digital audio/video recorder, a portable playback device such as a palm-top computer or MP3 player, or a removable storage media device such as a computer with a read/write CD/DVD drive or a standalone CD/DVD player.

Distributor systems 122 act as media distribution centers, using a software firewall or other means to secure them from unauthorized consumer access, and allowing consumer systems to interact with them for the purpose of exchanging media and/or data according to the invention. Distributor systems 122 may be interconnected on an isolated or oth-

EXHIBIT A

US 10,986,403 B2

11

erwise secure extended network 124, or possibly through a software-secured layer on open network 100. The media distribution centers 122 coordinate their activities and maintain consistent databases via network 124.

Also on the distributor's network 124 is a file server 126, which handles the transfer of media content 128 to the media distribution centers 122 as needed. Though not shown, different distribution centers 122 may be connected to different open distribution networks, to facilitate distribution over multiple networks. Also, a number of media provider organizations 130 doing business with the distributor may facilitate the transfer of media content 134 to either consumer systems 104, 110 or distribution centers 122 via one or more of their file servers 132, which may either act through the open network 100, or be connected to the distributor's network 124.

The distributor is free to employ any database and file server design to suit the needs of the distribution network, provided it operates in compliance with the invention. For instance, the design might involve a secured, distributed database, administered to maintain a catalog of all media titles, the service types offered for each title, user profile and billing information, user demographic information, user/software registration data, user/title licensing data, security keys, a catalog of advertisements, user/ad viewership history, title/audience viewership history, and other statistics. Alternatively, a minimal database might maintain nothing more than a catalog of titles and advertisements, providing distributor 120 with a much lower amount of control over the system.

Acting as a server, each distribution center 122 may operate with any number of consumer-use computer systems 104, 110 or web-enabled devices 106, 108 over the network 100. It is also possible, according to the invention, for consumer systems 104, 110 and devices 106, 108 to exchange media over shared network 100 on a peer-to-peer basis. For instance, when it has network access, consumer system 110 may direct another consumer system 104 to deliver particular media content to it. Media files exchanged in this way are secured from the consumer through digital rights management practices.

In the peer-to-peer context, a consumer system may act as either a client or a server. In the previous example, computer 110 acts as a client when requesting the media from computer 104, which acts as a server to handle the request. If peer-to-peer functionality is indicated, the player/viewer software described below includes peer-to-peer server control logic, which it may run or launch as a background maintenance task or process, or alternatively have the system launch automatically from time to time by modifying the system's startup or operating environment.

In one embodiment, the invention employs a distributed database, operating as a centrally administered digital rights management server on one or more media distribution centers 122, working in conjunction with an open peer-to-peer distribution system of secured media content, in a manner that offers the licensing of possibly multiple service types, while including at least one service type intended to allow widespread free viewing of distributed content on the part of the consumer, while still upholding value of use for the media copyright-holder. Under this scenario, the peer-to-peer functionality may be transparent to the consumer. In particular, when computer 110 requests media from distributor systems 122, distributor 120 may instruct computer 104 to act as a server to handle some part, or all of the delivery of the media request in place of distributor systems 122, giving the appearance that the media request is being

12

fulfilled by the distributor. When database management, file exchange, and digital rights management technologies are used together in this novel way, in conjunction with the application software described below, there is a new and improved use of these technologies.

To achieve this improvement, the apparatus and method of the invention employ a new use of a traditional business model on a client-by-client basis over a digital network, through the use of novel media player/viewer software running on individual consumer systems to act as an apparatus for carrying out this model, as embodied in the parts of the software described in detail herein.

Referring now to FIG. 2, there is shown a more detailed diagram view of a representative consumer computer system 104 (FIG. 1), to illustrate some of the hardware components which, when controlled by the method implemented in the novel player/viewer application software, comprise one aspect of the invention. The distribution network and method described in FIG. 1 work in conjunction with the software application described below, which operates on ordinary consumer computer and other digital device systems, such as the one described here.

Computer system 104 has a conventional architecture, which includes a processor 202 and volatile RAM memory 204 coupled to processor 202 through an interconnect 200. Memory block 204 includes an ad-intersplicing player/viewer 560. While player/viewer 560 is shown as a complete functional block within memory 204, it should be understood that player/viewer 560 includes stored code (e.g., on file storage 210), portions of which may be transferred into and out of RAM memory 204 as needed. Interconnect 200 may be a system bus or any other apparatus that is employed to connect components such as these in a consumer-grade computer system.

Also coupled to interconnect 200 are internal peripheral hardware devices, such as file storage 210, which may be a hard drive or other persistent storage peripheral, and removable media internal device 212, which may be a floppy drive, ZIP drive, CD-ROM or DVD drive, CD/DVD read/write drive, or any other removable media drive.

Internal peripheral devices connected to interconnect 200 also include those for the generation of physical sounds, such as sound card 208 and speakers 224, those for the real-time display of graphics, such as graphics card 206 and computer display 222, and those to communicate over networks, such as network interface adapter 242 and dial-up modem 240.

Interconnect 200 also serves a number of common I/O ports 220, including those for keyboard 228, mouse 230, other connected I/O devices 236, printer 226 for persistent output, and any external I/O ports 220 that are available to connect system 104 to other, external peripheral devices, such as portable playback device 232, external recording device 234, or external network connection device 244. External recording device 234 may be, among other things, a CD player/burner or a DVD player/burner.

Computer display 222 is any type of volatile computer display device including without limitation a cathode ray tube (CRT), a light-emitting diode (LED) display, or a liquid crystal display (LCD). The other connected user I/O devices 236 may include any type of user input or output devices including, without limitation, a numeric keypad, a pointing device such as a trackball, light-pen, touch-sensitive pad, digitizing tablet, thumb wheels, or joystick, or a nonstandard display device or printer.

Network interface circuitry 242 couples computer system 104 to open computer network 100 (FIG. 1). Where high-

13

bandwidth network service is absent, modem circuitry **240** allows the system to connect to network **100** by dial-up over ordinary telephone lines. It is also possible to connect to network **100** through alternative means by way of an external network connection device **244**, which connects to network **100** directly and transfers network data to system **104** by way of an I/O port **220**.

The invention applies to these and any other hardware components that may be employed in a consumer-grade computer system or other digital device to carry out the ends of the media player/viewer software described herein, whether or not they resemble or perform the same specific functions as those components shown in FIG. 2.

The Player/Viewer Application Software

Media titles and tracks that the distributor **120** (FIG. 1) releases, either by streaming broadcast delivery or by copy on demand, over digital network **100** (FIG. 1) are to be seen and heard primarily through the use of program software applying the method set forth herein, on consumer media device systems supporting the use of such software. Different device/computer hardware platforms and operating systems, including embedded devices, may require custom versions of the software, and each such version is to carry out the method of this invention to the best of all practical ability within the constraints of its operating environment.

This software generally provides the functionality to run audio, video, and print media, as defined above, to the extent that the specific device on which it is running supports each of these media forms. On platforms that support graphical user interfaces and multitasking or multithreading, the software is implemented as a full-fledged "media player/viewer", offering multiple panels and/or windows to switch between any number of user-initiated media presentations.

Referring now to FIG. 3A, there is shown a diagram of the player/viewer software's graphical user interface, as it might appear on computer system **104** (FIGS. 1 & 2). It provides the ordinary functionality commonly found in typical media player software applications, and the software design methodology behind its implementation, delivery, and installation may be ordinary or new, as long as they result in software that behaves as specified in this description. For sake of further discussion, the term "user" will be taken to be synonymous with consumer **102**, from this point forward.

Installation of the software on computer system **104** (FIG. 2) or any other consumer device system stores the player/viewer program code appropriate to the specific system somewhere on its persistent file storage **210**, or possibly in read-only memory (ROM) depending on the device. Installation may also modify the operating system to launch maintenance and server programs as background processes, either at startup or at some other specified time interval. Consumers **102** may carry out the installation process on their own systems, while other systems may ship with the software pre-installed as they are manufactured.

The player/viewer's user interface (FIG. 3A) takes direction from a consumer by appearing on the consumer's display device **222** and giving audio and/or visual feedback to the input actions of its user. The functional style in which this player/viewer appears to the user may follow ordinary practice in the design of such interfaces, or it may involve a different and possibly new look and feel, as shown in the figure.

Such a player/viewer may also offer functionality through panels and/or windows for any of a wide variety of other conventional services, including without limitation internet browsing, internet chat, networked video gaming and tournaments, video conferencing, content aggregation, office

14

productivity, email, secure business document distribution, and special interfaces for online auctions, event schedules, and ticket purchasing for movies, concerts, operas, ballets, sporting, and other events. Additionally, the player/viewer may provide integrated control over other ordinary network procedures, such as exchanging media content between users, ordering media and services from the distributor, and viewing system broadcast messages.

As it runs, the player/viewer software conveys video, visual effects to accompany audio, and print-based media content in an operating area of display **222**. There also are one or more control areas through which a consumer **102** may take specific actions pertinent to the associated media presentation. The consumer hears audio media content as sound emanating from the system speakers **224**, and sees video and print media content on the computer display **222**, either in conjunction with audio or not.

According to the invention, to prevent unlicensed consumer use of media content, persistent copies of media titles and tracks are retained as encrypted data on consumer devices. The player/viewer software uses a digital rights management approach to conceal the algorithm or key for removal of this encryption from the consumer. By way of this approach, the information for encryption removal is granted only to media player/viewer software that complies with the present invention in maintaining restriction and control over media use, while enforcing digital rights management on its secured data.

Novelty arises in the player/viewer software's particular ability to control use of media content while providing the means for unlimited free viewing of requested media, through a general licensing process that is transparent to the user. Unlike conventional digital rights management enforcing software, which primarily offer the choices of either granting or refusing access to particular material, the player/viewer software of the present invention can allow for unlimited free viewing of content, while still preserving the value of such use, by implementing the methods of traditional broadcast media business practices as a new use with digital media distribution, carried out by a software apparatus, the player/viewer present on each consumer system.

Along these lines, according to the invention, the player/viewer has logic to allow consumer **102** the free and unlimited use of secured media content, by offering a free general license for use of the content with paid commercial advertisements and other promotional material inserted into the content stream at certain intervals. The player/viewer may also have the power to select which ads are best suited for a particular consumer **102** given information the distributor **120** maintains in its central database about each consumer, applied in conjunction with each specific media title or track request.

No matter how it selects the ads, the invention provides a means to sequence these ads into appropriate blocks that are initially chosen and scheduled into the content stream by a novel "advertisement manager" module of the player/viewer software. There is a novel "intersplicer" module in the player viewer software that launches, communicates with, and strictly controls a digital rights management enabled real-time player module, while the player module handles the actual playback and viewing of the media content through the player/viewer software.

In this way, the invention has the ability to strictly enforce the insertion of advertisements into the content stream. Furthermore, whenever the player/viewer is running any ads, it has the power to ensure that the consumer **102** using it will experience the advertisements in their entirety. In this

15

particular embodiment of the invention, the player/viewer accomplishes this end by disabling any user interface command that the consumer could possibly use to skip, back out of, or speed through the promotional material, including the ability to lower the sound volume beneath a pre-determined threshold level. The intersplicer also has the ability to adaptively regroup and re-sequence the insertion of ad blocks extemporaneously (i.e. "on the fly"), in response to the consumer's arbitrary direction of the playback within the requested content, by means of playback controls.

By enforcing the insertion and conveyance of promotional material into media titles and tracks that the distributor **120** releases openly and freely, without charging the consumer **102** a fee to run it in this manner, the invention preserves the value of content use to the copyright holder while making it widely available on demand to the consuming public.

Essential to safeguarding the digital rights management measures that the player/viewer employs is the lack of a ready means to save media content to persistent storage in a format ordinary media player software can directly use. However, in certain instances the invention does allow for the use of such media content outside of the player/viewer.

Distributor **120** is free to permit this kind of use on a case by case basis. In this event, the distributor ensures that some mechanism exists to satisfactorily prevent unlimited copying and redistribution of the media outside of the player/viewer, unless the content in question is available for free release. Other software applications may also be permitted such use if they strictly adhere to solid digital rights management practices in securing the same data and content as the player/viewer of this invention, and provided the distributor deems acceptable their use of the media content.

Additionally, the player/viewer may provide for outside use of content by supporting its export onto removable media intended for hardware devices that have little capacity to generate reproductions, such as standalone CD and DVD players found in home entertainment systems. Through such a provision, a consumer **102** using the player/viewer has the power to use network distributed content on ordinary audio/video equipment, for instance, by burning a CD or DVD for use with such a device.

However, in this event the player/viewer typically employs some form of "digital copy-lock" technology on the removable media, to prevent any widespread redistribution outside the method of the present invention. This copy-lock technology flags the physical storage medium in such a way that a consumer may use it on a standalone device, but when inserted into a computer or other digital reproduction ready device, it will not function except through a running instance of the player/viewer software of the invention, if at all.

Direct export may also occur by transfer to other digital devices, such as mobile audio MP3 players. Ideally, such devices would employ digital rights management and other measures similar to those just described, to prevent redistribution of content exported in this way.

The player/viewer may also provide for the direct import of content from a number of conventional media formats, if the distributor **120** chooses to accommodate such a service. With direct import, any consumer **102** may transfer raw content already in their possession to player/viewer media for local storage, or may choose to circulate this content through the distribution system. The process begins with the player/viewer requesting information necessary for initial screening from the user. It then adds a player/viewer format encrypted copy to the user's system, prompts the user to keep or delete the original media file (if the option exists to do so), and optionally takes action to identify media titles

16

and tracks through an automated process, making the results available to the user for application to the imported media. Initially, the new local copy is tagged as banned for redistribution, granting access only to the user who imported it. If the content is to be circulated through the system, the player/viewer may send a copy of the content to a media distribution center **122** for more detailed scanning and review necessary to prepare it for distribution.

If imported content matches an already-existing title or track, the player/viewer gives the user a choice to replace the import with an official copy, bring it into the system for distribution as a new title or track in the event that it differs from the original in some artistic or other valid way, or use it as is without replacement. If the user elects to use it as is, the copy maintains its status as banned for redistribution. If the user elects to replace it, the local copy is replaced with an official distribution copy of the title or track. In the event that the user chooses to distribute the content as a new title or track, or if the initial processing found it to be new material, the media distribution center finishes processing the content for distribution, possibly requesting more information from the user via the player/viewer over a period of time as it validates the content for general release. Once the title has released, the player/viewer automatically upgrades the user's banned copy to an official copy appropriate for redistribution.

In this way, the distribution system of the invention may allow individual consumers **102** to provide new titles and tracks for distribution. To the extent that this feature serves the role of a public access forum for media distribution, the player/viewer user interface may include logic for any additional functionality that is signaled whenever it detects that it is running this class of media. For instance, it can have a control button that reads "Click here to support this . . ." appear automatically at some point during the content's use session. When a user presses this button, a dialog or other interface appears, providing a direct way for the user to enter a donation amount and have it charged to a credit card or other type of billing account, perhaps one that is already on file for the particular user in the distributor's central database, all at the click of a button. At the discretion of the distributor, part or all of this donation amount may be credited to the user account of the individual consumer **102** who imported the new title or track for distribution.

When media is imported from a consumer, there is the possibility that invalid content may make it past the initial review process. If user-contributed content is distributed through the system, then later found to be equivalent to a copyright-holder provided title, the distributor can provide for the automatic replacement of such secondary content with the version approved for distribution. This process is known as "media rotation". Similarly, if a copyright-holder identifies invalid content and does not wish to have it further distributed, the content may be either banned for redistribution or recalled entirely, having all existing copies removed from the system.

Referring now to FIG. 3B, there is shown a diagram depicting the economic aspects of the distribution method that this player/viewer software enables according to the invention, to better illustrate the nature of its improvement. Three different playback control paradigms are considered along a horizontal axis **350**, and a vertical axis **352** measures the relative utility of each paradigm to either an average consumer **102** or an average copyright-holder. Plot **356** is the utility to the consumer for each playback paradigm, and plot **358** is the utility to the copyright-holder for each playback paradigm.

17

In playback paradigm **362**, consumers freely redistribute copyrighted content amongst themselves, and a consumer who obtains such a copy has complete control over the use of it. This situation has high utility level **360B** for the consumer, who is getting something of value without paying for it, and it has the lowest indicated utility **360F** for the rights-holder, who loses large amounts of revenue and control as the consumers freely redistribute the copyrighted content in droves for unlimited use, with many of them never paying the rights-holder. This scenario has arisen in recent times as a result of the technological developments described in the background.

With an ordinary digital rights management (DRM) or copy-lock system in force, playback paradigm **364** applies. In this case the distribution system strictly denies all consumers who have not licensed a particular media content title from access to it. The paradigm enforces a strict control of use policy on the part of the distributor, without a facility for a free general use allowance, and in the process, maintains a price for use status quo, where digital media content is licensed to consumers for a fee.

With paradigm **364**, the utility for the rights-holder has moved up to level **360C**, and the utility for the consumer has dropped to level **360D**. Following the paradigm, the rights-holder can enforce a strict grant of use policy on all consumers who use media content under such a paradigm. However, relative to paradigm **362**, the consumer loses the ability to request media content on demand and use it for free, which is a considerable drop from level **360B**. Also lost to paradigm **364** is the right to make unlimited copies for personal use. Given the extent of this drop, some consumers are strongly motivated to use any means at their disposal to obtain free access to content, and there is a large economic force driving these consumers to break such DRM-based distribution systems, producing a constant effort on the part of consumers to establish and maintain paradigm **362**.

Furthermore, it is believed that media content has a very large potential market and a high price elasticity of demand. That is, the viewership of a particular media property increases dramatically as the price for use drops, even in the presence of advertisements. As a result, the potential for revenue from ad sponsorship is all the higher.

Playback paradigm **366** is facilitated by the method of the present invention, and enforced by the player/viewer software as described above. Media content is distributed to consumers freely and on-demand, however, through its use of a highly controlled playback apparatus, the method of the present invention has the power to require and enforce the presentation of paid advertisements inserted at regular intervals within the requested media content, whenever a consumer uses any media for free under the general license.

In this system, the consumers utility level has now risen to **360B'**, which is much closer to level **360B** than to level **360D**, by the reason that a consumer would much rather bear commercials in exchange for free use of media content than not have free use of any sort. Meanwhile, the copyright-holder's utility has also increased greatly to level **360A**, because more viewing of paid ads by a much wider audience produces a greater source of revenue than a considerably smaller number of direct sales.

The system is an improvement over conventional digital rights management systems because it offers benefits to both the copyright holders and the consumers. From the consumer's standpoint, the drop from utility levels **360B** to **360B'** is much smaller than that from levels **360B** to **360D**, so there is much less incentive on the part of the consumer to engage

18

in piracy and other attempts to circumvent the digital rights security put in place according to the invention.

Advertisement Sequencing Styles

Referring now to FIGS. **4A** and **4B**, there is shown a schematic diagram depicting some representative player/viewer media use sessions as they run over time. FIG. **4A** illustrates three primary styles of advertisement sequencing that may occur in combination over a playback sequence of requested audio or video media content, as defined previously above. FIG. **4B** illustrates the general style of ad sequencing that occurs in the process of viewing and browsing print media content, as defined previously above.

Media content exists in the form of titles and tracks, as defined previously above, and the user can have the player/viewer run any combination of available titles and tracks in any possible order. If a long-playing title has no tracks, or if a single track runs excessively long, the distributor may specify the division of the title or track into a series of contiguous segments. A title or track that contains more than one segment is a segmented title/track, in contrast with an unsegmented title/track consisting of one single segment. The distributor **120** assigns segment divisions on an item-by-item basis, and throughout distribution, these division locations accompany their associated title/track, in a fashion similar to the way the locations of all tracks on a title accompany the title when it is delivered as a single unit.

Segments would not ordinarily be ordered separately from the distributor, but the player/viewer's saved play-lists may contain individual segments. One purpose of segment divisions in a track or title is to indicate appropriate points within the material for the player/viewer to intersperse ads in the course of presenting the content. By this definition, a title may contain segments, or tracks, or possibly segments within tracks, but not tracks within a segment.

