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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/108,479	04/18/2005	Jonathan Marshall Cain	MS#311049.01 (5159)	7585

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EXAMINER
HANNE, SARA M

ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
03/24/2008	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):

uspatents@senniger.com

Office Action Summary	Application No.	Applicant(s)	
	11/108,479	CAIN, JONATHAN MARSHALL	
	Examiner	Art Unit	
	SARA M. HANNE	2179	

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

Period for Reply

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

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

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

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

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

Application Papers

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

10)☒ The drawing(s) filed on 4/18/05 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

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

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

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

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

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 4/18/05, 2/23/06, 10/06/06, 4/12/07, 10/11/07.

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

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the frame" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Par. 94 of the specification defines computer readable media to include “Communication media typically embody computer readable instructions, data structures, program modules, or other data in a modulated data signal such as a carrier wave or other transport mechanism and include any information delivery media.” With this definition of computer readable media, Claim 11 cannot be limited to statutory subject matter and does not fall into one of the four statutory classes of invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 6-13 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Adatia et al., US Patent Application Publication 20030103079, hereinafter Adatia.

As in Independent Claim 1, Adatia teaches a method of processing media content comprising: rendering a media file by a media player program executed on a computer (playing a song), said computer having a display for presenting a user interface (UI) associated with the media player program (Fig. 1), said UI occupying less than all of the display (expanded in Fig. 3, smaller, less than all Fig. 1); defining a window in which the UI is presented on the display (Fig. 1 and corresponding text), said UI including a control element for controlling the processing of the media file (ie. audio enhancement controls Fig. 1); setting a visible region of the window, said visible region excluding the control element from being viewable on the display (ie. audio enhancement control label; Fig. 1); and selectively removing the visible region of the window in response to user input via an input device whereby the window and the control element are viewable on the display (Fig. 3 and corresponding text).

As in Independent Claim 12, Adatia teaches a system for processing media content comprising a computer executing a media player program for rendering a media

file (playing a song), said computer having a display for presenting user interface (UI) associated with the media player program (Fig. 1), said display having a window in which the media player program UI is presented, said UI occupying less than all of the display (expanded in Fig. 3, smaller, less than all Fig. 1); and having a control element for controlling the processing of the media content (ie. audio enhancement controls Fig. 1), said window further having a visible region applied thereon, said visible region excluding the control element from being viewable on the display (ie. audio enhancement control label; Fig. 1) unless selectively removed in response to user input via an input device whereby the window and control element are viewable on the display (Fig. 3 and corresponding text).

As in Claims 2 and 13, Adatia teaches the input device comprises a pointing device for controlling a cursor and further comprising detecting the cursor being positioned adjacent an outer edge of the visible region of the window and selectively removing the visible region of the window in response thereto (replacing bottom portion of the window with expanded version with controls Fig. 3).

As in Claim 6, Adatia teaches the control element comprises a media file playback control (Fig. 20/21 and corresponding text).

As in Claim 7, Adatia teaches selectively removing the visible region of the window (edge of display) causes the playback control to be viewable on the display and permits control of a play back position of the media file (Fig. 20/21 and corresponding text).

As in Claim 8, Adatia teaches re-setting the visible region of the window for excluding the portion of the frame from being viewable on the display after the playback control is no longer in use (Par. 68).

As in Claim 9, Adatia teaches setting the visible region of the window comprises defining a skin for the media player program, said skin occupying substantially less than all of the display (Fig. 1 vs. Fig. 3).

As in Claims 10 and 19, Adatia teaches the media file includes a visual rendering element (title) and wherein rendering a media file includes playing the visual rendering element of the media file in a miniature screen presentation mode (Par. 72 display modes).

As in Claim 11, Adatia teaches one or more computer-readable media have computer-executable instructions for performing the method of claim 1 (Par. 28 et seq.).

Claim Rejections - 35 USC § 103

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

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

8. Claims 3, 5, 14, 16 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Adatia, and further in view of Gross et al., US Patent Application Publication 20040133564, hereinafter Gross.

As in Claims 3, 5, 14 and 16, Adatia teaches re-setting the visible region of the window thereby excluding the control element from being viewable on the display

(closing the expanded control of Fig. 3). While Adatia teaches re-setting the visible region to exclude the control element, they fail to show the excluding the control element from being viewable on the display after the cursor is no longer positioned within the visible region or after a predetermined interval of time as recited in the claims. In the same field of the invention, Gross teaches an interface controller similar to that of Adatia. In addition, Gross further teaches excluding the control element from being viewable on the display after the cursor is no longer positioned within the visible region (Par. 71) or after a predetermined interval of time (system needs predetermined amount of time to sense mouse location). It would have been obvious to one of ordinary skill in the art, having the teachings of Adatia and Gross before him at the time the invention was made, to modify the re-setting the visible region to exclude the control element taught by Adatia to include excluding the control element from being viewable on the display after the cursor is no longer positioned within the visible region or after a predetermined interval of time of Gross, in order to obtain re-setting the visible region to exclude the control element from being viewable on the display after the cursor is no longer positioned within the visible region or after a predetermined interval of time. One would have been motivated to make such a combination because an automatic user preference sensing system would have been obtained, as taught by Gross.

