

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

MYPORT, INC.,
Patent Owner.

IPR2023-00023 (Patent 9,832,017 B2)
IPR2023-00024 (Patent 10,237,067 B2)
IPR2023-00025 (Patent 10,721,066 B2)¹

Before JEAN R. HOMERE, TERRENCE W. McMILLIN, and
SEAN P. O'HANLON, *Administrative Patent Judges*.

O'HANLON, *Administrative Patent Judge*.

TERMINATION
Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.74

¹ This Order applies to each of the listed proceedings. The parties are not authorized to use this caption for any subsequent papers absent prior authorization from the Board.

IPR2023-00023 (Patent 9,832,017 B2)
IPR2023-00024 (Patent 10,237,067 B2)
IPR2023-00025 (Patent 10,721,066 B2)

I. INTRODUCTION

On February 15, 2024, with Board authorization (*see* Paper 39), Petitioner and Patent Owner filed a joint motion to terminate the above-captioned proceedings.² Paper 40 (“Mot.”). Along with the motion, the parties filed a copy of a Confidential Settlement Agreement (Ex. 1037), as well as a joint request to treat the Confidential Settlement Agreement as business confidential information (Paper 41). *See* 37 C.F.R. § 42.74(c) (“A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application.”).

II. DISCUSSION

Under 35 U.S.C. § 317(a), “[a]n *inter partes* review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” It is also provided in 35 U.S.C. § 317(a) that if no petitioner remains, the Office may terminate the *inter partes* review.

In each of these proceedings, the Board issued a decision to institute *inter partes* review. Paper 21. However, the Board has not yet decided the merits of the proceedings or entered final written decisions. In the joint motion, the parties state that they have settled their dispute and have reached an agreement to request termination of these *inter partes* reviews. Paper 40,

² Citations herein refer to documents filed in IPR2023-00023. Similar documents were filed in the other proceedings.

IPR2023-00023 (Patent 9,832,017 B2)
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1–2. Accordingly, in the circumstances present here, we determine that it is appropriate to terminate the proceedings. 37 C.F.R. § 42.71(a). This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

The parties also ask that the Confidential Settlement Agreement be treated as business confidential information and be kept separate from the file of the challenged patent. Paper 41. We determine that it is appropriate to treat the Confidential Settlement Agreement as business confidential information, and to keep that document separate from the files of the challenged patent, pursuant to 37 C.F.R. § 42.74(c).

III. ORDER

Accordingly, it is:

ORDERED that Joint Motion to Terminate (Paper 40) is *granted*;

FURTHER ORDERED that the Joint Request to treat the Confidential Settlement Agreement as business confidential information (Paper 41) is *granted*;

FURTHER ORDERED that the Confidential Settlement Agreement (Ex. 1037) shall remain designated as “Parties and Board Only” in the Board’s electronic filing system, be kept separate from the files of the involved patent, and be made available only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that IPR2023-00023, IPR2023-00024, and IPR2023-00025 are *terminated*.

IPR2023-00023 (Patent 9,832,017 B2)
IPR2023-00024 (Patent 10,237,067 B2)
IPR2023-00025 (Patent 10,721,066 B2)

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Disclaimer

10,721,066 B2 - Michael F. Malone, McKinney, TX (US). APPARATUS FOR PERSONAL VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSATION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAG(S)/CONTEXTUAL/TAG(S), STORAGE AND SEARCH RETRIEVAL. Patent dated July 21, 2020. Disclaimer filed January 24, 2023, by the assignee, MyPort, Inc.

I hereby disclaim the following complete claims 1-5 of said patent.

(Official Gazette, May 16, 2023)

Disclaimer

10,721,066 B2 - Michael F. Malone, McKinney, TX (US). METHOD FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAG(S)/CONTEXTUAL TAG(S), STORAGE AND SEARCH RETRIEVAL. Patent dated July 21, 2020. Disclaimer filed January 24, 2023, by the assignee, MyPort, Inc.

I hereby disclaim the following complete claims 1-5, of said patent.

(Official Gazette, May 2, 2023)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

MYPORT, INC.,
Patent Owner.

IPR2023-00025
Patent 10,721,066 B2

Before JEAN R. HOMERE, TERRENCE W. McMILLIN, and
SEAN P. O'HANLON, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

A. Background

Samsung Electronics Co., Ltd. (“Petitioner”) filed a Petition for *inter partes* review of claims 1–17 of U.S. Patent No. 10,721,066 B2 (Ex. 1001, “the ’066 patent”). Paper 1 (“Pet.”), 1. MyPort, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 12 (“PO Prelim. Resp.”). With our authorization (*see* Ex. 3002), Petitioner filed a Preliminary Reply (Paper 18, “Pet. Prelim. Reply”) and Patent Owner filed a Preliminary Sur-reply (Paper 19, “PO Prelim. Sur-reply”).

Institution of an *inter partes* review is authorized by statute only when “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a) (2018). We have authority, acting on the designation of the Director, to determine whether to institute an *inter partes* review under 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a).

Based on the current record, and for the reasons explained below, we determine that Petitioner has established a reasonable likelihood that it would prevail with respect to at least one challenged claim. Accordingly, we institute *inter partes* review.

B. Real Parties in Interest

Petitioner identifies itself and Samsung Electronics America, Inc. as real parties in interest. Pet. 66.

Patent Owner identifies itself as the sole real party in interest. Paper 4, 2.

C. Related Matters

The parties indicate that the '066 patent is the subject of the following district court proceeding:

MyPort, Inc. v. Samsung Electronics Co., Ltd., Case No. 2:22-cv-114 (E.D. Tex. filed April 15, 2022) (“the Texas litigation”).

Pet. 66; Paper 4, 2. The parties note other petitions for *inter partes* review filed by Petitioner and challenging patents owned by Patent Owner. Pet. 66; Paper 4, 2. More particularly, Petitioner filed a petition for *inter partes* review (IPR2023-00024) of claims 1–17 of U.S. Patent No. 10,237,067 and a petition for *inter partes* review (IPR2023-00025) of claims 1–17 of U.S. Patent No. 10,721,066. Pet. 66; Paper 4, 2.

D. The Challenged '066 Patent

The '066 patent relates to a method and system for storing and retrieving image and audio information as digital media files. Ex. 1001, code (57), 2:35–38. Digital media devices, such as mobile phones with audio and video recording capability, have greatly reduced the cost of creating new image, movie, and audio recordings, making the number of these recordings available in any given individual’s library skyrocket. *Id.* at 2:43–52. The ability to store virtually unlimited numbers of media files, however, has increased the difficulty of manually describing and indexing the files thereby making finding any particular audio or image recording a difficult and time-consuming process.” *Id.* at 2:53–60.

The '066 patent purports to provide an improved system having a capture device including a data converter for capturing various types of information, such as “[s]till pictures, moving pictures, audio, [and]

the capture device. *Id.* at 4:6–9.



Capture device 100 may also include secondary data converter 108 for gathering additional information that relates to defining the context of the data element. *Id.* at 4:47–50. “For example, after a camera/video recorder takes a picture/video, a microphone (the secondary data converter) might capture the audio describing the image or the audio from the video just

captured.” *Id.* at 4:50–54. This additional information is stored as a “context description element” with the data element and metadata. *Id.* at 4:54–55.

Capture device 100 may utilize communications network 126 to send stored data element 104 and metadata 106 to storage facility 128 that may add “context tags,” which are searchable elements derived from the different types of data. Ex. 1001, 5:16–26, 5:62–6:2. Context tags may be created using “a speech-to-text algorithm” for audio files or “image recognition and identification” for still or moving images. *Id.* at 6:5–7. The result is a set of data for storage that “now includes a set of searchable tags specific to that image, video, audio or other media.” *Id.* at 6:7–11.

Figure 2, reproduced below, illustrates a diagrammatic view of the overall operation of the capture device. Ex. 1001, 6:55–56.

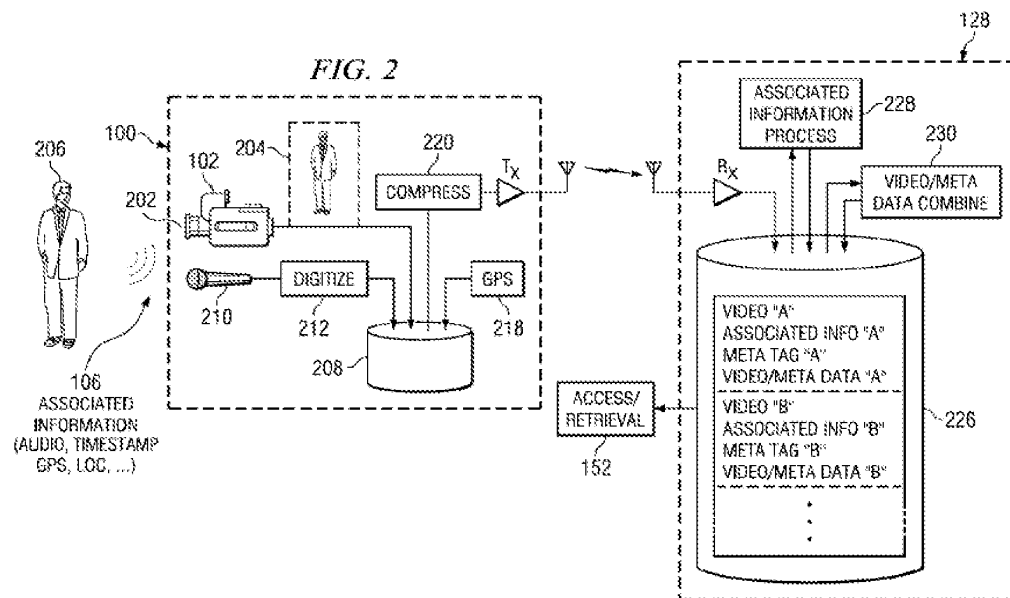


Figure 2 shows capture device system 100 including data converter 102 (e.g., a digital camera) and microphone 210 for producing digitized element

204 from captured image 206, digitized audio element from captured sound. *Id.* at 6:55–64, 7:1–4. The digitized audio/video information is stored in database 208 within the capture device 100, from which location the information may be compressed and then sent to storage facility 128 for storage in database 226. *Id.* at 7:48–49. “At this time there will be, for example, a video clip or a video image (such as a still image) stored in association with the various information that is associated therewith.” *Id.* at 7:49–52. Access and retrieval block 152 “can allow one to access the particular modified or ‘tagged’ image via a search,” so that “[a]ny information that can be provided over and above the video information that was provided in all of the associated information at the camera can then be searched.” *Id.* at 8:7–16. In an alternative embodiment, illustrated in Figure 3, databases 208 and 226 are combined into a single database within the capture device, and the capture device creates and adds context tags to the image or video. *Id.* at 8:18–25; Fig. 3.

E. Disclaimer of Claims 1–5

A “patent owner may file a statutory disclaimer under 35 U.S.C. [§] 253(a) in compliance with § 1.321(a) of this chapter, disclaiming one or more claims in the patent. No *inter partes* review will be instituted based on disclaimed claims.” 37 C.F.R. § 42.107(e). A disclaimer under 35 U.S.C. § 253(a) is “considered as part of the original patent” as of the date on which it is “recorded” in the U.S. Patent and Trademark Office (“Office”). 35 U.S.C. § 253(a). For a disclaimer to be “recorded” in the Office, the document filed by the patent owner must:

- (1) Be signed by the patentee, or an attorney or agent of record;

(2) Identify the patent and complete claim or claims, or term being disclaimed. A disclaimer which is not a disclaimer of a complete claim or claims, or term will be refused recordation;

(3) State the present extent of patentee's ownership interest in the patent; and

(4) Be accompanied by the fee set forth in [37 C.F.R.] § 1.20(d).

37 C.F.R. § 1.321(a); *see also Vectra Fitness, Inc. v. TNWK Corp.*, 162 F.3d 1379, 1382 (Fed. Cir. 1998) (holding that a § 253 disclaimer is “recorded” on the date that the Office receives a disclaimer meeting the requirements of 37 C.F.R. § 1.321(a), and that no further action is required in the Office for a disclaimer to be “recorded”).

Here, Patent Owner filed a statutory disclaimer of claims 1–5 of the ’066 patent. PO Prelim. Resp. 8–9; Ex. 2003. Based on our review of Exhibit 2003, we determine that a disclaimer of claims 1–5 of the ’066 patent under 35 U.S.C. § 253(a) has been filed with the Office as of January 24, 2023. Based on the information in the public record, we find that the disclaimer complies with the above-listed requirements of 37 C.F.R. § 1.321(a).

Because claims 1–5 have been disclaimed under 35 U.S.C. § 253(a), in compliance with 37 C.F.R. § 1.321(a), we do not reach challenges to claims 1–5. As a result, the remaining challenged claims are claims 6–17 (“the challenged claims”).

F. The Challenged Claims

Petitioner challenges claims 6–17 of the '066 patent. Pet. 1. Claims 6 and 13 are independent. Claim 6 is illustrative of the challenged claims and is reproduced below.

6. A method for capturing image and audio information for storage, comprising:
- executing a capture operation with a capture device by the steps of:
 - providing internal storage;
 - interfacing a microphone with an external audio information source that generates external audio information and converting with a first data converter the first external audio information from the microphone,
 - interfacing a camera with an external image source to capture an image therefrom;
 - the first data converter processing the captured external audio information and storing it in a first digital audio format as stored digital audio in internal storage within the capture device, the camera for processing the captured image and storing it as a stored digital image in internal storage;
 - capturing with a data capture device, as captured data, location information, and time information associated with at least the capture of the image and storing the captured data as stored captured data;
 - converting with a media data converter the received digital audio to a text based searchable file as a text context tag and creating an image recognition searchable context tag with image recognition of at least a portion of the digital image and associating the text and image recognition context tags with the digital image and the captured data, and
 - storing in the internal storage the digital image in association with the text and image recognition context tags in addition to the stored captured data.

Ex. 1001, 11:48–12:12.

G. Prior Art and Asserted Grounds of Unpatentability

The Petition relies on the following prior art references:

Name	Reference	Exhibit
Fuller	US 6,833,865 B1, issued December 21, 2004	1003
Rothschild	US 2006/0114338 A1, published June 1, 2006	1007
Anderson	US 6,499,016 B1, issued December 24, 2002	1008
Camahan	US 2005/0267894 A1, published December 1, 2005	1010
Davis	US 2002/0001395 A1, published January 3, 2002	1013

Petitioner asserts claims 6–17 are unpatentable based on the following grounds (Pet. 1):¹

Claim(s) Challenged	35 U.S.C. §	Reference(s)
6–17	103(a) ²	Rothschild, Anderson
6–9, 13–17	102(b)	Fuller
6–9, 13–17	103(a)	Fuller, Camahan
10–12	103(a)	Fuller, Davis
10–12	103(a)	Fuller, Camahan, Davis

Pet. 1. Petitioner submits a declaration of Benjamin B. Bederson, Ph.D. (Ex. 1002, “Bederson Declaration”) in support of its contentions.

¹ A challenge to claims that Patent Owner has disclaimed (claims 1–5) is not listed here.

² The application resulting in the ’066 patent claims priority to a date prior to the date when the Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112–29, 125 Stat. 284 (2011), took effect. Thus, we refer to the pre-AIA version of sections 102 and 103.

II. DISCRETIONARY DENIAL OF INSTITUTION

Under 35 U.S.C. § 314(a), the Director has discretion to deny institution. In determining whether to exercise that discretion on behalf of the Director, we are guided by the Board’s precedential decision in *NHK Spring Co., Ltd. v. Intri-Plex Technologies, Inc.*, IPR2018-00752, Paper 8 (PTAB Sept. 12, 2018) (designated precedential).

In *NHK*, the Board found that the “advanced state of the district court proceeding” was a “factor that weighs in favor of denying” the petition under § 314(a). *NHK*, Paper 8 at 20. The Board determined that “[i]nstitution of an *inter partes* review under these circumstances would not be consistent with ‘an objective of the AIA . . . to provide an effective and efficient alternative to district court litigation.’” *Id.* (citing *Gen. Plastic Indus. Co., Ltd. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 at 16–17 (designated precedential in relevant part)).

“[T]he Board’s cases addressing earlier trial dates as a basis for denial under *NHK* have sought to balance considerations such as system efficiency, fairness, and patent quality.” *Apple Inc. v. Fintiv Inc.*, IPR2020-00019, Paper 11 at 5 (PTAB Mar. 20, 2020) (designated precedential). *Fintiv* sets forth six non-exclusive factors for determining “whether efficiency, fairness, and the merits support the exercise of authority to deny institution in view of an earlier trial date in the parallel proceeding.” *Id.* at 6. These factors are reproduced below:

1. whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted;
2. proximity of the court’s trial date to the Board's projected statutory deadline for a final written decision;

3. investment in the parallel proceeding by the court and the parties;
4. overlap between issues raised in the petition and in the parallel proceeding;
5. whether the petitioner and the defendant in the parallel proceeding are the same party; and
6. other circumstances that impact the Board's exercise of discretion, including the merits.

We discuss the parties' arguments in the context of considering the above factors. In evaluating the factors, we take a holistic view of whether efficiency and integrity of the system are best served by denying or instituting review. *Fintiv*, Paper 11 at 6. We are also guided by the Director's Memorandum, *Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation*, issued June 21, 2022 ("Guidance Memo"),³ which provides several clarifications concerning the application of the *Fintiv* factors.

A. Whether the Court Granted a Stay or Evidence Exists that One May Be Granted if a Proceeding Is Instituted

The existence of a district court stay pending Board resolution of an *inter partes* review has weighed strongly against discretionary denial, while a denial of such a stay request sometimes weighs in favor of discretionary denial. *Fintiv*, Paper 11 at 6–8.

Patent Owner argues that this factor strongly favors denial of institution because Petitioner has presented no evidence regarding a stay.

³ Available at https://www.uspto.gov/sites/default/files/documents/interim_proc_discretionary_denials_aia_parallel_district_court_litigation_memo_20220621_.pdf.

PO Prelim. Resp. 52. According to Patent Owner, “a stay in [the Texas litigation] is extremely unlikely, as the [P]etitioner tacitly acknowledged when it chose not to file a reply brief in support of its stay motion.” *Id.*

Petitioner replies that its “motion to stay remains pending.” Pet. Prelim. Reply 4.

Patent Owner replies that Petitioner has failed to produce evidence that its motion to stay the Texas litigation will be granted if we institute review in this proceeding. PO Prelim. Sur-reply 1.

The record indicates that Petitioner has filed a motion to stay the Texas litigation (*see* Ex. 2011) and Patent Owner has filed an opposition to Petitioner’s motion (*see* Ex. 2012). The likelihood of the district court granting Petitioner’s motion is speculative. Accordingly, the facts underlying this factor are neutral.

B. Proximity of the Court’s Trial Date to the Board’s Projected Statutory Deadline for a Final Written Decision

When a district court’s trial date will occur before the projected statutory deadline for the final written decision, the Board generally weighs this factor in favor of exercising discretion to deny institution. *Fintiv*, Paper 11 at 9. “If the court’s trial date is at or around the same time as the projected statutory deadline or even significantly after the projected statutory deadline, the decision whether to institute will likely implicate other factors discussed herein, such as the resources that have been invested in the parallel proceeding.” *Id.* When considering the facts underlying this factor, we “will consider the median time from filing to disposition of the civil trial for the district in which the parallel litigation resides.” Guidance Memo 3. “[W]hen other relevant factors weigh against exercising discretion to deny

institution or are neutral, the proximity to trial should not alone outweigh all of those other factors.” *Id.* at 8. “Parties may present evidence regarding the most recent statistics on median time-to-trial for civil actions in the district court in which the parallel litigation resides for [our] consideration.” *Id.* at 8–9 (footnote omitted).

Petitioner acknowledges that “trial [in the Texas litigation] is . . . about six weeks before an anticipated final written decision,” but argues that “trial dates are unpredictable, and the median time to trial in the Eastern District of Texas is 24.5 months, placing trial more than a month after a [final written decision], thus favoring institution.” Pet. 65 (citing Ex. 1023; Guidance Memo 3, 8–9).

Patent Owner argues that this factor favors denial because “the [Texas litigation] is scheduled to begin two months and three weeks *before* the final written decision would be due in this case.” PO Prelim. Resp. 52 (citing *id.* at 11; Ex. 2013, 1). Patent Owner argues that Petitioner’s calculation of the projected trial date is incorrect and asserts that the median time of 24.5 months puts the trial date “just two business days after the [final written decision] deadline.” *Id.* at 53. Continuing, Patent Owner argues that “the median time to trial has been skewed recently because of the coronavirus pandemic,” and the prior to the pandemic “the median time to trial in the U.S. District Court for the Eastern District of Texas was only 17.5 months.” *Id.* at 53–54 (citing Ex. 1023, 35).

Petitioner replies that “the Director’s [Guidance] Memo accounted for [delays due to the coronavirus pandemic] when stating that the Office would rely on median times to trial.” Pet. Prelim. Reply 5.

Patent Owner replies that “nothing in the [Guidance] Memo condones reliance on skewed statistics.” PO Prelim. Sur-reply 1.

The latest statutory due date for a final written decision in this proceeding is April 26, 2024. The Texas litigation is scheduled to begin on February 5, 2024. Ex. 2013, 1. However, Petitioner presents evidence that, as of June 30, 2022, the median time-to-trial for civil actions in the Eastern District of Texas is 24.5 months (Ex. 1023, 35), which, as Patent Owner concedes, would place the trial date two days after the latest statutory due date for a final written decision in this proceeding (Prelim. Resp. 53). The most recent statistics show that, as of December 31, 2022, the median time-to-trial date for civil actions in the Eastern District of Texas is 19.0 months (Ex. 3003, 35), which would place the trial date prior to the February 5, 2024, scheduled date.

Although the trial in the civil case would begin over two months prior to the statutory due date for a final written decision in this proceeding of April 26, 2024, it is speculative as to how long the trial would last. Further, even if the facts underlying this factor weighed in favor of exercising our discretion to deny institution, it would not be by itself determinative of whether we should exercise such discretion. In this vein, the Guidance Memo instructs us that, “when analyzing the proximity of the court’s trial date under factor two of *Fintiv*, when other relevant factors weigh against exercising discretion to deny institution or are neutral, the proximity to trial should not alone outweigh all of those other factors.” Guidance Memo 8. Accordingly, the facts underlying this factor are neutral.

C. Investment in the Parallel Proceeding by the Court and the Parties

If, at the time of the institution decision, the district court has issued substantive orders related to the challenged patent, such as a claim construction order, this fact weighs in favor of denial. *See Fintiv*, Paper 11 at 9–10. On the other hand, if the district court has not issued such orders, this fact weighs against discretionary denial. *Id.* at 10. Additionally, we also consider Petitioner’s diligence in filing the Petition in weighing this factor. *Fintiv*, Paper 11 at 11 (“If the evidence shows that the petitioner filed the petition expeditiously, such as promptly after becoming aware of the claims being asserted, this fact has weighed against exercising the authority to deny institution under *NHK*.”).

Petitioner argues that “the parties and court have not significantly invested in the case because discovery is, at best, in its infancy, invalidity contentions are not due for a month, and this Petition is being filed within a month of receiving infringement contentions, thus favoring institution.” Pet. 65 (citing Ex. 1024, 6).⁴

Patent Owner argues that, “[b]y the time the decision on institution is due in this case, the parties and the court will have invested significant time and energy in the case including, for example, exchange of infringement and invalidity contentions, engaging in fact discovery, and beginning the claim construction process.” Prelim. Resp. 54.

Petitioner replies that Patent Owner “has not identified any efforts it has made to litigate the validity issue, which is the relevant question under

⁴ We note that page six of Exhibit 1024 is the signature page of Patent Owner’s disclosures in the Texas litigation and, thus, does not appear to support Petitioner’s assertions.

Fintiv factor 3.” Pet. Prelim. Reply 5 (citing *Sand Revolution II, LLC v. Cont’l Intermodal Grp.–Trucking LLC*, IPR2019-01393, Paper 24 at 11–12 (PTAB June 16, 2020) (designated informative)).

Patent Owner replies that, “[b]y the time the decision on institution is made, the parties will have served invalidity contentions; engaged in fact discovery regarding, *inter alia*, validity; and begun the claim construction process, which affects validity and overlaps with the IPR.” PO Prelim. Sur-reply 1.

In the Texas litigation, the parties have exchanged infringement and invalidity contentions. Ex. 2013, 4; Ex. 2004. Claim construction does not appear to be an issue, as the parties have not sought construction of any term in this proceeding. *See generally* PO Prelim. Resp.; Pet. 2. Fact and expert discovery, expert reports, dispositive motions, and, if applicable, claim construction briefing will continue well after the Institution Decision deadline. Ex. 2013, 2–5. Thus, the parties have engaged in some work in the Texas litigation, but significant work still remains to be done.