In FIG. **4A**, the passage of time over the course of playback is represented as a horizontal timeline **400**. There are shown three example sequences of audio or video media playback **402**, **404**, and **406**, each of them conveying content interspersed with advertisement blocks. These sequences are shown as video with audio, but the following discussion applies just as well to silent video or audio-only media. Using ordinary methods, the player/viewer can convey either of these styles just as well by leaving the video blank or the audio silent, or it may alternatively employ some other logic to fill in for blank video or silent audio with its own images or sounds.

As described above, the player/viewer has the power to intersperse paid commercial ads into the presentation stream intermittently over time throughout the course of playing an audio or video sequence. The media style of these ads may include some combination of audio, video, and/or print-based components, excluding the trivial case of no presentation at all. However, from these possibilities, there is typically only one such choice that strictly matches the media style of the content in play, and at most two in the event that different media component styles occur in the content immediately before and immediately after the interspersed break.

In the case where the media component style remains the same before and after the ad break, there is a unique choice of ad media style to match content media style. For instance, in the midst of audio-only content, it is an audio-only ad. In the midst of video with audio content, it is a video with audio ad, and so on. The player/viewer's advertisement manager has the power to call for this specific style of advertising to suit whatever content style is in progress, and this particular methodology of matching content media style with adver-

tisement style, for the purpose of programmatically interrupting the same media stream conveying the content with ads taking the same form, is novel in the realm of digital media players.

Applied to video and audio, this advertising methodology is a new use of the advertising style familiar to audiences through ordinary television and radio broadcasts. However, in the present invention, these advertisements are sequenced together and inserted into the content stream extemporaneously (i.e. "on the fly") by software running independently on each consumer's device, in response to the consumer's particular media requests and interactions with the specific content session running on each device. In an alternate embodiment of the invention, which may be employed for example in satellite radio or digital cable television receivers, targeted advertisements may be interspersed into an original broadcast presentation in real-time, thereby providing broadcast programming with promotional material tailored to the preferences, demographics, or other relevant criteria of individual users, in addition to and/or in place of those ads specifically associated with the broadcast media.

These ads are not required to appear in the same media form as the user-selected content, though in many cases, they do. According to the invention, it is even possible for an advertisement or media content segment to contain special tags and program logic to signal the player/browser to produce specific software-controlled actions, such as special buttons in the interface, displays, or user interactions. For example, at some point in the playback of a video title, the player/viewer can display a pop-up dialog or flash a control in its user interface that reads "Click here to buy this . . .", with logic to take appropriate action if the user responds. This same feature provides a mechanism to supply interactive user polling in the midst of the media stream, or in place of ads, by presenting hypertext data input forms and delivering the user responses back to the distributor 120.

Referring back to the figure, play sequence 402 contains both segmented audio/video content, shown throughout FIG. 4A as wavy lines, and blocks of audio/video commercials, which are shown throughout as saw-toothed lines. Content segments 430, 432, 434, and 436 comprise the media title the user has requested for play, and each of advertisement blocks 408, 410, and 412 is a group of at least one or more ads and/or other promotional material that the player/viewer software has automatically assembled and inserted into the sequence.

In the course of direct play, without any user-directed skipping from one point to another or performing other navigation throughout the content, sequence 402 begins with content segment 430. Segment 430 immediately proceeds into advertisement block 408, which is followed by content segment 432, ad block 410, content segment 434, ad block 412, and content segment 436.

Play sequence 402 is typical for a segmented title/track, by the definition of segmented media given above. With segmented media, the player/viewer holds a sense of particular ad blocks retaining their own sense of place in the sequence, with the ads chosen to go along with a predetermined portion of the content. If the consumer elects to skip around during the course of playing a segmented title, the same block of ads plays with a particular portion of the content as the user skips back and forth through different parts of the title, over a predetermined period of time and/or number of viewings. If the predetermined limit is exceeded, the player/viewer rotates in new ad blocks automatically.

Segmented titles are sequenced like television programs, in that ad breaks tend to occur at particular scheduled places

in the content. The first time through viewing any particular segmented content with ads, each block is shown before or after its associated content, and the player/viewer requires the ads to be run in their entirety. After that, when ad blocks that have been seen already are encountered again through a user-directed repeat of a sequence in a single request session, the player/viewer may allow the user to navigate out of the ad, or possibly omit it altogether.

For example, if the user of sequence 402 jumps right into segment 434 as segment 430 is just starting, the player/viewer will begin segment 434 at its point of entry, followed at its end by ad block 412. Wherever possible, the ad block chosen for play at the end of a segment will be the one most appropriate to the actual part of the content that has played since the latest preceding ad block.

In some cases, there may be a need to insert an ad block just before resuming play after a user-directed skip. For instance, if the user has watched 80% of segment 432, and then jumps into the middle of segment 434, ad block 410 plays immediately, and when it is finished, content play resumes at the point selected in segment 434.

Generally, the ad blocks presented during segment play occur either at the start of a segment, immediately following the end of a segment, or if necessary, just before resuming play after a user-directed skip. Logic in the player/viewer determines which of these are necessary as a result of the consumer's most recent viewing, and selects the most appropriate of the predefined blocks to insert at that point. If the same block is repeated excessively, the player/viewer has the power to rotate new ads into play at some point.

Play sequence 404 results when the user chooses a series of individual tracks for play. Common tracks include short songs and music videos, where each item is an individually-named short work. In this particular case, the consumer has selected to a play list of content tracks, 440-462, and the player/viewer automatically inserts advertisement blocks 414 and 416 into the play sequence. These individual tracks were selected haphazardly from among several different titles.

With tracks, the location of advertising blocks is determined by the player/viewer's program logic, which upholds an average content play time, an allowance based on the number of tracks, or possibly some combination of these or other approaches on a case-by-case basis, to determine where it inserts the ad blocks. Whatever method it uses, it places the ad blocks between individual tracks, or runs them just before resuming play upon a user-directed skip into the middle of a track.

During the course of regular play without skipping around or other navigation, sequence 404 begins by playing tracks 440, 442, 444, 446, and 448 in series, followed by ad block 414, and then tracks 450, 452, 454, and 456. After track 456 comes commercial ad block 416, followed by tracks 458, 460, and 462.

Tracked titles are sequenced like radio programming, in that the ad breaks tend to occur after a certain number of songs are played, after a certain amount of playback time has elapsed, or at song breaks nearest to particular times of the hour. In the case of the player/viewer, the user can sequence any combination of tracks together, and the ads chosen may in part reflect the specific tracks used. This has a direct implication when the consumer jumps around haphazardly in a requested play-list, or chooses to repeat a small subset of the tracks in the requested sequence.

For example, in sequence 404, consider a case where the program is using a track allowance method for ad placement, with an initial allowance of 5 tracks per ad block. If the user

21

decides to play track 446 and then track 456, the program does not insert ad block 416 immediately after track 456. Instead, play goes directly into track 458, because the allowance is 5 tracks. If the user plays through most of track 458, then jumps to the beginning of track 442 and plays it, there is still allowance for one more track after that, since only four tracks (446, 456, 458, and 442) have played so far. If the user then jumps to track 452, an ad block will play immediately after track 452 completes, or if the user attempts to leave track 452 after hearing most of it but before it completes, because it is the fifth track. This ad block will be assembled extemporaneously to go with the five tracks that were played, and there is no retained sense of recurring blocks falling at specific points when the user skips around between tracks in a play-list. Typically, ad blocks interspersed in this way require full play with each occurrence, and the player/viewer manages its adaptive ad selection to present new ads every time, to a certain extent.

It is also possible for long-playing material to be completely unsegmented, as is the case in sequence 406. With unsegmented content, a large ad block 418 is inserted at the very beginning of the program. The ads play in sequence, and when they are finished, the content 470 plays in an uninterrupted fashion. Even when a title or a lengthy track has segments, the player/viewer may elect to run it in this unsegmented fashion in response to instructions from the distributor 120.

Referring now to FIG. 4B, there is shown a schematic diagram of an ad-sponsored print media session. The consumer views the print media one page at a time by issuing page turn commands. Under a page allowance ad placement mechanism, an ad or block of ads is run after a set number of page turns (5 in this case). When paging through print media in this fashion, moving either forward or backward in the material may be counted against the page allowance, or the mechanism may count only turns to pages that haven't been viewed within a limited time period, such as in the last five minutes, for instance. In addition to page allowance triggered ads, ad blocks may also be inserted at the end of each "chapter" or other appropriate section division in the print media. Chapters in print media are equivalent to audio/video segments, and the software handles them both in the same manner.

As noted in FIG. 4A above, these ads are not required to appear in the same media form as the user-selected content, though in many cases they do, and the same possibility for an advertisement or media content segment to contain special tags and program logic to signal the player/browser to produce specific software-controlled actions exists. In general, page allowance triggered ads will be print based ads, such that the user may briefly be exposed to an advertisement, then can quickly page out of the ad or ad block, and return to the print content so as not to lose their train of thought while reading.

The timeline measure for print media is the number of user-activated page turns 480, and ads are sequenced according to a page-turn allowance, as described above. Ads may also occur at the boundaries of chapters, which are the print media equivalent to segments, discussed above. Print based media involves any combination of print 482, which encompasses many forms of page-based text and image layout, audio 484, video 486, and user-software interaction 488, in the fashion of hypertext applications. When the player/viewer inserts an ad block into print media, the ads may also employ any combination of these means (482, 484, 486, and 488) to convey their message, though as noted they tend to be in the same style as print advertising where print ads are

22

interspersed with print content as they have traditionally appeared in newspapers and magazines.

For the print ad containing audio 490, the audio and any associated visual advertising content complete at the same time. When a visual aspect of a print ad is in progress, user-activated page turns are disabled, unless the ad itself includes specific logic to handle them. When all in process visual aspects of the ad have finished, or when none are present to begin with, the user may resume paging. In the case of a print ad 492, with an audio message continuing beyond all of the ad's visual aspects, the user may turn pages while the audio is still in progress. Below, FIG. 10B explains in detail the player/viewer's logic to convey ads with print media.

Referring now to FIG. 5A, there is shown a flowchart to illustrate the logic by which the player/viewer software processes a user request 502 to play or view some media, according to the invention. Request 502 may arise from, among other things, a direct file open operation, a selection from a remote media catalog or local media database, a selection of a user-defined play-list, a result of a media search engine or other web-based service, or some other user-driven command in the player/viewer. For example, in order to compile a user defined play-list from which a request 502 can be initiated, a user might acquire media files through any means available, including, but not limited to, browsing for a selection from a media repository, catalog, or library (e.g., as a part of, or in conjunction with, media catalog 566 described below), or via a peer-to-peer transfer.

Generally, the operation will begin with a list of one or more requested content items, the "media request list", which has an entry for each track, title, or in some cases, individual segment of a local track or title, chosen for play in the user-requested order. Segments are generally not released individually, but once a title is local, a play-list may have the option to sequence individual segments into a play session.

Once the media request list is established, the list is then populated in a process loop 504. First, in step 506, the program identifies the item and determines the location of the most conveniently accessible stored copy of it, either locally or over the network, relative to the processor 202 (FIG. 2) running the program. The program accesses the item to verify its location and to extract any relevant internal data tags stored within or alongside it. As this step finishes, the program expands the item's entry in the media request list to include fields for its identification, verified location, and certain data tags containing information or access keys. This has the effect of turning the media request list into a table of data records, which for sake of continuity, retains the name "media request list" in the ongoing description.

In step 508, the program determines the ad requirements called for by the item, by checking if any specially granted or restricted service levels apply on the content's use. If the distribution system does not provide for this determination, the player/browser may apply a "general license" that allows for free use of the item with the enforced intermittent insertion of paid ads into the content stream. Otherwise, the player/browser employs these means to retrieve or compute any specifically applicable service level and access key parameters, which are then added to the item's entry in the media request list. Without loss of generality, this determination may occur through direct use of any tags obtained as described in step 506, possibly in conjunction with a local, distributed, central, or other database.

To enforce security, a database that functions in this capacity employs data encryption and other digital rights

23

management practices, to bar the consumer from any direct access to this information. When such a database is used, the running player/viewer is typically the only component of the consumer's system with the power to access it, thereby maintaining it under the distributor's exclusive control on all such systems.

In step 510, the media item is transferred into local storage in accordance with a preset or predetermined localization policy. That is, if the item's verified location is too remote for direct playback, the program transfers the item to a more local destination and updates any pertinent data, such as the verified location, in the item's media request list entry. The media transfer logic has the option to re-register the item during the course of this transfer, which may further affect the item's media request list entry.

This finishes the processing of the item in loop 504. In step 512, the program returns to step 504 to process the next item through the loop. When the program has finished processing all the requested items, the loop exits, passing control to step 514.

In step 514, the program selects appropriate ads to go with the media request list and prepares them for insertion into the content play/view sequence. It selects which ads, if any, are to interrupt the requested content during the course of play, and then it localizes them. It groups the content into play sections, and it groups individual ads into blocks for insertion into the content. It also determines the rules and parameters by which step 518 adaptively selects and groups ads extemporaneously in response to user actions during playback, and provides an ongoing maintenance service to rotate ads into and out of play as needed during the course of the session. Given the nature of its operation, step 514, and the logic it comprises, is referred to herein as the "ad manager".

In step 518, the program plays (or for print content, displays) the requested media with ads, each of which can be forced to run in its entirety, interspersed into the content play sequence. Adhering to the selections of ad manager 514, the program sets up a play sequence of individual content segments interspersed with blocks of ads, and it coordinates the real-time conveyance of the interspersed content/ad play sequence to the user in real-time, by way of the system's video display 206, 222 (FIG. 2) and audio output 208, 224 (FIG. 2) hardware. Given the nature of its operation, step 514, and the logic it comprises, is referred to herein as the "intersplicer".

The program's behavior in step 518 is directly influenced by certain user interface commands that enable the user to make arbitrary navigational choices through the requested content's playback. The main job of the program in step 518 is to adaptively select and re-sequence ads extemporaneously in response to these user choices. In this process, the program maintains a history of the playback it has performed, which is a direct record of the user's navigational actions through the content and the program's own ad choice and sequencing decisions. While in step 518, the program occasionally saves a persistent checkpoint of this play history, which it can recover later in the event of, for example, a system failure.

According to this particular embodiment of the invention, the program disallows user actions that alter the course of playback while a required advertisement is running. The logic for this behavior lies in step 518, which keeps settings in memory to indicate the current state of play, including a value to indicate whether or not a required ad or ad block is in progress. Commands to alter play from the user interface are influenced by these settings, and in turn update them to

24

modify playback (FIGS. 8A-8D, 9A-9C, 10A, and 10B). The program remains in step 518 until an appropriate user command or system maintenance action signals it to end.

In step 524, the program compiles and saves the play history retained from step 518 into records on media usage and ad penetration, for each particular title and advertisement that ran during the course of the session. Media title usage records retain a detailed profile of the user's navigation throughout the content. Ad penetration records retain the number of times the ad was run, the track or segment associated with each run, the ad selection criteria behind each run, and other parameters. These records are saved to persistent storage, where they influence future ad management decisions and may eventually be sent back to the distributor to determine viewership ratings and for additional analysis/review.

Program control proceeds from step 524 to step 526. In step 526, processing of the user's request to play/view media ends, and the session is done.

Referring now to FIG. 5B, there is shown a block diagram to illustrate how the logical components of the player/viewer operate together in carrying out the logic described with reference to FIG. 5A. Where numbers coincide between FIG. 5A and FIG. 5B, the numbered component in FIG. 5B carries out the corresponding logical step in FIG. 5A.

The operation begins from operating system 550, running on the consumer's computer 104 or other device. To use the player/viewer application 560, the user interacts with the operating system 550 to either launch player/viewer 560 directly or to open a media file that brings about its launch with an immediate request to play media 502.

As player/viewer 560 begins, it starts its user interface 500, which either waits for the user to make a request 502 through it, or starts with request 502 initiated by operating system 550 to launch request 502 as soon as it brings up user interface 500. Player/viewer 560 also launches a maintenance handler 570, running concurrently with user interface 500, to handle any internal maintenance that player/viewer 560 ordinarily runs during its course of operation.

The player/viewer 560 uses concurrent software design practices, and this description of the invention generally applies the term thread to indicate each conceptual program step or process operating in parallel by way of a software design practice that implements concurrency, even if the practice does not employ threads specifically. By way of concurrency, player/viewer 560 may have a number of requests 502 to play/view media running simultaneously, though as a rule only one of them has user focus at a time, and typically only one is visible at a time as well.

Maintenance handler 570 serves a variety of maintenance purposes. Aside from performing program maintenance itself, it may directly launch other immediate maintenance 572, direct the operating system to run another program as a background maintenance process 574 that persists after the player/viewer 560 program has exited, or possibly direct the operating system to persistently schedule a regular maintenance job 576, a job which then starts automatically either at system startup or at some regular time, even when there is no running player/viewer. Maintenance handler 570 may also provide coordination services to other operations establishing maintenance tasks of their own, such as ad manager 514.

One service that the player/viewer maintains is local database interface 562. This database serves as the program's store of user information and preferences, which may include without limitation, local media locations and registration data, content and advertisement viewing history,

EXHIBIT A

US 10,986,403 B2

25

security keys, availability and locations of local ads, and other system maintenance data. Most logical operations in the program access the local database 562 in some way. Specific connections to database 562 are not all shown explicitly, so as not to unnecessarily obscure the drawing. If it is designed to contain sensitive information, this database is maintained under strict distributor control, using digital rights management practices.

Local database 562 may be self-contained in persistent files on the consumer's device, or it may extend over network 100 to a remote central or distributed database 564, which is controlled by the distributor 120 (FIG. 1). Another remote service that the program may use is a central or distributed media catalog 566, by which the player/viewer 560 may acquire information about any existing media titles or tracks, including but not limited to location, description, reviews, and available licensing options, among other things. The program may also use a service which employs a central or distributed protocol for media delivery, conceptually acting as a single media server 568. Where present, services 564, 566, and 568 communicate with one another, and each one may consult either of the other services to handle a particular request.

The Network Administered Services Embodiment

According to the invention, there is a particular embodiment with additional features and different advantages, as supported through the apparatus and method of this invention as discussed up to now. The following discussion expands on the earlier discussion of these same steps in reference to FIG. 5A, specifically in the context of this particular embodiment, which is called the "network administered services embodiment".

The network administered services embodiment uses local database 562, working in part as a locally relevant mirror of central/distributed remote database 564, which is administered centrally by one or more of the distributor's media distribution centers 122, and secured under strict control of distributor 102, in all consumer-accessible places, by means of digital rights management methods, according to the invention. Such data is also secured while in transit over network 100, via a software-secured layer or other security mechanism.

The network administered services embodiment also provides a media catalog 566, which may involve one or more media distribution centers 122 (FIG. 1) acting as central servers, a peer to peer network of distributed media catalog servers 596 running on consumer systems, or some other configuration.

To deliver media to consumers, the network administered services embodiment provides both a centrally administered system with media distribution centers 122 (FIG. 1) serving transfer requests from consumer client systems, and a peer-to-peer network of media exchange servers 594 running on consumer systems to provide a means for these systems to negotiate and conduct media transfer directly from one to another. This embodiment employs ordinary and new practices to optimize bandwidth utilization throughout its media delivery system, which is the apparatus providing media service 568 to player/viewer 560.

Bearing these services in mind, there is shown an indication of the inter-operational communications that take place in the course of the logic discussed in FIG. 5A. The beginning of a request to play media occurs at step 502, and step 504 is a loop over each item in the media request list.

In step 506, the program identifies a media content item on the basis of a unique universal identifier stored in any number of locations, including, but not limited to, local

26

database 562 and/or the media file itself. The program then uses the identifier to locate the item by first going to local database 562, and if not found, to media catalog 566. It verifies that a requested content item is available, either locally or via the distribution network, through a test access in which data tags that may be present in local database 562 and/or the media file are extracted. If the user selected the item as a local file or archive, the program may get some or all of the information it needs directly from the file, as opposed to checking local database 562, to determine the item's location. In any case, it makes sure the content is available at the specified location, and if it finds a problem, it may seek assistance from the user, perform an additional local search, or if possible, go directly to remote sources to locate a copy of the item.