As in Independent Claim 20, Adatia teaches in a computer system having a graphical user interface for rendering a media file on a display, said user interface including a skin occupying substantially less than all of the display, a method of processing media content comprising: defining a window in which the skin is presented

on the display (Fig. 1), said skin including a control element for controlling the processing of the media file (ie. audio enhancement controls Fig. 1); setting a visible region of the window, said visible region excluding the control element from being viewable on the display (ie. audio enhancement control label Fig. 1); detecting a cursor relative to the visible region window (cursor is above label), said cursor location being controlled by user input (mouse); removing the visible region of the window when the cursor is positioned adjacent to an outer edge of the visible region of the window, whereby the window and the control element are viewable on the display (replace label with audio enhancement control box Fig. 3); and re-setting the visible region of the window thereby excluding the control element from being viewable on the display (Closing slide out panel Par. 34). While Adatia teaches re-setting the visible region to exclude the control element, they fail to show the excluding the control element from being viewable on the display after the cursor is no longer positioned within the visible region as recited in the claims. In the same field of the invention, Gross teaches an interface controller similar to that of Adatia. In addition, Gross further teaches excluding the control element from being viewable on the display after the cursor is no longer positioned within the visible region (Par. 71). It would have been obvious to one of ordinary skill in the art, having the teachings of Adatia and Gross before him at the time the invention was made, to modify the re-setting the visible region to exclude the control element taught by Adatia to include excluding the control element from being viewable on the display after the cursor is no longer positioned within the visible region of Gross, in order to obtain re-setting the visible region to exclude the control element from being

viewable on the display after the cursor is no longer positioned within the visible region. One would have been motivated to make such a combination because an automatic user preference sensing system would have been obtained, as taught by Gross.

9. Claims 4, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adatia, and further in view of Ludolph et al., US Patent 6133898, hereinafter Ludolph.

As in Claims 4 and 15, While Adatia teaches a method and system comprising: rendering a media file by a media player program executed on a computer, said computer having a display for presenting a user interface (UI) associated with the media player program, said UI occupying less than all of the display; defining a window in which the UI is presented on the display, said UI including a control element for controlling the processing of the media file; setting a visible region of the window, said visible region excluding the control element from being viewable on the display; and selectively removing the visible region of the window in response to user input via an input device whereby the window and the control element are viewable on the display (See Independent Claim rejections *supra*), they fail to show the input device as a keyboard, wherein depressed keys selectively remove the visible region of the window as recited in the claims. In the same field of the invention, Ludolph teaches a slide-out interface similar to that of Adatia. In addition, Ludolph further teaches input device as a keyboard, wherein depressed keys selectively remove the visible region of the window (Col. 20, line 15 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Adatia and Ludolph before him at the time the invention was

made, to modify the media player interface setting a visible region of the window, said visible region excluding the control element from being viewable on the display; and selectively removing the visible region of the window in response to user input via an input device whereby the window and the control element are viewable on the display taught by Adatia to include the input device as a keyboard, wherein depressed keys selectively remove the visible region of the window of Ludolph, in order to obtain the media player interface setting a visible region of the window, said visible region excluding the control element from being viewable on the display; and selectively removing the visible region of the window in response to user input via an input device whereby the window and the control element are viewable on the display with a keyboard input device, wherein depressed keys selectively remove the visible region of the window. One would have been motivated to make such a combination because an alternate input method would have been obtained, as taught by Ludolph.

As in Claim 17, Adatia teaches the control element excluded by the visible region from being viewable on the display is a media file playback control, said media file playback control permitting control of a playback position of the media file by the user via the playback control when viewable on the display (See rejection of Claims 6 and 7 *supra*).

As in Claim 18, Adatia teaches the visible region of the window is re-set thereby excluding the playback control from being viewable on the display after the playback control is no longer in use (Par. 68).

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar media player interfaces and slideout, rollover controls.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARA M. HANNE whose telephone number is (571)272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/Sara M Hanne/
Primary Examiner, Art Unit 2179

Notice of References Cited	Application/Control No. 11/108,479	Applicant(s)/Patent Under Reexamination CAIN, JONATHAN MARSHALL	
	Examiner SARA M. HANNE	Art Unit 2179	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2003/0103079	06-2003	Adatia et al.	345/762
*	B	US-2004/0133564	07-2004	Gross et al.	707/003
*	C	US-6,133,898	10-2000	Ludolph et al.	715/790
*	D	US-2006/0288111	12-2006	Katinsky et al.	709/228
*	E	US-2005/0044489	02-2005	Yamagami et al.	715/517
*	F	US-2005/0005241	01-2005	Hunleth et al.	715/720
*	G	US-2002/0104096	08-2002	Cramer et al.	725/113
*	H	US-2004/0143564	07-2004	Gross et al.	707/001
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

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

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
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