Patent Owner filed its complaint in the Texas litigation on April 15, 2022. Ex. 1015, 35. Petitioner diligently filed its Petition on October 11, 2022 (Paper 3, 1), approximately one month after Patent Owner filed its infringement contentions (*see* Ex. 2013, 4) and six months prior to the statutory deadline for filing the Petition (*see* 35 U.S.C. § 315(b)).

Accordingly, the facts underlying this factor weigh against exercising our discretion to deny institution.

D. Overlap Between Issues Raised in the Petition and in the Parallel Proceeding

“[I]f the petition includes the same or substantially the same claims, grounds, arguments, and evidence as presented in the parallel proceeding, this fact has favored denial.” *Fintiv*, Paper 11 at 12. “Conversely, if the petition includes materially different grounds, arguments, and/or evidence than those presented in the district court, this fact has tended to weigh against exercising discretion to deny institution under *NHK*.” *Id.* at 12–13.

Concerns about the degree of overlap may be mitigated where a petitioner agrees not to pursue in the parallel district court litigation the grounds advanced in the petition. *Sand Revolution*, IPR2019-01393, Paper 24 at 11–12. The Board suggested that a broader stipulation such as one stipulating that the petitioner “would not pursue any ground raised or that could have been reasonably raised in an IPR, i.e., any ground that could be raised under §§ 102 or 103 on the basis of prior art patents or printed publications” would better address concerns relating to overlapping issues. *Id.* at 12 n.5; *see also* Guidance Memo 7 (explaining that such a broad stipulation obviates a full analysis of the *Fintiv* factors).

Petitioner concedes that the Petition includes the same or substantially the same claims, grounds, arguments, and evidence as it presents in the Texas litigation. Pet. Prelim. Reply 5 (asserting that Petitioner “will withdraw its contentions *based on the grounds it has presented in the Petition* in the [Texas] litigation” (emphasis added)).

Patent Owner replies that Petitioner’s “Reply inappropriately attempts to convert the non-contingent stipulation unambiguously stated in the Petition into a contingent one.” PO Prelim Sur-Reply 2. According to

Patent Owner, the stipulation is an insufficient *Sand-type* one (another factor reflecting petitioner's lack of confidence in its challenges). *Id.*

Petitioner's stipulation reduces the overlap relating to the challenges presented in the Petition and mitigates "to some degree the concerns of duplicative efforts between the district court and the Board, as well as concerns of potentially conflicting decisions." *See Sand Revolution*, IPR2019-01393, Paper 24 at 12.

Accordingly, the facts underlying this factor weigh marginally against exercising our discretion to deny institution.

E. Whether the Petitioner and the Defendant in the Parallel Proceeding Are the Same Party

"If a petitioner is unrelated to a defendant in an earlier court proceeding," this fact has weighed against exercising discretion to deny institution. *Fintiv*, Paper 11 at 13–14.

There is no dispute that the parties in this proceeding are identical to the parties in the Texas litigation. *See* Prelim. Resp. 58; Pet. 66. Thus, the facts underlying this factor are neutral.

F. Merits and Other Circumstances that Impact the Board's Exercise of Discretion

Petitioner argues that this factor favors institution because its "Petition presents a strong case of unpatentability." Pet. 66.

Patent Owner argues that "this factor definitely points toward denial" because "of the substantial flaws in the [P]etitioner's challenges." PO Prelim. Resp. 58. Patent Owner argues that "the relative size and stature of the parties also weighs in favor of denial," asserting that "[P]etitioner has nearly

one-quarter of a million employees worldwide and annual revenue over \$225 billion, whereas [Patent Owner] is a single-employee company.” *Id.* at 59. Patent Owner asserts that Petitioner has a “strategy of filing multiple IPR petitions timed such that major deadlines in the IPRs would coincide or interfere with major deadlines in the [Texas] litigation.” *Id.* Additionally, Patent Owner asserts that because the ’066 patent will expire in September 2023, “there is limited public interest in the validity of the ’066 Patent.” *Id.* at 60. Accordingly, Patent Owner argues that “the limited term remaining on the ’066 Patent favors denial”. *Id.*

Petitioner replies that Patent Owner’s description of its challenge to claims 6–17 based on the combination of Rothschild and Anderson (“Challenge 2”) as being flawed is incorrect, making several assertions as to why Patent Owner’s arguments regarding the merits of Challenge 2 are unpersuasive. Pet. Prelim. Reply 1–2. Petitioner makes similar arguments regarding its challenges (3–6) to claims 6–17 that use Fuller as the primary asserted reference, again making arguments responsive to Petitioner’s criticisms of the merits of Patent Owner’s challenges. *Id.* at 3–4. Additionally, Petitioner replies that the Texas litigation is funded by an investor. *Id.* at 5 (citing Ex. 1028).

Patent Owner replies that Petitioner’s “Reply uses almost four of its five pages to respond to [Patent Owner’s Preliminary Response] arguments against the merits of the challenges,” which “exceeds the scope of the additional briefing requested by the [P]etitioner and granted by the Board.” PO Prelim. Sur-reply 2–3.

As a preliminary matter, we agree with Patent Owner that Petitioner’s arguments regarding the merits of its challenges are outside the authorized

scope of the Preliminary Reply. In our communication authorizing the additional briefing, we instructed the parties that “[t]he [Preliminary] Reply is limited . . . to addressing the *Fintiv* issues identified by Petitioner below.” Ex. 3002, 1. Petitioner identified those issues as “Patent Owner’s positions on *Fintiv* factors 1-4 and 6, and Patent Owner’s ‘additional considerations’ related to *Fintiv*.” *Id.* Petitioner’s arguments regarding the merits of its challenges exceed the allowed scope for the Preliminary Reply, and we therefore do not consider such unauthorized arguments.

Petitioner presents five grounds challenging the ’066 patent, with three of its challenges addressing the independent claims. Pet. 1. For reasons provided below, we find that Petitioner establishes a reasonable likelihood of prevailing on two of these challenges. As discussed in more detail below, we find the evidence and arguments presented by Petitioner for these challenges persuasive on this preliminary record and sufficient to meet our standard for instituting *inter partes* review. For the reasons provided below, however, we are not persuaded that Petitioner establishes a reasonable likelihood of prevailing on its other challenges to the independent claims.

Patent Owner’s assertions regarding Petitioner’s “strategy” of filing petitions for *inter partes* review (*see* Prelim. Resp. 59) is speculative and, therefore, unavailing.

Accordingly, the facts underlying the merits of Petitioner’s challenges to the ’066 patent claims are neutral.

G. Holistic Assessment of the Fintiv Factors

On this record, after weighing all of the factors and taking a holistic view, we determine that the facts in this case that weigh against exercising discretion outweigh the facts that favor exercising discretion. Accordingly, we determine that the circumstances presented weigh against exercising our discretion under 35 U.S.C. § 314(a) to deny institution of *inter partes* review based on the Texas litigation.

Additionally, given that the majority of the *Fintiv* factors discussed above do not favor exercising our discretion to deny institution, we need not consider whether the Petition presents a compelling, meritorious challenge. *Commscope Techs., LLC v. Dali Wireless, Inc.*, IPR2022-01242, Paper 23 at 4–5 (PTAB Feb. 27, 2023) (designated precedential).

III. PATENTABILITY ANALYSIS

A. Principles of Law

1. Inter Partes Review

“In an [*inter partes* review], the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable.” *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) (citing 35 U.S.C. § 312(a)(3) (requiring *inter partes* review petitions to identify “with particularity . . . the evidence that supports the grounds for the challenge to each claim”)). Petitioner bears the burden of persuasion to prove unpatentability of each challenged claim by a preponderance of the evidence. 35 U.S.C. § 316(e). This burden never shifts to Patent Owner. *Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015). The Board may authorize an *inter*

partes review if we determine that the information presented in the Petition and Patent Owner's Preliminary Response shows that there is a reasonable likelihood that Petitioner will prevail with respect to at least one of the claims challenged in the petition. 35 U.S.C. § 314(a).

2. Anticipation

“Under 35 U.S.C. § 102 a claim is anticipated ‘if each and every limitation is found either expressly or inherently in a single prior art reference.’” *King Pharm., Inc. v. Eon Labs, Inc.*, 616 F.3d 1267, 1274 (Fed. Cir. 2010) (quoting *Celeritas Techs. Ltd. v. Rockwell Int’l Corp.*, 150 F.3d 1354, 1360 (Fed. Cir. 1998)). “Anticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim.” *Therasense, Inc. v. Becton, Dickinson & Co.*, 593 F.3d 1325, 1332 (Fed. Cir. 2010) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983)).

A reference inherently discloses an element of a claim “if that missing characteristic is necessarily present, or inherent, in the single anticipating reference.” *Schering Corp. v. Geneva Pharm.*, 339 F.3d 1373, 1377 (Fed. Cir. 2003) (citing *Cont’l Can Co. USA, Inc. v. Monsanto Co.*, 948 F.2d 1264, 1268 (Fed. Cir. 1991)). “Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing *may* result from a given set of circumstances is not sufficient.” *Therasense*, 593 F.3d at 1332 (quoting *Cont’l Can*, 948 F.2d at 1269).

3. Obviousness

A patent claim is unpatentable under 35 U.S.C. § 103(a) if the differences between the claimed subject matter 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 the subject matter pertains. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, (3) the level of skill in the art, and (4) when in evidence, any objective evidence of nonobviousness.⁵ *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

B. Level of Ordinary Skill in the Art

The level of ordinary skill in the art is “a prism or lens” through which we view the prior art and the claimed invention. *Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001). The person of ordinary skill in the art is a hypothetical person presumed to have known the relevant art at the time of the invention. *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995). In determining the level of ordinary skill in the art, we may consider certain factors, including: “(1) the educational level of the inventor; (2) type of problems encountered in the art; (3) prior art solutions to those problems; (4) rapidity with which innovations are made; (5) sophistication of the technology; and (6) educational level of active workers in the field.” *Best Med. Int'l, Inc. v. Elekta Inc.*, 46 F.4th 1346, 1353 (Fed. Cir. 2022) (citations omitted). “The patent’s purpose can also be informative.” *Id.*

⁵ At this stage of the proceeding, the parties have not directed us to any such objective evidence.

Petitioner contends that a person having ordinary skill in the art at the time of the invention “would have had a Bachelor’s degree in electrical engineering, computer engineering, computer science, or a related field and two years of practical experience in technologies involved with categorizing media including images and applying metadata to such images.” Pet. 7 (citing Ex. 1002 ¶ 62). Petitioner asserts that such an artisan would have had “familiarity with software for automatically generating metadata from audio and images (*e.g.*, speech-to-text and image recognition),” performed “work done in ensuring associations were maintained between metadata and images,” and “standardized techniques for associating metadata with images and various known data ‘container’ formats.” *Id.* (citing Ex. 1002 ¶ 62).

Patent Owner does not contest Petitioner’s proffered definition of the level of ordinary skill in the art or offer a definition of its own. *See generally* Prelim. Resp.

We find Petitioner’s description to be consistent with the problems and solutions disclosed in the ’066 patent and prior art of record, and adopt it as our own for purposes of this Decision. *See, e.g., In re GPAC Inc.*, 57 F.3dat 1579 (approving the determination of the level of ordinary skill in the art by appeal to the references of record).

C. Claim Construction

In an *inter partes* review, claims are construed using the same claim construction standard that would be used to construe the claims in a civil action under 35 U.S.C. § 282(b), including construing the claims in accordance with the ordinary and customary meaning of such claims as understood by one of ordinary skill in the art and the prosecution history

pertaining to the patent. 37 C.F.R. § 42.100(b). “[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention” and “after reading the entire patent.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313, 1321 (Fed. Cir. 2005) (en banc). In addition to the specification and prosecution history, we also consider use of the terms in other claims and extrinsic evidence including expert and inventor testimony, dictionaries, and learned treatises, although extrinsic evidence is less significant than the intrinsic record. *Id.* at 1312–17. Usually, the specification is dispositive, and it is the single best guide to the meaning of a disputed term. *Id.* at 1315.

“The Board is required to construe ‘only those terms . . . that are in controversy, and only to the extent necessary to resolve the controversy.’” *Realtime Data, LLC v. Iancu*, 912 F.3d 1368, 1375 (Fed. Cir. 2019) (alteration in original) (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)).

Petitioner contends that “[n]o formal claim constructions are needed.” Pet. 2.

Patent Owner does not propose a definition for any claim term. *See generally* Prelim. Resp.

At this stage in the proceeding, and without further argument from the parties, we determine that we do not need to expressly construe any term for purposes of this Decision. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)) (only terms that are in controversy need to be construed, and then only to the

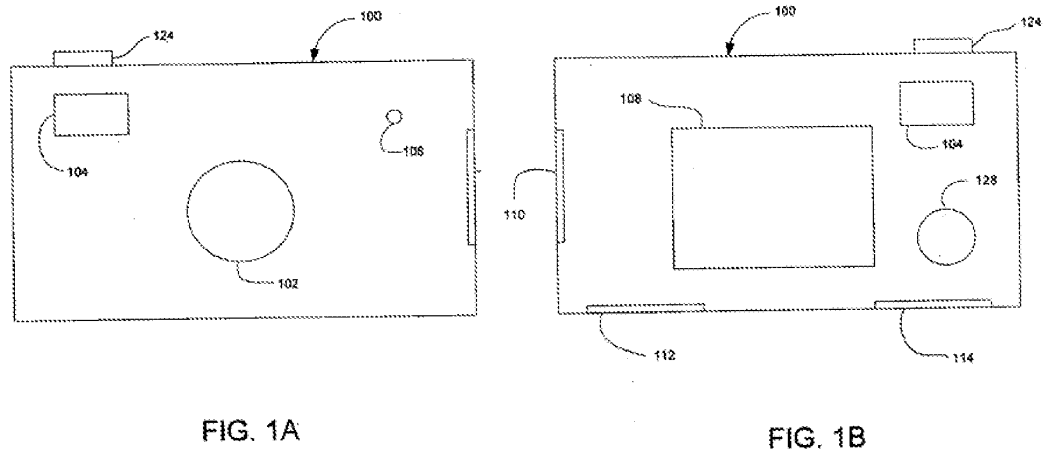
extent necessary to determine whether to institute *inter partes* review). We note that this determination does not preclude the parties from arguing their proposed constructions of the claims during trial. Indeed, the parties are hereby given notice that claim construction, in general, is an issue to be addressed at trial. A final determination as to claim construction will be made at the close of the proceeding, after any hearing, based on all the evidence of record.

D. Overview of the Asserted Prior Art

1. Rothschild (Ex. 1007)

Rothschild relates to “devices, systems and methods for embedding and retrieving information in digital images and using the information to organize, process and control the digital images.” Ex. 1007 ¶ 3. Rothschild recognizes that cataloging photographs manually is an extensive process that requires a significant amount of time, and that this problem has been exacerbated by the advent of digital cameras. *Id.* ¶¶ 5–6. Rothschild purports to improve upon the prior art by providing a system and method of organizing, controlling, and manipulating digital images. *Id.* ¶ 9.

Rothschild discloses a device, such as a digital camera or mobile phone, for capturing images. Ex. 1007 ¶¶ 25, 42. Figures 1A and 1B illustrate an embodiment of the device and are reproduced below.



Figures 1A and 1B show front and rear views, respectively, of device 100. *Id.* ¶¶ 25–26. The device includes lens 102 for use in capturing an image, viewfinder 104, and “microphone 106 for acquiring audio, from the user of the device or from the subject of the image, which may be associated with the image.” *Id.* ¶ 25. Display module 108 displays a captured image and facilitates “user input of information to be associated with a digital image.” *Id.* ¶ 26. The device also includes “storage module 110 for storing a plurality of images” and “transmission module 112 for transmitting the plurality of images to another device.” *Id.*

In use, the device user takes several pictures. Ex. 1007 ¶ 47. A capture module captures the images. *Id.* ¶ 29. The capture module includes an analog-to-digital (A/D) converter that converts the images into digital form. *Id.* The digital images may be processed, such as by enhancing and compressing the images, and the processed images are stored in a storage module. *Id.* The user can enter information about the images using an input module. *Id.* ¶ 47. The input module accepts user input via touch screen that overlays display module 108 or via microphone 106. *Id.* ¶ 31. The

microphone may be coupled to an A/D converter that converts the user's spoken audio information into a digital format. *Id.* Furthermore, the input module may include a voice recognition processor that translates the digital human voice into alpha numeric characters for user input. *Id.* For example, for a picture of the user's "baby in Las Vegas," the user may "record an audio file indicating: 'this is a picture of my baby girl Samantha here in Las Vegas. Boy is she cute.'" *Id.* ¶¶ 47, 49. The device obtains time and date information, user identification information, and the number of the digital image, and stores this information with the audio file either as a separate information file associated with the image or appended to the digital image file. *Id.* ¶¶ 51–52.

The images and associated files are then transferred to the user's computer, which sorts and stores the images and associated information in the location specified by the user. Ex. 1007 ¶¶ 53–54. The computer parses the associated information and stores the data in a relational database. *Id.* ¶ 63, Fig. 7. The computer may be used to print an image with symbology that encodes the location of the associated information. *Id.* ¶ 39. The device can be scanned over the printed image to read the symbology and retrieve the associated information. *Id.* ¶ 57. This allows, for example, the device to retrieve and play the audio file. *Id.* ¶ 58.

The device may include a user verification module for verifying an identity of the device user. Ex. 1007 ¶ 33. The user verification module may include an identify capture device, such as a facial recognition reader. *Id.* The identity capture device collects information from the user and compares the collected information to information that has previously been stored in the device memory. *Id.* For example, the capture module may

capture an image of the user's face, which may then be processed by a facial recognition algorithm executed by the user verification module. *Id.*

2. *Anderson* (Ex. 1008)

Anderson relates to categorizing, storing and presenting digital images. Ex. 1008, 2:42–43. *Anderson*'s system allows “a user to categorize images at the time of capture with multiple categories of information by merely speaking into the camera.” *Id.* at 2:16–19. “[T]he user's voice annotations are automatically recognized, translated, and stored in a database” *Id.* at 2:19–22. Figure 1 illustrates an exemplary system and is reproduced below.

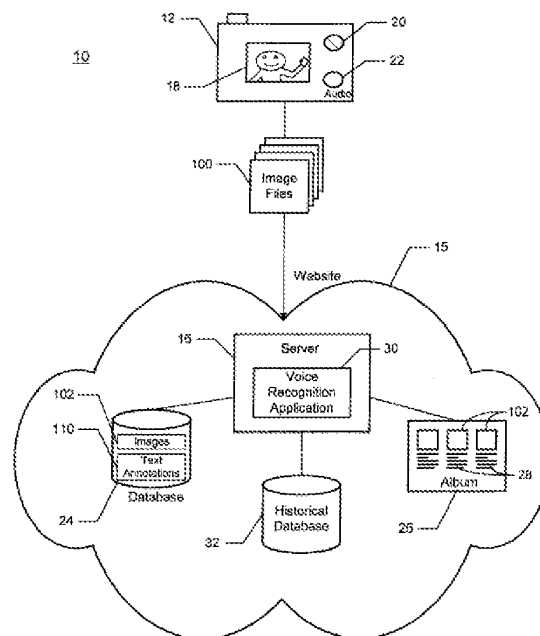


FIG. 1

Figure 1 shows system 10, including digital camera 12 for capturing digital images. *Id.* at 2:56–57. The digital camera includes microphone 20 and audio button 22 for recording sound. *Id.* at 2:58–61. A user may upload

image files 100 to website 15, where web server 16 includes voice recognition application 30 and database 24. *Id.* at 2:61–65. In use, a user may record category-specific voice annotations on the digital camera, which “are then translated by voice recognition into text annotations.” *Id.* at 3:10–15. An image and its corresponding text annotations are stored and indexed in database 24 “so that the images may be found more easily.” *Id.* at 3:15–19.

3. *Fuller* (Ex. 1003)

Fuller relates to the automatic extraction of metadata descriptions of digital multimedia content such as still images and video. Ex. 1003, 2:53–55. Figure 1 illustrates “a generic digital capture system . . . combined with an embedded, real-time, content-based analysis engine and data output” and is reproduced below. *Id.* at 4:49–52.

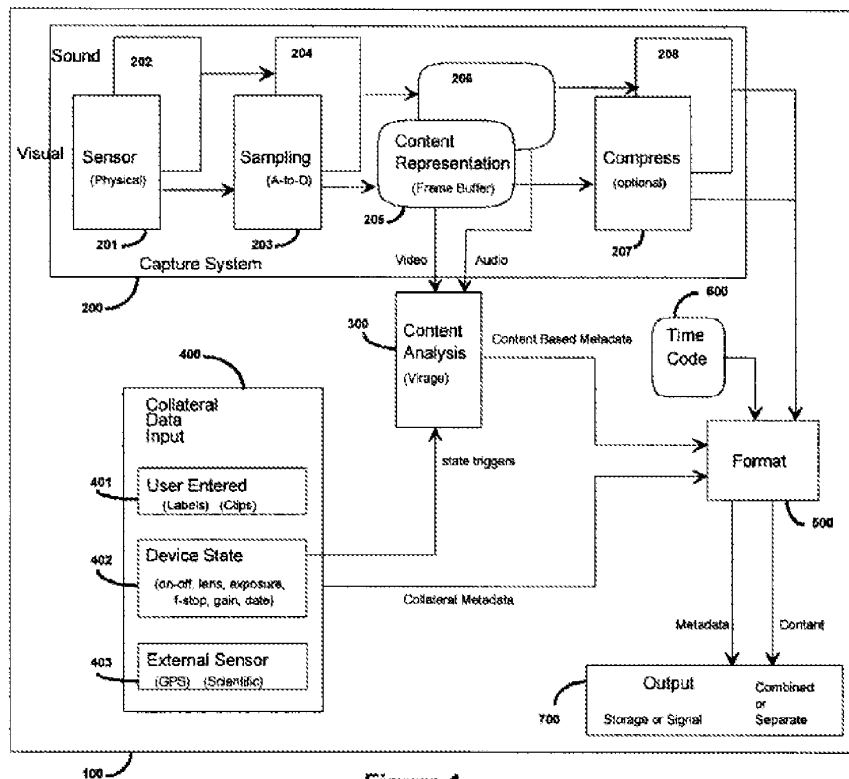


Figure 1

Figure 1 shows the overall system architecture digital capture system 100, which includes visual and audio capture subsystem 200, content-based metadata generation engine 300, collateral data gathering block 400, data formatting unit 500 with optional time code marking 600, and data output and/or storage 700. *Id.* at 5:23–29.

Visual and audio capture subsystem 200 may include visual sensor 201 and microphone 202. *Ex.* 1003, 5:32–34. The output from these sensors is converted to digital form and may be filtered by analog-to-digital units 203 (visual), 204 (audio), and the digital content is stored in memory units 205, 206, respectively. *Id.* at 5:34–38. The digital content may then

optionally be compressed prior to being formatted at unit 500 for output or storage. *Id.* at 5:38–42.

Content-based analysis engine 300 accesses the digital representation of visual and audio content from memory units 205, 206 and extracts metadata from the content. Ex. 1003, 5:43–45. The engine performs “sophisticated analysis of multimedia content and generate[s] metadata descriptions that can be effectively used to index the content for downstream applications such as search and browse.” *Id.* at 2:58–62. The content-based analysis engine may be “the Virage audio and video engines” that “are further described in U.S. [P]atent [A]pplication[] . . . No. 09/134,500” (Ex. 1005, “the ’500 application”). *Id.* at 7:53–59. This engine includes a speech transcription module that processes speech and that may output recognized keywords or the full text of the transcription process, which may be used directly as metadata. Ex. 1005, 15:24–16:9.⁶

Collateral data gathering block 400 gathers various forms of collateral metadata (metadata that is not based on the content), including user-provided information at block 401, device state information at block 402, and external sensor information at block 403. Ex. 1003, 5:49–57. “Content-based metadata from the analysis engine 300 is joined by collateral metadata (not based on the digital content) from block 400 in the formatting unit 500.” *Id.* at 5:58–60. The metadata and related digital content may be combined or stored separately. *Id.* at 6:13–34.

⁶ We cite to the application pagination rather than the exhibit pagination.