In step 508, service level determination goes first to data held in memory in the media request list, from step 506, and then to local database 562, which consults remote database 564 as needed. The distribution network maintains a full-fledged extranet for the purpose of media licensing, and the step of service level determination 508 becomes one of license verification in this embodiment. Each individual consumer gets a password-protected user account, and zero or more specific installations of the player/viewer software are registered to each user.

This embodiment provides for many user services administered via network 100, including but not limited to those noted here. There may be user profile sharing, by which a user can access on a temporary basis, from a system or device other than their own, media that has previously been licensed to them. There may be multiple ratings systems provided, by which the consumer may choose to evaluate the quality and appropriateness of particular media based on any number of different criteria, including content ratings and critic and user reviews. There may be child accounts and media restriction controls, by which a primary account-holder can set up dependent accounts and limit the content viewable by dependent account-holders. In this instance, media may be restricted or allowed on any number of different criteria, including its level in any of the provided ratings systems, or by specific title or track.

Through user registration, this embodiment also provides for targeted advertising choices, conducted by the ad manager in the course of selecting ads, on the basis of user demographics, preferences, and other consumer specific criteria, on a session by session basis. This also applies to streaming audio and video, for which the intersplicer mechanism described below can allow for the user-targeted adaptive insertion of specific ads into a digital broadcast media stream at times signaled from the media stream. In this case the player/viewer software will run maintenance to localize appropriate ads for each streaming broadcast. In the absence of localized ads for a broadcast stream, the player/viewer may run a general ad that is broadcast with the stream.

The licensing/registration database is maintained centrally on the media distribution centers 122, with local mirrors on each consumer system providing immediate and constant access to all of a specific user's licensing data. Individual media titles and tracks are licensed on a user-by-user basis, and digital rights management methods are employed to maintain the integrity of this system. When a consumer device is not connected to the network, the local database mirror contains enough information to run any content that the user has expressly licensed.

This license verification system offers and keeps track of a wide variety of service types, which ultimately affect the service level determination result. For instance, on a user-

by-user basis, each title may be offered and licensed as free for use with commercial interruptions, free for use without commercial interruptions but with requested user support, included (with or without ads) as part of a specific subscription package, specifically purchased for uninterrupted use on a short-term basis (fixed time period or total number of uses), and/or purchased outright for permanent uninterrupted use. With such a system, the distributor maintains absolute control over what services are offered with each piece of media, and through it, the copyright-holder can choose to offer or withhold any of these service types on a title-by-title basis.

There are several other functions through which this license verification system offers the distributor **120** even more control. For instance, a media file can be tagged as “banned for redistribution,” and the system will prohibit any user except the one to whom it is registered from being able to use it. In extreme cases, the system can enforce a “full recall” of any content that a copyright-holder has deemed to be on the system without their proper consent, and the system will automatically remove all copies of it from circulation.

Once an item’s service level is determined, whether it be through full-fledged license verification or any simpler process, the player/viewer attaches the result to the item’s entry in the media request list. In the event that the item has a service level that prohibits any use of it whatsoever, which occurs for example in the situation where a particular user has not made a special licensing arrangement and a free general license service type is not available for the item, the player/viewer will warn the user and possibly suggest any other options that may exist to enable its use. If none of these are offered or taken, then the item is removed from the request list.

Aside from either calling for ads or not, the service level may include one or more advertising requirement parameters, such as the relative ratio of content material to promotional material, the frequency of interruptions, or some other metric. It may also specify the removal of particular segments of the content from the play stream through one or more content-filtering parameters. The nature and count of these service level parameters is determined by the distinctions that the distributor chooses to provide. This completes step **508**.

In step **510**, the media item, if determined as valid from step **508**, is localized. Localization of media takes place through the operational logic of media transfer **580**. Player/viewer program operations that transfer media content to or from a consumer device’s local storage go through this logic. The player/viewer transfers the content from the valid location determined in step **506**, by means of media transfer **580**, which acts through media server **568** to localize the media, using the most appropriate central server, peer-to-peer, or other network configuration provided by the distribution system.

In step **580**, during the course of media transfer, the player/browser **560** may elect to release the media from its secured form and then secure it again according to a new key, as it stores the item to a persistent local destination. This operation involves the secure/release logic component **582**, and it has the effect of re-registering the media to its new owner. The media transfer process also updates any tags that are stored with the content to reflect any registration aspects that may be maintained there, and changes to any security keying data are saved in the media request list, for eventual inclusion into local database **562**.

Step **512** goes to the next item in the request list until all of them have been processed, and control passes to the ad manager **514**.

Ad manager **514** first consults the information available to it in program memory in the media request list. Then, it goes to local database **562**, operating consistently with remote database **564**, when available, to apply its data on the specific user’s demographic information, advertising preferences, system location, media usage, ad viewership history, and other criteria, in conjunction with general data on the title/track requested and the preferences of sponsors regarding the use of their ads, to determine a list of candidate ads.

Once the ad manager **514** has determined which ads it will select to go with the request, it goes through a locate and localize step for each ad, similar to those in steps **506** and **510**. The locate step first uses the media request list in memory and local database **562** in conjunction with other local resources, and then it may go to media catalog **566** to locate specific advertisements on the network. The localize step goes through media transfer **580**, to bring the ads onto the device.

Ad manager **514** also establishes a concurrent ad rotator **516**. The ad manager may start a new thread for this purpose, or it may communicate with maintenance **570** to assign it a new or already-existing ad rotator thread **516**. Either way, the ad rotator thread **516** gets associated with the thread of request **502**. As different request threads **502** are hidden or made visible via user interaction, maintenance **570** may re-assign an ad rotator **516** from one media request thread **502** to another, or different ad rotator threads may exist for multiple requests **502**.

Ad rotator **516** handles requests for new ads from an intersplicer **518** by selecting and localizing appropriate ads, grouping them into blocks if so requested, and sending the result back to requesting intersplicer **518**. The ad rotator **516** is equipped to handle requests to replace individual ads, entire ad blocks, or the entire set of ads and blocks associated with intersplicer **518**, without having to interrupt playback. Just like ad manager **514**, it may use the logic of the media transfer component **580** for this purpose. Ad rotator **516** may also need to consult media catalog **566** to locate new ads, but this step is typically avoided through the ad manager **514**, which pre-locates alternative ads and passes this information along to ad rotator **516**. Ad rotator **516** also synchronizes the final media request list with local database **562**.

Intersplicer **518** launches a new concurrent real-time player thread **520**, charged with the computationally demanding task of real-time play/view performance, and it directs real-time player **520** in the sequence and manner in which to run. Playback starts from an initial section sequence table indicating how content is to be interspliced with ads, and is modified in response to intersplicer control commands **522** that the user issues with actions from user interface **500**. The intersplicer maintains a history of all the playback it has instructed player **520** to perform, and it selects and re-sequences ads extemporaneously in response to the user’s arbitrary navigational choices through the requested content playback.

Where intersplicer **518** sequences playback, real-time player **520** handles the playback of any arbitrary sequence of content sections and ad blocks that intersplicer **518** orders. In the process, step **520** maintains file descriptors, file pointers, and buffers. It secures its buffers, decodes compressed media, and releases for use any media content that has been secured through encryption, through the logic of

secure/release 582. All of this happens extemporaneously in the course of real-time playback. Intersplicer 518 communicates often with its associated real-time player 520, to direct playback and follow what's playing. Intersplicer 518 also communicates with ad rotator 516 to request and receive new ads for its own adaptive local ad selection.

Intersplicer 518 finishes when either a user action or a timeout after program completion instructs it to end. In response to this instruction, it signals an end to real-time player 520 and ad rotator 516. Upon this signal, real-time player 520 ends itself and ad rotator 516 either ends or releases itself from intersplicer 518 and continues running to attach later to another media play/view request 502. In the meantime, ad rotator 516 may involve itself with ad localization or some other maintenance activity. Once the real-time player and ad rotator have removed themselves, intersplicer 518 ends.

Since intersplicer 518, real-time player 520, and secure/restore 582 are more time-sensitive than other components, the design of the player/viewer software generally has play request 502 conduct any necessary access of local database 562, which may invoke remote database 564, through other threads, while intersplicer 518, player 520, and secure/restore 582 are running in the request thread 502. This is a design choice, and the invention applies just as well to other software designs that function according to the invention.

The media and ad usage monitor 524 compiles the play history data from intersplicer 518 and incorporates it into local database 562, which ultimately synchronizes back to remote database 564, or otherwise communicates it back to media distribution center 122 (FIG. 1). This data is important, as it provides the basis for a sophisticated viewership ratings system, which the network administered services distributor 120 maintains as a direct or statistically-based compilation of media usage data gathered from every consumer 102 on the system, as well as providing ad penetration statistics for tracking the viewership of each ad, and a basis for future ad selection choices, delegated from remote database 564 in step 514, the ad manager.

In addition to the basic media use request operation that begins in step 502, there are several common maintenance tasks that occur regularly in the course of running the player/viewer software 560. Regular management of program resources may be handled by maintenance handler 570, or as a separate immediate maintenance thread 572.

There are also distribution-related maintenance tasks, which may be managed on an ongoing basis, either as an immediate maintenance 572, a maintenance process 574, or a scheduled regular maintenance 576. These may without limitation include ongoing ad localization 578, database synchronization 590 between local database 562 and remote database 564, any special media usage reporting 592 that is not included as part of regular database synchronization 590, the provision of a media exchange server 594 to handle peer-to-peer and other direct consumer-to-consumer media transfer aspects of general media server 568, the provision of a distributed media catalog server 596 to act as a component of media catalog 566, and the enforcement of distributor media recalls, bans, and rotations 598 as described above with license verification in step 508.

DETAILED OPERATION OF THE INVENTION

Referring now to FIGS. 6A and 6B, there is shown in FIG. 6A a more detailed flowchart of the operation of step 514, the ad manager. In FIG. 6B, there is a block diagram that

indicates the data stored in memory and exchanged in association with the logic of steps 514 and 516.

Referring now to FIG. 6A, there is shown a flowchart illustrating in more detail the method by which the ad manager, step 514 (FIG. 5A), operates according to this particular embodiment of the invention. The ad manager begins in step 600 with a media request list 650 already stored in memory. In step 602, it enters a loop to process each item in media request list 650, one at a time. This processing proceeds to step 604, where the ad manager determines an optimum amount of advertising time required by the item, based on information saved earlier in the media request list 650. The resulting ad requirement is an arbitrary function that can depend on, without limitation, one or more of the following: the item's running time; the number of segments it contains; and/or its advertising requirement parameters, determined with its service level in step 508.

In step 606, the ad manager produces a list of candidate ads specifically tailored to the media track/title in question. This candidate ad list may derive directly from data and/or advertisements embedded with the content in a file or archive, or it may be the result of a query to a local or remote distributor's database. Generally speaking, the resulting list will be a function of the specific media title, its parameters from media request list 650, available data on the user's previous advertising and media usage history, recent ad localizer maintenance downloads, user preference settings that may be in effect on the player/viewer, user advertising preferences, and relevant user demographic information.

Except when the result of step 604 is zero by way of a privileged license, the resulting list contains at least one ad, and it will include enough advertising to cover some multiple of the item's optimum ad time determined above, with the multiple ranging from at least one to at most one hundred. Associated with each ad in the list are a number of attached parameters and weighting coefficients that specify each ad's relative appropriateness to the particular content item in question, with separate coefficients to cover multiple selection criteria, possibly including, but not limited to, the specific title/track of the item, the item's genre, demographic information about the user, and/or the geographic location of the system or device running the player/viewer. Other returned parameters may include ad running time, an overall ad preference rating, the type of product being advertised, some preferential ad block positioning, or other relevant usage rules associated with the ad. The ad manager uses these parameters in step 616, described further below.

Block positioning and other rules may be quite specific. For instance, there may be rules instructing a particular ad to be played in the block associated with a specific segment of a title, at a specific position within a block, or tied to another ad, such as two ads linked either at the beginning and end of a block, or in separate blocks that run after successive segments in a title. In step 608, the ad manager weights this candidate ad list by the ad time determined in step 604, to scale its influence on the ultimate choice of ads by the amount of required ad play time it contributes to the entire session. In step 610, this list is merged into the ad manager's internal ad table, which maintains each advertisement's parameters, preference ratings, and time weightings, on an item-by-item basis, as it combines ads that are common to multiple items. In step 612, the result from step 604 is added to a count of total ad time for the entire media request, to serve later in choosing the size of the master ad table. The loop then returns in step 614 to process the next item in media request list 650.

EXHIBIT A

US 10,986,403 B2

31

After loop 602 is finished, the ad manager goes to step 616, in which it processes the internal ad table into a preliminary master ad table 670. Using the total resulting length of required ad time from step 612, it selects enough ads from the internal table to have a running time greater than or equal to this result, giving preference according to the weighted sum total, determined for each ad in the table, of the metrics determined above. Then, it processes its internal table to yield a set of ad preference tables 676, which have been inverted to map ad selection criteria to a ranked list of candidate ads taken from those in the master ad table. This inversion allows the weighting coefficients and preference ratings, which are indexed by ad in the internal table, to be indexed by title, genre, demographic, or other selection criterion in each of the ad preference tables. The intersplicer uses these tables later to perform adaptive ad selection and sequencing in response to user actions.

After computing the preliminary master ad table 670, step 616 removes all the ads so chosen from its internal table, and maintains the result as an alternate ad table 660, which provides specific ad indications and selection criteria to make substitutions into the master ad table 670 as needed. When this is done, the ad manager proceeds to step 618, which loops through the master ad table, one ad at a time. In the loop, step 620 locates and localizes each ad.

In step 620, the ad manager determines the nearest location of the ad in question and verifies its presence there, potentially through the use of remote media catalog 566 (FIG. 5B). Once it locates the necessary ad, it may elect to transfer the ad to local storage if such an operation will complete in a reasonable amount of time, or it may elect to replace this particular item in master ad table 670 with a more accessible one from alternate ad table 660. Should this happen, it removes the replacement ad from alternate ad table 660 and merges the ad's selection criteria into ad preference tables 674. Once the ad has been either localized or replaced, the loop returns for the next ad in step 622.

Loop 618 terminates when every ad in the final master ad table 670, after any replacements have occurred, is present in a nearby location, either on local storage, or somewhere else where the available speed of access is determined to be fast enough for real-time play. If there is no way to localize enough advertisements to fulfill the requirements of master ad table 670, the player/viewer notifies the user of the situation and suggests connecting to the network or other appropriate alternative. If after this attempt, the estimated amount of time required to transfer the ads is prohibitive, the player/viewer notifies the user of the delay with a prompt to await transfer, continue now, or abort playback. If there is still no means available for transfer, or the user has chosen to continue now, and there aren't enough advertisements on the system to support the requested media, the player/viewer will offer to abort the request or play only a limited portion of it.

In step 624, the ad manager checks for media titles that contain segments, and builds a section table 674 of all individual segments and tracks comprising the content of the request, in preparation for the insertion of ad blocks at arbitrary points in the list. In this step, data from the media request list, such as title identification, access keys, file location, endpoint times, and genre of title, may be included with each entry in the section table 674. The main purpose of segments in a media track or title is to indicate appropriate points for commercial interruptions, and the ad manager has the power to decide which segments are run back-to-back, and which ones are to have ad blocks inserted after them. In many cases, every single segment in a track or title gets an

32

ad block. In segmented items, the section groupings and ad insertion points set here are not altered by the intersplicer.

In step 626, the ad manager builds and sequences ad blocks into the requested content, according to the rules it has from various content, database, and ad sources. To do this, it first estimates the desired average ad block running time, possibly through the application of ad requirement parameters from the media request list, and the total running time of the content. From these results, it computes a desired average time between interruptions. It then uses section table 674 in conjunction with any ad requirement parameters from the media request list 650, which may call for the lengthening or shortening of ad block duration or interruption frequency associated with specific content segments, to build a preliminary list of ad blocks and sequence them into appropriate points in the section table, attempting to match the desired parameters as optimally as possible.

Next, it assembles ads from the master ad table into a set of blocks that optimally match the preliminary block times, possibly in consultation with a local or remote database to provide additional usage history and system data to aid in this process. For instance, when the user quits a request session during the play of a required ad, the system keeps track of this through the usage monitor 524 (FIG. 5B), and it may at this point in the logic set up an ad or ad block to run at the very beginning of a session. With these complete, the section table 674 and ad block table 672 are finalized.

Step 626 concludes with a determination of ad preference parameters 678 for track media. These parameters are computed from the ad requirement and other parameters described above. They may include a track allowance, for adaptive ad scheduling on the basis of allowed tracks, and a preference weighting, to apply to track allowance scheduling against time allotment scheduling. Other ad preference parameters may include relative weightings for title based, genre based, demographic based, location based, and/or other bases for ad selection that are provided in the ad preference tables.

Next, in step 628, the ad manager either launches a new thread or requests the maintenance handler to issue it an already existing maintenance thread. Either way, a concurrent ad rotator 516 is associated with the main request thread of ad manager 514. In the course of establishing ad rotator 516, ad manager 514 passes its alternate ad table 660 and media request list 650 to ad rotator 516, which retains them to handle requests for new ads. The first action taken by ad rotator 516 is to synchronize local database 562 with any updated information found in media request list 650, which may include file locations and security keys, among other things. After ad rotator 516 has modified local database 562, it waits for new ad requests from the intersplicer 518, handling them accordingly. Ad rotator 516 may also take it upon itself to act as an ongoing ad localizer, transferring new ad content to the local system to keep a steady supply of ads available for use. In this manner, future media play requests 502 can avoid the delays associated with ad transfer. Upon establishing ad rotator 516, ad manager 514 receives an ad rotator reference through which the play/view request 502 thread can continue to communicate with it.

In step 630, the ad manager ends, and the request that called it passes control on to intersplicer 518. The ad manager passes its master ad table 670, ad block table 672, content play section table 674, adaptive preference rules, which include ad preference tables 676 and ad preference parameters 678, and the ad rotator reference 680, to the intersplicer 518 (FIG. 5A), which retains them for its own use.

Referring now to FIGS. 7A and 7B, there is shown in FIG. 7A a more detailed flowchart of the operation of step 518, the intersplicer. In FIG. 7B, there is a block diagram that indicates the data stored in memory and exchanged in association with the logic of steps 518, 520, and 516.

Referring now to FIG. 7A, there is shown a flowchart illustrating in detail an example of one particular method of the operation of the intersplicer. The intersplicer begins in step 700, where it receives in memory a master ad table 670, an ad block table 672, a content section table 674, 10 ad preference tables 676, ad preference parameters 678, and ad rotator reference 680.

Master ad table 670 contains location and other data about every ad that has been selected to run with the session. Ad block table 672 contains a series of ad blocks, each of which is a series of references to individual ads in master ad table 670. Section table 674 is a list of content sections with indications for any pre-programmed ad breaks, and information about the location of each media section, along with start and end time offsets. Ad preference tables 676 and parameters 678 are rules by which the intersplicer can perform adaptive ad selection and sequencing extemporaneously, determining and running new ad combinations in response to user navigation actions throughout the session. Ad rotator reference 680 is the point of communication for intersplicer 518 to contact ad rotator 516 to request ad rotation and other services from it.

In step 702, the intersplicer uses the content section table, master ad table, and block list table to build a raw section sequence table 780 of ordered sections. These sections may possibly include indicator flags through which the running real-time player 520 may identify the boundaries between content and required ads, or the program may rely on the intersplicer to check the player settings on a regular basis and determine on its own when required ads are in progress. The section sequence serves as a map from a time point in the overall sequenced session to a time point in a particular content or ad item, along with the identity of that item.

Next, in step 704, the intersplicer 518 initializes a set of player settings 782, which directly control how playback proceeds. It initializes player settings 782 for standard play starting at the beginning of the sequence determined in step 702, and it prepares all data pertaining to the play section sequence 780 and the player settings 782 for shared use with real-time player 520. Without limitation, player settings 782 may include the media mode (audio, video, or print), direction of play, play rate, video frame rate, audio sampling rate, sound volume, current media frame/location, redraw mode (update, no update, or black), and next media switch. In step 706, intersplicer 518 launches real-time player 520 as a concurrent thread, maintaining the means to exchange section sequencing 780 and player settings 782 back and forth between itself and real-time player 520. After step 706, the real-time media player 520 runs on its own and communicates back and forth with intersplicer 518, either through a block of common memory, a system of message passing, or any other appropriate means. Real-time player 520 runs whatever media is in its section sequence 780, according to its player settings 782, and all alterations in playback arrive to the player as data exchanged from intersplicer 518. Furthermore, real-time player 520 signals back to intersplicer 518 whenever it starts or finishes playing an advertisement block.

The real-time player is responsible for physically running the media content in context of the player/viewer, and running ads wherever the intersplicer has sequenced them into the material, as well as releasing for use any media

content that has been secured through encryption, through the logic of secure/release 582.

The real-time player 520, monitors the section sequence table at regular intervals to adjust the way it buffers media content from local storage to memory, prepares to open and close files, and selects which specific timing and sequence of frames and/or audio samples to extract from storage and display/play. These operations occur in conjunction with a real-time clock or other interrupt signal that is employed to enhance communication with the audio and graphics hardware, to provide the smoothest and most pleasing display appearance and/or audio possible.

In step 708, the intersplicer communicates with the real-time player for the purposes noted above. When the intersplicer detects the start of an ad block, it checks to see if the ad block is required. When an ad block is required, the player/viewer disables playback-altering functionality that the user could apply to circumvent the running of these advertisements in their entirety. That is, any user command to alter the rate of play or skip in the forward direction is disabled, along with muting or reducing the sound volume beneath a certain minimum threshold. Initially, each ad and ad block is required, but once an individual ad and its current ad block have played completely through, the logic of the player/viewer may indicate that enforced regular-speed play is no longer necessary for the particular ad or ad block in question. When an ad or ad block is not required, it may be handled in the same way as part of the content, or skipped entirely.

The player/viewer maintains a persistent memory of each ad block and ad in the master list. However, track allowance based ad blocks are assembled extemporaneously by the intersplicer in response to the number of tracks or pages that the user has received, possibly operating in conjunction with some sense of timing based on the clock. Typically, these blocks are new every time, and only certain ads within them may be skipped, if skipping in this instance is to be allowed all.

In step 710, the intersplicer takes special actions if it detects that a required ad section is starting or ending. At the start of a required ad section, a copy of the current player settings is saved, and the parameters are set to regular speed play at a volume no less than a particular threshold level. Also, if user-interface functionality is to be disabled directly during required ad play, this takes place here. There is logic provided through intersplicer control commands 522 to handle the enforced viewing of ads according to the invention without resorting to disabling controls at the interface level, but the option exists to do so instead or in addition. If user interface controls are not disabled directly, they can check the current ad state of the intersplicer through a special intersplicer command and use this result in their own operations. If step 710 detects the finish of a required ad block, it will restore the player settings that were saved as the required ad block was entered, subject to any intersplicer control commands 522 that may have altered the saved settings.

In step 712, the intersplicer performs any necessary adaptive ad selection. If an unsegmented title or track is currently in progress, the adaptive logic keeps track of the number of tracks played, and the time passed since the last ad ended. Depending on values in the ad selection parameters, the intersplicer will apply some combination of track count-based and elapsed time-based logic (or any other desirable criteria) to decide when to call for a commercial break. When it decides to insert a break, it uses the data in the ad preference parameters 678 and the ad preference

tables 676 to select individual ads from the master ad table 670 to put into the block, and orders them in the way that best fits the preference parameters of all the ads in the block.

In step 714, the intersplicer consults the local data it is keeping in memory on ad usage, in conjunction with any special messages it may have received from the adaptive ad selector about having trouble finding ads. If it finds one or more ads and or blocks that have either shown too many times or been held in the list for too long a period of time, it makes a maintenance request for local ad rotation. The intersplicer contacts its ad rotator and sends it a list of ads and ad blocks in any combination, which are to be replaced, or it may request an entire new set of ads to replace all the current ones.

The ad rotator may choose to consult the alternate ad table or run the equivalent of a whole new ad manager session to replace the ads and/or ad blocks requested by the intersplicer. When it has finished its task, it informs the intersplicer that new ads are ready, and the intersplicer 518 receives the result and swaps the new ads/ad blocks in place of the old ones when it finds an appropriate time, keeping usage data from the old ads to be used later to compute ad penetration.

As the user arbitrarily controls the playback, intersplicer 518 keeps an account of its entire user-directed play history, including which ad blocks have been seen, the number of times each individual ad has run, and the ad selection criteria behind each of these runs. In response to this history, the intersplicer dynamically selects ads from its available pool to group into new blocks and sequences them into the playback at appropriate points. In this way, the ads run are customized to the consumer's actual use of the content.

In step 718, the intersplicer may elect to checkpoint any data it is maintaining about the media and ads that have played in order to compile usage records, and to maintain an in-process snapshot of this information to be recovered in the event of a system failure.

The ability of the player/viewer software to adaptively select, sequence, and re-sequence ads that are shown on the basis of user navigation through a self-selected series of media content is a novel feature for media players, and it is also novel in the field of media distribution, in that software running on a consumer system is presenting same-media style ads that are sequenced on the basis of the user's particular choices of content and playback. Also novel is the on-demand selection of appropriate ads from a greater repository, performed by software running centrally or on a consumer's machine, to custom-select and assemble the ads shown on the basis of the consumer's choice of content, as well as demographic and other consumer information on file.

In step 720, the intersplicer checks to see if any user action or system timeout has requested to close the session, and if not, it loops back to step 708 to continue processing user, player, and ad rotator interactions. In the event a session close has been indicated, control passes to step 722, which signals the playback session to end. This signal causes the real-time player 520 to stop and close itself out, a process in which it closes open files, cleans out its buffers, and ends. Once it has closed real-time player 520, the intersplicer releases ad rotator 516 and cleans up after itself, finishing step 722 and moving on to its end, in step 724.

In step 708, the intersplicer communicates with the real-time player to maintain certain playback parameters, which affect the control of playback. The player/viewer maintains a sense of the currently active intersplicer in the course of managing its GUI frames and panels. When a user takes any

action on a graphical object in the play control area of the interface, the user interface 500 calls one or more appropriate intersplicer control command methods 522 belonging to the focused intersplicer.

These intersplicer control methods 522 alter certain player settings in memory, causing the real-time player 520 to alter playback upon discovering the change.

User commands that communicate with the intersplicer in this manner include the common playback controls of play, stop, pause/continue, reverse, rewind, fast-forward, slow-motion, track advance, frame-by-frame advance, go direct to point or page in sequence, and shuttle knob. They also include any sound controls, such as volume and mute, and for print media, the display control operations of forward and backward page turns and chapter advances and returns.

According to the invention, the real-time player 520 deciphers media files as it runs through the logic of secure/release 582, playing or showing content directly to the user through volatile sound and display devices, and managing any needed buffers in the process. Where non-volatile memory or other storage is used for buffering of copyrighted content during the course of playback, provisions available to the computer system to limit access to these areas from outside the program may be employed, and the intersplicer may include in its clean-up tasks the job of explicitly writing over any areas that contain unencrypted content. In addition, the intersplicer may use a rough encryption algorithm on these buffer areas to further hide them from the user.

The intersplicer handles user generated requests to alter the speed of playback or skip around throughout the requested material. It keeps track of all the particular segments of the content and advertisements that have run through its play history, including a count of the number of times for each of them. As any single ad or block of ads is presented multiple times throughout the course of the session, the intersplicer may call for new ads and/or ad blocks as it deems they are needed, and a maintenance process will see to it that the requested ads are replaced. When the user or the player/viewer application signals that the requested session is ready to close, the intersplicer closes out playback and passes its raw data on media use and ad penetration along to step 524, the usage monitor.

Other than the controls to navigate through audio/video playback and print viewing, there are also intersplicer methods to handle user interface manipulation on the part of the user. As multiple requests to play/view 502 are running concurrently, there are actions that close a running request, those that hide an individual play/view presentation, and others that restore the view of a hidden presentation.

FIGS. 8A-8D, 9A-9C, 10A, and 10B are flowcharts to illustrate the operation of the primary intersplicer control commands 522 (FIGS. 5A, 7A). These operations are the essential elements of the user controls listed above, and one of many important novelties of the invention is its ability to ensure the viewing of promotional ad material when the service level calls for it, whether through these controls or by some other approach. As these commands alter the course of play, they are also responsible for gathering user play history data, effectively keeping track of the user's entire navigation history throughout the material, as shown in the following figures. The commands illustrated in these figures are those that pertain to the operation of the intersplicer. The user actions which invoke these commands may involve additional operations not shown, to manage other appearance and behavior aspects of the user interface.

Referring now to FIG. 8A, there is shown a flowchart depicting an intersplicer control command to stop or pause

37

playback, beginning at step 800. In step 802, it issues an intersplicer player setting to signal the player to halt. In step 804, it makes a decision based upon whether the initiating user action is a "stop" or a "pause". In the event of a "stop", step 806 issues a player setting to put up a black screen, rather than to display the current frame. In the event of a "pause", control skips past step 806, directly to the end 808 of the command.

Referring now to FIG. 8B, there is shown a flowchart illustrating the operation of an intersplicer control method to play forward at regular speed, beginning at step 820. The player setting for "current frame" reflects the print page or video frame (for video content or audio content with corresponding visual feedback) at the point in the media sequence being presented, along with any audio sample corresponding to the start of the frame. The current frame changes in response to playback progression and user navigation through the content.

In step 822, the method checks on the condition of the screen to see if it is black. If the screen is not black, control proceeds directly to step 828. Otherwise, control proceeds to step 824. In step 824, the intersplicer checks to see if any ads are immediately necessary as a result of user navigation taken while the screen was black, and waits for the intersplicer to run any such ads in their entirety, before passing control to step 826. In step 826, the method redraws the current frame and passes control to step 828.

In step 828, the method checks if there is a current session play history for the content. If there is no existing play history, step 830 starts play history tracking by marking the current playback point as the start point, before passing control to step 832. Otherwise, there is no need to start a new instance of play history, and control proceeds directly to step 832, which signals the intersplicer to resume play at normal speed. The method ends at step 834.

Referring now to FIG. 8C, there is shown a flowchart illustrating the operation of an intersplicer control command method for general navigation throughout the requested content. This includes backing up at a regular, reduced, or accelerated speed, fast-forward play, skipping forward or backward to a fixed point, slow motion or frame advance, and general skipping around by dragging along a time bar.

In step 862, the method checks to see if a required ad is currently in progress. If the answer is yes, step 864 checks to see if the requested operation is a backward skip, and exits the method immediately if it isn't. If it is a backward skip in a commercial segment, control passes to step 868, which halts play, and then to 870, which moves the current frame back to the beginning of the current ad or advertisement block. When a required ad is playing, no skipping prior to this point is permitted. Step 872 redraws the current frame at this point, using the method illustrated in FIG. 8B, and once playback is resumed, the method ends in step 874.

At step 862, if no ad is in progress, or the ad and ad block in progress are already tagged as having been viewed at least once, control proceeds to step 876, which halts playback. Next, step 878 updates the play history currently in progress with the initiated navigation and continues tracking. Step 880 is a decision based on whether the operation that called the method is one to alter the play speed, or to skip around. In the event of a speed alteration, control passes to step 882, signaling the intersplicer to run the player at a new forward or backward speed. In the event of a skip, control passes to step 884, which moves the current play position to a new point and signals the intersplicer to redraw the screen with the frame for the new position. After step 882 or 884, the method ends in step 886. If playback is to resume after a skip

38

action, the action calls the method shown in FIG. 8D at this point. In either case, if the user is dragging along a time bar, playback doesn't resume until the drag is released.

In FIG. 8D, there is shown a flowchart to illustrate the operation of the intersplicer control command to resume play upon release of an interactive skip operation. The command begins in step 890. In step 891, the program checks to see if a required ad is already in progress. If the answer is yes, then control proceeds to step 893, which resumes playback at regular speed, using the method depicted in FIG. 8B. After resuming playback, the method ends in step 898. If the answer is no, then control passes to step 892, where the intersplicer checks to see if any ads are immediately necessary as a result of the user's jump to the new current position, and waits for the intersplicer to run any such ads in their entirety, before passing control to step 894. In step 894, the program updates the play history with the starting point of the new play location. Next, step 896 signals the intersplicer to resume play at the current speed setting, and the command ends in step 898.

Referring now to FIG. 9A, there is shown a flowchart illustrating the operation of an intersplicer control command to close out the media request session. The command begins in step 900. In step 902, it instructs the intersplicer to halt play if it is in progress. In step 904, it checks to see if play history tracking is in progress. If it is, then the command goes to step 906, which ends the current play history and passes control to step 908. If not, control proceeds directly to step 908. In step 908, the command instructs the intersplicer to close out its session the next time it reaches its decision step 720 (FIG. 7A).

Referring now to FIG. 9B, there is shown a flowchart illustrating the operation of an intersplicer control command to hide the view of a running intersplicer's panel or window. The command begins in step 920. In step 922, it instructs the intersplicer to signal its associated real-time player to turn off the redrawing of running media, allowing the player to free up resources as it sees fit. Step 924 ensures that audio content will continue to play if the media is not halted, and it may involve signaling higher level audio control software to mix this audio with that of other active intersplicer sessions. Step 926 indicates to the intersplicer that the player is "hidden", for sake of tracking media use and ad penetration. That is, play history accounting of content or advertising that plays while the intersplicer is hidden will take into account the fact that any visual aspect of the content or ad was hidden at the time. This accounting applies to video and print content or ads, because their visuals are not seen, and to the audio portion of any content or ad in the special case where another session's audio is mixed into the stream while the content or ad is playing. In the case of hiding the panel or window of audio-only content to use some other silent visual media, hidden accounting of content or ad play history may not take effect. Step 928 is the end of the command.

Referring now to FIG. 9C, there is shown a flowchart illustrating the operation of an intersplicer command to restore the view of a hidden intersplicer's panel or window. The command begins in step 940. In step 942, the command prompts the intersplicer to resume display activity through its associated real-time player, giving the player a chance to ready any buffers and other resources it needs to reestablish visible play. Once the player is prepared to proceed, control passes to step 944, which signals the player to resume redraw of visual content. The command ends in step 946.

Referring now to FIG. 10A, there is shown a flowchart illustrating the operation of an intersplicer command to

change or mute the playback volume. According to the invention, volume and mute controls behave as they would in an ordinary media player, except during the presentation of required ads. In that circumstance, the player/viewer has a minimum threshold, and the sound volume is required to be at or above this level.

The method begins in step 1000. In step 1002, the method saves the new volume level value as the volume to be applied after completing required ads. In step 1004, it checks to see if a required ad is currently in progress. If the answer is yes, step 1006 checks the new volume level against the minimum threshold volume for required ads. If the new volume level is at or beneath this level during required ad play, step 1008 signals the player to change the volume to the threshold level. If the requested volume is above the threshold, or if required ads aren't in progress, control proceeds to step 1010, which changes the player volume to the new level. In either case, control proceeds after step 1008 or 1010 to step 1012, the end of the method.

Referring now to FIG. 10B, there is shown a flowchart illustrating the operation of an intersplicer command to turn the page. This command is used in the course of viewing print media, where the user is offered buttons to page forward or page backwards. Print media also offers controls to skip to the beginning or end of the current chapter (which may take any of the same form as book chapters, newspaper sections, magazine features, or other editorial divisions), or to any specific point in the content. For these operations, the method of FIG. 8C is employed, where each page can be thought of as a "frame" in the viewer, and chapters are equivalent to segments for the purpose of determining ad requirements.

However, most user interaction with print media is on a page-by-page (frame-by-frame) basis, and individual page turns may signal the insertion of one or more required ads. The intersplicer command for turning the page begins with step 1020. In step 1022, the method checks to see if a required ad involving any visual content is already in progress. If the answer is yes, control proceeds to step 1024, which signals the forward or backward page turn logic associated with the current ad, after which the method ends in step 1026, thereby prohibiting the user from paging out of a required visual ad while it is in progress. If the particular ad logic is equipped for user-requested page turns within the ad, it will handle the signal from step 1024 accordingly.

If the answer to step 1022 is no, control proceeds to step 1028, which tests whether the page turn is in the forward or backward direction. If the direction is forward, step 1030 sets the update page to be the page after the current page. If it's backward, step 1032 sets the update page to be the page before the current page. Either way, control after that proceeds to step 1034.

Step 1034 is a test to see if the page turn request crosses a chapter boundary in the print media. If the answer is yes, control proceeds to step 1036, which checks to see if any ads are to be shown at the specific chapter boundary in question. If the answer is yes, control proceeds to step 1038, which resets the page counter before passing control to step 1040. Step 1040 runs or queues the appropriate ad or block of ads, and, as with all ads, the intersplicer maintains the means to determine if such ads are required to run in their entirety, or if the user is allowed to skip through them.

Step 1040 typically starts running the new ads immediately. However, if a previous audio-only ad is still in progress at the time, step 1040 queues the new ad segment for play immediately following the completion of the playing ad. If the new ad segment is not required, step 1040 may

elect to forego it for sake of user convenience, rather than putting it in the queue. If it queues up any visual advertising material, step 1040 may display a special purpose, single-page silent ad to accompany the audio-only ad that is still in progress, which may be generic in nature or tied to the current ad in some material way.

Once step 1040 has set into motion or queued the new advertising, step 1042 decides whether the currently playing ad has any visual content. If the answer is yes, the method ends at step 1044. Otherwise, control proceeds to step 1048, which updates the displayed page, and then to step 1050, which tests to see if it is valid to increment the page counter. The purpose of this is to allow assorted rules of use to page allowance. One such use would be to increment in all cases, whether the page turn is forward or backward. Alternatively, only forward page turns may increment the counter, or the counter may increment only when turning to a page that hasn't been viewed within the last few minutes. Whichever method is chosen, a test for it is performed in step 1050. If the test passes, control proceeds to step 1052, in which the method increments the counter before ending in step 1054. If it fails, the method goes directly to its end at step 1054.

If the answer to either step 1034 or 1036 is no, control passes to step 1046, which is a decision based on the value of the page counter. If the page count has reached or exceeded the allowance for page turns between ad segments, control goes back to step 1038 and then to 1040, resetting the page counter and calling for ads. Allowance-based ads are typically required when they arise, as opposed to chapter break ads which are generally required just the first time around. It is also generally true that allowance based ads rotate more often than chapter break ads, which maintain some sense of "particular ads at a particular place" in the media time line. In step 1042, the method will decide to end if the currently playing ad is visual in nature. If the ad is audio-only, control proceeds to step 1048, updates the displayed content page, and then to step 1050, which tests to see if the page counter is to be incremented. If the answer is yes, step 1052 increments this count before passing control to step 1054. Otherwise, control passes directly to step 1054, the end of the command.

Whenever a visual ad or block of ads finish, the update page is the page that is viewed next in the paging direction. It is also possible to have blocks of text content and visual ads interspersed on the same "page", much in the same way that content may appear interspersed with advertising on a traditional newspaper page. In this case, the intersplicer treats the assembly of content and advertising as a visual ad, and the ad provides logic to handle all of its associated parts, through the mechanism of step 1024 above, possibly operating in conjunction with user interface event handlers that work directly with the logic of such print ads.

Through the operation described above, the invention behaves as described, providing a novel apparatus that implements the method of a particular business model. That model is the sponsorship of media content, made available to the public for free, through the use of paid commercial interruptions. The use of this business model adds value to the distributor and copyright holder by creating a market for advertising time via the distribution system, and it adds value to the consumer, who gains the ability to request any available desired content on demand and use it for free. The wider the consumer audience that uses and redistributes content to be used in this fashion, the greater the benefit to the distributor and copyright holder.

By implementing this business model, the apparatus and method of the present invention are a new use of digital

41

rights management technologies, one that is a clear improvement over their ordinary practice of either granting or denying use of material altogether. The invention pertains to any digital media distribution or rights management system that employs application software, running on a multitude of consumer devices, to enforce the insertion of ads into the media content presentation stream at time of use as described above, where these ads are selected and their sequence determined by the software on the consumer device. In a particular embodiment with additional functionality, ad selection at the consumer device level is supplemented through ad selection from a central database, either as a means to determine candidate ads, or as a distributor-supplied fill-in for broadcast streams, to provide an option to consumer device level ad sequencing when user specific ads aren't available in time to go with the stream.