4. *Camahan* (Ex. 1010)

Camahan relates to “a metabase specifically designed for the organization, management and manipulation of digital media assets.” Ex. 1010 ¶ 2. Camahan’s metabase is “a collection of node objects which can be implemented as XML elements and organized in a tree-like or hierarchical structure that emanates from a single root node, and stored in disk drive storage or internal cache storage.” *Id.* ¶ 90. In the metabase, a “folder represents a generic container,” and “[e]ach folder 201 may contain child folders 205, 207, 209 allowing the metabase to be organized in a hierarchy similar to a conventional file system.” *Id.* ¶ 92; *see also id.* at Fig. 2. Further, a folder “may also contain one or more binders,” where each binder “represents a media asset within the metabase and ‘binds’ together all of the metadata related to that asset.” *Id.* ¶ 96. A binder, in turn, may contain “one or more content objects each describing a different aspect . . . of the media asset.” *Id.* ¶ 100. For example, “[a] label object 211 contains structured metadata that describes the entire media asset such as the title, rating, author, etc.,” and “[a] track object 213 contains structured metadata that occur at specific points or during specific intervals within the media asset such as closed captions, key frames, or speech-to-text extraction.” *Id.* ¶¶ 104, 107.

5. *Davis* (Ex. 1013)

Davis relates to associating “data with a media signal by encoding the data, a link to the data, or a combination of both into the media signal.” Ex. 1013, code (57). Davis’s system associates data in images or other media signals using steganographic and other techniques. *Id.* ¶ 24. The

data, which may describe, for example, objects in the image or the context of the image, can be encoded within the image or stored elsewhere. *Id.*

¶¶ 15–23, 25. For example, the image can be uploaded to an image database and the metadata can be uploaded to a metadata database. *Id.* ¶ 89.

Alternatively, the metadata can be stored in a database integrated with the image database. *Id.* ¶ 173.

E. Asserted Obviousness Based on Rothschild and Anderson

Petitioner argues that claims 6–17 would have been obvious in view of Rothschild and Anderson. Pet. 30–43. In support of its showing, Petitioner relies upon the Bederson Declaration. *Id.* (citing Ex. 1002). We have reviewed Petitioner’s assertions and supporting evidence. For the reasons discussed below, and based on the record before us, we are not persuaded that Petitioner demonstrates a reasonable likelihood of prevailing in showing that at least one challenged claim would have been obvious in view of the combination of Rothschild and Anderson.

Independent claim 6 recites, in relevant part, “converting with a media data converter the received digital audio to a text based searchable file as a text context tag.” Ex. 1001, 12:3–5. Independent claim 13 contains a substantially similar recitation. *Id.* at 12:65–67. As noted above, the ’066 patent defines “context tags” as searchable elements derived from the different types of data. Ex. 1001, 5:62–63. Petitioner maps Rothschild’s input module 124, auxiliary input computer module 126, and user verification module 132, collectively, to the recited media/second data converter. Pet. 34–35. Petitioner argues that “Rothschild’s input module includes [a] voice recognition processor that converts speech to text thus

making it a part of [the] media/second data converter” and “Rothschild’s user input data can be stored as a file associated with the captured image.” *Id.* at 35 (citing Ex. 1007 ¶ 32; Ex. 1002 ¶ 182). Petitioner asserts that “[t]ext derived from voice recognition is a text context tag because . . . it is a searchable element derived from a context description element (*i.e.*, speech ‘regarding the pictures’).” *Id.* (citing Ex. 1007 ¶ 47). Petitioner relies on “Jim Jones,” shown in Figure 7, as an example of a context tag. *Id.* Continuing, Petitioner argues that it would have been obvious to an ordinarily skilled artisan “to use Rothschild’s input module to convert received digital audio to a text based searchable file as a text context tag because doing so would allow for descriptive information to be associated with the image for later search and retrieval using a text-based search query . . . as taught by Anderson.” *Id.* at 36 (citing Ex. 1002 ¶ 185).

Patent Owner refers to this challenge as “challenge 2” and the challenge to disclaimed claims 1–5 as “challenge 1,” and argues that Rothschild does not disclose converting a digital audio file into a text-based searchable file. PO Prelim. Resp. 29–38. First, Patent Owner argues that “[t]he [P]etition does not clearly identify what is the ‘external audio information’ or corresponding ‘stored digital audio.’” *Id.* at 30. Patent Owner asserts that “[i]t appears that the [P]etition and Dr. Bederson assume that the ‘external audio information’ in challenge 2 is the same as in challenge 1.” *Id.* at 31 (citing Ex. 1002 ¶ 172). Patent Owner argues that this mapping of the recited external audio information fails because “there is no disclosure in Rothschild that the user of the camera speaks in association with the user-verification selfie.” *Id.* at 29–30; *see also id.* at 31 (stating that “there is no indication in Rothschild that the user . . . speaks his name (or

anything else) to the camera in connection with user verification” and “Rothschild does *not* disclose voice recognition as a user-verification technique”).

Rothschild discloses a user entering information via voice recognition software regarding pictures taken by the user. Ex. 1007 ¶ 47. However, Petitioner does not map these “pictures” to the recited image. Rather, Petitioner relies on an image of the device user taken for verifying the user’s identity. Pet. 31 (citing Ex. 1007 ¶ 33). For the recited audio information, Petitioner relies on its showing made for challenge 1 (*id.*), in which Petitioner maps “audio ‘from the user of the device or from the subject of the image’” to the recited audio information (*id.* at 13 (citing Ex. 1007 ¶¶ 25, 31, 42, 49, Figs. 1A, 1B, 3A, 3B)). Thus, the Petition relies on audio acquired from the user or subject (*id.*) that is first converted to digital form (*id.* at 14) and then converted to text (*id.* at 34–35). But this audio is not associated with the user verification image, which the Petition maps to the recited image. *Id.* at 31–32. Neither Petitioner nor its declarant appears to explain adequately how Rothschild discloses a user entering speech regarding the user verification image. Thus, Rothschild does not appear to support Petitioner’s assertions.

Independent claim 6 also recites, in relevant part, “creating an image recognition searchable context tag with image recognition of at least a portion of the digital image.” Ex. 1001, 12: 5–7. Independent claim 13 contains a substantially similar recitation. *Id.* at 12:67–13:2. Petitioner argues that Rothschild’s user verification module 132 “uses facial recognition to identify users of the device and then stores a tag associated with that user—*e.g.*, ‘John Jones’ (*see* FIG. 7) to associate it with images

captured by that user.” Pet. 37 (citing Ex. 1007 ¶¶ 33, 66, 83–84).

Petitioner argues that “[t]he user’s name is an image recognition context tag because it is derived from an image.” *Id.*

Patent Owner argues that “nothing in Rothschild states or implies that the name of the recognized individual in the user-verification image is used as ‘an image recognition searchable context tag.’” PO Prelim. Resp. 39. Patent Owner argues that “Rothschild does not disclose that a user image taken for user verification is treated like all the other images.” *Id.*

Petitioner’s mapping of the recited image here (“images captured by that user” (Pet. 37)) is different than and incompatible with Petitioner’s prior mapping of the recited image (“an image of the face of the user” (*id.* at 31)). Thus, Petitioner appears to fail to explain adequately how Rothschild supports its contentions.

Additionally, neither Petitioner nor its declarant appears to explain adequately how Rothschild stores the user’s name in association with the verification picture. Rothschild discloses that its “user verification module 132 will indicate and verify the identity of the user of the device 100 at the time of the image capture.” Ex. 1007 ¶ 33. This verification may use a “facial recognition reader” that “will collect information on the user to be compared to information that has previously been stored in the device’s memory.” *Id.* “[C]apture module 122 may capture an image of the face of the user which may then be processed by a facial recognition algorithm executed by the user verification module 132.” *Id.* However, Rothschild does not appear to disclose storing a context tag associated with that user’s verification image as asserted by Petitioner. *See* Pet. 37. Petitioner’s reference to Rothschild’s locational image verification device to transmit the

user's name in association with a photograph taken by the user (*id.* (citing Ex. 1007 ¶¶ 83–84)) also fails to explain adequately how a tag is associated with the user verification image.

Based on our review and consideration of the current record, we determine that Petitioner has not adequately shown that the combination of Rothschild and Anderson teaches the limitations in claims 6 and 13. Accordingly, we determine, on the current record and for purposes of this Decision, that the information presented in the Petition does not demonstrate a reasonable likelihood of prevailing in showing that independent claims 6 and 13 and their dependent claims 7–12 and 14–17 would have been obvious in view of over the combination of Rothschild and Anderson.

F. Assertions Based on Fuller

Petitioner argues that claims 6–9 and 13–17 are anticipated by Fuller or are rendered obvious based on the combined teachings of Fuller and Camahan. Pet. 44–60. In support of its showing, Petitioner relies upon the Bederson Declaration. *Id.* (citing Ex. 1002). We have reviewed Petitioner's assertions and supporting evidence. For the reasons discussed below, and based on the record before us, we are persuaded that Petitioner demonstrates a reasonable likelihood of prevailing in showing that at least one challenged claim is anticipated by Fuller or rendered obvious in view of Fuller and Camahan.

1. The Preamble

Independent claim 6 recites “[a] method for capturing image and audio information for storage, comprising.” Ex. 1001, 11:48–49. Independent claim 13 contains a substantially similar recitation. *Id.*

at 12:47–48. Petitioner argues that Fuller’s description of “an integrated data and real[-]time metadata capture method” including capturing image and audio information using an audio capture subsystem with a digital capture system discloses the claimed method. Pet. 44 (citing Ex. 1003, 4:36–46, 5:22–25, 8:35–37, Fig. 6).

Patent Owner does not contest this aspect of the Petition. *See generally* PO Prelim. Resp.

Fuller discloses a digital capture system that includes a visual and audio capture subsystem. Ex. 1003 5:23–28.

Accordingly, for the foregoing reasons and on this record, to the extent the preamble is limiting, Fuller supports Petitioner’s contentions.

2. *Executing Capture Operation*

Independent claim 6 further recites “executing a capture operation with a device by the step of.” Ex. 1001, 11:50–51. Independent claim 13 does not contain a substantially similar recitation. Ex. 1001, 12:47–13:7. Petitioner asserts Fuller’s digital capture system (e.g., a digital camera/video recorder) for capturing audio/video images discloses the recited execution of a capture operation. Pet. 44–45 (citing Ex. 1003, 4:49–52, 5:22–41, code (57). Fig. 1; Ex. 1002 ¶ 204).

Patent Owner does not contest this aspect of the Petition. *See generally* PO Prelim. Resp.

Fuller discloses a digital capture system that includes a visual and audio capture subsystem. Ex. 1003 5:23–28.

Accordingly, for the foregoing reasons and on this record, Fuller supports Petitioner’s contentions.

3. *Providing Internal Storage*

Independent claim 6 further recites “providing internal storage.” Ex. 1001, 11:52. Independent claim 13 contains a substantially similar recitation. *Id.* at 12:49. Petitioner maps Fuller’s memory units 205, 206, storage 700, and internal storage unit 702, collectively, to the recited internal storage. Pet. 45 (citing Ex. 1003 5:23–28, 5:34–38, 6:23–31, 7:35–38, 8:8–12; Ex. 1002 ¶ 206).

Patent Owner does not contest this aspect of the Petition. *See generally* PO Prelim. Resp.

Fuller discloses that its digital capture system 100 stores digital visual data in memory unit 205, stores digital audio data in memory unit 206, and stores formatted digital content in storage 700. Ex. 1003, 5:36–40. In an embodiment of a video camera capture device, storage 700 is referred to as internal storage unit 702. *Id.* at 8:8–10, Fig. 4.

Accordingly, for the foregoing reasons and on this record, Fuller supports Petitioner’s contentions.

4. *Interfacing a Microphone*

Independent claim 6 recites “interfacing a microphone with an external audio information source that generates external audio information and converting with a first data converter the first external audio information from the microphone.” Ex. 1001, 11:53–57. Independent claim 13 contains a substantially similar recitation. *Id.* at 12:50–54. Petitioner asserts that Fuller’s microphone 202 capturing audio from an external source discloses the recited microphone. Pet. 45–46 (citing Ex. 1003, 5:29–35, 7:34–35; Ex. 1002 ¶ 207). Petitioner likewise asserts that Fuller’s analog-to-digital

unit 204 converting and filtering the captured audio discloses the recited first data converter. *Id.* at 46 (citing Ex. 1003, 5:33–35, 7:35–37; Ex. 1002 ¶ 208).

Patent Owner does not contest this aspect of the Petition. *See generally* PO Prelim. Resp.

Fuller’s digital capture system 100 includes “a microphone 202 if audio is being captured.” Ex. 1003, 5:32–34. Fuller discloses that the output of microphone 202 is converted to digital form by analog-to-digital unit 204. *Id.* at 5:34–36.

Accordingly, for the foregoing reasons and on this record, Fuller supports Petitioner’s contentions.

5. *Interfacing a Camera*

Independent claim 6 recites “Interfacing a camera with an external image source to capture an image therefrom.” Ex. 1001, 11:58–59. Independent claim 13 contains a substantially similar recitation. *Id.* at 12:54–55. Petitioner asserts Fuller’s digital capture system (e.g., camcorder) including audio/visual capture subsystem 200 for capturing audio/video images from exterior sources discloses the recited interfacing camera, noting that it may include visual sensor 201. Pet. 46–47 (citing Ex. 1003, 4:49–51, 5:29–32, 7:31–34, 8:16–18; Ex. 1002 ¶¶ 209–210).

Patent Owner does not contest this aspect of the Petition. *See generally* PO Prelim. Resp.

Fuller’s digital capture system 100 includes visual and audio capture subsystem 200, which includes visual sensor 201 that captures images. Ex. 1003, 5:30–34, 7:33–35.

Accordingly, for the foregoing reasons and on this record, Fuller supports Petitioner's contentions.

6. *Processing the Captured External Audio Information*

Independent claim 6 recites “the first data converter processing the captured external audio information and storing it in a first digital audio format as stored digital audio in internal storage within the capture device.” Ex. 1001, 11:60–63. Independent claim 13 contains a substantially similar recitation. *Id.* at 12:60–62. Petitioner argues that Fuller's analog-to-digital unit 201 “processes the captured external audio information by digitizing it” and “stores the captured external audio information in internal storage in the capture device by outputting it to a ‘sound buffer 206.’” Pet. 47 (citing Ex. 1003, 5:35–37, 7:40–43, 7:51, Figs. 1, 4–5; Ex. 1002 ¶ 296).

Patent Owner first argues that Petitioner fails to show the recited processing in Fuller. PO Prelim. Resp. 45–47. According to Patent Owner, “[w]hile Fuller does teach that ‘audio is captured by a microphone 202,’ that is digitized audio that is captured.” *Id.* at 46 (citing Ex. 1003, 7:34–35).

Fuller's microphone 202 captures audio information in the form of sound waves, analog-to-digital unit 204 processes the captured sound into digital format, and memory 206 stores the digitized content. Ex 1003, 5:30–38, 7:35–38. The “digitization of signals from the microphone” noted by Patent Owner (*see* PO Prelim. Resp. 46) is the “processing.” *See* Pet. 47. Petitioner's mapping of digitization to the recited processing is consistent with the processing disclosed in the '066 patent. *See, e.g.*, Ex. 1001, 6:56–59 (“One method for collecting the audio information, for example, is to utilize a microphone 210 that will capture the information and then

digitize it in a digitizing block 212 utilizing an analog-to-digital converter, for example.”).

Next, Patent Owner argues that Fuller does not disclose storing audio information in a first digital audio format. PO Prelim. Resp. 47–48. Patent Owner acknowledges that Fuller discloses digitizing audio information “in ‘a sequence of 8-bit or 16-bit waveform samples at a suitable sampling frequency, such as 44.1 kHz (for CD quality audio),’” but argues that this “is not a disclosure of ‘a first digital audio format.’ Quite to the contrary, such a sequence of samples is just that – a sequence of samples, sans any format.” *Id.* at 47 (quoting Ex. 1003, 7:40–43).

As noted above, Fuller discloses that its analog-to-digital unit 204 converts the captured audio information into digital form and stores it in memory unit 206. Ex. 1003, 5:30–38. We understand Fuller’s disclosure of “digital form” to be equivalent to a digital format. Indeed, it is difficult to envision how digital audio information can be stored in memory if it is not in some digital format. That Fuller might not disclose explicitly what that format is does not indicate that there is no such format.

Accordingly, for the foregoing reasons and on this record, Fuller supports Petitioner’s contentions.

7. *Processing/Storing Captured Image*

Independent claim 6 recites “the camera for processing the captured image and storing it as a stored digital image in internal storage.” Ex. 1001, 11:63–65. Independent claim 13 contains a substantially similar recitation. *Id.* at 12:63–64. Petitioner argues that Fuller’s analog-to-digital unit 203 converts the output of visual sensor 201 into digital form and “[t]he digitized

image ‘is then stored in a memory unit 205.’ Pet. 47–48 (citing Ex. 1003, 5:31–38, 7:33–40, Figs. 1, 4; Ex. 1002 ¶ 212).

Patent Owner does not contest this aspect of the Petition. *See generally* PO Prelim. Resp.

The output of Fuller’s visual sensor 201 is converted into digital form by analog-to-digital unit 203 and the digitized content is stored in memory 205. Ex 1003, 5:30–38.

Accordingly, for the foregoing reasons and on this record, Fuller supports Petitioner’s contentions.

8. *Capturing Time and Location*

Independent claim 6 recites “capturing with a data capture device, as captured data, location information, and time information associated with at least the capture of the image and storing the captured data as stored captured data.” Ex. 1001, 11:66–12:2. Independent claim 13 contains a substantially similar recitation. *Id.* at 12:56–59. Petitioner maps Fuller’s collateral data gathering block 400 to the recited data capture device and argues that “it is used to capture ‘collateral metadata’ such as ‘time/date’ and ‘position derived from GPS satellites.’” Pet. 48–49 (citing Ex. 1003, 4:15–20, 5:22–28, 5:49–57, Fig. 1; Ex. 1002 ¶ 213). Petitioner argues that the captured data “is joined with content-based metadata in the formatting unit 500” and “then stored in storage 700.” *Id.* at 49 (citing Ex. 1003, 5:58–6:22, 6:23–27, 8:1–10, 8:35–9:47, Fig. 6).

Patent Owner does not contest this aspect of the Petition. *See generally* PO Prelim. Resp.

Fuller discloses that collateral data gathering block 400 gathers collateral metadata including device state information such as “time/date” and external sensor information such as “position derived from GPS satellites.” Ex. 1003, 5:49–57. “Content-based metadata from the analysis engine 300 is joined by collateral metadata . . . from block 400 in the formatting unit 500.” *Id.* at 5:58–60. The metadata and related digital content may be combined or stored separately. *Id.* at 6:13–34.

Accordingly, for the foregoing reasons and on this record, Fuller supports Petitioner’s contentions.

9. *Converting Digital Audio to Text Context Tag*

Independent claim 6 recites “converting with a media data converter for the received digital audio to a text based searchable file as a text context tag.” Ex. 1001, 12:3–5. Independent claim 13 contains a substantially similar recitation. *Id.* at 12:65–67. Petitioner maps Fuller’s content-based analysis engine 300 to the recited media converter and argues that it includes “the ‘Virage Audio Engine’ described in the incorporated ’500 application.” Pet. 50 (citing Ex. 1003, 2:53–3:8, 5:43–60, 7:51–59, 8:16–18, 8:51–55, Figs. 1, 4–5; Ex. 1002 ¶¶ 216–217). Petitioner argues that the ’500 application discloses that the audio engine includes audio analysis feature extractor 516, which

classifies audio input as “speech,” passes the audio signal to “a speech transcription module” that interfaces “with any available Speech Recognition Engine 624” . . . , and uses a “Keyword Spotting Feature Extractor 640” to “selectively identify keywords of interest and produce a text output 648 limited to the keywords specified by a Domain Dictionary 642.”

Id. at 50–51 (citing Ex. 1005, 15:6–7, 15:14–16:9, Figs. 9–10).⁷ Petitioner asserts that “[t]he resulting text defines text tags including full text or keywords” that are “stored in a text-based searchable file which contains ‘tracks’ of metadata.” *Id.* at 51 (citing Ex. 1005, 11:1–3, 11:12; Ex. 1002 ¶ 218). Petitioner also argues that the text is searchable because Fuller discloses that “the ‘content-based signal analysis’ is ‘added to a metadata batch under construction.’” *Id.* at 52 (citing Ex. 1003, 2:53–62, 8:45–57; Ex. 1002 ¶ 219).

Petitioner also relies on Camahan to provide additional teaching regarding text context tags. Pet. 58–60. Petitioner argues that Camahan teaches “storing text-based tracks in searchable XML files.” *Id.* at 58. Petitioner argues that Camahan discloses a metabase of node objects, one such object being a binder that includes track objects that contain structured metadata such as speech-to-text extractions stored as searchable XML files. *Id.* at 58–59 (citing Ex. 1010 ¶¶ 90, 96, 102, 107–108, 155; Ex. 1002 ¶ 238). Petitioner argues that it would have been obvious to an ordinarily skilled artisan to store Fuller’s keyword tracks as searchable XML files because “Fuller expressly suggests doing so” and “files were known data containers for metadata.” *Id.* at 59 (citing Pet. 54–55; Ex. 1010 ¶ 155; Ex. 1002 ¶ 239). Petitioner also argues that the proposed modification “would have merely been the simple substitution of Fuller’s tracks for a track defined as a .xml

⁷ On pages fifty to fifty-one of the Petition, Petitioner’s first citation to Exhibit 1005 refers to the exhibit pagination and Petitioner’s second citation refers to the application pagination. For consistency and ease of reading, we convert Petitioner’s citations to the application pagination.

file using conventional techniques that were accessible to the [ordinarily skilled artisan].” *Id.* at 60 (citing Ex. 1002 ¶ 241).

Patent Owner first argues that “Fuller does not teach that the output of the analysis engines 300 or 301 is a file” and that “the ’500 application teaches that the output of the extractor 516 is full text or keywords, not files.” PO Prelim. Resp. 44 (citing Ex. 1003, 6:24–28, 6:66–7:2, Fig. 3; Ex. 1005, 15:6–16:17, Fig. 10).

Patent Owner’s arguments are not availing. The ’500 application discloses that its audio analysis feature extractor passes digitized speech data to a speech transcription module that interfaces with a speech recognition engine and outputs the full text of the transcription process, which may be used directly as metadata. Ex. 1005, 15:6–16:3. Alternatively, the output can be limited to keywords recognized in the text. *Id.* at 16:3–5. The ’500 application discloses that “the metadata may be output in a variety of formats such as Virage Data Format (VDF) 562, HTML 564, XML 566, SMIL 568 and other 570.” *Id.* at 13:26–28. Moreover, Fuller discloses that that the metadata extracted by the engines is used for search and browse functions. *See, e.g.*, Ex. 1003, 2:53–62.

Regarding the obviousness challenge based on Fuller and Camahan, Patent Owner acknowledges that “Camahan discloses XML files,” but argues that “the tracks relied on by the [P]etition are not described as files.” PO Prelim. Resp. 49 (citing Ex. 1010 ¶¶ 153–157, 170). According to Patent Owner, “a track is just data, not a file.” *Id.*

As explained above, Petitioner relies on Camahan to teach “storing [Fuller’s] text-based tracks in searchable XML files.” Pet. 58. Patent Owner’s arguments do not address the combination of Fuller and Camahan

as set forth in the Petition. Moreover, as noted above, Fuller, through the '500 application, discloses storing metadata in XML files. Ex. 1005, 13:26–28.

Accordingly, for the foregoing reasons and on this record, Fuller and the combination of Fuller and Camahan support Petitioner's contentions. We determine that Petitioner sets forth reasoning with rational underpinning as to why a person having ordinary skill in the art would have combined the teachings of Fuller and Camahan. *See* Pet. 59–60.

10. Creating an Image Context Tag

Independent claim 6 recites the “creating an image recognition searchable context tag with image recognition of at least a portion of the digital image.” Ex. 1001, 12:5–7. Independent claim 13 contains a substantially similar recitation. *Id.* at 12:67–13:2. Petitioner argues that Fuller's content-based analysis engine 300 performs metadata extraction from the digital image through face and character recognition and produces a searchable context tag for the image based on the extracted metadata. Pet. 52–53 (citing Ex. 1003, 1:59–64, 2:53–3:8, 5:35–36, 5:43–45, 5:58, 8:45–57; Ex. 1002 ¶¶ 221–223).

Patent Owner does not contest this aspect of the Petition. *See generally* PO Prelim. Resp.

Fuller discloses that its content-based analysis engine 300 accesses the digital representation of visual content from memory unit 205 to perform metadata extraction. Ex. 1003, 5:43–45. The generated metadata is used for search and browse functions, and may include face identification/recognition and optical character recognition. *Id.* at 2:58–3:8.