Referring now to FIG. 11A, there is shown a schematic diagram indicating exchanges between individual consumers 102, the media distributor 120, and one or more copyright-holders 1110, as they commonly occur on digital networks without the method and apparatus of the present invention.

Individual consumers 102 receive media content through direct purchase or ongoing subscription to an online service offered by a distributor 120. Whether this happens by transfer over a digital network 100, or physical conveyance of removable media, the content is transferred directly to a particular consumer in exchange for a one-time charge or regular periodic payment. The distributor 120 has an agreement with the copyright holders 1110 to pay them a certain royalty based on use of their material, and the distributor 120 pays this out of the money received from the consumers 102.

Ordinarily, when individual consumers 102 have the ability to openly copy and redistribute media content over a network 100, this arrangement breaks down. Under this circumstance, certain consumers can get content directly from one or more other consumers, thereby bypassing the legitimate distribution chain and using the media without paying for it.

The distributor 120 may employ existing digital rights management methods to curtail this type of exchange, but only to a certain extent. There is generally some way for an unscrupulous consumer to get around the system and redistribute the media property, even if it means having to go through an intermediate analog or other step. Furthermore, there is a strong market force to support such piracy, because of the economic nature of media content as a good. It is believed that the majority of consumers who refrain from purchasing media content do so more out of pricing concerns than out of lack of interest in the product. This implies that there is a huge market for pirated media content, given the vast number of consumers who would use more media if the price were lowered.

Referring now to FIG. 11B, there is shown a traditional broadcast model for media distribution. A broadcaster 1120 pays to license the use of content material from the copyright holder 1110, and sends it out for free over the airwaves, through cable lines, or through some other means to the widest possible audience of consumers 102. The broadcaster 1120 profits from this practice by inserting paid advertisements into the content stream, which the consumers 102 are ordinarily exposed to along with the content because of the real-time nature of their receiving devices. One or more sponsors 1130 pay the broadcaster to run their ads, in exchange for the audience viewership that these ads receive. A sponsor 1130 makes money from an individual consumer

42

102 when the consumer purchases the sponsor's product as a result of seeing or hearing an ad for it.

Radio and television broadcasting have conventionally employed such a model, and as the system matured, the value of a viewership ratings system 1150 became apparent. Through statistically based estimates on programming viewership, broadcasters and sponsors get a better sense of the value of their ad time.

This system supports the free distribution of media content to the widest possible audience. The more consumers 102 who are exposed to content sequenced with ads, the greater the value sponsor 1130 and broadcaster 1120 derive from it. If a consumer 102 records broadcast material and redistributes it to other consumers digitally over a network, without removing the ads, there is still value to be had, if only the viewer rating system 1150 had a way of measuring such use and including it into its statistics. Ordinary methods of viewer ratings measurement are not equipped to handle this type of redistribution.

With conventional broadcasting systems, there is little to be gained even if this redistribution were measured, because of the ease with which consumer technology can edit out the paid advertisements from a recorded broadcast. That is, for a consumer who is going through the effort of redistributing broadcast material, it requires very little extra effort to remove the commercials from the content, thereby circumventing the system entirely.

Referring now to FIG. 11C, there is shown a schematic diagram for media distribution according to the invention. In this case, we have a distributor 120 who distributes media to individual consumers 102 by the same direct transfer methods described with FIG. 11A, one method of which is transfer over a digital network 100.

However, by the apparatus of the invention, in particular the player/viewer software which individual consumers use to playback their content, a method is put in place to insert advertisements targeted by user demographic information, device location, user self-selected preferences, or some other criteria, into every media presentation that is produced for a consumer who chooses to use the content for free under a general license. By way of this novel apparatus, the invention creates a new use for the traditional broadcaster's business model, depicted in FIG. 11B.

By virtue of this business model, the value to distributor 120 and copyright holder 1110 of unrestricted consumer redistribution of material is turned from a liability to an asset, and a clear improvement results. Consumer redistribution becomes in effect a means of broadcasting, and the revenue generation value of the distribution system is bolstered by it.

According to the invention, a distributor 120 makes arrangements for the use of content material from the copyright holder 1110, and sends it out for free over a digital network 100 to the widest possible audience of consumers 102. The distributor 120 profits from this practice by inserting paid advertisements into the media presentation, which the consumers 102 are forced to watch and/or listen to along with the content because of the player/viewer software apparatus of the invention. One or more sponsors 1130 pay the distributor 120 to run their ads, in exchange for the audience viewership that these ads receive. A sponsor 1130 makes money from an individual consumer 102 when the consumer purchases the sponsor's product as a result of seeing or hearing an ad for it.

To gauge the audience viewership that these media and ads receive, the player/viewer software includes a unique usage monitor which provides for a more sophisticated

viewer ratings system than the ordinary and conventional ratings systems in practice with traditional broadcasting. Principally, the usage monitor forwards media and ad penetration data gathered during media presentation, from every consumer (rather than just from a representative sample), to the viewer ratings system 1152. Additionally, when used in conjunction with information gathered by virtue of the digital rights management practices employed for license verification, these data provide a complete media and ad consumption history for each user.

With usage monitoring, it also becomes feasible for the license verification process to provide “special offers” and other extra benefits in exchange for frequent use. For instance, the distributor might choose to bestow a full purchase license to a media title upon a consumer who has “earned” it by way of many repeated presentations of the same title under the general license with ads. Alternatively, the distributor might choose to grant “reward points” to a consumer, “earned” by way of many repeated presentations of various media under the general license with ads, good toward a full purchase license to a media title of the consumers choosing. A third alternative might involve rewarding a consumer with either a full purchase license to a media title or “reward points” good toward a full purchase license to a media title of the consumers choosing, in exchange for that consumer making other consumers on the system aware of new media, either directly or indirectly, which results in additional revenue which can be attributed to the efforts of the original consumer.

This method and apparatus result from the incorporation of well-established mass-media broadcasting practices, along with existing and new computer-controlled digital data management, manipulation, and encryption techniques, into a novel, software based digital media presentation apparatus. By coupling the long-standing broadcast media practice of commercial advertisement sponsorship with the appeal of select-on-demand, consumer-level redistribution, it is a great improvement over current digital media distribution practices. The consumer retains the conveniences of virtually unlimited free media selection, instant access, and unrestricted sharing, while gaining the legitimate right to have them. The copyright owner gains a tangible value from the increased viewership resulting from unlimited consumer-level redistribution of content onto digital devices, and explicit control over media use. The ability of media content consumers 102 and copyright owners 1130 to mutually benefit from digital distribution over a network 100 is vastly improved.

Without departing from the spirit and scope of this invention, one of ordinary skill in the art can make various changes and modifications to the invention to adapt it to various usages and conditions. For example, while in the embodiments described herein the invention is implemented primarily in software, it should be understood that the invention may be implemented with hardware, software, firmware, or any combination thereof. As another example, ad selection can be based on other useful criteria including, but not limited to, time of day, the format of the associated media file, and marketing preferences (e.g., user preferences, distributor preferences, advertiser preferences, content provider preferences, etc.). Further, the invention can be embodied in an electronically-readable medium having code embodied therein for causing an electronic device to perform the methods described herein.

We claim:

1. A digital media player device for controlling digital media presentations, the digital media player device comprising:
 - one or more processors for receiving data comprising digital media content and digital advertising content;
 - a user interface input for allowing a user to control a course of presentation of the digital media content received;
 - an intersplicer for controlling one or more insertion points of the digital advertising content into the digital media content thereby sequencing the digital media content and the digital advertising content, the sequencing comprising ordering one or more data blocks of the digital media content and one or more data blocks of the digital advertising content into a content stream playable as audio or visual content perceivable by the user,
 - the content stream comprising one or more initially sequenced insertion points at which the digital advertising content is scheduled to be presented relative to the digital media content during play;
 - in response to user input updating a current play position in the content stream to a new play position in the content stream, the one or more processors using one or more adaptive preference rules to adaptively modify a presentation position of the digital advertising content from at least one of the one or more initially sequenced insertion points to one or more alternatively sequenced insertion points in the digital media content,
 - at least one of the one or more alternatively sequenced insertion points being different than the one or more initially sequenced insertion points relative to the digital media content within the content stream;
 - the one or more alternatively sequenced insertion points being adaptively selectable by the intersplicer according to selection criteria defined by the one or more adaptive preference rules taking into account the new play position and at least one of a length of time associated with playing the digital media content and a number of digital media data blocks of the digital media content to be played,
 - such that at least one of the alternatively sequenced insertion points is positioned at a play position in the digital media content that satisfies a condition selected from:
 - the play position being a predetermined length of time after the new play position,
 - the play position being a predetermined number of digital media data blocks after the new play position; and
 - a user interface output for causing presentation of the content stream during a play period associated with one or more states of play such that a part of the digital advertising content is adaptively played at the one or more alternatively sequenced insertion points, instead of at the one or more initially sequenced insertion points; and
 - at least a first memory for storing a setting to indicate a first state of play, the setting including a first value to indicate presentation of a required part of the digital advertising content is in progress during presentation of the content stream such that responsive to detecting the first value in the first memory, the user interface input is disabled to prevent commands comprising at least one of a user volume control or a user navigation control from altering a course of presentation of the

EXHIBIT A

US 10,986,403 B2

45

content stream while presentation of the required part of the digital advertising content is in progress.

2. The digital media player device as in claim 1, wherein the user interface input comprises a graphical user interface that includes a time bar to allow the user to control the course of presentation of the digital media content received to a specific point in the presentation past at least one of the one or more initially sequenced insertion points.

3. The digital media player device as in claim 1, wherein the sequencing is performed by at least one remote system differing from the digital media player device, the at least one remote system comprising a processor.

4. The digital media player device as in claim 1, wherein the digital media content comprises at least one media file.

5. The digital media player device as in claim 1, wherein the digital advertising content comprises at least one advertisement file.

6. The digital media player device as in claim 5, wherein a sequence is generated by sub-dividing a media file into two or more segments, and wherein at least a part of the at least one of the advertising file is presented between two of the segments.

7. The digital media player device as in claim 4, wherein the user input results in a change of a sequence of two or more media files by at least one of subtracting an existing media file and re-arranging the sequence of two or more media files in a change of sequence by adding a new media file.

8. The digital media player device as in claim 1, wherein the user input further comprises one or more navigational choices for the content stream.

9. The digital media player device as in claim 8, wherein the one or more navigational choices are selected from a group consisting of: play, stop, pause/continue, reverse, rewind, fast-forward, slow-motion, track advance, frame-by-frame advance, go direct to point or page in sequence, advance chapter, page turn, change track, change media selection, shuttle knob, and one or more sound controls.

10. The digital media player device as in claim 1, further comprising: rotating, using an ad manager and an ad rotator, new advertising content into the content stream in response to the user input, the ad manager operative to receive ad files and select ad files for presentation from a database of ad files and the ad rotator configured to replace ad files with new ad files after the ad files have been presented.

11. The digital media player device as in claim 1, wherein the adaptively modifying uses two or more of the adaptive preference rules for determining the one or more alternatively sequenced insertion points of at least a part of the digital advertising content.

12. The device as in claim 1, wherein the intersplicer generates control signals configured to instruct the one or more processors to interrupt the presentation of the digital media content with the presentation of the one or more data blocks at the one or more alternatively sequenced insertion points on the digital media player device.

13. The device as in claim 1, the digital media player device further comprising a media file decryptor configured to receive and decrypt the digital media content during play, the media file decryptor configured to limit access to a non-volatile memory following the decryption of the digital media content.

14. The device as in claim 1, wherein the digital media player device is configured to read a data structure of the one or more data blocks of the digital media content, the data structure including a first field containing data identifying a media file associated with the digital media content, a

46

second field containing data indicative of an ad requirement associated with the digital media content, and a third field containing data representing an ad file associated with the digital advertising content to be displayed with the media file.

15. The device as in claim 1, wherein the user interface input includes a time bar configured to control the intersplicer to alter a course of presentation of the content stream in response to the user dragging the time bar, the dragging of the time bar enabling at least one of fast-forward play, skipping forward, backward skipping to a fixed point, slow motion play, and frame advance play.

16. The device as in claim 1, wherein the user interface input includes a graphical user interface comprising a first tab indicative of a first media type and a second tab indicative of a second media type such that a user selection of the first tab causes the digital media player device to present a media file of the first media type in an active display window with a time bar, the time bar configured to control the intersplicer to alter a course of presentation of the content stream in response to the user dragging the time bar, and a user selection of the second tab causes the digital media player device to present another media file of the second media type in a background window.

17. A computer-implemented system for controlling digital media presentations, the system comprising:

one or more processors;

a user interface for allowing a user to control a course of presentation of digital media content;

an intersplicer for controlling one or more insertion points of digital advertising content into the digital media content thereby sequencing the digital media content and digital advertising content,

the sequencing comprising ordering one or more data blocks of the digital media content and one or more data blocks of the digital advertising content into a content stream playable as audio or visual content perceivable by the user,

the content stream comprising one or more initially sequenced insertion points at which the digital advertising content is scheduled to be presented relative to the digital media content during play;

in response to user input updating a current play position in the content stream to a new play position in the content stream, the one or more processors using one or more adaptive preference rules to adaptively modify, a presentation position of the digital advertising content from at least one of the one or more initially sequenced insertion points to one or more alternatively sequenced insertion points; the one or more alternatively sequenced insertion points being adaptively selectable by the intersplicer according to selection criteria defined by the one or more adaptive preference rules taking into account the new play position and at least one of a length of time associated with playing the digital media content, a number of digital media data blocks of the digital media content to be played, and a point in time the digital media content is to be played, such that at least one of the alternatively sequenced insertion points is positioned at a play position in the digital media content that satisfies a condition selected from:

the play position being a predetermined length of time after the new play position,

47

the play position being a predetermined number of digital media data blocks after the new play position, and
the play position being at a predetermined time of the hour after the new play position;
a user interface output for causing presentation of the content stream during a play period associated with one or more states of play such that a part of the digital advertising content is adaptively played at the one or more alternatively sequenced insertion points, instead of the one or more initially sequenced insertion points; and
at least a first memory for storing a setting to indicate a first state of play, the setting including a first value to indicate presentation of a required part of the digital advertising content is in progress during presentation of the content stream such that responsive to detecting the first value in the first memory, the user interface is disabled to prevent commands comprising a user navigation control from altering a course of presentation of the content stream.

18. The system as in claim 17, wherein the at least first memory is part of the computer-implemented system.

19. The system as in claim 17, wherein the at least first memory is part of at least one remote system.

20. The system as in claim 17, wherein the at least first memory is part of at least one remote system.

21. A computer-implemented method for controlling digital media presentations using an improved digital media player system, the method comprising:
receiving, on a digital media player system, data comprising digital media content and digital advertising content, the digital media player system having a user interface and an intersplicer, the user interface configured to allow a user to control a course of presentation of the digital media content received, and the intersplicer configured to control one or more initially sequenced insertion points of the digital advertising content into the digital media content;
sequencing the digital media content, using the intersplicer, the sequencing comprising ordering one or more data blocks of the digital media content into a content stream playable as audio or visual content perceivable by the user, the content stream comprising a media section that comprises at least some of the digital media content, the content stream further comprising an advertising block within which at least some of the digital advertising content is scheduled to be presented, the advertising block being arranged within the content stream at an initially defined insertion position relative to the media section during play;
adaptively re-sequencing the content stream into a modified content stream to reflect a user input comprising updating a current play position to a new play position in the digital media content detected at the digital media player system, the modified content stream comprising an alternate insertion position of the advertising block relative to the media section, the adaptively re-sequencing comprising determining the alternate insertion position using one or more adaptive preference placement rules associated with the digital media content;
the alternate insertion position being adaptively selectable by the intersplicer according to selection criteria defined by the one or more adaptive preference placement rules taking into account the new play position and at least one of a length of time associ-

48

ated with playing the digital media content, a number of digital media data blocks of the digital media content to be played, and a point in time the digital media content is to be played, such that the alternate insertion position is positioned at a play position in the digital media content that satisfies a condition selected from:
the play position being a predetermined length of time after the new play position,
the play position being a predetermined number of digital media data blocks after the new play position, and
the play position being at a predetermined time of the hour after the new play position;
causing presentation of the modified content stream at the digital media player system during a play period associated with one or more states of play;
causing adaptive presentation of a required part of the digital advertising content at the alternate insertion position, instead of at the one or more initially sequenced insertion points;
keeping a setting, in at least a first memory of the digital media player system, to indicate a first state of play, the setting including a first value to indicate presentation of the required part of the digital advertising content is in progress during presentation of the modified content stream; and
responsive to detecting the first value in the first memory, disabling user interface commands comprising a user navigation control that enables the user to alter a course of presentation of the modified content stream.

22. A computer-implemented method for controlling digital media presentations using an improved digital media player system, the method comprising:
transmitting, by at least one remote system to a digital media player system, data comprising digital media content and digital advertising content, the digital media player system having a user interface and an intersplicer, the user interface configured to allow a user to control a course of presentation of the digital media content received, and the intersplicer for controlling one or more insertion points of the digital advertising content into the digital media content;
sequencing the digital media content, using the intersplicer, the sequencing comprising ordering one or more data blocks of the digital media content into a content stream playable as audio or visual content perceivable by the user, the content stream comprising a media section that comprises at least some of the digital media content, the content stream further comprising an advertising block within which at least some of the digital advertising content is scheduled to be presented during play, the advertising block being arranged within the content stream at an initially defined insertion position relative to the media section;
adaptively re-sequencing the content stream into a modified content stream to reflect a user input comprising updating a current play position to a new play position in the digital media content detected at the digital media player system, the modified content stream comprising an alternate insertion position of the advertising block relative to the media section, the adaptively re-sequencing comprising determining the alternate insertion position using one or more adaptive preference placement rules associated with the digital media content during play;

EXHIBIT A

US 10,986,403 B2

49

the alternate insertion position being adaptively selectable
by the intersplicer according to selection criteria
defined by the one or more adaptive preference place-
ment rules taking into account the new play position
and at least one of a length of time associated with
playing the digital media content, a number of digital
media data blocks of the digital media content to be
played, and a point in time the digital media content is
to be played
such that the alternate insertion position is positioned at
a play position in the digital media content that
satisfies a condition selected from:
the play position being a predetermined length of
time after the new play position,
the play position being a predetermined number of
digital media data blocks after the new play posi-
tion, and
the play position being at a predetermined time of the
hour after the new play position;

50

causing presentation of the modified content stream at the
digital media player system during a play period asso-
ciated with one or more states of play;
causing adaptive presentation of a required part of the
digital advertising content at the alternate insertion
point, instead of the initially defined insertion position;
keeping a setting, in at least a first memory of the digital
media player system, to indicate a first state of play, the
setting including a first value to indicate presentation of
the required part of the digital advertising content is in
progress during presentation of the modified content
stream; and
responsive to detecting the first value in the first memory,
disabling user interface commands comprising a user
navigation control that enables the user to alter a course
of presentation of the content stream.

23. The method as in claim 22, wherein presentation data
comprising an indication of the digital advertising content
that has been presented is stored in a second memory of the
digital media player system.