Accordingly, for the foregoing reasons and on this record, Fuller supports Petitioner's contentions.

11. Associating Text/Image Context Tags

Independent claim 6 recites the “associating the text and image recognition context tags with the digital image and the captured data.” Ex. 1001, 12:7–9. Independent claim 13 contains a substantially similar recitation. *Id.* at 13:2–4. Petitioner argues that Fuller's content-based analysis engine 300 “joins the content-based metadata with the captured data (*i.e.*, Fuller's ‘collateral metadata’) in the ‘formatting unit 500’” in MPEG-7 format. Pet. 54–55 (citing Ex. 1003, 5:56–6:12, 8:1–5, Ex. 1002 ¶¶ 225–226).

Patent Owner does not contest this aspect of the Petition. *See generally* PO Prelim. Resp.

Fuller discloses that “[c]ontent-based metadata from the analysis engine 300 is joined by collateral metadata (not based on the digital content) from block 400 in the formatting unit 500.” Ex. 1003, 5:58–60. The metadata and related digital content may be combined in a variety of formats, including MPEG-7. *Id.* at 6:13–31.

Accordingly, for the foregoing reasons and on this record, Fuller supports Petitioner's contentions.

12. Storing Digital Image

Independent claim 6 recites “storing in the internal storage the digital image in association with the text and image recognition context tags in addition to the stored captured data.” Ex. 1001, 12:10–67. Independent claim 13 contains a substantially similar recitation. *Id.* at 13:5–7. Petitioner

argues that Fuller discloses storing the combined metadata and image MPEG-7 file in internal storage unit 702. Pet. 55 (citing Ex. 1003, 6:13–14, 8:8–18, Figs. 1, 4; Ex. 1002 ¶ 227).

Patent Owner does not contest this aspect of the Petition. *See generally* PO Prelim. Resp.

Fuller discloses that “[t]he formatted output data of the formatting unit 500 can be handled by the output system 700 in a variety of ways,” including combining the metadata and actual digital content in MPEG-7 format and storing the file in internal memory. Ex. 1003, 6:13–31.

Accordingly, for the foregoing reasons and on this record, Fuller supports Petitioner’s contentions.

13. Conclusion Regarding Independent Claims 6 and 13

For the foregoing reasons, we determine that Petitioner has established a reasonable likelihood of prevailing on its assertion that independent claims 6 and 13 are anticipated by Fuller and would have been obvious in view of the combination of Fuller and Camahan.

IV. CONCLUSION

For the foregoing reasons, we determine that the information presented establishes a reasonable likelihood that Petitioner would prevail in showing that at least one challenged claim of the ’066 patent is unpatentable. At this preliminary stage, we have not made a final determination with respect to the patentability of the challenged claims or any underlying factual and legal issues. *See TriVascular, Inc. v. Samuels*, 812 F.3d 1056, 1068 (Fed. Cir. 2016) (noting that “there is a significant difference between a petitioner’s burden to establish a ‘reasonable likelihood of success’ at

institution, and actually proving invalidity by a preponderance of the evidence at trial”).

Accordingly, *inter partes* review is instituted as to all challenged, non-disclaimed claims and all proposed grounds of unpatentability. *See SAS Inst. Inc. v. Iancu*, 138 S. Ct. 1348, 1354, 1359–60 (2018); *see also PGS Geophysical AS v. Iancu*, 891 F.3d 1354, 1360 (Fed. Cir. 2018) (interpreting the statute to require “a simple yes-or-no institution choice respecting a petition, embracing all challenges included in the petition”); Patent Trial and Appeal Board Consolidated Trial Practice Guide 64 (Nov. 2019)⁸ (“The Board will not institute on fewer than all claims or all challenges in a petition.”).

V. ORDER

Accordingly, it is:

ORDERED that pursuant to 35 U.S.C. § 314(a), an *inter partes* review of claims 6–17 of the ’066 patent is instituted with respect to the grounds set forth in the Petition; and

FURTHER ORDERED that, pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial, which commences on the entry date of this decision.

⁸ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

IPR2023-00025
Patent 10,721,066 B2

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/358,455	03/19/2019	Michael F. Malone	MYPT.01.01US8

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CONFIRMATION NO. 6531
POA ACCEPTANCE LETTER



Date Mailed: 02/06/2023

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/23/2023.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/qnguyen/



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/358,455	03/19/2019	Michael F. Malone	MPOR60-34549

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CONFIRMATION NO. 6531
POWER OF ATTORNEY NOTICE



Date Mailed: 02/06/2023

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/23/2023.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/qnguyen/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. 10,721,066	
Title: APPARATUS FOR PERSONAL VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAG(S)/CONTEXTUAL TAG(S), STORAGE AND SEARCH RETRIEVAL	
Inventor: Michael F. Malone	Confirmation No. 6531
Filing Date: 2019 March 19	Examiner: Ishrat I. Sherali
Attorney Docket No. MPOR60-34549	Group Art Unit: 2667

TRANSMITTAL FOR STATUTORY DISCLAIMER

A statutory disclaimer of the above-referenced patent is being filed herewith. The disclaimer is signed by the Michael F. Malone, CEO of MyPort, Inc., who is authorized to make the disclaimer. A declaration attesting to his authority accompanies the disclaimer.

The \$170 fee as required by 37 C.F.R. § 1.20(d) is being paid herewith.

Respectfully submitted,

Date: January 24, 2023

/Bill R. Naifeh, Reg. No. 44,962/

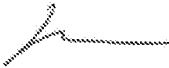
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STATUTORY DISCLAIMER UNDER 37 C.F.R. § 2.321(a)

MyPort, Inc. hereby disclaims claims 1-5 of U.S. Patent No. 10,721,066.

MyPort, Inc. is the owner of 100% interest in the above-referenced patent, as reflected by assignments recorded as follows: Reel 048996 frame 0382; reel 048996, frame 0435; and reel 059507, frame 0960.



Michael F. Malone
CEO, MyPort, Inc.

Date: 1-23-23

DECLARATION REGARDING AUTHORITY TO SIGN
ON BEHALF OF A LEGAL ENTITY

Pursuant to 37 C.F.R. § 3.73(d)(1), I, Michael F. Malone, hereby declare that I am authorized to signed documents on behalf of MyPort, Inc.



Date: 1-23-23

Michael F. Malone
CEO, MyPort, Inc.



ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #
16/358,455

RECEIPT DATE / TIME
01/24/2023 02:28:43 PM ET

ATTORNEY DOCKET #
MPOR60-34549

Title of Invention

METHOD FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL

Application Information

APPLICATION TYPE Utility - Nonprovisional Application
under 35 USC 111(a)

PATENT # 10721066

CONFIRMATION # 6531

FILED BY April Reasoner

PATENT CENTER # 61483679

FILING DATE 03/19/2019

CUSTOMER # 25883

FIRST NAMED INVENTOR Michael F. Malone

CORRESPONDENCE ADDRESS -

AUTHORIZED BY Bill Naifeh

Documents

TOTAL DOCUMENTS: 1

DOCUMENT	PAGES	DESCRIPTION	SIZE (KB)
Statutory-Disclaimer-10721066.pdf	3	Statutory disclaimers per Manual of Patent Examining Procedure(MPEP) 1490.	502 KB

Digest

DOCUMENT	MESSAGE DIGEST(SHA-512)
Statutory-Disclaimer-10721066.pdf	5A6ABB8417B96E65B2F0E05E8237AFEC7528EA8642A4910795 F4B531CB8D21ED4034566A4785AB6E5831EBA5343F70072B91

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New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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



ELECTRONIC PAYMENT RECEIPT

APPLICATION #
16/358,455

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ATTORNEY DOCKET #
MPOR60-34549

Title of Invention

METHOD FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL

Application Information

APPLICATION TYPE Utility - Nonprovisional Application
under 35 USC 111(a)

PATENT # 10721066

CONFIRMATION # 6531

FILED BY April Reasoner

PATENT CENTER # 61483679

AUTHORIZED BY Bill Naifeh

CUSTOMER # 25883

FILING DATE 03/19/2019

CORRESPONDENCE
ADDRESS -

FIRST NAMED
INVENTOR Michael F. Malone

Payment Information

PAYMENT METHOD
CARD / 2001

PAYMENT TRANSACTION ID
E20231NE29320101

PAYMENT AUTHORIZED BY
April Reasoner

FEE CODE	DESCRIPTION	ITEM PRICE(\$)	QUANTITY	ITEM TOTAL(\$)
1814	STATUTORY DISCLAIMER, INCLUDING TERMINAL DISCLAIMER	170.00	1	170.00
TOTAL AMOUNT:				\$170.00

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New Applications Under 35 U.S.C. 111

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and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application

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

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

New International Application Filed with the USPTO as a Receiving Office

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



ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #
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MPOR60-34549

Title of Invention

METHOD FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL

Application Information

APPLICATION TYPE Utility - Nonprovisional Application
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PATENT # 10721066

CONFIRMATION # 6531

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FIRST NAMED INVENTOR Michael F. Malone

CORRESPONDENCE ADDRESS -

AUTHORIZED BY Bill Naifeh

Documents

TOTAL DOCUMENTS: 1

DOCUMENT	PAGES	DESCRIPTION	SIZE (KB)
POA-Statement_10721066.pdf	3	Power of Attorney	1524 KB

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by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

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

**PATENT - POWER OF ATTORNEY
OR
REVOCATION OF POWER OF ATTORNEY
WITH A NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Patent Number	10721066
Issue Date	07/21/2020
First Named Inventor	Michael F. Malone
Title	METHOD FOR VOICE ASSISTANT, LOCATION TAGGING, MULTIMEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL
Attorney Docket No.	MYPT.01.01.US8

I hereby revoke all previous powers of attorney given in the above-identified patent.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the Customer Number identified in the box at right as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

40672

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified patent to:

☒ The address associated with the above-identified Customer Number.

OR

☐ The address associated with the Customer Number identified in the box at right:

OR

☐ Firm or☐ Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

☐ Applicant.

OR

☒ Patent owner.

Statement under 37 CFR 3.73(c) (form PTO/AIA/96) submitted herewith or filed on _____

SIGNATURE of Applicant or Patent Owner

Signature

Date

Name

Michael F. Malone

Telephone

Title and Company

CEO of MYPORT, INC.

NOTE: Signatures of all the applicants or patent owners of the entire interest or their representative(s) are required. If more than one signature is required, submit multiple forms, check the box below, and identify the total number of forms submitted in the blank below.☒ A total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public, which is to update (and by the USPTO to process) the file of a patent or reexamination proceeding. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

STATEMENT UNDER 37 CFR 3.73(c)

Applicant/Patent Owner: MYPORT, INC.

Application No./Patent No.: 10721066 Filed/Issue Date: 7/21/2020

Titled: METHOD FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, ST
MYPORT, INC., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or 4 below):

1. ☒ The assignee of the entire right, title, and interest.
2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):
- ☐ The extent (by percentage) of its ownership interest is ____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.
- ☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (e.g., bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose **one** of options A or B below):

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Michael F. Malone To: MyPort Technologies, Inc.

The document was recorded in the United States Patent and Trademark Office at
Reel 048996, Frame 0382, or for which a copy thereof is attached.

2. From: MyPort Technologies, Inc. To: MyPort IP, Inc.

The document was recorded in the United States Patent and Trademark Office at
Reel 048996, Frame 0435, or for which a copy thereof is attached.

[Page 1 of 2]

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

STATEMENT UNDER 37 CFR 3.73(c)3. From: MyPort IP, Inc. To: MyPort, Inc.The document was recorded in the United States Patent and Trademark Office at
Reel 059507, Frame 0960, or for which a copy thereof is attached.

4. From: _____ To: _____

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

5. From: _____ To: _____

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

6. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet(s).☒ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

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

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

Signature

Michael F. Malone

Printed or Typed Name

Date

CEO

Title or Registration Number

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas on the following
☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 2:22-cv-114	DATE FILED 4/15/2022	U.S. DISTRICT COURT Eastern District of Texas
PLAINTIFF MYPORT, INC.		DEFENDANT SAMSUNG ELECTRONICS CO., LTD and SAMSUNG ELECTRONICS AMERICA, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 9,832,017	11/28/2017	MyPort, Inc.
2 10,237,067	3/19/2019	MyPort, Inc.
3 10,721,066	7/21/2020	MyPort, Inc.
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
-------	-------------------	------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy



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.
16/358,455	07/21/2020	10721066	MPOR60-34549	6531

25883 7590 06/30/2020
MUNCK WILSON MANDALA L.L.P.
P.O. Drawer 800889
DALLAS, TX 75380

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

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

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

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

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

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

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

Michael F. Malone, McKinney, TX;
MYPOR IP, INC., McKinney, TX;

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.

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)

25883 7590 04/01/2020
MUNCK WILSON MANDALA L.L.P.
P.O. Drawer 800889
DALLAS, TX 75380

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.
16/358,455	03/19/2019	Michael F. Malone	MPOR60-34549	6531

TITLE OF INVENTION: APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS

US PATENT AND TRADEMARK OFFICE						
STAGE AND SEARCH RETRIEVAL STATUS		ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0.00	\$0.00	\$1000	07/01/2020

EXAMINER	ART UNIT	CLASS-SUBCLASS
SHERALI, ISHRAT I	2667	707-756000

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 Gregory M. Howison

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)

MYPORT IP, INC.

MCKINNEY, TEXAS

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. 50-0208

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 /Gregory M. Howison, Reg. #30646/

Date June 12, 2020

Typed or printed name Gregory M. Howison

Registration No. 30,646

Electronic Patent Application Fee Transmittal				
Application Number:		16358455		
Filing Date:		19-Mar-2019		
Title of Invention:		METHOD FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/ CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL		
First Named Inventor/Applicant Name:		Michael F. Malone		
Filer:		Gregory Michael Howison/Anna Nguyen		
Attorney Docket Number:		MPOR60-34549		
Filed as Large 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:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
PUBL. FEE- EARLY, VOLUNTARY, OR NORMAL	1504	1	0	0
UTILITY APPL ISSUE FEE	1501	1	1000	1000
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1000

Electronic Acknowledgement Receipt	
EFS ID:	39703824
Application Number:	16358455
International Application Number:	
Confirmation Number:	6531
Title of Invention:	METHOD FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/ CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL
First Named Inventor/Applicant Name:	Michael F. Malone
Customer Number:	25883
Filer:	Gregory Michael Howison
Filer Authorized By:	
Attorney Docket Number:	MPOR60-34549
Receipt Date:	12-JUN-2020
Filing Date:	19-MAR-2019
Time Stamp:	14:24:04
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$1000
RAM confirmation Number	E20206BE25305802
Deposit Account	500208
Authorized User	Gregory Howison
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p> <p>37 CFR 1.21 (Miscellaneous fees and charges)</p>	

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)	MPO34549IssueFeeTransmittal.pdf	1233727	no	1
			ad0f9a1e379f1b2bb4b82ac1ff0cb4ddb7763601		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	32260	no	2
			7cb9f4cd08b1fc7fe0f66690d79ff5e1be46dd4		
Warnings:					
Information:					
Total Files Size (in bytes):			1265987		
<p>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.</p> <p><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.</p> <p><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.</p> <p><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.</p>					



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
16/358,455	03/19/2019	2667	1880	MPOR60-34549	17	3

CONFIRMATION NO. 6531

CORRECTED FILING RECEIPT

25883
MUNCK WILSON MANDALA L.L.P.
P.O. Drawer 800889
DALLAS, TX 75380



Date Mailed: 05/26/2020

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)

Michael F. Malone, McKinney, TX;

Applicant(s)

MYPORT IP, INC., McKinney, TX;

Power of Attorney: The patent practitioners associated with Customer Number 25883

Domestic Priority data as claimed by applicant

This application is a CON of 15/824,087 11/28/2017 PAT 10237067
which is a CON of 15/272,013 09/21/2016 PAT 9832017
which is a CON of 14/660,166 03/17/2015 ABN
which is a CON of 13/965,625 08/13/2013 PAT 8983119
which is a CON of 13/417,229 03/10/2012 PAT 8509477
which is a CON of 12/857,358 08/16/2010 PAT 8135169
which is a CON of 11/621,062 01/08/2007 PAT 7778438
which is a CIP of 11/325,373 01/04/2006 PAT 7184573
and claims benefit of 60/757,075 01/06/2006
and said 11/325,373 01/04/2006
is a CON of 10/674,910 09/29/2003 PAT 6996251
which claims benefit of 60/414,449 09/30/2002

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: Yes

Permission to Access Search Results: Yes

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: 04/04/2019

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 16/358,455**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL

Preliminary Class

707

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

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

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

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

SelectUSA

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

25883 7590 04/01/2020
MUNCK WILSON MANDALA L.L.P.
P.O. Drawer 800889
DALLAS, TX 75380

EXAMINER

SHERALI, ISHRAT I

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 04/01/2020

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/358,455	03/19/2019	Michael F. Malone	MPOR60-34549	6531

TITLE OF INVENTION: APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0.00	\$0.00	\$1000	07/01/2020

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)

25883 7590 04/01/2020
MUNCK WILSON MANDALA L.L.P.
P.O. Drawer 800889
DALLAS, TX 75380

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.
16/358,455	03/19/2019	Michael F. Malone	MPOR60-34549	6531

TITLE OF INVENTION: APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS

STORAGE AND SEARCH RETRIEVAL STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(\$) DUE	DATE DUE
nonprovisional UNDISCOUNTED	\$1000	\$0.00	\$0.00	\$1000	07/01/2020

EXAMINER	ART UNIT	CLASS-SUBCLASS
SHERALI, ISHRAT I	2667	707-756000

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 _____

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. _____



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/358,455	03/19/2019	Michael F. Malone	MPOR60-34549	6531
25883 7590 04/01/2020 MUNCK WILSON MANDALA L.L.P. P.O. Drawer 800889 DALLAS, TX 75380			EXAMINER SHERALI, ISHRAT I	
			ART UNIT	PAPER NUMBER
			2667	
DATE MAILED: 04/01/2020				

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. 16/358,455	Applicant(s) Malone, Michael F.	
	Examiner ISHRAT I SHERALI	Art Unit 2667	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 2/18/2020.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

3. ☒ The allowed claim(s) is/are 1-17. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

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

Certified copies:
a) ☐ All b) ☐ Some *c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

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

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

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

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

Attachment(s)

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

/ISHRAT I SHERALI/ Primary Examiner, Art Unit 2667	
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<i>Search Notes</i> 	Application/Control No. 16/358,455	Applicant(s)/Patent Under Reexamination Malone, Michael F.
	Examiner ISHRAT I SHERALI	Art Unit 2667

CPC - Searched*		
Symbol	Date	Examiner

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
382	100, 305	03/20/2020	IS

* 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
SEARCH EAST TEXT LIMITED CPC/USPC, INVENTOR/ASSIGNEE , GOOGLE	03/20/2020	IS
SEARCH EAST TEXT LIMITED FOLLOWING CPC CLASS/ SUBCLASS: H04L 9/14, 3263, 3271, 3297, G06F 16/5866, 68, 48, 50, 51, 00, G06F 17/00 , H04N 5/76, 77, 765, 9201, 44, H04N 21/ 25816, 25875, 26603, 26613, 84, 835, 6582, 4108, 2747, H04L 2209/ 60, 80	03/20/2020	

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
	SEARCH EAST INTERFERENCE TEXT LIMITED	03/20/2020	IS

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<p><i>Search Notes</i></p> 	<p>Application/Control No.</p> <p>16/358,455</p>	<p>Applicant(s)/Patent Under Reexamination</p> <p>Malone, Michael F.</p>
	<p>Examiner</p> <p>ISHRAT I SHERALI</p>	<p>Art Unit</p> <p>2667</p>

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Issue Classification 	Application/Control No. 16/358,455	Applicant(s)/Patent Under Reexamination Malone, Michael F.	
	Examiner ISHRAT I SHERALI	Art Unit 2667	

CPC						
Symbol					Type	Version
H04L	/	9	/	14	F	2013-01-01
H04L	/	9	/	3263	I	2013-01-01
G06F	/	16	/	51	I	2019-01-01
G06F	/	16	/	50	I	2019-01-01
G06F	/	16	/	48	I	2019-01-01
G06F	/	16	/	68	I	2019-01-01
H04L	/	9	/	3271	I	2013-01-01
H04L	/	9	/	3297	I	2013-01-01
H04N	/	5	/	76	I	2013-01-01
H04N	/	21	/	84	I	2013-01-01
H04N	/	21	/	835	I	2013-01-01
H04N	/	21	/	6582	I	2013-01-01
H04N	/	21	/	4108	I	2013-01-01
H04N	/	21	/	2747	I	2013-01-01
H04N	/	21	/	26613	I	2013-01-01
H04N	/	21	/	26603	I	2013-01-01
H04N	/	21	/	25875	I	2013-01-01
H04N	/	21	/	25816	I	2013-01-01
H04N	/	5	/	44	I	2013-01-01
G06F	/	16	/	5866	I	2019-01-01
H04N	/	5	/	765	I	2013-01-01
H04N	/	5	/	77	A	2013-01-01
H04L	/	2209	/	80	A	2013-01-01
H04L	/	2209	/	60	A	2013-01-01
H04N	/	5	/	9201	A	2013-01-01

CPC Combination Sets							
Symbol				Type	Set	Ranking	Version
	/		/				

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	17	
/ISHRAT I SHERALI/	20 March 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	2

Issue Classification 	Application/Control No. 16/358,455	Applicant(s)/Patent Under Reexamination Malone, Michael F.
	Examiner ISHRAT I SHERALI	Art Unit 2667

INTERNATIONAL CLASSIFICATION			
CLAIMED			
H04L		9	14

NON-CLAIMED			

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS
382	100

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

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	17	
/ISHRAT I SHERALI/ Primary Examiner, Art Unit 2667 (Primary Examiner)	20 March 2020 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 2

U.S. Patent and Trademark Office

Part of Paper No.: 20200320

Issue Classification 	Application/Control No. 16/358,455	Applicant(s)/Patent Under Reexamination Malone, Michael F.
	Examiner ISHRAT I SHERALI	Art Unit 2667

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☒ T.D. ☐ R.1.47																
CLAIMS																
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final
1	1	10	10													
2	2	11	11													
3	3	12	12													
4	4	13	13													
5	5	14	14													
6	6	15	15													
7	7	16	16													
8	8	17	17													
9	9															

NONE (Assistant Examiner) _____ (Date) _____		Total Claims Allowed: 17	
/ISHRAT I SHERALI/ Primary Examiner, Art Unit 2667 (Primary Examiner) _____ (Date) 20 March 2020		O.G. Print Claim(s) 1	O.G. Print Figure 2

<i>Index of Claims</i> 	Application/Control No. 16/358,455	Applicant(s)/Patent Under Reexamination Malone, Michael F.
	Examiner ISHRAT I SHERALI	Art Unit 2667

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

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☒ T.D. ☐ R.1.47										
CLAIM			DATE							
Final	Original	03/20/2020								
1	1	=								
2	2	=								
3	3	=								
4	4	=								
5	5	=								
6	6	=								
7	7	=								
8	8	=								
9	9	=								
10	10	=								
11	11	=								
12	12	=								
13	13	=								
14	14	=								
15	15	=								
16	16	=								
17	17	=								

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael F. MALONE
Serial No.: 16/358,455
Confirmation No.: 6531
Filed: March 19, 2019
Group: 2667
Examiner: Ishrat I. SHERALI
For: METHOD FOR VOICE ASSISTANT, LOCATION TAGGING,
MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT
CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION,
CREATION OF SEARCHABLE METATAGS/CONTEXTUAL
TAGS, STORAGE AND SEARCH RETRIEVAL (As Amended)

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

Dear Sir:

AMENDMENT AND RESPONSE TO OFFICE ACTION

This communication is responsive to the Examiner's Office Action dated September 18, 2019. Reconsideration is respectfully requested.

Amendments to the Specification begin on page 2

Amendments to the Claims are reflected in the listing of claims beginning on page 3 of this paper.

Remarks/Arguments begin on page 8 of this paper.

AMENDMENT AND RESPONSE
SN: 16/358,455
Atty. Dkt. No. MPOR60-34549

Page 1 of 9

In the Specification

Please delete the current Title of the Invention and amend the Title of the Invention to the following:

METHOD FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA
CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO
IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE
METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL

In the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A ~~method system~~ for capturing image and audio information for storage in a database at a location on a network, comprising the steps of:

interfacing a microphone ~~interfaceable~~ with an external audio information source that generates external audio information and converting with a first data converter ~~for capturing~~ the external audio information from the microphone,

interfacing a camera ~~interfacing~~ with an external image source to capture an image therefrom;

the first data converter processing the captured external audio information and storing it in a first digital audio format as stored digital audio within the capture device, the camera for processing the captured image and storing it as a stored digital image;

capturing with a data capture device ~~for capturing~~, as captured data, location information and time information associated with at least the capture of the image and storing the captured data as stored captured data;

combining with a data combiner ~~for combining~~ the stored digital audio, stored digital image and stored captured data as a composite data set;

~~an encryptor for~~ encrypting the composite data set as an encrypted composite data set;

~~a transmitter for~~ transmitting with a transmitter the encrypted composite data set to the location on the network; and

wherein a system disposed at the location on the network operates to ~~and including~~:

~~a receiver for receiving~~ receive the transmitted encrypted composite data set from the transmitter,

~~a decryptor decrypting~~ decrypt the received encrypted composite data set as a decrypted composite data set to provide the decrypted composite data set as a received set of decrypted captured information,

converting with a system data converter ~~for converting~~ the received digital audio in the decrypted composite data set to a text based searchable file as a text

30 context tag and creating an image recognition searchable context tag with image
recognition of at least a portion of the digital image in the decrypted composite
data set and associating the text and image recognition context tags with the
digital image in the received decrypted composite data set, and
35 ~~the database~~ storing in the database the digital image in the decrypted
composite data set in association with the text and image recognition context tags
as a stored context based digital image and in association with the received
captured data in the decrypted composite data set.

2. (Currently Amended) The ~~system~~ method of Claim 1, wherein the first data converter captures the first external audio information from the microphone during generation thereof.

3. (Currently Amended) The ~~system~~ method of Claim 1, wherein the camera captures the image from the external image source at an instant in time.

4. (Currently Amended) The ~~system~~ method of Claim 1, wherein the first data converter processes the captured external audio information from a start event representing the time that capture of the external audio information is initiated to a stop event representing the time that capture of the external audio information is complete.

5. (Currently Amended) The ~~system~~ method of Claim 4, wherein the step of transmitting ~~transmitter~~ transmits the encrypted composite data set to the location on the network after at least the stop event associated with the processing of the captured external audio information.

6. (Currently Amended) A ~~system~~ method for capturing image and audio information for storage, comprising:

executing a capture operation with a capture device by the steps of having:
providing internal storage;
5 interfacing a microphone ~~interfaceable~~ with [[and]] an external audio
information source that generates external audio information and converting with

a first data converter ~~for capturing~~ the first external audio information from the microphone,

10 interfacing a camera ~~interfacing~~ with ~~[[and]]~~ an external image source to capture an image therefrom;

 the first data converter processing the captured external audio information and storing it in a first digital audio format as stored digital audio in internal storage within the capture device, the camera for processing the captured image and storing it as a stored digital image in internal storage;

15 capturing with a data capture device ~~for capturing~~, as captured data, location information, and time information associated with at least the capture of the image and storing the captured data as stored captured data;

converting with a media data converter ~~for converting~~ the received digital audio to a text based searchable file as a text context tag and creating an image recognition searchable context tag with image recognition of at least a portion of

20 the digital image and associating the text and image recognition context tags with the digital image and the captured data, and

~~the internal storage~~ storing in the internal storage the digital image in association with the text and image recognition context tags in addition to the

25 stored captured data.

7. (Currently Amended) The ~~system method~~ of Claim 6, wherein the first data converter captures the first external audio information from the microphone during generation thereof.

8. (Currently Amended) The ~~system method~~ of Claim 6, wherein the step of capturing camera captures the image with the camera from the external image source at an instant in time.

9. (Currently Amended) The ~~system method~~ of Claim 6, wherein the first data converter processes the captured external audio information from a start event representing the time that capture of the external audio information is initiated to a stop event representing the time that capture of the external audio information is complete.

10. (Currently Amended) The ~~system~~ method of Claim 6, and further including:
~~a transmitter associated with the capture device for transmitting with a transmitter~~
~~associated with the capture device~~ the composite data set to the location on the network;
~~wherein a system disposed at the location on a network operates to and including:~~
5 ~~a receiver for receiving~~ receive ~~with a receiver~~ the transmitted composite
data set from the transmitter associated with the capture device as a received set
of captured information,
provide a database, and
~~the database storing~~ store in the database the received composite data set.
11. (Currently Amended) The ~~system~~ method of Claim 10, wherein the step of capturing
with the first data converter processes the captured external audio information from a start event
representing the time that capture of the external audio information is initiated to a stop event
representing the time that capture of the external audio information is complete.
12. (Currently Amended) The ~~system~~ method of Claim 11, wherein the step of transmitting
~~transmitter~~ transmits the received composite data set to the location on the network after at least
the stop event associated with the processing of the captured external audio information.
13. (Currently Amended) A ~~system~~ method for capturing image and audio information for
storage, comprising the steps of:
providing internal storage;
interfacing a microphone ~~interfacing~~ with an external audio information source
5 that generates external audio information and converting with a first data converter ~~for~~
~~capturing~~ the external audio information from the microphone;
interfacing a camera ~~interfacing~~ with an image source to capture an image
therefrom;
~~a data capture device for capturing with a capture device~~, as captured data,
10 location information and time information associated with at least the capture of the
image and storing the captured data as stored captured data;

the first data converter processing the captured external audio information and storing it in a first digital audio format as stored digital audio within the capture device, the camera for processing the captured image and storing it as a stored digital image;

15 ~~a second data converter for converting~~ with a second data converter the received digital audio to a text based searchable file as a text context tag and creating an image recognition searchable context tag with image recognition of at least a portion of the digital image and associating the text and image recognition context tags with the digital image and with the stored captured data; and

20 ~~the internal storage~~ storing in the internal storage the digital image in association with the text and image recognition context tags in addition to the stored captured data.

14. (Currently Amended) The ~~system~~ method of Claim 13, wherein the image source is an external image source.

15. (Currently Amended) The ~~system~~ method of Claim 13, wherein the step of converting with the first data converter captures the first external audio information from the microphone during generation thereof.

16. (Currently Amended) The ~~system~~ method of Claim 13, wherein the step of capturing camera captures with the camera the image from the image source at an instant in time.

17. (Currently Amended) The ~~system~~ method of Claim 13, wherein the step of converting with the first data converter processes the captured external audio information from a start event representing the time that capture of the external audio information is initiated to a stop event representing the time that capture of the external audio information is complete.

REMARKS

Applicant has carefully reviewed the Office Action dated September 18, 2019. Applicant has amended the Title of the Invention and Claims 1-17 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

A Terminal Disclaimer for USPs 10, 237,067 and 7,778,438 is being filed herewith.

Claims 1-17 stand rejected under 35 USC §101 under double patenting. This is a statutory double patenting rejection. Claims 1-17 have been amended to convert the claims to the claims and, as such, Applicant believes that the amended claims overcome the 35 USC §101 rejection with respect to Claims 1-17, and therefore respectfully requests withdrawal thereof.

Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at GHowison@munckwilson.com.

Recognizing that Internet communications are not secure, Applicant hereby authorizes the USPTO to communicate with the undersigned and practitioners in accordance with 37 CFR 1.33 and 37 CFR 1.34 concerning any subject matter of this application by video conferencing, instant messaging, or electronic mail. Applicant understands that a copy of these communications will be made of record in the application file.

Please charge any additional fees or deficiencies in fees or credit any overpayment to
Deposit Account No. 50-0208/MPOR60-34549.

Respectfully submitted,
MUNCK WILSON MANDALA, LLP
Attorneys for Applicant

/Gregory M. Howison, Reg# 30,646/

Gregory M. Howison
Registration No. 30,646

GMH/jsr
P.O. Drawer 800889
Dallas, Texas 75380
Tel: 972-628-3600
Fax: 972-628-3616
March 18, 2020

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) MPOR60-34549																																		
Application Number 16/358,455	Filed 2019-03-19																																			
For <small>APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE</small>																																				
Art Unit 2667	Examiner Ishrat I. SHERALI																																			
<p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.</p> <p>The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):</p> <table style="width: 100%; border-collapse: collapse;"><thead><tr><th></th><th style="text-align: center;"><u>Fee</u></th><th style="text-align: center;"><u>Small Entity Fee</u></th><th style="text-align: center;"><u>Micro Entity Fee</u></th><th></th></tr></thead><tbody><tr><td>☐ One month (37 CFR 1.17(a)(1))</td><td style="text-align: center;">\$200</td><td style="text-align: center;">\$100</td><td style="text-align: center;">\$50</td><td>\$ _____</td></tr><tr><td>☐ Two months (37 CFR 1.17(a)(2))</td><td style="text-align: center;">\$600</td><td style="text-align: center;">\$300</td><td style="text-align: center;">\$150</td><td>\$ _____</td></tr><tr><td>☒ Three months (37 CFR 1.17(a)(3))</td><td style="text-align: center;">\$1,400</td><td style="text-align: center;">\$700</td><td style="text-align: center;">\$350</td><td>\$ <u>1,400</u></td></tr><tr><td>☐ Four months (37 CFR 1.17(a)(4))</td><td style="text-align: center;">\$2,200</td><td style="text-align: center;">\$1,100</td><td style="text-align: center;">\$550</td><td>\$ _____</td></tr><tr><td>☐ Five months (37 CFR 1.17(a)(5))</td><td style="text-align: center;">\$3,000</td><td style="text-align: center;">\$1,500</td><td style="text-align: center;">\$750</td><td>\$ _____</td></tr></tbody></table> <p>☐ Applicant asserts small entity status. See 37 CFR 1.27.</p> <p>☐ Applicant certifies micro entity status. See 37 CFR 1.29. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.</p> <p>☐ A check in the amount of the fee is enclosed.</p> <p>☐ Payment by credit card. Form PTO-2038 is attached.</p> <p>☐ The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p>☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>50-0208</u>.</p> <p>☒ Payment made via EFS-Web.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the</p> <p>☐ applicant.</p> <p>☒ attorney or agent of record. Registration number <u>30,646</u>.</p> <p>☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.</p> <table style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 5px;"><u>/Gregory M. Howison, Reg. #30646/</u> Signature</td><td style="width: 50%; padding: 5px;"><u>2020-03-18</u> Date</td></tr><tr><td style="padding: 5px;"><u>Gregory M. Howison</u> Typed or printed name</td><td style="padding: 5px;"><u>972-628-3600</u> Telephone Number</td></tr></table> <p>NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.</p>				<u>Fee</u>	<u>Small Entity Fee</u>	<u>Micro Entity Fee</u>		☐ One month (37 CFR 1.17(a)(1))	\$200	\$100	\$50	\$ _____	☐ Two months (37 CFR 1.17(a)(2))	\$600	\$300	\$150	\$ _____	☒ Three months (37 CFR 1.17(a)(3))	\$1,400	\$700	\$350	\$ <u>1,400</u>	☐ Four months (37 CFR 1.17(a)(4))	\$2,200	\$1,100	\$550	\$ _____	☐ Five months (37 CFR 1.17(a)(5))	\$3,000	\$1,500	\$750	\$ _____	<u>/Gregory M. Howison, Reg. #30646/</u> Signature	<u>2020-03-18</u> Date	<u>Gregory M. Howison</u> Typed or printed name	<u>972-628-3600</u> Telephone Number
	<u>Fee</u>	<u>Small Entity Fee</u>	<u>Micro Entity Fee</u>																																	
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<u>/Gregory M. Howison, Reg. #30646/</u> Signature	<u>2020-03-18</u> Date																																			
<u>Gregory M. Howison</u> Typed or printed name	<u>972-628-3600</u> Telephone Number																																			

☒ * Total of ONE forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Privacy Act Statement

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

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

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

Electronic Patent Application Fee Transmittal				
Application Number:		16358455		
Filing Date:		19-Mar-2019		
Title of Invention:		APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/ CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL		
First Named Inventor/Applicant Name:		Michael F. Malone		
Filer:		Gregory Michael Howison/Joselyn Rodriguez		
Attorney Docket Number:		MPOR60-34549		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description		Fee Code	Quantity	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	1253	1	1400	1400
Miscellaneous:				
Total in USD (\$)				1400

Electronic Acknowledgement Receipt	
EFS ID:	38905444
Application Number:	16358455
International Application Number:	
Confirmation Number:	6531
Title of Invention:	APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/ CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL
First Named Inventor/Applicant Name:	Michael F. Malone
Customer Number:	25883
Filer:	Gregory Michael Howison/Joselyn Rodriguez
Filer Authorized By:	Gregory Michael Howison
Attorney Docket Number:	MPOR60-34549
Receipt Date:	18-MAR-2020
Filing Date:	19-MAR-2019
Time Stamp:	17:34:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$1400
RAM confirmation Number	E20203HH34584320
Deposit Account	500208
Authorized User	Joselyn Rodriguez
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.17 (Patent application and reexamination processing fees) 37 CFR 1.21 (Miscellaneous fees and charges)	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		MPO34549AMDTD.pdf	113358	yes	9
			cd3a994b028a2f0d190b894f892190e50ca2b124		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Specification		2	2	
	Claims		3	7	
	Applicant Arguments/Remarks Made in an Amendment		8	9	
Warnings:					
Information:					
2	Extension of Time	MPO34549PETEXT.pdf	141301	no	2
			9618f4b1a61e7690c219922c7f35b8a74826f1f0		
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	31277	no	2
			82af3cb53845a40b0843dbc600773aafc9ee1ac3		
Warnings:					
Information:					
Total Files Size (in bytes):			285936		

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

Doc Code: DIST.E.FILE Document Description: Electronic Terminal Disclaimer - Filed		PTO/SB/26 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	
Application Number	16358455	
Filing Date	19-Mar-2019	
First Named Inventor	Michael Malone	
Attorney Docket Number	MPOR60-34549	
Title of Invention	APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL	
☒ Filing of terminal disclaimer does not obviate requirement for response under 37 CFR 1.111 to outstanding Office Action ☒ This electronic Terminal Disclaimer is not being used for a Joint Research Agreement.		
Owner	Percent Interest	
MYPORT IP, INC.	100%	
<p>The owner(s) with percent interest listed above in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent number(s)</p> <p>7778438 10237067</p> <p>as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <ul style="list-style-type: none"> - expires for failure to pay a maintenance fee; - is held unenforceable; - is found invalid by a court of competent jurisdiction; - is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; - has all claims canceled by a reexamination certificate; - is reissued; or - is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. 		

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included with Electronic Terminal Disclaimer request. ☐ I certify, in accordance with 37 CFR 1.4(d)(4), that the terminal disclaimer fee under 37 CFR 1.20(d) required for this terminal disclaimer has already been paid in the above-identified application.	
Applicant claims the following fee status: ☐ Small Entity ☐ Micro Entity ☒ Regular Undiscounted	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.	
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am:	
☒ An attorney or agent registered to practice before the Patent and Trademark Office who is of record in this application Registration Number <u> 30646 </u>	
☐ A sole inventor	
☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors as evidenced by the power of attorney in the application	
☐ A joint inventor; all of whom are signing this request	
Signature	/Gregory M. Howison, Reg. #30646/
Name	Gregory M. Howison

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
 Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Electronic Patent Application Fee Transmittal				
Application Number:		16358455		
Filing Date:		19-Mar-2019		
Title of Invention:		APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/ CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL		
First Named Inventor/Applicant Name:		Michael F. Malone		
Filer:		Gregory Michael Howison/Joselyn Rodriguez		
Attorney Docket Number:		MPOR60-34549		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
STATUTORY OR TERMINAL DISCLAIMER	1814	1	160	160
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
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 (\$)				160

Doc Code: DISQ.E.FILE
Document Description: Electronic Terminal Disclaimer – Approved

Application No.: 16358455

Filing Date: 19-Mar-2019

Applicant/Patent under Reexamination: Malone

Electronic Terminal Disclaimer filed on March 18, 2020

☒ APPROVED

This patent is subject to a terminal disclaimer

☐ DISAPPROVED

Approved/Disapproved by: Electronic Terminal Disclaimer automatically approved by EFS-Web

U.S. Patent and Trademark Office

Electronic Acknowledgement Receipt	
EFS ID:	38905323
Application Number:	16358455
International Application Number:	
Confirmation Number:	6531
Title of Invention:	APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/ CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL
First Named Inventor/Applicant Name:	Michael F. Malone
Customer Number:	25883
Filer:	Gregory Michael Howison/Joselyn Rodriguez
Filer Authorized By:	Gregory Michael Howison
Attorney Docket Number:	MPOR60-34549
Receipt Date:	18-MAR-2020
Filing Date:	19-MAR-2019
Time Stamp:	17:29:06
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$160
RAM confirmation Number	E20203HH29004241
Deposit Account	500208
Authorized User	Joselyn Rodriguez
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.17 (Patent application and reexamination processing fees) 37 CFR 1.21 (Miscellaneous fees and charges)	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Terminal Disclaimer-Filed (Electronic)	eTerminal-Disclaimer.pdf	33775	no	2
			215c06394fc4ee58d7614bf61751e66ccddf aa6a		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30910	no	2
			3f1c53f3d5d1ba1c767c02f262e5454345d4 9734		
Warnings:					
Information:					
Total Files Size (in bytes):			64685		
<p>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.</p> <p><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.</p> <p><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.</p> <p><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.</p>					



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/358,455	03/19/2019	Michael F. Malone	MPOR60-34549	6531
25883	7590	09/18/2019		
MUNCK WILSON MANDALA L.L.P			EXAMINER	
P.O. Drawer 800889			SHERALI, ISHRAT I	
DALLAS, TX 75380				
			ART UNIT	PAPER NUMBER
			2667	
			NOTIFICATION DATE	DELIVERY MODE
			09/18/2019	ELECTRONIC

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

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

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

IPdocketing@munckwilson.com
admin@dalpat.com
eofficeaction@apcoll.com

Notice of Pre-AIA or AIA Status

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

Double Patenting

2. A rejection based on double patenting of the “same invention” type finds its support in the language of 35 U.S.C. 101 which states that “whoever invents or discovers any new and useful process... may obtain a patent therefor...” (Emphasis added). Thus, the term “same invention,” in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the claims that are directed to the same invention so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

3. Claims 1-17 are rejected 35 USC 101 as claiming the same invention as that of claims 1-17 of U.S. prior U.S. Patent No. 10, 237,067. This is a statutory double patenting rejection and cannot be overcome by filing terminal disclaimer.

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent

and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(I)(1) - 706.02(I)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets

all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

4. Claims 1-17 are rejected on the ground of non-statutory obviousness-type double patenting as being un-patentable over claims 1-12 of U.S. Patent No. 7,778,438.

Although the conflicting claims are not identical, they are not patentably distinct from each other because they claiming the same subject matter of converting information in another format and storing in the database and also claims 1-12 of the U.S Patent No.7,778,438 includes all of the limitations recited in independent claims 1 and 20 of the instant application, except claims 1 and 20 of the instant application also include “transmitting defined set of first captured information and the defined set of stored captured information to a remote location and encrypting/decrypting composite data. Since independent claim 1 of the U.S Patent No 7,778,438 recites in the preamble “comprising” i.e. claim 1 of the U.S Patent No 7,778,438 is open- ended claim therefore it also include transmitting defined set of first captured information and the defined set of stored captured information to a remote location and encrypting/decrypting composite data. Furthermore independent claim 1 of the U.S Patent No 7,778,438 also recite captured information and remote database.

Similarly claims 2-19 of the instant application are similarly obvious over claims 1-12 of the U.S. Patent No. 7,778,438.

Communication

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISHRAT I SHERALI whose telephone number is 571-272-7398. The examiner can normally be reached on Monday-Friday 8:00AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7453. 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).

/ISHRAT I SHERALI/
Primary Examiner, Art Unit 2667

ISHRAT I. SHERALI
Examiner
Art Unit 2667

September 14, 2018

Notice of References Cited	Application/Control No. 16/358,455		Applicant(s)/Patent Under Reexamination Malone, Michael F.	
	Examiner ISHRAT I SHERALI		Art Unit 2667	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-10237067-B2	03-2019	Malone; Michael F.	H04L9/3263	1/1
*	B	US-8768693-B2	07-2014	Somekh; Oren	G06F16/58	704/230
*	C	US-7778438-B2	08-2010	Malone; Michael F.	H04L9/3263	382/100
*	D	US-7043048-B1	05-2006	Ellingson; Eric E.	H04N1/32101	382/100
*	E	US-6990444-B2	01-2006	Hind; John R.	G10L21/06	704/235
*	F	US-6687383-B1	02-2004	Kanevsky; Dimitri	G10L19/018	380/210
*	G	US-9471592-B2	10-2016	Koyama; Toshiaki	H04L12/1831	1/1
	H					
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FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

U.S. Patent and Trademark Office
PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 20190914

<i>Search Notes</i> 	Application/Control No. 16/358,455	Applicant(s)/Patent Under Reexamination Malone, Michael F.
	Examiner ISHRAT I SHERALI	Art Unit 2667

CPC - Searched*		
Symbol	Date	Examiner

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
382	100, 305	09/14/2019	IS

* 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
SEARCH EAST TEXT LIMITED CPC/USPC, INVENTOR/ASSIGNEE, GOOGLE	09/14/2019	IS
SEARCH EAST TEXT LIMITED FOLLOWING CPC CLASS/SUBCLASS: H04L 9/14, 3263, 3271, 3297, G06F 16/5866, 68, 48, 50, 51, G06F 17/30038, 30749, 30268, 30244, H04N 5/76, 44, H04N 21/25816, 25875, 26603, 26613		

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
	SEARCH EAST INTERFERENCE TEXT LIMITED	09/14/2019	IS

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
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L2	4150	(COMBIN\$3 OR MERG\$3 OR COMPOSIT\$3) WITH (IMAGE OR VIDEO) WITH (AUDIO OR VOICE OR SPEECH) AND ENCRYPT\$3	USPAT	OR	ON	2019/09/14 23:42
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EAST Search History (Interference)

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Receipt date: 07/24/2019

16/358,455 - GAU: 2667

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (03-15)

Approved for use through 07/31/2016. OMB 0651-0031

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	16358455
	Filing Date	2019-03-19
	First Named Inventor	MALONE, Michael F.
	Art Unit	2872
	Examiner Name	SHERALI, Ishrat I.
	Attorney Docket Number	MPOR60-34549

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
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	2	8099772		2012-01-17	TAKADA ET AL.	
	3	6968453		2005-11-22	DOYLE ET AL.	
	4	6996251		2006-02-07	MALONE ET AL.	
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	6	5031122		1991-07-09	WITTY	
	7	5276472		1994-01-04	BELL ET AL.	
	8	5546145		1996-08-13	BERNARDI ET AL.	

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9	5786851	1998-07-28	KONDO ET AL.
10	5940121	1999-08-17	MCINTYRE ET AL.
11	5995936	1999-11-30	BRAIS ET AL.
12	6031526	2000-02-29	SHIPP
13	7617542	2009-11-10	VATAJA
14	6104430	2000-08-15	FUKUOKA
15	6683649	2004-01-27	ANDERSON
16	7053938	2006-05-30	SHERRY
17	7907199	2011-03-15	SEKI ET AL.
18	7831598	2010-11-09	KO
19	7324943	2008-01-29	RIGAZIO ET AL.

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20	7961218		2011-06-14	SEKI ET AL.	
21	6115137		2000-09-05	OZAWA ET AL	
22	6111605		2000-08-09	SUZUKI	
23	7319484		2008-01-15	YOSHIDA ET AL	
24	6222985		2001-04-24	MIYAKE	
25	6741864		2004-05-25	WILCOCK, ET AL.	
26	6636158		2003-10-21	BANDO, ET AL.	
27	6525768		2003-02-25	OBRADOVICH	
28	6720879		2004-04-03	EDWARDS	
29	6507371		2003-01-14	HASHIMOTO, ET AL.	
30	6498586		2002-12-24	PANKINAH0	

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32	6198989		2001-03-06	TANKHILEVICH, ET AL.	
33	5768640		1998-06-16	TAKAHASHI, ET AL.	
34	5642285		1997-06-24	WOO, ET AL.	
35	6560660		2003-05-06	FLANAGIN	
36	6526351		2003-02-25	WHITHAM	
37	6160964		2000-12-12	MOTO	
38	6532298		2003-03-11	CAMBIER, ET AL.	
39	6205249		2001-03-20	MOSKOWITZ	
40	6185683		2001-02-06	GINTER, ET AL.	
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42	6166729		2000-12-26	ACOSTA, EDWARD	
43	6424968		2002-07-23	BROSTER, ET AL.	
44	6065119		2000-05-16	SANDFORD, II, ET AL.	
45	6462778		2002-10-08	ABRAM, ET AL.	
46	6505160		2003-01-07	LEVY, ET AL.	
47	6526215		2003-02-25	HIRAI, ET AL.	
48	6606117		2003-08-12	WINDLE	
49	2950971		1960-08-30	LEWIN	
50	3439598		1969-04-22	WEITZNER, ET AL.	
51	5602458		1997-02-11	DOWE	
52	5692225		1997-11-25	BERNARDI, ET AL.	