* * * * *

EXHIBIT B



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.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,729	04/20/2021	10986403	42327-501001US	5831

64046 7590 03/31/2021

Mintz Levin/San Diego Office
One Financial Center
Boston, MA 02111

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment is 958 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

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

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

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

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

Philip M. Donian, San Francisco, CA;
Larry E. Henneman JR., Three Rivers, MI;
Michael M. Malione, Oakland, CA;

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

10/606,729	INTERACTIVE DIGITAL MEDIA AND ADVERTISING PRESENTATION PLATFORM	42327-581001US	04-22- 2021::19:57:06
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Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/606,729

Filing or 371(c) Date:	06-26-2003	Overlapping Days Between {A and B} or {A and C}:	830
Issue Date of Patent:	04-20-2021	Non-Overlapping USPTO Delays:	2719
A Delays:	2272	PTO Manual Adjustments:	0
B Delays:	1277	Applicant Delays:	1761
C Delays:	0	Total PTA Adjustments:	958

Patent Term Adjustment History

Explanation Of Calculations

Number	Date	Contents Description	PTO(Days)	APPL(Days)	Start
236.5	04-20-2021	PTA 36 Months	1277		0.5
236	04-20-2021	Patent Issue Date Used in PTA Calculation			0
235	03-26-2021	Export to Final Data Capture			0
234	03-24-2021	Finished Initial Data Capture			0
233	03-25-2021	Dispatch to FDC			0
232	03-19-2021	Response to Reasons for Allowance			0
231	03-23-2021	Email Notification			0
230	03-22-2021	Application Is Considered Ready for Issue			0
229	03-23-2021	Filing Receipt - Corrected			0
228	03-19-2021	Issue Fee Payment Verified			0
227	03-19-2021	Issue Fee Payment Received			0
226	03-18-2021	Mail Post Card			0
225	03-09-2021	Export to Initial Data Capture			0
224	03-10-2021	Email Notification			0
223	03-10-2021	Mail Notice of Allowance			0
222	03-06-2021	Office Action Review			0
221	03-06-2021	Office Action Review			0
220	03-06-2021	Issue Revision Completed			0
219	03-06-2021	Document Verification			0
218	03-06-2021	Notice of Allowance Data Verification Completed			0

4/22/2021

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217	03-06-2021	Case Docketed to Examiner in GAU	0
216	02-26-2021	Reasons for Allowance	0
215	02-26-2021	Allowability Notice	0
212	02-17-2021	Applicant Has Filed a Verified Statement of Micro Entity Status in Compliance with 37 CFR 1.29	0
211	02-17-2021	Date Forwarded to Examiner	0
210	02-16-2021	Response after Non-Final Action	0
209	02-16-2021	Request for Extension of Time - Granted	0
208	01-27-2021	Email Notification	0
207	01-27-2021	Mail Examiner Interview Summary (PTOL - 413)	0
206	01-21-2021	Interview Summary - Applicant Initiated - Telephonic	0
205	01-21-2021	Interview Summary Record	0
204	12-30-2020	Interview Request Correction	0
203	11-13-2020	Electronic Review	0
202	11-13-2020	Electronic request for Examiner Interview	0
201	11-13-2020	Email Notification	0
200	11-13-2020	Mail Non-Final Rejection	0
199	11-10-2020	Email Notification	0
198	11-09-2020	Non-Final Rejection	0
197	11-10-2020	Mail Examiner Interview Summary (PTOL - 413)	0
196	10-29-2020	Interview Summary - Applicant Initiated - Telephonic	0
195	11-05-2020	Interview Summary Record	0
194	10-22-2020	Electronic request for Examiner Interview	0
193	10-22-2020	Email Notification	0
192	10-22-2020	Email Notification	0
191	10-21-2020	Mail Pet Dec Track 1 Grant	0
190	10-20-2020	Office Action Review	0
189	10-21-	Track 1 Request Granted	0

<https://portal.uspto.gov/pair/PAIRPrintServlet>

2/9

	2020		
188	10-21-2020	Mail-Record Petition Decision of Granted to Make Special	0
187	10-20-2020	Record Petition Decision of Granted to Make Special	0
186	10-20-2020	Pet Dec Track 1 Grant	0
185	10-13-2020	Applicant Has Filed a Verified Statement of Micro Entity Status in Compliance with 37 CFR 1.29	0
184	10-13-2020	Applicant Has Filed a Verified Statement of Micro Entity Status in Compliance with 37 CFR 1.29	0
183	10-15-2020	Date Forwarded to Examiner	0
182	10-13-2020	Amendment Submitted/Entered with Filing of CPA/RCE	0
181	10-13-2020	Request for Continued Examination (RCE)	0
180	10-15-2020	Disposal for a RCE / CPA / R129	0
179	10-13-2020	Track 1 Request	0
178	10-13-2020	Petition Entered	0
177	10-13-2020	Workflow - Request for RCE - Begin	0
176	08-12-2020	Electronic Review	0
175	08-12-2020	Email Notification	0
174	08-12-2020	Mail PTAB Decision on Appeal - Affirmed	0
173	08-10-2020	PTAB Decision - Examiner Affirmed	0
169	12-18-2018	Request for Refund	0
168	12-28-2018	Email Notification	0
167	12-28-2018	Docketing Notice Mailed to Appellant	0
166	12-26-2018	Assignment of Appeal Number	0
165	12-21-2018	Appeal Awaiting PTAB Docketing	0
164	12-19-2018	Appeal ready for PAC review	0
163	12-18-2018	Reply Brief Filed	0
162	10-18-2018	Electronic Review	0
161	10-18-2018	Email Notification	0
160	10-17-2018	Exam. Ans. Review Complete	0

159	10-18-2018	Mail Examiner's Answer	0
158	10-10-2018	Examiner's Answer to Appeal Brief	0
157	08-07-2018	Appeal Brief Review Complete	0
156	08-07-2018	Date Forwarded to Examiner	0
155	07-19-2018	track 1 OFF	0
154	07-19-2018	Appeal Brief Filed	0
153	07-19-2018	Request for Extension of Time - Granted	0
152	04-02-2018	Email Notification	0
151	04-02-2018	Mail Appeals conf. Proceed to PTAB	0
150	03-28-2018	Office Action Review	0
149	03-27-2018	Pre-Appeal Conference Decision - Proceed to PTAB	0
148	04-04-2017	Request for Pre-Appeal Conference Filed	0
146	01-31-2018	Mail Notice of Rescinded Abandonment	0
145	01-29-2018	Notice of Rescinded Abandonment in TCs	0
144	12-11-2017	Email Notification	0
143	12-11-2017	Mail Abandonment for Failure to Respond to Office Action	0
142	12-06-2017	Aband. for Failure to Respond to O. A.	0
140	04-04-2017	Notice of Appeal Filed	0
139	04-04-2017	Request for Extension of Time - Granted	0
138	04-04-2017	Applicant Has Filed a Verified Statement of Micro Entity Status in Compliance with 37 CFR 1.29	0
137	10-12-2016	Electronic Review	0
136	10-12-2016	Email Notification	0
135	10-12-2016	Mail Final Rejection (PTOL - 326)	0
134	10-05-2016	Office Action Review	0
133	10-05-2016	Final Rejection	0
132	08-03-2016	Date Forwarded to Examiner	0

4/22/2021

EXHIBIT C

<https://portal.uspto.gov/pair/PAIRPrintServlet>

131	08-01-2016	Response after Non-Final Action		0
130	08-01-2016	Request for Extension of Time - Granted		0
128	08-01-2016	Applicant Has Filed a Verified Statement of Micro Entity Status in Compliance with 37 CFR 1.29		0
127	02-01-2016	Electronic Review		0
126	02-01-2016	Email Notification		0
125	02-01-2016	Mail Non-Final Rejection		0
124	01-24-2016	Office Action Review		0
123	01-22-2016	Non-Final Rejection		0
122	01-22-2016	Subtract Disposal Count		0
121	01-22-2016	Subtract 0.50 Disposal Count		0
120	11-19-2015	Date Forwarded to Examiner		0
119	10-28-2015	Amendment After Brief		0
118	08-31-2015	Exam. Ans. Review Complete		0
117	08-28-2015	Electronic Review		0
116	08-28-2015	Email Notification		0
115	08-28-2015	Mail Examiner's Answer	5	110
114	08-24-2015	Office Action Review		0
113	08-18-2015	Examiner's Answer to Appeal Brief		0
112	06-19-2015	Date Forwarded to Examiner		0
111	04-23-2015	track 1 OFF		0
110	04-23-2015	Appeal Brief Filed		0
109	04-28-2015	Appeal Brief Review Complete		0
108	04-11-2015	Email Notification		0
107	04-09-2015	Notice -- Defective Appeal Brief		0
106	04-07-2015	Date Forwarded to Examiner		0
105	08-14-2014	track 1 OFF		0
104.3	02-13-	Defective / Incomplete Appeal Brief Filed		0

<https://portal.uspto.gov/pair/PAIRPrintServlet>

5/9

	2015			
104	07-19-2018	Appeal Brief Filed	1386	92
103	03-18-2015	Appeal Brief Review Complete		0
102	03-11-2015	Email Notification		0
101	03-11-2015	Mail Advisory Action (PTOL - 303)		0
100	03-05-2015	Office Action Review		0
99	03-05-2015	Advisory Action (PTOL-303)		0
98	02-23-2015	Date Forwarded to Examiner		0
97	02-13-2015	Amendment/Argument after Notice of Appeal		0
96	08-14-2014	Mail Appeals conf. Proceed to PTAB		0
95	08-13-2014	Office Action Review		0
94	08-12-2014	Pre-Appeal Conference Decision - Proceed to PTAB		0
93	07-02-2014	Request for Pre-Appeal Conference Filed		0
92	07-02-2014	Notice of Appeal Filed		0
91	05-01-2014	Electronic Review		0
90	05-01-2014	Email Notification		0
89	05-01-2014	Mail Final Rejection (PTOL - 326)		0
88	04-28-2014	Office Action Review		0
87	04-28-2014	Final Rejection		0
86	02-21-2014	Date Forwarded to Examiner		0
85	02-14-2014	Response after Non-Final Action	86	74
84	02-14-2014	Request for Extension of Time - Granted		0
83	02-14-2014	Applicant Has Filed a Verified Statement of Micro Entity Status in Compliance with 37 CFR 1.29		0
82	12-30-2013	Mail Interview Summary - Applicant Initiated - Telephonic		0
81	12-24-2013	Office Action Review		0
80	12-24-2013	Office Action Review		0
79	12-24-2013	Office Action Review		0

78	12-23-2013	Interview Summary- Applicant Initiated		0
77	12-23-2013	Interview Summary - Applicant Initiated - Telephonic		0
76	08-20-2013	Electronic Review		0
75	08-20-2013	Email Notification		0
74	08-20-2013	Mail Non-Final Rejection	768	59
73	08-13-2013	Office Action Review		0
72	08-13-2013	Non-Final Rejection		0
71	03-29-2013	Email Notification		0
70	03-26-2013	Mail Miscellaneous Communication to Applicant		0
69	03-22-2013	Miscellaneous Communication to Applicant - No Action Count		0
68	03-19-2013	Miscellaneous Incoming Letter		0
65	07-23-2012	Mail Miscellaneous Communication to Applicant		0
64	07-21-2012	Miscellaneous Communication to Applicant - No Action Count		0
63	07-17-2012	Miscellaneous Incoming Letter		0
62	01-18-2012	Miscellaneous Incoming Letter		0
61	03-18-2011	Date Forwarded to Examiner		0
60	03-14-2011	Amendment Submitted/Entered with Filing of CPA/RCE		0
59	03-14-2011	Request for Continued Examination (RCE)	59	51
58	03-18-2011	Disposal for a RCE / CPA / R129		0
57	03-14-2011	Request for Extension of Time - Granted		0
56	03-14-2011	Workflow - Request for RCE - Begin		0
55	02-09-2011	Change in Power of Attorney (May Include Associate POA)		0
54	02-04-2011	Correspondence Address Change		0
53	10-14-2010	Electronic Review		0
52	10-14-2010	Email Notification		0
51	10-14-2010	Mail Final Rejection (PTOL - 326)		0

4/22/2021

EXHIBIT C<https://portal.uspto.gov/pair/PAIRPrintServlet>

50	10-08-2010	Final Rejection		0
49	08-11-2010	Date Forwarded to Examiner		0
48	08-02-2010	Response after Non-Final Action	91	43
47	08-02-2010	Request for Extension of Time - Granted		0
46	05-13-2010	Email Notification		0
45	05-13-2010	Change in Power of Attorney (May Include Associate POA)		0
44	05-11-2010	Correspondence Address Change		0
43	02-01-2010	Mail Non-Final Rejection		0
42	01-29-2010	Non-Final Rejection		0
41	11-19-2009	Date Forwarded to Examiner		0
40	11-14-2009	RCE- AF Processed		0
39	11-19-2009	Date Forwarded to Examiner		0
38	11-14-2009	Request for Continued Examination (RCE)	86	34
37	11-19-2009	Disposal for a RCE / CPA / R129		0
36	11-14-2009	Request for Extension of Time - Granted		0
35	11-14-2009	Workflow - Request for RCE - Begin		0
34	05-20-2009	Mail Final Rejection (PTOL - 326)		0
33	05-19-2009	Final Rejection		0
32	03-10-2009	Date Forwarded to Examiner		0
31	02-27-2009	Response after Non-Final Action	53	29
30	02-27-2009	Request for Extension of Time - Granted		0
29	10-03-2008	Mail Non-Final Rejection	1499	0.5
28	09-30-2008	Non-Final Rejection		0
24	07-19-2004	Information Disclosure Statement considered		0
23	09-29-2003	Information Disclosure Statement considered		0
22	07-22-2008	Case Docketed to Examiner in GAU		0
21	06-17-	Transfer Inquiry to GAU		0

<https://portal.uspto.gov/pair/PAIRPrintServlet>

8/9

	2008		
20	10-17-2007	Withdraw Flagged for 5/25	0
19	10-15-2007	Flagged for 5/25	0
18	06-28-2007	Case Docketed to Examiner in GAU	0
17	03-21-2006	Case Docketed to Examiner in GAU	0
16	03-04-2005	IFW TSS Processing by Tech Center Complete	0
15	03-04-2005	Case Docketed to Examiner in GAU	0
14	08-02-2004	Reference capture on IDS	0
13.7	07-19-2004	Information Disclosure Statement (IDS) Filed	0
13	07-19-2004	Information Disclosure Statement (IDS) Filed	0
12	06-29-2004	Correspondence Address Change	0
11	09-29-2003	Reference capture on IDS	0
10.7	09-29-2003	Information Disclosure Statement (IDS) Filed	0
10	09-29-2003	Information Disclosure Statement (IDS) Filed	0
9	09-22-2003	Application Return from OIPE	0
8	09-22-2003	Application Is Now Complete	0
7	09-22-2003	Application Return TO OIPE	0
6	09-17-2003	Application Dispatched from OIPE	0
5	09-18-2003	Application Is Now Complete	0
4	09-05-2003	CASE CLASSIFIED BY OIPE	0
3	09-05-2003	Cleared by OIPE CSR	0
2	08-15-2003	IFW Scan & PACR Auto Security Review	0
1	06-26-2003	Initial Exam Team nn	0
0.5	06-26-2003	Filing date	0

[Close Window](#)

Electronic Patent Application Fee Transmittal				
Application Number:		10606729		
Filing Date:		26-Jun-2003		
Title of Invention:		INTERACTIVE DIGITAL MEDIA AND ADVERTISING PRESENTATION PLATFORM		
First Named Inventor/Applicant Name:		Philip M. Donian		
Filer:		Mark D. Hammond/Matthew Tupper		
Attorney Docket Number:		42327-501001US		
Filed as Micro 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:				
APPLICATION FOR PATENT TERM ADJUSTMENT	3455	1	210	210
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				210

Electronic Acknowledgement Receipt	
EFS ID:	42781004
Application Number:	10606729
International Application Number:	
Confirmation Number:	5831
Title of Invention:	INTERACTIVE DIGITAL MEDIA AND ADVERTISING PRESENTATION PLATFORM
First Named Inventor/Applicant Name:	Philip M. Donian
Customer Number:	64046
Filer:	Mark D. Hammond/Matthew Tupper
Filer Authorized By:	Mark D. Hammond
Attorney Docket Number:	42327-501001US
Receipt Date:	20-MAY-2021
Filing Date:	26-JUN-2003
Time Stamp:	20:41:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$210
RAM confirmation Number	E20215JK41470899
Deposit Account	500311
Authorized User	Matthew Tupper
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 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	Patent Term Adjustment Petition	042327-501001US_PTAPetition.pdf	22877294	no	63
			c76b204f7b494a937aad20b5187489991ed6637f		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30427	no	2
			6f91dc455aefee81826641fce41f8d2d10f205c		
Warnings:					
Information:					
Total Files Size (in bytes):			22907721		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					



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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,729	06/26/2003	Philip M. Donian	42327-501001US	5831
64046	7590	07/21/2021		
Mintz Levin/San Diego Office One Financial Center Boston, MA 02111			EXAMINER RETTA, YEHDEGA	
			ART UNIT 3688	PAPER NUMBER
			NOTIFICATION DATE 07/21/2021	DELIVERY MODE 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):

IPDocketingBOS@mintz.com
IPFilerombos@mintz.com
mintzdocketing@cpaglobal.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 10,986,403 :
Issue Date: 20 Apr 2021 :
Application No. 10/606,729 : DECISION ON PETITION
Filing or 371(c) Date: 26 Jun 2003 :
Attorney Docket No. 042327-501001US :

This is a response to Patentee's petition pursuant to 37 C.F.R. § 1.705(b) filed May 20, 2021, requesting that the Office adjust the patent term adjustment from 958 days to 1299 days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by 1299 days is **GRANTED**.

The Office acknowledges the receipt of the \$210.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required. A review of the record indicates that this patent is not subject to a terminal disclaimer.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **1299 days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3225.