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53	6681029		2004-01-20	RHOADS	
54	7010144		2006-03-07	DAVIS ET AL.	
55	7043048		2006-05-09	ELLINGSON	
56	0055422		1866-06-05	ROUSTAEI	
57	4015240		1977-03-29	SWONGER ET AL.	
58	4109237		1978-08-22	HILL	
59	4528588		1985-07-09	LOFBERG	
60	4620318		1986-10-28	HILL	
61	4994831		1991-02-19	MARANDI	
62	4995086		1991-02-19	LILLEY ET AL.	
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65	5787183	1998-07-28	SCHROEDER
66	5799092	1998-08-25	KRISTOL ET AL.
67	5841886	1998-11-24	RHOADS
68	5857038	1999-01-05	OWADA ET AL.
69	5907149	1999-05-25	MARCKINI
70	5995630	1999-11-30	BORZA
71	6005936	1999-12-21	SCHIMIZU ET AL.
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73	6148091	2000-11-24	DIMARIA
74	6185316	2001-02-06	BUFFAM

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75	6208746		2001-03-27	MUSGRAVE	
76	6243481		2001-06-05	TAO	
77	6292092		2001-09-18	CHOW ET AL.	
78	6301368		2001-10-09	BOLLE ET AL.	
79	6321981		2001-11-27	RAY ET AL.	
80	6366680		2002-04-02	BRUNK ET AL.	
81	6377699		2002-04-23	MUSGRAVE ET AL.	
82	6389151		2002-05-14	CARR ET AL.	
83	6397334		2002-05-28	CHAINER ET AL.	
84	6577336		2003-06-10	SAFAI	
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86	7778440		2010-08-17	MALONE, MICHAEL F.	
87	8068638		2011-11-29	MALONE, MICHAEL F.	
88	7184573		2007-02-27	MALONE ET AL.	
89	6023241		2000-02-08	CLAPPER	
90	5913078		1999-06-15	KIMURA ET AL.	
91	5732354		1998-03-24	MACDONALD	
92	6212401		2001-04-03	ACKLEY	
93	5825890		1998-10-20	ELGAMAL ET AL.	
94	8135169		2012-03-13	MALONE, MICHAEL F.	
95	6914695		2005-07-05	WALTERS ET AL.	
96	5247300		1993-09-21	SOHN, SUNG W.	

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97	7778438		2010-08-17	MALONE, MICHAEL F.	
98	RE39526		2007-03-20	HULL ET AL.	
99	52670425		1993-11-30	TSUCHIYA ET AL.	
100	5515042		1996-05-07	NELSON	
101	5712679		1998-01-27	COLES	
102	5726660		1998-03-10	PURDY ET AL.	
103	5806005		1998-09-08	HULL ET AL.	
104	6181373		2001-01-30	COLES	
105	6359837		2002-03-19	TSUKAMOTO	
106	6571271		2003-05-27	SAVITZKY ET AL.	
107	6831682		2004-12-14	SILVERBROOK ET AL.	

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108	6833861	2004-12-21	MATSUMOTO ET AL.
109	7016899	2006-03-21	STERN ET AL.
110	7265779	2007-09-04	SATO ET AL.
111	6889324	2005-05-03	KANAI ET AL.
112	6853987	2005-02-08	COOK, DAVID P.
113	6269446	2001-07-31	SCHUMACHER ET AL.
114	6968366	2005-11-22	ZHANG ET AL.
115	7391960	2008-06-24	SHINOZAKI ET AL.
116	6990444	2006-01-24	HIND ET AL.
117	5737491	1998-04-07	ALLEN ET AL.
118	4115805	1978-09-19	MORTON

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119	4334241	1982-06-08	KASHIOKA, ET AL.
120	4574319	1986-03-04	KONISHI
121	5335072	1994-08-02	TANAKA, ET AL.
122	5506644	1996-04-09	SUZUKI, ET AL.
123	5633678	1997-05-27	PARULSKI, ET AL.
124	6332193	2001-12-18	GLASS, ET AL.
125	6219560	2001-04-17	ERKKILA, MARKO
126	6014183	2000-01-11	HOANG
127	6115717	2000-09-05	MEHROTRA ET AL.
128	5819289	1998-10-06	SANFORD, II ET AL.
129	5657077	1997-08-12	DEANGELIS, ET AL.

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130	5682458	1997-10-28	FUNAZAKI
131	5692104	1997-11-25	CHOW, ET AL.
132	5706457	1998-01-06	DWYER, ET AL.
133	5796428	1998-08-18	MATSUMOTO, ET AL.
134	5828809	1998-10-27	CHANG, ET AL.
135	5835667	1998-11-10	WACTLAR, ET AL.
136	5872865	1999-02-16	NORMILE, ET AL.
137	5889578	1999-03-30	JAMZADEH
138	5893095	1999-04-06	JAIN, ET AL.
139	6282362	2001-08-28	MURPHY, ET AL.
140	5499294	1996-03-12	FRIEDMAN, GARY L.

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141	5815201	1998-09-29	HASHIMOTO ET AL.
142	4389109	1983-06-21	TANIGUCHI ET AL.
143	4270853	1981-06-02	HATADA ET AL.
144	4270854	1981-06-02	STEMME ET AL.
145	4344682	1982-08-17	HATTORI
146	4443077	1984-04-17	TANIKAWA
147	4613911	1986-09-23	OHTA
148	4642717	1987-02-10	MATSUDA ET AL.
149	4905029	1990-02-27	KELLEY
150	4951079	1990-08-21	HOSHINO ET AL.
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152	4977419	1990-12-11	WASH ET AL.
153	4983996	1991-01-08	KINOSHITA
154	5023635	1991-06-11	NEALON
155	5025283	1991-06-18	ROBINSON
156	5027149	1991-06-25	HOSHINO ET AL.
157	5070355	1991-12-03	INOUE ET AL.
158	5097278	1992-03-17	TAMAMURA ET AL.
159	5099262	1992-03-24	TANAKA ET AL.
160	5128700	1992-07-07	INOUE ET AL.
161	5142310	1992-08-25	TANIGUCHI ET AL.
162	5146249	1992-09-08	HODA ET AL.

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163	5160952	1992-11-03	WASHITA ET AL.
164	5245372	1993-09-14	OASHIMA
165	5313235	1994-05-17	INOUE ET AL.
166	5426745	1995-06-20	BAJI ET AL.
167	5952164	2005-10-04	JUNQUA
168	5959868	2005-11-01	TSIKOS ET AL.
169	5965324	2005-11-15	SUGGS, SR.
170	5956671	2005-10-18	MONTY ET AL.
171	5895126	2005-05-17	DI BERNARDO ET AL.
172	5856344	2005-02-15	FRANZ
173	5750902	2004-06-15	STEINBERG ET AL.

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174	6747692	2004-06-08	PATEL ET AL.
175	6670984	2003-12-30	TANAKA ET AL.
176	6628325	2003-12-30	STEINBERG ET AL.
177	6535298	2003-03-18	WINTER ET AL
178	6411328	2002-06-25	FRANKE ET AL.
179	7095871	2006-08-22	JONES ET AL.
180	5841978	1998-11-24	RHOADS
181	5410598	1995-04-25	SHEAR
182	5493677	1996-02-20	BALOGH ET AL.
183	5502576	1996-03-26	RAMSAY ET AL.
184	5519778	1996-05-21	LEIGHTON ET AL.

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185	5530759	1996-06-25	BRAUDAWAY ET AL.
186	5568570	1996-10-22	RABBANI
187	5581800	1996-12-03	FARDEAU ET AL.
188	5617119	1997-04-01	BRIGGS ET AL.
189	5629980	1997-05-13	STEFIK
190	5646990	1997-07-08	LI
191	5646997	1997-07-08	BARTSON
192	5740244	1998-04-14	INDECK ET AL.
193	5765152	1998-06-09	ERICKSON
194	5822432	1998-10-13	MOSKOWITZ ET AL.
195	5845281	1998-12-01	BENSON

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196	5862260	1999-01-19	RHOADS
197	5892900	1999-04-06	GINTER ET AL.
198	5923327	1999-07-13	SMITH ET AL.
199	5943422	1999-08-24	VAN WIE ET AL.
200	5978773	1999-11-02	HUDETZ ET AL.
201	5991876	1999-11-23	JOHNSON ET AL.
202	6014569	2000-01-11	BOTTUM
203	6122403	2000-09-19	RHOADS
204	6141753	2000-10-31	ZHAO ET AL.
205	6233684	2001-05-15	STEFIK ET AL.
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208	6300880	2001-10-09	SITNIK
209	6334187	2001-12-25	KADONO
210	6363043	2002-03-26	KONDO
211	6389538	2002-05-14	GRUSE ET AL.
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214	6449367	2002-09-10	VAN WIE ET AL.
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218	6591365	2003-07-08	COOKSON
219	6611607	2003-08-26	DAVIS ET AL
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7	20040073557	2004-04-15	PICCIONELLI, GREGORY A., ET AL.
8	20040068371	2004-04-08	ESTEP, RANDALL S.
9	20040053637	2004-03-18	IDA, TAKAYUKI
10	20040049734	2004-03-11	SIMSKE, STEVEN J.
11	20040044911	2004-03-04	TAKADA, MASAYUKI
12	20040039930	2004-02-26	OHMORI, MOTOJI, ET AL.
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15	20040005078	2004-01-08	TILLOTSON, SCOTT ANDREW
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19	20020191087	2002-12-19	HASHIMOTO, ET AL.
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21	20020194480	2002-12-19	NAGAO, KATASHI
22	20030011684	2003-01-16	NARAYANASWAMI ET AL.
23	20030032033	2003-02-13	ANGLIN ET AL.
24	20050043018	2005-02-24	KAWAMOTO, YOJI
25	20060018506	2006-01-26	RODRIGUEZ ET AL.
26	20070055689	2007-03-08	RHOADS ET AL.
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30	20010034835	2001-10-25	SMITH
31	20020010684	2002-01-24	MOSKOWITZ
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34	20010015759	2001-08-23	SQUIBBS
35	20010012066	2001-08-09	PARULSKI ET AL.
36	20010018349	2001-08-30	KINNUNEN ET AL.
37	20020046188	2002-04-18	BURGES ET AL.
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	16358455
Filing Date	2019-03-19
First Named Inventor	MALONE, Michael F.
Art Unit	2872
Examiner Name	SHERALI, Ishrat I.
Attorney Docket Number	MPOR60-34549

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Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² i	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
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	2	0152178	WO		2001-07-19	DIGIMARC CORPORATION		

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	1	United States Patent and Trademark Office; Request for Ex Parte Reexamination in related re-exam application 90/013,265; dated June 6, 2014; Examiner Angela M. Lie; 1085 pages 6 Jun 2014	
	2	United States Patent and Trademark Office; Request for Ex Parte Reexamination in related re-exam application 90/013,255; dated May 27, 2014; Examiner Scott Louis Weaver; 906 pages 27 May 2014	
	3	United States Patent and Trademark Office; Request for Ex Parte Reexamination in related re-exam application 90/013,265; dated February 16, 2015; Examiner Angela M. Lie; 187 pages 16 Feb 2015	
	4	United States Patent and Trademark Office; Request for Ex Parte Reexamination in related re-exam application 90/013,255; dated March 2, 2015; Examiner Angela M. Lie; 177 pages 2 Mar 2015	

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Examiner Signature	/ISHRAT I SHERALI/	Date Considered	09/14/2019
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	Examiner Name	SHERALI, Ishrat I.
	Attorney Docket Number	MPOR60-34549

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SIGNATURE

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

Signature	/Keith D. Harden, Reg. # 74472/	Date (YYYY-MM-DD)	2019-07-24
Name/Print	Keith D. Harden	Registration Number	74472

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Bibliographic Data

Application No: 16/358,455

Foreign Priority claimed: ☐ Yes ☒ No

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

Verified and Acknowledged:

/ISHRAT I SHERALI/

Examiner's Signature

Initials

Title:

APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
03/19/2019	707	2667	MPOR60-34549
RULE			

APPLICANTS

MYPORT IP, INC., McKinney, TX,

INVENTORS

Michael F. Malone McKinney, TX, UNITED STATES

CONTINUING DATA

This application is a CON of 15824087 11/28/2017 PAT 10237067

15824087 is a CON of 15272013 09/21/2016 PAT 9832017

15272013 is a CON of 14660166 03/17/2015ABN

14660166 is a CON of 13965625 08/13/2013 PAT 8983119

13965625 is a CON of 13417229 03/10/2012 PAT 8509477

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11621062 has PRO of 60757075 01/06/2006

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11325373 is a CON of 10674910 09/29/2003 PAT 6996251

10674910 has PRO of 60414449 09/30/2002

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Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

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	Examiner Name	SHERALI, Ishrat I.
	Attorney Docket Number	MPOR60-34549

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	1	5267042		1993-11-30	TSUCHIYA ET AL.	
	2	6947571		2005-09-20	RHOADS ET AL.	
	3	6807534		2004-10-19	ERICKSON	
	4	6788800		2004-09-07	CARR ET AL	
	5	6786397		2004-09-07	SILVERBROOK ET AL	
	6	8983119		2015-03-17	Malone	
	7	8768693		2014-06-01	Somekh et al.	
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9	9471592	2016-10-18	Koyama et al.
10	9832017	2017-11-28	Malone

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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.
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

~~ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /I.I.S/~~

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	18790	(COMBIN\$3 OR MERG\$3 OR COMPOSIT\$3) WITH (IMAGE OR VIDEO) WITH (AUDIO OR VOICE OR SPEECH)	USPAT	OR	ON	2019/09/14 23:41
L2	4150	(COMBIN\$3 OR MERG\$3 OR COMPOSIT\$3) WITH (IMAGE OR VIDEO) WITH (AUDIO OR VOICE OR SPEECH) AND ENCRYPT\$3	USPAT	OR	ON	2019/09/14 23:42
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/358,455	03/19/2019	Michael F. Malone	MPOR60-34549

CONFIRMATION NO. 6531

PUBLICATION NOTICE



OC000000110772785

25883
MUNCK WILSON MANDALA L.L.P
P.O. Drawer 800889
DALLAS, TX 75380

Title: APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL

Publication No. US-2019-0268151-A1

Publication Date: 08/29/2019

NOTICE OF PUBLICATION OF APPLICATION

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

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	16358455
	Filing Date	2019-03-19
	First Named Inventor	MALONE, Michael F.
	Art Unit	2872
	Examiner Name	SHERALI, Ishrat I.
	Attorney Docket Number	MPOR60-34549

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	5267042		1993-11-30	TSUCHIYA ET AL.	
	2	6947571		2005-09-20	RHOADS ET AL.	
	3	6807534		2004-10-19	ERICKSON	
	4	6788800		2004-09-07	CARR ET AL	
	5	6786397		2004-09-07	SILVERBROOK ET AL	
	6	8983119		2015-03-17	Malone	
	7	8768693		2014-06-01	Somekh et al.	
	8	8509477		2013-08-13	Malone	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		16358455
	Filing Date		2019-03-19
	First Named Inventor	MALONE, Michael F.	
	Art Unit	2872	
	Examiner Name	SHERALI, Ishrat I.	
	Attorney Docket Number	MPOR60-34549	

9	9471592	2016-10-18	Koyama et al.
10	9832017	2017-11-28	Malone

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	Filing Date		2019-03-19
	First Named Inventor	MALONE, Michael F.	
	Art Unit	2872	
	Examiner Name	SHERALI, Ishrat I.	
Attorney Docket Number		MPOR60-34549	

EXAMINER SIGNATURE			
Examiner Signature			Date Considered
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		16358455
	Filing Date		2019-03-19
	First Named Inventor	MALONE, Michael F.	
	Art Unit	2872	
	Examiner Name	SHERALI, Ishrat I.	
	Attorney Docket Number	MPOR60-34549	

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/Keith D. Harden, Reg. # 74472/	Date (YYYY-MM-DD)	2019-07-24
Name/Print	Keith D. Harden	Registration Number	74472

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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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)).
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8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael F. MALONE
Serial No.: 16/358,455
Confirmation No.: 6531
Filed: March 19, 2019
Group: 2872
Examiner: SHERALI, Ishrat I.

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

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

In accordance with the requirements of 37 C.F.R. §§ 1.56, 1.97, and 1.98, attached please find a Form PTO SB/08 listing information for consideration by the Office in connection with its examination of the above-captioned patent application.

It is brought to Examiner's attention that certain references listed on the attached Form PTO SB/08 were previously submitted to the Office in connection with a prior application, namely Application Serial No. 15/824,087 (Atty Docket No. MPOR60-33823), which is relied upon in the current application for an earlier filing date under 35 U.S.C. §120. Pursuant to 37 C.F.R. 1.98(d), copies of such previously submitted items are not provided herein.

Respectfully submitted,
MUNCK WILSON MANDALA, LLP
Attorneys for Applicant(s)

/Keith D. Harden, Reg. #74472/

Keith D. Harden
Registration No. 74,472

KDH/amb
P.O. Drawer 800889
Dallas, Texas 75380
Tel: 972-628-3600
Fax: 972-628-3616
July 24, 2019

INFORMATION DISCLOSURE STATEMENT
Serial No. 16/358,455

1

Electronic Acknowledgement Receipt	
EFS ID:	36683033
Application Number:	16358455
International Application Number:	
Confirmation Number:	6531
Title of Invention:	APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/ CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL
First Named Inventor/Applicant Name:	Michael F. Malone
Customer Number:	25883
Filer:	Keith D. Harden
Filer Authorized By:	
Attorney Docket Number:	MPOR60-34549
Receipt Date:	24-JUL-2019
Filing Date:	19-MAR-2019
Time Stamp:	19:26:12
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	Information Disclosure Statement (IDS) Form (SB08)	MPO34549IDS1.pdf	1043985	no	34
			8b3e1ba21af9c7138547bcb4f1284cf4599d73a6		

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Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	MPO34549IDS2.pdf	612642	no	5
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Warnings:					
Information:					
3	Transmittal Letter	MPO34549IDSTransmittal.pdf	68334	no	1
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	Examiner Name	SHERALI, Ishrat I.
	Attorney Docket Number	MPOR60-34549

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60	4620318		1986-10-28	HILL	
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	76	6243481		2001-06-05	TAO	
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90	5913078		1999-06-15	KIMURA ET AL.	
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94	8135169		2012-03-13	MALONE, MICHAEL F.	
95	6914695		2005-07-05	WALTERS ET AL.	
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100	5515042		1996-05-07	NELSON	
101	5712679		1998-01-27	COLES	
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	120	4574319		1986-03-04	KONISHI	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		16358455
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	First Named Inventor	MALONE, Michael F.	
	Art Unit	2872	
	Examiner Name	SHERALI, Ishrat I.	
	Attorney Docket Number	MPOR60-34549	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		16358455
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	Attorney Docket Number	MPOR60-34549	

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	16358455
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Examiner Name	SHERALI, Ishrat I.
Attorney Docket Number	MPOR60-34549

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FOREIGN PATENT DOCUMENTS								Remove
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² i	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
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Examiner Signature		Date Considered	
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	First Named Inventor	MALONE, Michael F.	
	Art Unit	2872	
	Examiner Name	SHERALI, Ishrat I.	
	Attorney Docket Number	MPOR60-34549	

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/Keith D. Harden, Reg. # 74472/	Date (YYYY-MM-DD)	2019-07-24
Name/Print	Keith D. Harden	Registration Number	74472

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/358,455	03/19/2019	Michael F. Malone	MPOR60-34549

25883
MUNCK WILSON MANDALA L.L.P
P.O. Drawer 800889
DALLAS, TX 75380

CONFIRMATION NO. 6531
POA ACCEPTANCE LETTER



Date Mailed: 05/22/2019

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/25/2019.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
16/358,455	03/19/2019	2872	1880	MPOR60-34549	17	3

CONFIRMATION NO. 6531

UPDATED FILING RECEIPT



0000000108339909

25883
MUNCK WILSON MANDALA L.L.P.
P.O. Drawer 800889
DALLAS, TX 75380

Date Mailed: 05/22/2019

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Inventor(s)

Michael F. Malone, McKinney, TX;

Applicant(s)

MYPORT IP, INC., McKinney, TX;

Power of Attorney: The patent practitioners associated with Customer Number 25883

Domestic Priority data as claimed by applicant

This application is a CON of 15/824,087 11/28/2017 PAT 10237067
which is a CON of 15/272,013 09/21/2016 PAT 9832017
which is a CON of 14/660,166 03/17/2015 ABN
which is a CON of 13/965,625 08/13/2013 PAT 8983119
which is a CON of 13/417,229 03/10/2012 PAT 8509477
which is a CON of 12/857,358 08/16/2010 PAT 8135169
which is a CON of 11/621,062 01/08/2007 PAT 7778438
which is a CIP of 11/325,373 01/04/2006 PAT 7184573
and claims benefit of 60/757,075 01/06/2006
and said 11/325,373 01/04/2006
is a CON of 10/674,910 09/29/2003 PAT 6996251
which claims benefit of 60/414,449 09/30/2002

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.

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The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 16/358,455**

Projected Publication Date: 08/29/2019

Non-Publication Request: No

Early Publication Request: No

Title

APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL

Preliminary Class

359

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

SelectUSA

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

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 16/358,455				
APPLICATION AS FILED - PART I										
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)			
BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A			N/A	300			
SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A			N/A	660			
EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A			N/A	760			
TOTAL CLAIMS <small>(37 CFR 1.16(i))</small>	17	minus 20 = *				x 100 =	0.00			
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	3	minus 3 = *				x 460 =	0.00			
APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	1720			
APPLICATION AS AMENDED - PART II										
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY		
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus	**	=	x	=		x	=
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	x	=		x	=
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
TOTAL ADD'L FEE									TOTAL ADD'L FEE	
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus	**	=	x	=		x	=
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	x	=		x	=
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
TOTAL ADD'L FEE									TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.										

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael F. MALONE
Serial No.: 16/358,455
Confirmation No.: 6531
Filed: March 19, 2019
Group: 2872
Examiner: To be assigned
For: APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING,
MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT
CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION,
CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS,
STORAGE AND SEARCH RETRIEVAL

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

Dear Sir:

RESPONSE TO MISSING PARTS NOTICE

In response to the *Notice to File Missing Parts of Nonprovisional Application*, mailed on April 5, 2019, Applicant submits herewith fees in the amount of \$1880 to cover the required fees. A copy of the *Notice* is submitted concurrently herewith.

Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 50-0208/MPOR60-34549.

Respectfully submitted,
MUNCK WILSON MANDALA, L.L.P.
Attorneys for Applicant(s)

/Keith D. Harden, Reg. #74472/
Keith D. Harden
Registration No. 74,472

KDH/alb
P.O. Drawer 800889
Dallas, Texas 75380
Tel: 972-628-3600
Fax: 972-628-3616
May 20, 2019

SUBMISSION OF MISSING PARTS
S/N 16/358,455
Atty. Dkt. No. MPOR60-34549

Page 1 of 1



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/358,455	03/19/2019	Michael F. Malone	MPOR60-34549

CONFIRMATION NO. 6531

FORMALITIES LETTER



OC000000107141273

25883
MUNCK WILSON MANDALA L.L.P
P.O. Drawer 800889
DALLAS, TX 75380

Date Mailed: 04/05/2019

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

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

- The statutory basic filing fee is missing.
- The application search fee must be submitted.
- The application examination fee must be submitted.
- Surcharge as set forth in 37 CFR 1.16(f) must be submitted.

The surcharge is due for any one of:

- late submission of the basic filing fee, search fee, or examination fee,
- late submission of inventor's oath or declaration,
- filing an application that does not contain at least one claim on filing, or
- submission of an application filed by reference to a previously filed application.

SUMMARY OF FEES DUE:

The fee(s) required within **TWO MONTHS** from the date of this Notice to avoid abandonment is/are itemized below. No entity status discount is in effect. If applicant is qualified for small entity status, a written assertion of small entity status must be submitted to establish small entity status. (See 37 CFR 1.27). If applicant is qualified for micro entity status, an acceptable Certification of Micro Entity Status must be submitted to establish micro entity status. (See 37 CFR 1.29 and forms PTO/SB/15A and 15B.)