/Paul Shanoski/
Paul Shanoski
Attorney Advisor
Office of Petitions

Encl: Adjusted PTA calculation
DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 10,986,403 B2

DATED : Apr. 20, 2021

DRAFT

INVENTOR(S) : **Donian et al.**

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

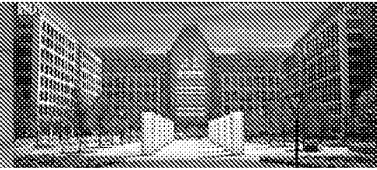
On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 958 days

Delete the phrase “by 958 days” and insert – by 1299 days --



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension Calculation Explanation

Application Number*: 10606729 Open Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 10606729

Application Filing Date: 06/26/2003	Overlapping Days Between (A and B) or (A and C): 830
Issue Date of Patent: 04/20/2021	Non-Overlapping USPTO Delays: 2719
A Delays: 2272	PTO Manual Adjustment: 341
B Delays: 1277	Applicant Delay (APPL): 1761
C Delays: 0	Total PTA (days): 1299

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
245	07/20/2021		P028	Adjustment of PTA Calculation by PTO		849	0
244	07/20/2021		P028	Adjustment of PTA Calculation by PTO		203	0
243	07/20/2021		P028	Adjustment of PTA Calculation by PTO	1286		0
242	07/20/2021		P028	Adjustment of PTA Calculation by PTO		62	0
241	07/20/2021		P028	Adjustment of PTA Calculation by PTO		91	0
236.5	04/20/2021	06/26/2006	PTA36M	PTA 36 Months	1272		0.5
236	04/20/2021		PTAC	Patent Issue Date Used in PTA Calculation			0
235	03/26/2021		EFDC	Export to Final Data Capture			0
233	03/25/2021		D1935	Dispatch to FDC			0
234	03/24/2021		FIDC	Finished Initial Data Capture			0
231	03/23/2021		EML_NTR	Email Notification			0
229	03/23/2021		FLRCPT.C	Filing Receipt - Corrected			0
230	03/22/2021		PILS	Application Is Considered Ready for Issue			0
232	03/19/2021		REAS	Response to Reasons for Allowance			0
228	03/19/2021		N084	Issue Fee Payment Verified			0
227	03/19/2021		IFEE	Issue Fee Payment Received			0
226	03/18/2021		PST_CRD	Mail Post Card			0
224	03/10/2021		EML_NTF	Email Notification			0
223	03/10/2021		MIN/=	Mail Notice of Allowance			0
225	03/09/2021		EIDC	Export to Initial Data Capture			0
222	03/06/2021		OAR	Office Action Review			0
221	03/06/2021		OAR	Office Action Review			0
220	03/06/2021		IREV	Issue Revision Completed			0
219	03/06/2021		DVER	Document Verification			0
218	03/06/2021		N/=	Notice of Allowance Data Verification Completed			0
217	03/06/2021		DOCK	Case Docketed to Examiner in GAU			0
216	02/26/2021		EX_R	Reasons for Allowance			0
215	02/26/2021		CNTA	Allowability Notice			0
212	02/17/2021		MICR	Applicant Has Filed a Verified Statement of Micro Entity Status in Compliance with 37 CFR 1.29			0
211	02/17/2021		FWDX	Date Forwarded to Examiner			0
210	02/16/2021		A...	Response after Non-Final Action			0
209	02/16/2021		XT/G	Request for Extension of Time - Granted			0
208	01/27/2021		EML_NTR	Email Notification			0
207	01/27/2021		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
206	01/21/2021		EXAT	Interview Summary - Applicant Initiated - Telephonic			0
205	01/21/2021		EXIN	Interview Summary Record			0
204	12/30/2020		INCOR	Interview Request Correction			0
203	11/13/2020		ELC_RVW	Electronic Review			0
202	11/13/2020		M865E	Electronic request for Examiner Interview			0
201	11/13/2020		EML_NTF	Email Notification			0

200	11/13/2020	MCTNF	Mail Non-Final Rejection		0
199	11/10/2020	EML_NTR	Email Notification		0
197	11/10/2020	MEXIN	Mail Examiner Interview Summary (PTOL - 413)		0
198	11/09/2020	CTNF	Non-Final Rejection		0
195	11/05/2020	EXIN	Interview Summary Record		0
196	10/29/2020	EXAT	Interview Summary - Applicant Initiated - Telephonic		0
194	10/22/2020	M865E	Electronic request for Examiner Interview		0
193	10/22/2020	EML_NTR	Email Notification		0
192	10/22/2020	EML_NTR	Email Notification		0
191	10/21/2020	MPDTG	Mail Pet Dec Track 1 Grant		0
189	10/21/2020	T1GR	Track 1 Request Granted		0
188	10/21/2020	MP003	Mail-Record Petition Decision of Granted to Make Special		0
190	10/20/2020	OAR	Office Action Review		0
187	10/20/2020	P003	Record Petition Decision of Granted to Make Special		0
186	10/20/2020	PDTG	Pet Dec Track 1 Grant		0
183	10/15/2020	FWDX	Date Forwarded to Examiner		0
180	10/15/2020	ABN9	Disposal for a RCE / CPA / R129		0
185	10/13/2020	MICR	Applicant Has Filed a Verified Statement of Micro Entity Status in Compliance with 37 CFR 1.29		0
184	10/13/2020	MICR	Applicant Has Filed a Verified Statement of Micro Entity Status in Compliance with 37 CFR 1.29		0
182	10/13/2020	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE		0
181	10/13/2020	RCEX	Request for Continued Examination (RCE)		0
179	10/13/2020	TK1R	Track 1 Request		0
178	10/13/2020	PET.	Petition Entered		0
177	10/13/2020	BRCE	Workflow - Request for RCE - Begin		0
176	08/12/2020	ELC_RVW	Electronic Review		0
175	08/12/2020	EML_NTF	Email Notification		0
174	08/12/2020	MAPDA	Mail PTAB Decision on Appeal - Affirmed		0
173	08/10/2020	APDA	PTAB Decision - Examiner Affirmed		0
168	12/28/2018	EML_NTR	Email Notification		0
167	12/28/2018	AP_DK_M	Docketing Notice Mailed to Appellant		0
166	12/26/2018	APAS	Assignment of Appeal Number		0
165	12/21/2018	APWD	Appeal Awaiting PTAB Docketing		0
164	12/19/2018	ARBP	Appeal ready for PAC review		0
169	12/18/2018	IRFND	Request for Refund		0
163	12/18/2018	APRB	Reply Brief Filed		0
162	10/18/2018	ELC_RVW	Electronic Review		0
161	10/18/2018	EML_NTF	Email Notification		0
159	10/18/2018	MAPEA	Mail Examiner's Answer		0
160	10/17/2018	PACC	Exam. Ans. Review Complete		0
158	10/10/2018	APEA	Examiner's Answer to Appeal Brief		0
157	08/07/2018	APBR	Appeal Brief Review Complete		0
156	08/07/2018	FWDX	Date Forwarded to Examiner		0
155	07/19/2018	T1OFF	track 1 OFF		0
154	07/19/2018	AP.B	Appeal Brief Filed		0
153	07/19/2018	XT/G	Request for Extension of Time - Granted		0
104	07/19/2018	10/02/2014 AP.B	Appeal Brief Filed	1,306	92
152	04/02/2018	EML_NTR	Email Notification		0
151	04/02/2018	MAPCP	Mail Appeals conf. Proceed to PTAB		0
150	03/28/2018	OAR	Office Action Review		0
149	03/27/2018	APCP	Pre-Appeal Conference Decision - Proceed to PTAB		0
146	01/31/2018	MNRAB	Mail Notice of Rescinded Abandonment		0
145	01/29/2018	NRAB	Notice of Rescinded Abandonment in TCs		0
144	12/11/2017	EML_NTR	Email Notification		0
143	12/11/2017	MABN2	Mail Abandonment for Failure to Respond to Office Action		0
142	12/06/2017	ABN2	Aband. for Failure to Respond to O. A.		0
148	04/04/2017	AP.C	Request for Pre-Appeal Conference Filed		0
140	04/04/2017	N/AP	Notice of Appeal Filed		0
139	04/04/2017	XT/G	Request for Extension of Time - Granted		0
138	04/04/2017	MICR	Applicant Has Filed a Verified Statement of Micro Entity Status in Compliance with 37 CFR 1.29		0
137	10/12/2016	ELC_RVW	Electronic Review		0
136	10/12/2016	EML_NTF	Email Notification		0
135	10/12/2016	MCTFR	Mail Final Rejection (PTOL - 326)		0
134	10/05/2016	OAR	Office Action Review		0
133	10/05/2016	CTFR	Final Rejection		0
132	08/03/2016	FWDX	Date Forwarded to Examiner		0
131	08/01/2016	A...	Response after Non-Final Action		0
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118	08/31/2015	PACC	Exam. Ans. Review Complete		0
117	08/28/2015	ELC_RVW	Electronic Review		0
116	08/28/2015	EML_NTF	Email Notification		0
115	08/28/2015	08/23/2015:MAPEA	Mail Examiner's Answer		110
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113	08/18/2015	APEA	Examiner's Answer to Appeal Brief		0
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107	04/09/2015	APBD	Notice -- Defective Appeal Brief		0
106	04/07/2015	FWDX	Date Forwarded to Examiner		0
103	03/18/2015	APBR	Appeal Brief Review Complete		0
102	03/11/2015	EML_NTR	Email Notification		0
101	03/11/2015	MCTAV	Mail Advisory Action (PTOL - 303)		0
100	03/05/2015	OAR	Office Action Review		0
99	03/05/2015	CTAV	Advisory Action (PTOL-303)		0
98	02/23/2015	FWDX	Date Forwarded to Examiner		0
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97	02/13/2015	AP/A	Amendment/Argument after Notice of Appeal		0
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94	08/12/2014	APCP	Pre-Appeal Conference Decision - Proceed to PTAB		0
93	07/02/2014	AP.C	Request for Pre-Appeal Conference Filed		0
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91	05/01/2014	ELC_RVW	Electronic Review		0
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87	04/28/2014	CTFR	Final Rejection		0
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72	08/13/2013	CTNF	Non-Final Rejection		0
71	03/29/2013	EML_NTR	Email Notification		0
70	03/26/2013	MM327	Mail Miscellaneous Communication to Applicant		0
69	03/22/2013	M327	Miscellaneous Communication to Applicant - No Action Count		0
68	03/19/2013	LET.	Miscellaneous Incoming Letter		0
65	07/23/2012	MM327	Mail Miscellaneous Communication to Applicant		0
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61	03/18/2011	FWDX	Date Forwarded to Examiner		0
58	03/18/2011	ABN9	Disposal for a RCE / CPA / R129		0
60	03/14/2011	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE		0
59	03/14/2011	01/14/2011:RCEX	Request for Continued Examination (RCE)		51
57	03/14/2011	XT/G	Request for Extension of Time - Granted		0
56	03/14/2011	BRCE	Workflow - Request for RCE - Begin		0
55	02/09/2011	PA.	Change in Power of Attorney (May Include Associate POA)		0
54	02/04/2011	C.AD	Correspondence Address Change		0
53	10/14/2010	ELC_RVW	Electronic Review		0

52	10/14/2010	EML_NTF	Email Notification		0
51	10/14/2010	MCTFR	Mail Final Rejection (PTOL - 326)		0
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48	08/02/2010	05/03/2010:A...	Response after Non-Final Action	31	43
47	08/02/2010	XT/G	Request for Extension of Time - Granted		0
46	05/13/2010	EML_NTR	Email Notification		0
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44	05/11/2010	C.AD	Correspondence Address Change		0
43	02/01/2010	MCTNF	Mail Non-Final Rejection		0
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41	11/19/2009	FWDX	Date Forwarded to Examiner		0
39	11/19/2009	FWDX	Date Forwarded to Examiner		0
37	11/19/2009	ABN9	Disposal for a RCE / CPA / R129		0
40	11/14/2009	AMPR	RCE- AF Processed		0
38	11/14/2009	08/20/2009:RCEX	Request for Continued Examination (RCE)	36	34
36	11/14/2009	XT/G	Request for Extension of Time - Granted		0
35	11/14/2009	BRCE	Workflow - Request for RCE - Begin		0
34	05/20/2009	MCTFR	Mail Final Rejection (PTOL - 326)		0
33	05/19/2009	CTFR	Final Rejection		0
32	03/10/2009	FWDX	Date Forwarded to Examiner		0
31	02/27/2009	01/05/2009:A...	Response after Non-Final Action	33	29
30	02/27/2009	XT/G	Request for Extension of Time - Granted		0
29	10/03/2008	08/26/2004:MCTNF	Mail Non-Final Rejection	1435	0.5
28	09/30/2008	CTNF	Non-Final Rejection		0
22	07/22/2008	DOCK	Case Docketed to Examiner in GAU		0
21	06/17/2008	T1050	Transfer Inquiry to GAU		0
20	10/17/2007	W525	Withdraw Flagged for 5/25		0
19	10/15/2007	F525	Flagged for 5/25		0
18	06/28/2007	DOCK	Case Docketed to Examiner in GAU		0
17	03/21/2006	DOCK	Case Docketed to Examiner in GAU		0
16	03/04/2005	TSSCOMP	IFW TSS Processing by Tech Center Complete		0
15	03/04/2005	DOCK	Case Docketed to Examiner in GAU		0
14	08/02/2004	RCAP	Reference capture on IDS		0
24	07/19/2004	IDSC	Information Disclosure Statement considered		0
13.7	07/19/2004	M844	Information Disclosure Statement (IDS) Filed		0
13	07/19/2004	WIDS	Information Disclosure Statement (IDS) Filed		0
12	06/29/2004	C.ADB	Correspondence Address Change		0
23	09/29/2003	IDSC	Information Disclosure Statement considered		0
11	09/29/2003	RCAP	Reference capture on IDS		0
10.7	09/29/2003	M844	Information Disclosure Statement (IDS) Filed		0
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9	09/22/2003	WROIPE	Application Return from OIPE		0
8	09/22/2003	COMP	Application is Now Complete		0
7	09/22/2003	ROIPE	Application Return TO OIPE		0
5	09/18/2003	COMP	Application is Now Complete		0
6	09/17/2003	OIPE	Application Dispatched from OIPE		0
4	09/05/2003	CLSS	CASE CLASSIFIED BY OIPE		0
3	09/05/2003	L194	Cleared by OIPE CSR		0
2	08/15/2003	SCAN	IFW Scan & PACR Auto Security Review		0
1	06/26/2003	IEXX	Initial Exam Team nn		0
0.5	06/26/2003	EFILE	Filing date		0

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The following USPTO patent application(s) associated with your Customer Number, 64046 , have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

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Application	Document	Mailroom Date	Attorney Docket No.
10606729	PET.DEC.COCl	07/21/2021	42327-501001US
	OA.APPENDIX	07/21/2021	42327-501001US

To view your correspondence online or update your email addresses, please visit us anytime at <https://sportal.uspto.gov/secure/myportal/privatepair>.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,729	06/26/2003	Philip M. Donian	42327-501001US	5831
64046	7590	07/28/2021		
Mintz Levin/San Diego Office One Financial Center Boston, MA 02111			EXAMINER RETTA, YEHDEGA	
			ART UNIT 3688	PAPER NUMBER
			NOTIFICATION DATE 07/28/2021	DELIVERY MODE 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):

IPDocketingBOS@mintz.com
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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 10,986,403 :
Issue Date: 20 Apr 2021 :
Application No. 10/606,729 :
Filing or 371(c) Date: 26 Jun 2003 : DECISION ON PETITION
Attorney Docket No. 042327-501001US :

This is a corrected decision in response to Patentee's petition pursuant to 37 C.F.R. § 1.705(b) filed May 20, 2021, requesting that the Office adjust the patent term adjustment from 958 days to 1822 days.

The Office acknowledges the submission of the \$210.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required. A review of the electronic file indicates that this patent is not subject to a terminal disclaimer.

This redetermination of patent term adjustment is NOT the Director's decision on the applicant's request for reconsideration for purposes of seeking judicial review under 35 U.S.C. § 154(b)(4).

Relevant Procedural History

On April 20, 2021, the Office determined that applicant was entitled to 958 days of PTA.

On May 20, 2021, Patentee filed a request for redetermination of patent term adjustment requesting a PTA of 1822 days, pursuant to 37 C.F.R. § 1.705(b).

On July 21, 2021, the USPTO mailed a decision in response to Patentee's request for redetermination of patent term adjustment, which indicated applicant was entitled to 1299 days of PTA.

Decision

Upon review, the USPTO finds that Patentee is entitled to 1881 days of PTA.

One period of adjustment and one period of reduction are in dispute.

“A” Delay

One period of adjustment under 35 U.S.C. § 154(b)(1)(A) is in dispute.

The patentee filed a notice of appeal on April 4, 2017, along with a Pre-Appeal Brief Request for Review. The USPTO mailed a notice of abandonment on December 11, 2017. The USPTO mailed a *Sua Sponte* Exercise of Supervisory Review on January 29, 2018, which vacated the holding of abandonment. The USPTO mailed a Notice of Panel Decision from Pre-Appeal Brief Review on April 2, 2018, which indicated that a pre-appeal brief conference was held and the application remained under appeal. The Patentee filed an Appeal Brief on July 19, 2018.

On the fourth and fifth pages of this petition, Patentee argues an adjustment of 241 days is warranted for the Office’s failure to issue a Notice of Panel Decision from Pre-Appeal Brief Review within four months of the filing of the Pre-Appeal Brief Request for Review, and this delay begins on August 5, 2017 and ends on April 2, 2018.

Patentee cites to no portion of the C.F.R. to support this argument, and instead cites to 35 U.S.C. § 154(b)(1)(A)(ii) which states, *in pertinent part*:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the Patent and Trademark Office to ... respond to a reply under section 132, or to an appeal taken under section 134, within 4 months after the date on which the reply was filed or the **appeal was taken** (emphasis added)... the term of the patent shall be extended 1 day for each day after the end of the period specified in clause (i), (ii), (iii), or (iv), as the case may be, until the action described in such clause is taken.

Patentee’s argument has been given careful consideration, and has been deemed to be unpersuasive. The USPTO finds that the “appeal was taken” with Patentee’s filing of the appeal brief on July 19, 2018, and not the filing of a Pre-Appeal Brief Request for Review on April 4, 2017. As set forth in the response to Comment 38 in *Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term; Final rule*, 65 Fed. Reg. 56366, 56386 (Sept 18, 2000):

[t]he Office is interpreting the phrase “the date on which” an “appeal was taken” in 35 U.S.C. 154(b)(1)(A)(ii) as the date an appeal brief in compliance with § 1.192 was filed. The Office originally interpreted the phrase “the date on which” an “appeal was taken” in 35 U.S.C. 154(b)(1)(A)(ii) to mean the date a notice of appeal to the Board of Patent Appeals and Interferences under 35 U.S.C. 134 and § 1.191 was filed. See *Changes to Implement Patent Term Adjustment Under Twenty-Year Patent Term*, 65 FR at 17217, 1233 Off. Gaz. Pat. Office at 111. The Office has reconsidered this interpretation of the phrase “the date on which” an “appeal was taken” in 35 U.S.C. 154(b)(1)(A)(ii).

Further discussion can be found on pages 56386-56387 of *Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term; Final rule*.

See also 37 C.F.R. § 1.703(a)(4), which begins the four-month clock with the filing of “an appeal brief in compliance with §41.37 of this title,” and not the filing of a Pre-Appeal Brief Request for Review. *See also* the portion of M.P.E.P. § 2731 which discusses 37 C.F.R. § 1.703(a)(4).

It follows that the USPTO finds the issuance of a Notice of Panel Decision from Pre-Appeal Brief Review on April 2, 2018 does not warrant an adjustment of 241 days.

“B” Delay

The Patentee and Office agree there are 1277 days of “B” delay.

“C” Delay

The Patentee and Office agree there are zero days of “C” delay.

Overlap

The Patentee and Office agree there are 830 overlapping days of Office delay.

In *Wyeth v. Kappos*, 591 F.3d 1364 (Fed. Cir. 2010), the Court of Appeals for the Federal Circuit determined that overlap occurs when the calendar days overlap between the “A” and “B” delays. Under this interpretation, the Office finds that the overlapping period of “A” delay and “B” delay is 830 days.

The Office finds that the periods of “B” delay are:

- (1) beginning on June 27, 2006 (date that is the day after the three year anniversary of the filing date of the application) and ending on November 13, 2009 (date that is the day before the first RCE was filed) for a period 1236 days; and
- (2) beginning on March 11, 2021 (date that is the day after the notice of allowance was mailed) and ending on April 20, 2021 (date of patent issuance) for a period of 41 days.

The Office finds that the overlapping period of “A” delay is a 1499-day adjustment pursuant to 37 C.F.R. § 1.703(a)(1) which began on August 27, 2004 (the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a)) and ended on October 3, 2008 (the date on which a non-final Office action was mailed) constitutes 830 days. The 830-day portion of the 1499-day period that begins on June 27, 2006 and ends on October 3, 2008 overlaps with the period of “B” delay.

The total number of overlapping days of Office delay is 830 days.

Reduction under 35 U.S.C. § 154(b)(2)(C)(iii) & 37 CFR 1.704 [Applicant Delay]

As a preliminary matter, the USPTO agrees that several additional reductions are warranted:

- A 203-day period pursuant to 37 C.F.R. § 1.704(c)(11) from October 3, 2014 until April 23, 2015, because Patentee filed a Notice of Appeal on July 2, 2014 and Patentee did not file an Appeal Brief on April 23, 2015. A reduction of 203 days has been entered.
- A 91-day period pursuant to 37 C.F.R. § 1.704(b) from May 2, 2016 until August 1, 2016 because the Office mailed a non-final Office action on February 1, 2016, however Patentee did not file its amendment to the claims and remarks until August 1, 2016. A reduction of 91 days has been entered.
- An 82-day period pursuant to 37 C.F.R. § 1.704(b) from January 13, 2017 until April 4, 2017 because the Office mailed a non-final Office action on October 12, 2016, however Patentee did not file its notice of appeal until April 4, 2017. A reduction of 82 days has been entered.

There is one period of reduction in dispute.

The Office entered a reduction of 1386 days associated with the filing of the aforementioned Appeal Brief on July 19, 2018, and the Office agrees this reduction is not warranted. With this petition, Patentee argues a reduction of 387 days is warranted, since Patentee filed a Notice of Appeal on April 4, 2017 and an Appeal Brief was not filed until July 26, 2018, which is three months and 387 days after the filing of the Notice of Appeal. *See* 37 C.F.R. § 1.704(c)(11).

However, a portion of the period beginning on July 5, 2017 and ending on July 26, 2018 spans the period during which this application was improperly found to be abandoned. As such, the Office is interpreting the 37 C.F.R. § 1.704(c)(11) period to begin on the day after the three-month anniversary of the date on which the *Sua Sponte* Exercise of Supervisory Review of January 29, 2018 was mailed (Tuesday, May 1, 2018, since April 29, 2018 fell on a Sunday). The period beginning on May 1, 2018 and ending on July 26, 2018 totals 87 days.