- **\$ 300** basic filing fee.
- **\$ 160** surcharge.
- **\$ 660** search fee.
- **\$ 760** examination fee.
- **\$(0)** previous unapplied payment amount.
- **\$ 1880** TOTAL FEE BALANCE DUE.

Replies must be received in the USPTO within the set time period or must include a proper Certificate of Mailing or Transmission under 37 CFR 1.8 with a mailing or transmission date within the set time period. For more information and a suggested format, see Form PTO/SB/92 and MPEP 512.

Replies should be mailed to:

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

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web, including a copy of this Notice and selecting the document description "Applicant response to Pre-Exam Formalities Notice".
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

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

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

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/hchin/

Electronic Patent Application Fee Transmittal				
Application Number:		16358455		
Filing Date:		19-Mar-2019		
Title of Invention:		APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/ CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL		
First Named Inventor/Applicant Name:		Michael F. Malone		
Filer:		Keith D. Harden/Annie Bartolotta		
Attorney Docket Number:		MPOR60-34549		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
UTILITY APPLICATION FILING	1011	1	300	300
UTILITY SEARCH FEE	1111	1	660	660
UTILITY EXAMINATION FEE	1311	1	760	760
Pages:				
Claims:				
Miscellaneous-Filing:				
LATE FILING FEE FOR OATH OR DECLARATION	1051	1	160	160
Petition:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1880

Electronic Acknowledgement Receipt	
EFS ID:	36058445
Application Number:	16358455
International Application Number:	
Confirmation Number:	6531
Title of Invention:	APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/ CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL
First Named Inventor/Applicant Name:	Michael F. Malone
Customer Number:	25883
Filer:	Keith D. Harden
Filer Authorized By:	
Attorney Docket Number:	MPOR60-34549
Receipt Date:	20-MAY-2019
Filing Date:	19-MAR-2019
Time Stamp:	17:17:01
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$1880
RAM confirmation Number	052119INTEFSW17173600
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	Applicant Response to Pre-Exam Formalities Notice	MPO34549MISSINGPARTSSubmission.pdf	157108	no	3
			574fe96739b8e1e0a4eb7c239ce71cf7802ad0f6		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	37228	no	2
			7ba2cdb0c0e1fdbcb50145a7855c2e603864ba10f		
Warnings:					
Information:					
Total Files Size (in bytes):			194336		
<p>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.</p> <p><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.</p> <p><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.</p> <p><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.</p>					

TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA/82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

Application Number	16/358,455
Filing Date	March 19, 2019
First Named Inventor	Michael F. MALONE
Title	APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL
Art Unit	2872
Examiner Name	Unassigned
Attorney Docket Number	MPOR60-34549

SIGNATURE of Applicant or Patent Practitioner

Signature	/Keith D. Harden, Reg. #74472/	Date (Optional)	
Name	Keith D. Harden	Registration Number	74,472
Title (if Applicant is a juristic entity)			
Applicant Name (if Applicant is a juristic entity)			

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.



*Total of ONE forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

Application Number

Filing Date

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)



I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above:

25883

OR



I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

Please recognize or change the correspondence address for the application identified in the attached transmittal letter or the boxes above to:



The address associated with the above-mentioned Customer Number

OR



The address associated with Customer Number:



Firm or
Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

MYPORT IP, INC.



Inventor or Joint Inventor (title not required below)



Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)



Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)



Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

Signature

Date (Optional)

Name

Michael F. Malone

Title

CEO

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.



Total of ONE forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Electronic Acknowledgement Receipt	
EFS ID:	35831907
Application Number:	16358455
International Application Number:	
Confirmation Number:	6531
Title of Invention:	APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/ CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL
First Named Inventor/Applicant Name:	Michael F. Malone
Customer Number:	25883
Filer:	Keith D. Harden
Filer Authorized By:	
Attorney Docket Number:	MPOR60-34549
Receipt Date:	25-APR-2019
Filing Date:	19-MAR-2019
Time Stamp:	15:01:03
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	Power of Attorney	MPO34549POAEXE2.pdf	1306784	no	2
			d3e1c2dde0e41c4c8383dccfae9ed7ecc88d48f6		

Warnings:

Information:	
Total Files Size (in bytes):	1306784
<p>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.</p> <p><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.</p> <p><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.</p> <p><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.</p>	

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 16/358,455				
APPLICATION AS FILED - PART I										
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)			
BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A			N/A	300			
SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A			N/A	660			
EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A			N/A	760			
TOTAL CLAIMS <small>(37 CFR 1.16(i))</small>	17	minus 20 = *				x 100 =	0.00			
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	3	minus 3 = *				x 460 =	0.00			
APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	1720			
APPLICATION AS AMENDED - PART II										
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY		
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus	**	=	x	=		x	=
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	x	=		x	=
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE			TOTAL ADD'L FEE	
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus	**	=	x	=		x	=
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	x	=		x	=
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE			TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.										



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
16/358,455	03/19/2019	2872	0.00	MPOR60-34549	17	3

CONFIRMATION NO. 6531

FILING RECEIPT



0000000107141272

25883
MUNCK WILSON MANDALA L.L.P.
P.O. Drawer 800889
DALLAS, TX 75380

Date Mailed: 04/05/2019

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Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 15/824,087 11/28/2017 PAT 10237067
which is a CON of 15/272,013 09/21/2016 PAT 9832017
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which is a CON of 13/965,625 08/13/2013 PAT 8983119
which is a CON of 13/417,229 03/10/2012 PAT 8509477
which is a CON of 12/857,358 08/16/2010 PAT 8135169
which is a CON of 11/621,062 01/08/2007 PAT 7778438
which is a CIP of 11/325,373 01/04/2006 PAT 7184573
and claims benefit of 60/757,075 01/06/2006
and said 11/325,373 01/04/2006
is a CON of 10/674,910 09/29/2003 PAT 6996251
which claims benefit of 60/414,449 09/30/2002

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.

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The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 16/358,455**

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

Non-Publication Request: No

Early Publication Request: No
Title

APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE,
TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT
RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE
AND SEARCH RETRIEVAL

Preliminary Class

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

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16/358,455	03/19/2019	Michael F. Malone	MPOR60-34549

CONFIRMATION NO. 6531

FORMALITIES LETTER



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25883
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Date Mailed: 04/05/2019

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

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

- The statutory basic filing fee is missing.
- The application search fee must be submitted.
- The application examination fee must be submitted.
- Surcharge as set forth in 37 CFR 1.16(f) must be submitted.

The surcharge is due for any one of:

- late submission of the basic filing fee, search fee, or examination fee,
- late submission of inventor's oath or declaration,
- filing an application that does not contain at least one claim on filing, or
- submission of an application filed by reference to a previously filed application.

SUMMARY OF FEES DUE:

The fee(s) required within **TWO MONTHS** from the date of this Notice to avoid abandonment is/are itemized below. No entity status discount is in effect. If applicant is qualified for small entity status, a written assertion of small entity status must be submitted to establish small entity status. (See 37 CFR 1.27). If applicant is qualified for micro entity status, an acceptable Certification of Micro Entity Status must be submitted to establish micro entity status. (See 37 CFR 1.29 and forms PTO/SB/15A and 15B.)

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- \$ **160** surcharge.
- \$ **660** search fee.
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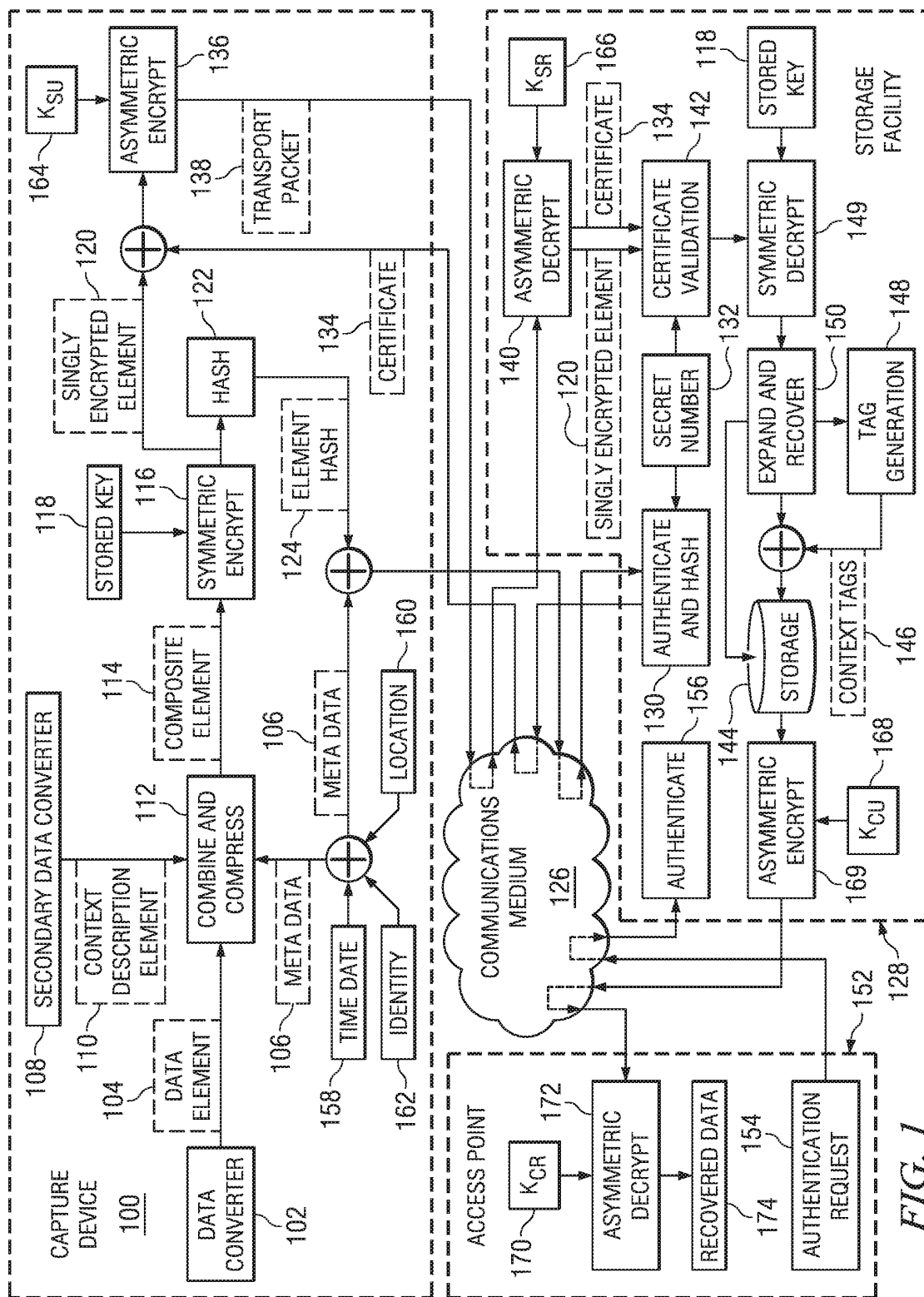
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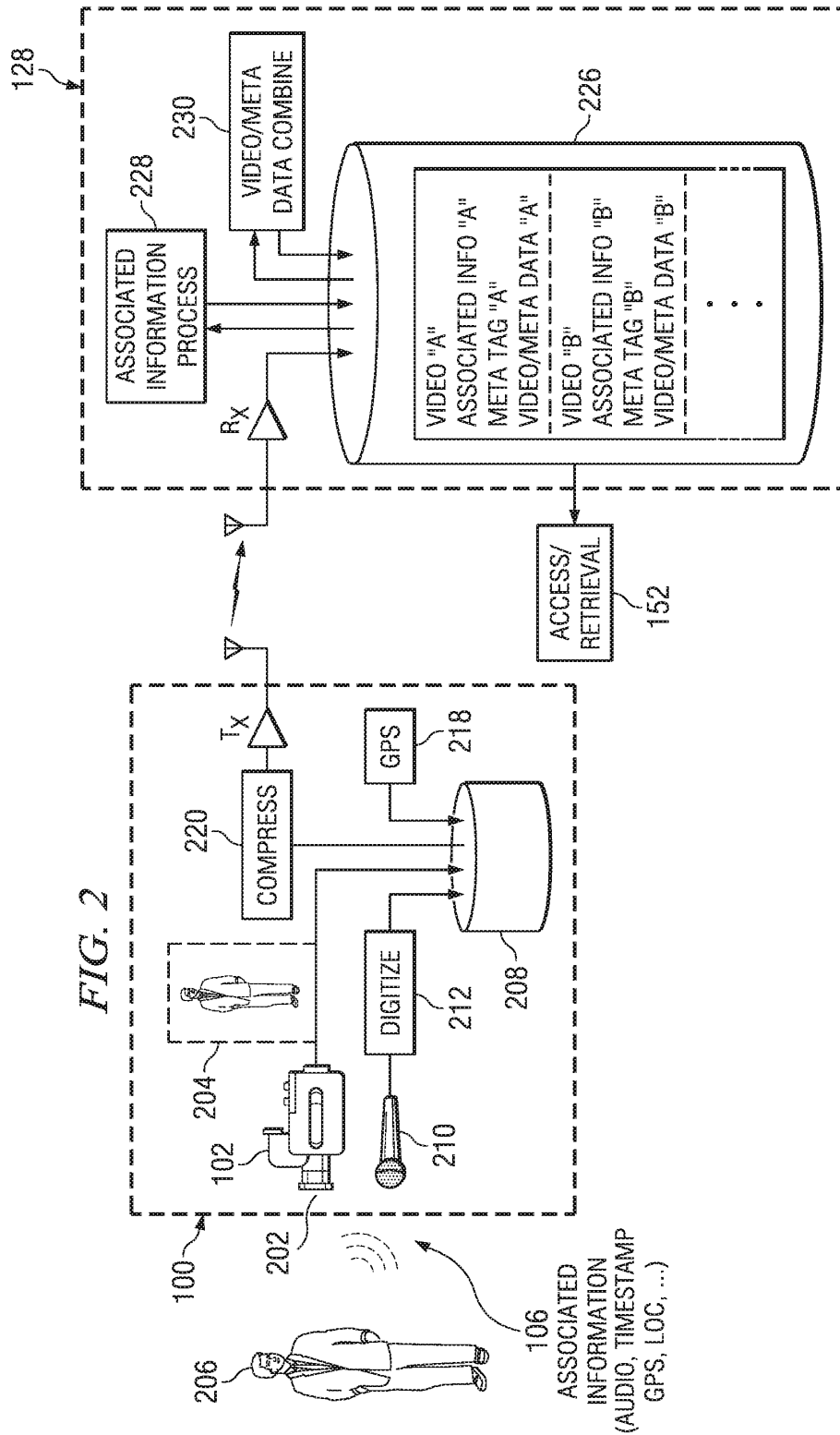
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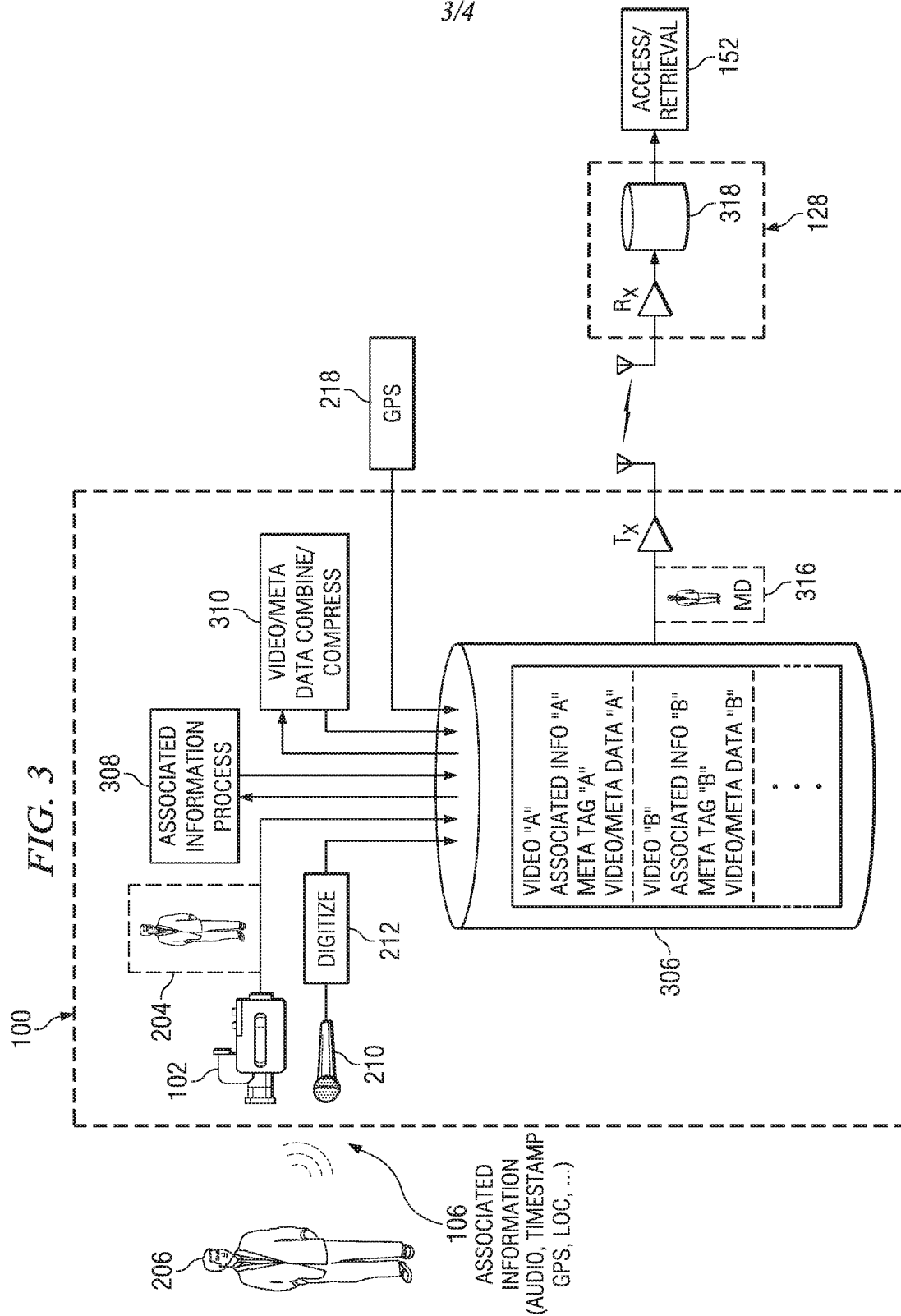
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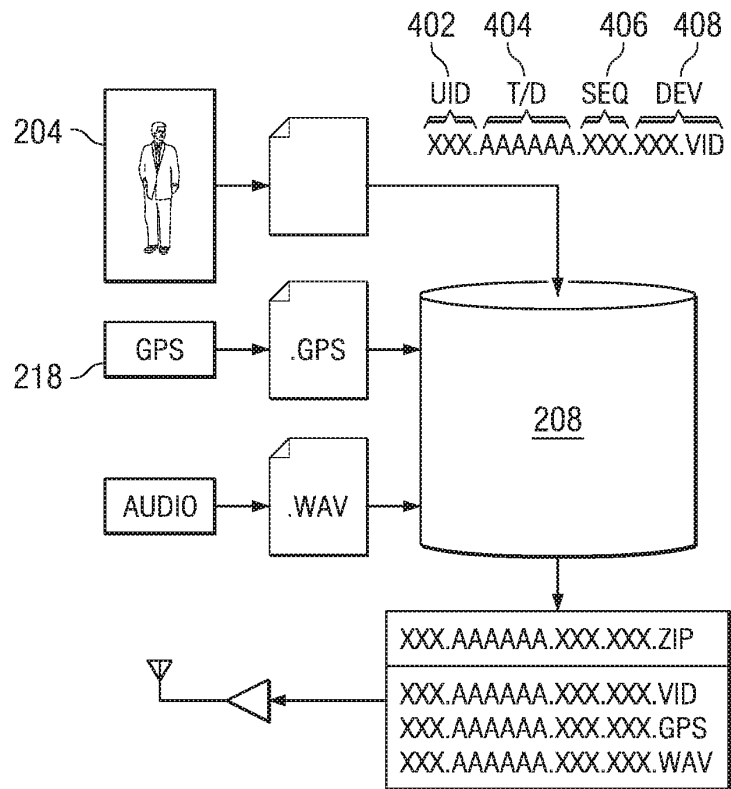


FIG. 4

ABSTRACT

This invention relates to a network interface device. A first capture device interfaces with a first external information source to capture first external information. A processor processes the captured first external information and stores it in a first media. The processor initiates the storage of the first captured information at an initial time and completes storage of
5 the first captured information at a completion time, thus providing a stored defined set of first captured information. A transmitter transmits the defined set of stored captured information to a remote location on a network. A remote processing system is disposed at the remote node on the network and includes a database and a receiver for receiving the transmitted defined set of first captured information. A data converter is operable to convert the received defined set of first
10 captured information to a second format. The database stores the set of converted captured information.

WHAT IS CLAIMED IS:

1. A system for capturing image and audio information for storage in a database at a location on a network, comprising:

a microphone interfaceable with an external audio information source that generates external audio information and a first data converter for capturing the external audio information from the microphone,

a camera interfacing with an external image source to capture an image therefrom; the first data converter processing the captured external audio information and storing it in a first digital audio format as stored digital audio within the capture device, the camera for processing the captured image and storing it as a stored digital image;

a data capture device for capturing, as captured data, location information and time information associated with at least the capture of the image and storing the captured data as stored captured data;

a data combiner for combining the stored digital audio, stored digital image and stored captured data as a composite data set;

an encryptor for encrypting the composite data set as an encrypted composite data set;

a transmitter for transmitting the encrypted composite data set to the location on the network; and

a system disposed at the location on the network and including:

a receiver for receiving the transmitted encrypted composite data set from the transmitter,

a decryptor decrypting the received encrypted composite data set as a decrypted composite data set to provide the decrypted composite data set as a received set of decrypted captured information,

a system data converter for converting the received digital audio in the decrypted composite data set to a text based searchable file as a text context tag and creating an image recognition searchable context tag with image recognition of at least a portion of the digital image in the decrypted composite data set and associating the text and image recognition context tags with the digital image in the received decrypted composite data set, and

the database storing the digital image in the decrypted composite data set in association with the text and image recognition context tags as a stored context based digital image and in association with the received captured data in the decrypted composite data set.

2. The system of Claim 1, wherein the first data converter captures the first external audio information from the microphone during generation thereof.

3. The system of Claim 1, wherein the camera captures the image from the external image source at an instant in time.

4. The system of Claim 1, wherein the first data converter processes the captured external audio information from a start event representing the time that capture of the external audio information is initiated to a stop event representing the time that capture of the external audio information is complete.

5. The system of Claim 4, wherein the transmitter transmits the encrypted composite data set to the location on the network after at least the stop event associated with the processing of the captured external audio information.

6. A system for capturing image and audio information for storage, comprising:

a capture device having:

internal storage;

a microphone interfaceable with and external audio information source that generates external audio information and a first data converter for capturing the first external audio information from the microphone,

a camera interfacing with and external image source to capture an image therefrom;

the first data converter processing the captured external audio information and storing it in a first digital audio format as stored digital audio in internal

storage within the capture device, the camera for processing the captured image and storing it as a stored digital image in internal storage;

15 a data capture device for capturing, as captured data, location information, and time information associated with at least the capture of the image and storing the captured data as stored captured data;

a media data converter for converting the received digital audio to a text based searchable file as a text context tag and creating an image recognition searchable context tag with image recognition of at least a portion of the digital image and associating the text and image recognition context tags with the digital image and the captured data, and

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the internal storage storing the digital image in association with the text and image recognition context tags in addition to the stored captured data.

7. The system of Claim 6, wherein the first data converter captures the first external audio information from the microphone during generation thereof.

8. The system of Claim 6, wherein the camera captures the image from the external image source at an instant in time.

9. The system of Claim 6, wherein the first data converter processes the captured external audio information from a start event representing the time that capture of the external audio information is initiated to a stop event representing the time that capture of the external audio information is complete.

10. The system of Claim 6, and further including:

a transmitter associated with the capture device for transmitting the composite data set to the location on the network;

a system disposed at the location on a network and including:

5 a receiver for receiving the transmitted composite data set from the transmitter associated with the capture device as a received set of captured information,

a database, and
the database storing the received composite data set.

11. The system of Claim 10, wherein the first data converter processes the captured external audio information from a start event representing the time that capture of the external audio information is initiated to a stop event representing the time that capture of the external audio information is complete.