Overall PTA CalculationFormula:

“A” delay + “B” delay + “C” delay - overlap - applicant delay = X.

USPTO’s Calculation:

2272 (1499 + 768 + 5) + 1277 (6509 – 4135 – 1097) + 0 – 830 – 838 (53 + 86 + 91 + 59 + 86 + 203 + 91 + 82 + 87) = 1881

Patentee's Calculation:

$2513 (1499 + 768 + 5 + 241) + 1277 (6509 - 4135 - 1097) + 0 - 830 - 1138 (53 + 86 + 91 + 59 + 86 + 203 + 91 + 82 + 387) = 1822$

Conclusion

Patentee is entitled to PTA of 1881 days. Using the formula "A" delay + "B" delay + "C" delay - overlap - applicant delay = X, the amount of PTA is calculated as following: $2272 + 1277 + 0 - 830 - 838 = 1881$ days.

If Patentee seeks a review of this decision, Patentee must request reconsideration within **TWO (2) months** from the mail date of this decision. Extensions of time pursuant to 37 C.F.R. § 1.136(a) are **not** available. If applicant does not reply, then the Office will *sua sponte* issue a certificate of correction in the amount of 1881 days.

Telephone inquiries regarding this decision may be directed to Attorney Advisor Paul Shanowski at (571) 272-3225.¹

/Paul Shanowski/
Paul Shanowski
Attorney Advisor
Office of Petitions

Encl: Adjusted PTA calculation
DRAFT Certificate of Correction

¹ Patentee will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Patentee is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Patentee.

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 10,986,403 B2

DATED : **Apr. 20, 2021**

DRAFT

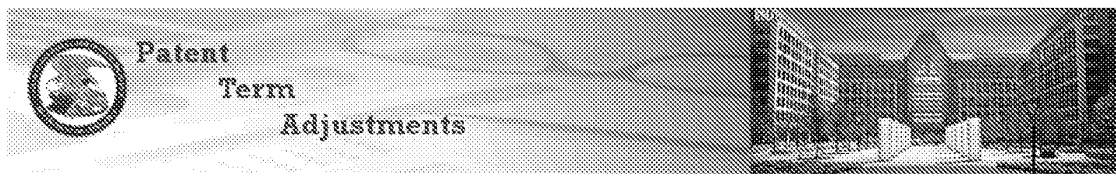
INVENTOR(S) : **Donian et al.**

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 1299 days

Delete the phrase “by 1299 days” and insert – by 1881 days --



PTA/PTE Information Patent Term Adjustment Patent Term Extension Calculation Explanation

Application Number*: 10606729 Open Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 10606729

Application Filing Date: 06/26/2003	OverLapping Days Between (A and B) or (A and C): 830
Issue Date of Patent: 04/20/2021	Non-Overlapping USPTO Delays: 2719
A Delays: 2272	PTO Manual Adjustment: 923
B Delays: 1277	Applicant Delay (APPL): 1761
C Delays: 0	Total PTA (days): 1881

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
255	07/27/2021		P028	Adjustment of PTA Calculation by PTO	669	0	
254	07/27/2021		P028	Adjustment of PTA Calculation by PTO	87	0	
248	07/20/2021		P026	Record a Petition Decision of Granted for Patent Term Adjustment after Issue		0	
245	07/20/2021		P028	Adjustment of PTA Calculation by PTO	669	0	
244	07/20/2021		P028	Adjustment of PTA Calculation by PTO	283	0	
243	07/20/2021		P028	Adjustment of PTA Calculation by PTO	1356	0	
242	07/20/2021		P028	Adjustment of PTA Calculation by PTO	82	0	
241	07/20/2021		P028	Adjustment of PTA Calculation by PTO	91	0	
236.5	04/20/2021	06/26/2006	PTA36M	PTA 36 Months	1277	0.5	
236	04/20/2021		PTAC	Patent Issue Date Used in PTA Calculation		0	
235	03/26/2021		EFDC	Export to Final Data Capture		0	
233	03/25/2021		D1935	Dispatch to FDC		0	
234	03/24/2021		FIDC	Finished Initial Data Capture		0	
231	03/23/2021		EML_NTR	Email Notification		0	
229	03/23/2021		FLRCPT.C	Filing Receipt - Corrected		0	
230	03/22/2021		PILS	Application Is Considered Ready for Issue		0	
232	03/19/2021		REAS	Response to Reasons for Allowance		0	
228	03/19/2021		N084	Issue Fee Payment Verified		0	
227	03/19/2021		IFEE	Issue Fee Payment Received		0	
226	03/18/2021		PST_CRD	Mail Post Card		0	
224	03/10/2021		EML_NTF	Email Notification		0	
223	03/10/2021		MIN/=	Mail Notice of Allowance		0	
225	03/09/2021		EIDC	Export to Initial Data Capture		0	
222	03/06/2021		OAR	Office Action Review		0	
221	03/06/2021		OAR	Office Action Review		0	
220	03/06/2021		IREV	Issue Revision Completed		0	
219	03/06/2021		DVER	Document Verification		0	
218	03/06/2021		N/=	Notice of Allowance Data Verification Completed		0	
217	03/06/2021		DOCK	Case Docketed to Examiner in GAU		0	
216	02/26/2021		EX.R	Reasons for Allowance		0	
215	02/26/2021		CNTA	Allowability Notice		0	
212	02/17/2021		MICR	Applicant Has Filed a Verified Statement of Micro Entity Status in Compliance with 37 CFR 1.29		0	
211	02/17/2021		FWDX	Date Forwarded to Examiner		0	
210	02/16/2021		A...	Response after Non-Final Action		0	
209	02/16/2021		XT/G	Request for Extension of Time - Granted		0	
208	01/27/2021		EML_NTR	Email Notification		0	
207	01/27/2021		MEXIN	Mail Examiner Interview Summary (PTOL - 413)		0	
206	01/21/2021		EXAT	Interview Summary - Applicant Initiated - Telephonic		0	
205	01/21/2021		EXIN	Interview Summary Record		0	
204	12/30/2020		INCOR	Interview Request Correction		0	

203	11/13/2020	ELC_RVW	Electronic Review		0
202	11/13/2020	M865E	Electronic request for Examiner Interview		0
201	11/13/2020	EML_NTF	Email Notification		0
200	11/13/2020	MCTNF	Mail Non-Final Rejection		0
199	11/10/2020	EML_NTR	Email Notification		0
197	11/10/2020	MEXIN	Mail Examiner Interview Summary (PTOL - 413)		0
198	11/09/2020	CTNF	Non-Final Rejection		0
195	11/05/2020	EXIN	Interview Summary Record		0
196	10/29/2020	EXAT	Interview Summary - Applicant Initiated - Telephonic		0
194	10/22/2020	M865E	Electronic request for Examiner Interview		0
193	10/22/2020	EML_NTR	Email Notification		0
192	10/22/2020	EML_NTR	Email Notification		0
191	10/21/2020	MPDTG	Mail Pet Dec Track 1 Grant		0
189	10/21/2020	T1GR	Track 1 Request Granted		0
188	10/21/2020	MP003	Mail-Record Petition Decision of Granted to Make Special		0
190	10/20/2020	OAR	Office Action Review		0
187	10/20/2020	P003	Record Petition Decision of Granted to Make Special		0
186	10/20/2020	PDTG	Pet Dec Track 1 Grant		0
183	10/15/2020	FWDX	Date Forwarded to Examiner		0
180	10/15/2020	ABN9	Disposal for a RCE / CPA / R129		0
185	10/13/2020	MICR	Applicant Has Filed a Verified Statement of Micro Entity Status in Compliance with 37 CFR 1.29		0
184	10/13/2020	MICR	Applicant Has Filed a Verified Statement of Micro Entity Status in Compliance with 37 CFR 1.29		0
182	10/13/2020	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE		0
181	10/13/2020	RCEX	Request for Continued Examination (RCE)		0
179	10/13/2020	TK1R	Track 1 Request		0
178	10/13/2020	PET	Petition Entered		0
177	10/13/2020	BRCE	Workflow - Request for RCE - Begin		0
176	08/12/2020	ELC_RVW	Electronic Review		0
175	08/12/2020	EML_NTF	Email Notification		0
174	08/12/2020	MAPDA	Mail PTAB Decision on Appeal - Affirmed		0
173	08/10/2020	APDA	PTAB Decision - Examiner Affirmed		0
168	12/28/2018	EML_NTR	Email Notification		0
167	12/28/2018	AP_DK_M	Docketing Notice Mailed to Appellant		0
166	12/26/2018	APAS	Assignment of Appeal Number		0
165	12/21/2018	APWD	Appeal Awaiting PTAB Docketing		0
164	12/19/2018	ARBP	Appeal ready for PAC review		0
169	12/18/2018	IRFND	Request for Refund		0
163	12/18/2018	APRB	Reply Brief Filed		0
162	10/18/2018	ELC_RVW	Electronic Review		0
161	10/18/2018	EML_NTF	Email Notification		0
159	10/18/2018	MAPEA	Mail Examiner's Answer		0
160	10/17/2018	PACC	Exam. Ans. Review Complete		0
158	10/10/2018	APEA	Examiner's Answer to Appeal Brief		0
157	08/07/2018	APBR	Appeal Brief Review Complete		0
156	08/07/2018	FWDX	Date Forwarded to Examiner		0
155	07/19/2018	T1OFF	track 1 OFF		0
154	07/19/2018	AP.B	Appeal Brief Filed		0
153	07/19/2018	XT/G	Request for Extension of Time - Granted		0
104	07/19/2018	10/02/2014 AP.B	Appeal Brief Filed	1388	92
152	04/02/2018	EML_NTR	Email Notification		0
151	04/02/2018	MAPCP	Mail Appeals conf. Proceed to PTAB		0
150	03/28/2018	OAR	Office Action Review		0
149	03/27/2018	APCP	Pre-Appeal Conference Decision - Proceed to PTAB		0
146	01/31/2018	MINRAB	Mail Notice of Rescinded Abandonment		0
145	01/29/2018	NRAB	Notice of Rescinded Abandonment in TCs		0
144	12/11/2017	EML_NTR	Email Notification		0
143	12/11/2017	MABN2	Mail Abandonment for Failure to Respond to Office Action		0
142	12/06/2017	ABN2	Aband. for Failure to Respond to O. A.		0
148	04/04/2017	AP.C	Request for Pre-Appeal Conference Filed		0
140	04/04/2017	N/AP	Notice of Appeal Filed		0
139	04/04/2017	XT/G	Request for Extension of Time - Granted		0
138	04/04/2017	MICR	Applicant Has Filed a Verified Statement of Micro Entity Status in Compliance with 37 CFR 1.29		0
137	10/12/2016	ELC_RVW	Electronic Review		0
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135	10/12/2016	MCTFR	Mail Final Rejection (PTOL - 326)		0
134	10/05/2016	OAR	Office Action Review		0
133	10/05/2016	CTFR	Final Rejection		0
132	08/03/2016	FWDX	Date Forwarded to Examiner		0
131	08/01/2016	A...	Response after Non-Final Action		0
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128	08/01/2016	MICR	Applicant Has Filed a Verified Statement of Micro Entity Status in Compliance with 37 CFR 1.29		0
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121	01/22/2016	NSDSP050	Subtract 0.50 Disposal Count		0
120	11/19/2015	FWDX	Date Forwarded to Examiner		0
119	10/28/2015	AABR	Amendment After Brief		0
118	08/31/2015	PACC	Exam. Ans. Review Complete		0
117	08/28/2015	ELC_RVW	Electronic Review		0
116	08/28/2015	EML_NTF	Email Notification		0
115	08/28/2015	08/23/2015:MAPEA	Mail Examiner's Answer		110
114	08/24/2015	OAR	Office Action Review		0
113	08/18/2015	APEA	Examiner's Answer to Appeal Brief		0
112	06/19/2015	FWDX	Date Forwarded to Examiner		0
109	04/28/2015	APBR	Appeal Brief Review Complete		0
111	04/23/2015	T1OFF	track 1 OFF		0
110	04/23/2015	AP.B	Appeal Brief Filed		0
108	04/11/2015	EML_NTR	Email Notification		0
107	04/09/2015	APBD	Notice -- Defective Appeal Brief		0
106	04/07/2015	FWDX	Date Forwarded to Examiner		0
103	03/18/2015	APBR	Appeal Brief Review Complete		0
102	03/11/2015	EML_NTR	Email Notification		0
101	03/11/2015	MCTAV	Mail Advisory Action (PTOL - 303)		0
100	03/05/2015	OAR	Office Action Review		0
99	03/05/2015	CTAV	Advisory Action (PTOL-303)		0
98	02/23/2015	FWDX	Date Forwarded to Examiner		0
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97	02/13/2015	AP/A	Amendment/Argument after Notice of Appeal		0
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96	08/14/2014	MAPCP	Mail Appeals conf. Proceed to PTAB		0
95	08/13/2014	OAR	Office Action Review		0
94	08/12/2014	APCP	Pre-Appeal Conference Decision - Proceed to PTAB		0
93	07/02/2014	AP.C	Request for Pre-Appeal Conference Filed		0
92	07/02/2014	N/AP	Notice of Appeal Filed		0
91	05/01/2014	ELC_RVW	Electronic Review		0
90	05/01/2014	EML_NTF	Email Notification		0
89	05/01/2014	MCTFR	Mail Final Rejection (PTOL - 326)		0
88	04/28/2014	OAR	Office Action Review		0
87	04/28/2014	CTFR	Final Rejection		0
86	02/21/2014	FWDX	Date Forwarded to Examiner		0
85	02/14/2014	11/20/2013:A...	Response after Non-Final Action		74
84	02/14/2014	XT/G	Request for Extension of Time - Granted		0
83	02/14/2014	MICR	Applicant Has Filed a Verified Statement of Micro Entity Status in Compliance with 37 CFR 1.29		0
82	12/30/2013	MEXAT	Mail Interview Summary - Applicant Initiated - Telephonic		0
81	12/24/2013	OAR	Office Action Review		0
80	12/24/2013	OAR	Office Action Review		0
79	12/24/2013	OAR	Office Action Review		0
78	12/23/2013	EXIA	Interview Summary- Applicant Initiated		0
77	12/23/2013	EXAT	Interview Summary - Applicant Initiated - Telephonic		0
76	08/20/2013	ELC_RVW	Electronic Review		0
75	08/20/2013	EML_NTF	Email Notification		0
74	08/20/2013	07/14/2011:MCTNF	Mail Non-Final Rejection		59
73	08/13/2013	OAR	Office Action Review		0
72	08/13/2013	CTNF	Non-Final Rejection		0
71	03/29/2013	EML_NTR	Email Notification		0
70	03/26/2013	MM327	Mail Miscellaneous Communication to Applicant		0
69	03/22/2013	M327	Miscellaneous Communication to Applicant - No Action Count		0
68	03/19/2013	LET.	Miscellaneous Incoming Letter		0
65	07/23/2012	MM327	Mail Miscellaneous Communication to Applicant		0
64	07/21/2012	M327	Miscellaneous Communication to Applicant - No Action Count		0
63	07/17/2012	LET.	Miscellaneous Incoming Letter		0
62	01/18/2012	LET.	Miscellaneous Incoming Letter		0
61	03/18/2011	FWDX	Date Forwarded to Examiner		0
58	03/18/2011	ABN9	Disposal for a RCE / CPA / R129		0
60	03/14/2011	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE		0
59	03/14/2011	01/14/2011:RCEX	Request for Continued Examination (RCE)		51
57	03/14/2011	XT/G	Request for Extension of Time - Granted		0
56	03/14/2011	BRCE	Workflow - Request for RCE - Begin		0

55	02/09/2011	PA..	Change in Power of Attorney (May Include Associate POA)		0
54	02/04/2011	C.AD	Correspondence Address Change		0
53	10/14/2010	ELC_RVW	Electronic Review		0
52	10/14/2010	EML_NTF	Email Notification		0
51	10/14/2010	MCTFR	Mail Final Rejection (PTOL - 326)		0
50	10/08/2010	CTFR	Final Rejection		0
49	08/11/2010	FWDX	Date Forwarded to Examiner		0
48	08/02/2010	05/03/2010:A...	Response after Non-Final Action	91	43
47	08/02/2010	XT/G	Request for Extension of Time - Granted		0
46	05/13/2010	EML_NTR	Email Notification		0
45	05/13/2010	PA..	Change in Power of Attorney (May Include Associate POA)		0
44	05/11/2010	C.AD	Correspondence Address Change		0
43	02/01/2010	MCTNF	Mail Non-Final Rejection		0
42	01/29/2010	CTNF	Non-Final Rejection		0
41	11/19/2009	FWDX	Date Forwarded to Examiner		0
39	11/19/2009	FWDX	Date Forwarded to Examiner		0
37	11/19/2009	ABN9	Disposal for a RCE / CPA / R129		0
40	11/14/2009	AMPR	RCE- AF Processed		0
38	11/14/2009	08/20/2009:RCEX	Request for Continued Examination (RCE)	88	34
36	11/14/2009	XT/G	Request for Extension of Time - Granted		0
35	11/14/2009	BRCE	Workflow - Request for RCE - Begin		0
34	05/20/2009	MCTFR	Mail Final Rejection (PTOL - 326)		0
33	05/19/2009	CTFR	Final Rejection		0
32	03/10/2009	FWDX	Date Forwarded to Examiner		0
31	02/27/2009	01/05/2009:A...	Response after Non-Final Action	53	29
30	02/27/2009	XT/G	Request for Extension of Time - Granted		0
29	10/03/2008	08/26/2004:MCTNF	Mail Non-Final Rejection	14592	0.5
28	09/30/2008	CTNF	Non-Final Rejection		0
22	07/22/2008	DOCK	Case Docketed to Examiner in GAU		0
21	06/17/2008	T11050	Transfer Inquiry to GAU		0
20	10/17/2007	W525	Withdraw Flagged for 5/25		0
19	10/15/2007	F525	Flagged for 5/25		0
18	06/28/2007	DOCK	Case Docketed to Examiner in GAU		0
17	03/21/2006	DOCK	Case Docketed to Examiner in GAU		0
16	03/04/2005	TSSCOMP	IFW TSS Processing by Tech Center Complete		0
15	03/04/2005	DOCK	Case Docketed to Examiner in GAU		0
14	08/02/2004	RCAP	Reference capture on IDS		0
24	07/19/2004	IDSC	Information Disclosure Statement considered		0
13.7	07/19/2004	M844	Information Disclosure Statement (IDS) Filed		0
13	07/19/2004	WIDS	Information Disclosure Statement (IDS) Filed		0
12	06/29/2004	C.ADB	Correspondence Address Change		0
23	09/29/2003	IDSC	Information Disclosure Statement considered		0
11	09/29/2003	RCAP	Reference capture on IDS		0
10.7	09/29/2003	M844	Information Disclosure Statement (IDS) Filed		0
10	09/29/2003	WIDS	Information Disclosure Statement (IDS) Filed		0
9	09/22/2003	WROIPE	Application Return from OIPE		0
8	09/22/2003	COMP	Application Is Now Complete		0
7	09/22/2003	ROIPE	Application Return TO OIPE		0
5	09/18/2003	COMP	Application Is Now Complete		0
6	09/17/2003	OIPE	Application Dispatched from OIPE		0
4	09/05/2003	CLSS	CASE CLASSIFIED BY OIPE		0
3	09/05/2003	L194	Cleared by OIPE CSR		0
2	08/15/2003	SCAN	IFW Scan & PACR Auto Security Review		0
1	06/26/2003	IEXX	Initial Exam Team nn		0
0.5	06/26/2003	EFILE	Filing date		0

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Application	Document	Mailroom Date	Attorney Docket No.
10606729	PET.DEC.COCl	07/28/2021	42327-501001US
	OA.APPENDIX	07/28/2021	42327-501001US

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PATENT NO. : 10,986,403 B2
APPLICATION NO. : 10/606729
DATED : April 20, 2021
INVENTOR(S) : Donian et al.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title Page:

The first or sole Notice should read --

Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b)
by 1881 days.

Signed and Sealed this
Twenty-third Day of November, 2021



Drew Hirshfeld
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