12. The system of Claim 11, wherein the transmitter transmits the received composite data set to the location on the network after at least the stop event associated with the processing of the captured external audio information.

13. A system for capturing image and audio information for storage, comprising:

internal storage;

a microphone interfaceable with an external audio information source that generates external audio information and a first data converter for capturing the external audio information from the microphone;

a camera interfacing with an image source to capture an image therefrom;

a data capture device for capturing, as captured data, location information and time information associated with at least the capture of the image and storing the captured data as stored captured data;

the first data converter processing the captured external audio information and storing it in a first digital audio format as stored digital audio within the capture device, the camera for processing the captured image and storing it as a stored digital image;

a second data converter for converting the received digital audio to a text based searchable file as a text context tag and creating an image recognition searchable context tag with image recognition of at least a portion of the digital image and associating the text and image recognition context tags with the digital image and with the stored captured data; and

the internal storage storing the digital image in association with the text and image recognition context tags in addition to the stored captured data.

14. The system of Claim 13, wherein the image source is an external image source.
15. The system of Claim 13, wherein the first data converter captures the first external audio information from the microphone during generation thereof.
16. The system of Claim 13, wherein the camera captures the image from the image source at an instant in time.
17. The system of Claim 13, wherein the first data converter processes the captured external audio information from a start event representing the time that capture of the external audio information is initiated to a stop event representing the time that capture of the external audio information is complete.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
APPLICATION FOR UNITED STATES PATENT**

APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA
CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO
IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE
METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA
CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO
IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE
METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL

CROSS-REFERENCE TO RELATED APPLICATIONS

[0001] This application is a Continuation of U.S. Patent Application No. 15/824,087, filed on November 28, 2017, entitled APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL, now U.S. Patent No. 10,237,067, issued March 19, 2019 (Atty. Dkt. No. MPOR-33823). Application No. 15/824,087 is a Continuation of U.S. Application No. 15/272,013, filed on September 21, 2016, entitled APPARATUS FOR PERSONAL VOICE ASSISTANT, LOCATION SERVICES, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAG(S)/ CONTEXTUAL TAG(S), STORAGE AND SEARCH RETRIEVAL, now U.S. Patent No. 9,832,017, issued November 28, 2017 (Atty. Dkt. No. MPOR-33317). Application No. 15/272,013 is a Continuation of U.S. Application No. 14/660,166, filed March 17, 2015, and entitled METHOD FOR PERSONAL VOICE ASSISTANT, LOCATION SERVICES, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH CONVERSION, METATAGS CREATION, STORAGE AND SEARCH RETRIEVAL (Atty. Dkt. No. MPOR-32495). U.S. Application No. 14/660,166 is a Continuation of U.S. Patent Application No. 13/965,625, filed August 13, 2013, and entitled METHOD FOR VOICE COMMAND ACTIVATION, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH CONVERSION, METATAGS CREATION, STORAGE AND SEARCH RETRIEVAL, now U.S. Patent No. 8,983,119, issued on March 17, 2015 (Atty. Dkt. No. MPOR-31788). U.S. Patent Application No. 13/965,625 is a Continuation of U.S. Patent

Application No. 13/417,229, filed on March 10, 2012, and entitled METHOD FOR MULTI-MEDIA CAPTURE, TRANSMISSION, CONVERSION, METATAGS CREATION, STORAGE AND SEARCH RETRIEVAL, now U.S. Patent No. 8,509,477, issued on August 13, 2013 (Atty. Dkt. No. MPOR-31064), the specifications of which are incorporated by reference herein.

[0002] U.S. Patent Application No. 13/417,229 is a Continuation of U.S. Patent Application No. 12/857,358, filed on August 16, 2010, and entitled METHOD FOR MULTI-MEDIA CONVERSION, METATAGS CREATION, STORAGE AND SEARCH RETRIEVAL, published as U.S. Patent Application Publication No. US 2010/0303288, now U.S. Patent No. 8,135,169, issued on March 13, 2012 (Atty. Dkt. No. MPOR-30156). U.S. Patent Application Publication No. 2010/0303288 and U.S. Patent No. 8,135,169 are incorporated by reference herein.

[0003] U.S. Patent Application No. 12/857,358 is a Continuation of U.S. Patent Application No. 11/621,062, filed on January 8, 2007, and entitled METHOD FOR MULTI-MEDIA RECOGNITION, DATA CONVERSION, CREATION OF METATAGS, STORAGE AND SEARCH RETRIEVAL, published as U.S. Patent Application Publication No. U.S. 2007/0150517, now U.S. Patent No. 7,778,438, issued on August 17, 2010 (Atty. Dkt. No. MPOR-28133). U.S. Patent Application Publication No. U.S. 2007/0150517 and U.S. Patent No. 7,778,438 are incorporated by reference herein.

[0004] U.S. Patent Application No. 11/621,062 is a Continuation-in-Part of U.S. Patent Application No. 11/325,373, filed January 4, 2006, and entitled APPARATUS FOR CAPTURING INFORMATION AS A FILE AND ENHANCING THE FILE WITH EMBEDDED INFORMATION, published as U.S. Patent Application Publication No. U.S. 2006/0115111, now U.S. Patent No. 7,184,573, issued on February 27, 2007 (Atty. Dkt. No. MPOR-27243). Application No. 11/621,062 claims benefit of U.S. Provisional Application No. 60/757,075, filed on January 6, 2006, and entitled APPARATUS AND METHOD FOR EMBEDDING META-TAGS INTO MEDIA FILES (Atty. Dkt. No. MPOR-27490). U.S. Patent Application Publication No. U.S. 2006/0115111 and U.S. Patent No. 7,184,573 are incorporated by reference herein.

[0005] U.S. Patent Application No. 11/325,373 is a Continuation of U.S. Patent Application No. 10/674,910, filed September 29, 2003, and entitled FORENSIC COMMUNICATION APPARATUS AND METHOD, published as U.S. Patent Application Publication No. U.S. 2004/0125208, now U.S. Patent No. 6,996,251, issued on February 7, 2006 (Atty. Dkt. No. MPOR-26491). Application No. 10/674,910 claims benefit of U.S. Provisional Application No. 60/414,449, filed September 30, 2002, and entitled FORENSIC COMMUNICATION APPARATUS AND METHOD. U.S. Patent Application Publication No. U.S. 2004/0125208, U.S. Patent No. 6,996,251, and U.S. Application No. 60/414,449 are incorporated by reference herein.

TECHNICAL FIELD

[0006] This invention relates to the storage and search retrieval of all types of digital media files, whether music or other audio, still photographs, videos, movies or other types of media.

BACKGROUND

[0007] The popularity of digital media devices such as digital cameras, video cameras, mobile phones with audio and video recording capability and portable music devices that have recording capability has exploded in recent years. Instead of recording pictures, video and sound on physical media, modern devices record to rewritable memory devices. This means that the cost to create a new image, movie or audio recording has fallen to near zero, making the number of these recordings available in any given individual's library skyrocket.

[0008] But this new ability to store virtually unlimited numbers of media files introduces new problems. First, the sheer number makes it nearly impossible to manually describe and index every media file in one's possession. This means that, for many, photographs, movies and audio recordings are kept in poorly organized computer files and finding any particular picture, movie or recording is a difficult and time-consuming process.

[0009] The second problem is the fact that people typically trade up to a new computer every three years or so. This means that hours of video, thousands of pictures or hundreds of audio files must be transferred from the old system to the new -- a sometimes daunting task.

[0010] A third problem is one can typically access locally stored media files only on the computer on which they reside. If one wishes to share the file with another one must typically employ some file-transfer method ahead of time (email, FTP, public server, etc.)

[0011] A fourth problem relates to e-mailing or sending your media files to another party, whereas the receiving party is not able to search the media files for the specific key indexes that the original owner had intended. While there are programs to allow the originator to type in key index words (tags) for searching and retrieving these media files from their personal computer, when these media files are e-mailed or sent to another party, these tags are removed from the media file, therefore the receiving party does not have an ability to search, sort, display, play or print these media files based on the original owners key indexes.

[0012] Finally, those who make a living providing content need some method for proving that a given work belongs to them, and that they are the original creator of the work.

SUMMARY

[0013] The present invention disclosed and claimed in one aspect thereof a system for capturing data in a first media and storing in a database at a remote location on a network. A network interface device is provided having a first capture device interfacing with a first external information source that generates external information and capturing the first external information during generation thereof. A processor is provided for processing the captured first external information and storing it in a first media format as stored first captured information within the network interface device, the processor initiating the storage of the first captured information as stored first captured information at an initial time and completes storage of the first captured information as stored first captured information at a completion time, thus providing a stored defined set of first captured information representing the first captured information between the initial time and the completion time. A transmitter is provided for transmitting as a transmitted defined set of first captured information the defined set of stored captured information to a remote location on a network after the completion time. A remote processing system is disposed at the remote node on the network and includes a database and a receiver for receiving the transmitted defined set of first captured information from the transmitter associated with the network interface device as a received defined set of first captured information. A data converter is operable to convert the received defined set of first captured information to a second format as a set of converted first captured information, the second format different than the first media format, the second format being a searchable format. The database then stores the set of converted captured information.

BRIEF DESCRIPTION OF THE DRAWINGS

[0014] For a more complete understanding of the present invention and the advantages thereof, reference is now made to the following description taken in conjunction with the accompanying Drawings in which:

[0015] Fig. 1 illustrates a block diagram of the overall operation of the system in accordance with the present disclosure.

[0016] Fig. 2 illustrates a block diagram of one embodiment of the overall operation of the system in accordance with the present disclosure.

[0017] Fig. 3 illustrates a block diagram of another embodiment of the overall operation of the system in accordance with the present disclosure.

[0018] Fig. 4 illustrates a block diagram of the file management of the system in accordance with the present disclosure.

DETAILED DESCRIPTION

[0019] Referring now to Fig. 1, there is illustrated a block diagram of the overall operation of the system in accordance with the present disclosure. The invention is best described by beginning with the capture device 100.

[0020] Still pictures, moving pictures, audio, telemetry or other information (hereafter called simply, "information") is gathered by the data converter 102 and organized into one "data element" 104 consisting of a single picture, a movie/video clip, an audio clip, a sample of telemetry data or other logical grouping of related information. The data converter 102 can be any type of data capture information. For pictures, a digital camera can be utilized and, for movie/video clips, the data converter can be a digital video recorder (DVR). In general, the data converter is any type of device that will capture the information and place it in some type of digitized format. As will be understood and discussed herein below, this digitized format is typically native to the data converter and the manufacturer. Some manufacturers have a particular file format in which they generate the information. This file format may have a designator as to the user, a sequence number or time stamp.

[0021] At the same time the data element is created by the capture device 100, certain other data ("meta data") 106 is captured as well. This meta data may include time and date 158, location 160, operator identification 162, or other information deemed relevant to establish the context of the data element. The time, date and location may be taken from a GPS unit, or may be derived by time-domain analysis of certain types of mobile phone signals or wireless network domains.

[0022] In some embodiments of this invention, it may be desirable to use a technique known as *steganography* to permanently and indelibly embed the meta data directly into the data element. By using one of several well-known steganographic techniques, the data element can be subtly altered such that 1) it is difficult to determine that hidden information is stored in the data element, and 2 even if it is known that hidden information is stored in the data element, retrieval without some secret information (a "key") is difficult. In this way, the data element can be guaranteed authentic even if stripped from external meta data.

[0023] Also, at the time of information capture, the capture device may gather additional information from the operator by means of a secondary data converter 108 that relates to defining the context of the data element. For example, after a camera / video recorder takes a picture / video, a microphone (the secondary data converter) might capture the audio describing the image or the audio from the video just captured. This "context description element" 110 is stored along with the data element and the meta data.

[0024] At this point, the capture device 100 has in its internal temporary storage the data element, the meta data and optionally the context description element. It now creates a composite data set using one of a number of well-known algorithms for combining multiple data sets into a single data set. For example, the well-known ZIP compression algorithm routinely performs statistical compression on a number of input files and creates a single output file such that, with the proper decompression algorithm, the original set of files can be recovered without data loss. This "combine and compress" function 112 creates a data set called the "composite element." 114.

[0025] The capture device now encrypts the composite element using any of a number of well-known encryption algorithms. In the preferred embodiment, the composite element is first encrypted using a symmetrical cryptosystem 116 using a key 118 shared by the capture device and the storage facility. The resulting "singly-encrypted element" 120 is then hashed. "Hashing" 122 is a technique that generates a digital "signature" for a data set, such that any party wishing to verify the correctness of the data set can easily recalculate the hash and compares it with the previously calculated hash. Hash algorithms have the further property that it is computationally difficult to find multiple data sets that have the same hash value. This calculated hash value ("element hash") 124 becomes part of the meta data set that is to be associated with the data element.

[0026] It is now necessary for the capture device to contact the storage facility over some communications medium. This communications medium 126 can be any mechanism that permits near real-time, two-way communication. The specifics of the communication medium are not disclosed here, but could comprise a wireless telephone network, the public switched telephone network, or the Internet. The capture device sends the meta data 106 (now consisting of the time,

date, operator identification, image, video, audio, "context description element" 110, hash 122 and possibly other data) to the storage facility 128.

[0027] The storage facility validates the meta data received from the capture device and, if authorized, combines and hashes 130 the received meta data and a secret number 132 known only to the storage facility. This hash is appended to the original meta data set and is then returned to the capture device as a "certificate." 134 At a later time, the certificate can be presented to the storage facility to determine if a data element is authentic.

[0028] The singly encrypted element 120 is now combined with the certificate 134 and then is further encrypted using an asymmetrical cryptosystem 136 under the public encryption key 164 of the storage facility 128, designated K_{SU} . This new packet (the "transport packet") 138 is now ready to transmit to the storage facility 128.

[0029] When it receives the transport packet 138, the storage facility 128 first decrypts 140 the packet 138 using its private decryption key 166 designated as K_{SR} . This gives the storage facility 128 access to the certificate 134 (which contains the meta data 106). The certificate can be validated 142 by rehashing the meta data 106 and the secret number 132. Unpacking the certificate 134, the storage facility 128 now knows the identity of the capture device 100, and can use this to retrieve the secret, symmetrical key 118 under which the singly encrypted element 120 is encrypted. The storage facility 128 now decrypts 149) the singly encrypted element 120 to retrieve the composite element 114; then expands and recovers 150 the composite element to retrieve the data element 104, the meta data 106, and the context description element 110, if present.

[0030] Now, the storage facility 128 can store the data element 104 under the owner's account in its mass storage 144. The storage facility knows the owner's identity because it was disclosed in the meta data 106. The storage facility also adds "context tags" 146 by methods dependent on the type of data that is being stored.

[0031] Context tags 146 are searchable elements derived from either the data element 104 itself or from the context description element 110. For example, if the data element 104 is a still

photograph or video, the storage facility may create context tags that describe elements of the scene or image(s), such as "animal," or "dog," or "Spot," depending on the mechanism that converts the information in the data element or the context description element into a tag.

[0032] It is equipment analyze the data elements (photograph, movie, audio recording, etc.) and create 148 a set of appropriate tags. For audio files, this may include a speech-to-text algorithm; for still or moving images, it may include image recognition and identification. Whatever the method used, at the end of the process the set of data to store includes the data element 102, the context element 110, and meta data 106 that now includes a set of searchable tags specific to that image, video, audio or other media. 146, presumed that, as image and voice recognition improve; this task can be fully automated. Therefore, the preferred embodiment of this invention is to have the task automated.

[0033] Retrieval of the data elements is performed from some access point 152 remote from the storage facility 128. To retrieve data elements, a client must prove to the storage facility that the client is authorized to access the desired data element. This can be done in any number of ways, but in the preferred embodiment of the invention, it is a password challenge. The access point 152 creates an authentication request 154 and transmits the request via the communications medium 126 to the storage facility 128. At the storage facility, the request is authenticated 156. Once the challenge has been successfully met, the client can access the data elements belonging to it. Details of the authentication process may include password authentication, a challenge/response protocol, or may employ a hardware authentication device.

[0034] Once the request for information has been authenticated, the storage facility 128 reads the requested information from the bulk storage device 144 and encrypts 169) under the public key of the requester 168, designated as K_{CU} . The encrypted data is then transmitted to the client over the communications medium 126. Upon arrival, the message is decrypted 172 under the client's private key 170 designated as K_{CR} and the data 174 is recovered.

[0035] Once the data has been retrieved, the tags may be edited or removed and new tags added. Other meta data; particularly location and time and date cannot be changed.

[0036] Variations of the system include placing the ability to enter tags on the data capture device itself. This could be in the form of a keypad, a touch screen or voice recognition software. If this option were taken, the data packet from the image capture device would include the tags in the meta data rather than a context description element.

[0037] Another variation applies to highly secure applications in which it is desirable to keep the data element 104 encrypted even while at the storage facility. In this variation, the data element 104 is encrypted under a symmetrical cryptosystem prior to combination with the meta data 106 and the context description element 110. This variation precludes the automatic extraction of tags from the data element itself, but still permits tagging based on the context description element.

[0038] Referring now to Fig. 2, there is illustrated a diagrammatic view of the overall operation of the system. In this system, the capture device 100 is disclosed wherein the actual device that captured it, the device 102, is illustrated as being a digital camera. This has a lens 202 associated therewith, with the output of the camera being a digitized image 204. This is basically the data element 104 of Fig. 1. It can be seen that the element 204 is in a digitized format that is typically native to the camera. This can be any type of video capture element for capturing an image 206.

[0039] Once the image is captured, it is stored in a data base 208. In addition to this information, various associated information such as audio, timestamp, GPS, location, etc. can be collected. One method for collecting the audio information, for example, is to utilize a microphone 210 that will capture the information and then digitize it in a digitizing block 212 utilizing an analog-to-digital converter, for example. This not only converts it to a digital value but, further, will convert it to a particular audio format such as a *.WAV file format. This particular file format is stored in the database 208. Of course, any other type of digital format could be utilized that is consistent with an audio format. The GPS information for location can be collected with an external GPS system 218 and timestamp information can internally be generated.

[0040] After all the information regarding the video information and the audio information, for example, is collected, it is stored in the database 208 and then must be output therefrom. In this embodiment, there are two types of attached information that are to be embedded within the image at a later time. The first set of information is the GPS information, the timestamp information, etc., that is collected automatically with any image. This information is created in a temporal relationship with respect to that particular image at the time of the capture of the image information. This location information, timestamp information, etc., is information that is unique to the photograph and defines that image. Further, user information can be provided which defines the user information that is associated with the capture device, i.e., the camera. The additional information, the audio information, is provided in the form of comments and the such which can be stored. Therefore, when the data in the form of the image information is to be transmitted to the remote site, it is combined with the additional GPS, location, timestamp, etc., information and the audio input information.

[0041] There is typically provided a unique file format that defines the digital image and this unique file name can be utilized to define all of the secondary information such that there is a unique association of that information with the image. Thereafter, a compress module 220 is provided for compressing the information in a compressed file format such as a *.ZIP file format. This is just a manner to transmit a number of files together. However, at the reception point, when the files are extracted from this *.ZIP file, there must be some way to distinguish the files and again associate them. This is done, for example, with a unique file naming structure. However, there could be other techniques utilized to uniquely identify the association between these different files.

[0042] Once this compressed file format is transmitted to the storage facility 128, it is stored in a database 226. At this time there will be, for example, a video clip or a video image (such as a still image) stored in association with the various information that is associated therewith. This, in effect, is a relational database that provides data storage in close association with each other. The first thing that must be done is to extract the information from the data. This is done in a block 228 wherein the associated information is extracted from the database, this being the associated information, and then processed. Typically, the associated information will be the

audio information in the audio file format. This must be converted. One conversion that is provided for is to convert the audio formatted data to text data. Therefore, one type of audio-to-text converter can be a voice translation system. There are many of these that are provided such as the Dragon Naturally Speaking systems.

[0043] Once the text format has been provided, this is a converted to intermediate formatted data, i.e., text data, that can then be processed in a format that can be embedded within a video file or an image file. This can then be converted into HTML data or other data. This will typically be formatted such that it can be defined as a meta tag for association with the video image. This meta tag is then combined with the image in a block 230. Once combined, this will then be stored in the database in association with the original raw video and raw audio files. Thereafter, there is an access and retrieval block 152 that can allow one to access the particular modified or “tagged” image via a search. There can be provided a search algorithm that searches all of the tagged images. This searching can be performed based upon the GPS location information, the timestamp information, the added audio comment information, etc. Any information that can be provided over and above the video information that was provided in all of the associated information at the camera can then be searched, as this is the information that is contained in the appended information to the image.

[0044] Referring now to Fig. 3, there is illustrated an alternate embodiment wherein substantially all of the combining operation is contained within the capture device 100 or the camera. Again, there is provided the capture device 102 in the form of the camera that captures the image 206. This is converted and stored in a database 306. The database 306 is basically the combination of database 208 and the database 226. Initially, all of the information from the digital video image 204 and the audio information and all other associated information such as the GPS information, timestamp, etc., are all stored in the database 306. There will be a corresponding process 308 for taking the associated information and converting it into different information, i.e., a meta tag, which is substantially the same as the process 228. Once the associated process is combined it is converted into that format, then it can be combined with the image in a process block 310, similar to the process block 230. Once this occurs, then there is provided a combined video/image with meta data that can be transmitted. This is illustrated as

the augmented image 316 which has meta data associated therewith. This is transmitted for storage at the storage facility in a database 318. This is searchable through the access/retrieval process 152, as described herein above.

[0045] Referring now to Fig. 4, there is illustrated one exemplary embodiment of the file structure. The image 204 is a digitized image that constitutes a particular file folder that will have a particular video or image format. This could be a JPEG format, an MPEG format or any other type of video format. This is referred to as one having the extension *.VID (for generic purposes). The file format in this embodiment will have a user ID section 402, a time/date stamp section 404, a sequence number 406 and a device number 408. This will have the format of XXX.AAAA.XXX.XXX.VID. The user ID section 402 will define the user of the capture device, this typically being configuration information that is input to the system. The time/date stamp is time and date information that can be taken from an internal clock or it can be derived from some external accurate time source. The sequence number 406 is typically internally generated with a counter that represents an internal sequence that is unique to a particular capture device. However, among different capture devices, the sequence could be the same. The device section 408 is a unique device number given to a particular device. Therefore, with the user ID information, the time/date stamp, the sequence number and the device number, a very unique file number will be generated. Further, the sequence and the time/date information will be different for each file. Thereafter, the information retrieved from the GPS 218 will be disposed in a folder with an extension of, for example, *.GPS. This will be stored in the file folder 208. The file numbering will be identical to the file nomenclature other than the extension will be identical to that of the digitized video file. Similarly, the audio information will be stored in a file folder with an extension of, for example, *.WAV with the body of the file name being identical to that of the digitized video file. This will all be stored in the database 208 and then combined in a compressed folder of the *.ZIP type. The actual file name for this can be any type of file name and it does not have to be identical or unique with respect to the name. However, there should be some type of unique file name in that, a random filename could be duplicated by other capture devices. Thus, in the preferred embodiment of this disclosure, the unique body of the *.ZIP file will be identical to that associated with the files contained therein such that this will have a filename of "XXX.AAAA.XXX.XXX.ZIP." This is the file that is transmitted.

[0046] As a summary, the system of the present disclosure provides a system for capturing, storing, indexing and retrieving data objects, which can include a capture device, a storage facility and an access point. The system consists of a primary data converter, a secondary data converter, a meta data source, a data combiner and compressor, a symmetrical encryptor, a one-way hash function, an asymmetric encryptor, and a communications port. The primary data converter captures some physical phenomenon such as, but not limited to a still image, a moving image, a sound, or some other factor, into a primary data set. The secondary data converter is capable of capturing some phenomenon into a secondary data set, related to but separate from the information captured by the primary data converter. The meta data source produces a device identifier, time, date, location, and other data related to the information captured by the primary data converter into a meta data set. The source of the time, date and location information is a GPS receiver, a wireless receiver or another receiver. The source of the device identifier is a read-only memory device. The data combiner and compressor is capable of combining the output of the multiple sources of data (the primary data converter, the secondary data converter, and the meta data source) into a single data stream, and then compressing said data stream into a compressed data set such that the compressed data set requires fewer transmission or storage resources than the uncompressed stream, but remains recoverable such that the original data from the primary data converter, the secondary data converter and the meta data source can be recovered without error. The symmetrical encryptor is capable of using a key shared with another party to convert the data stream from the data combiner and compressor into a singly encrypted data set that is unusable by any party other than the party that has knowledge of the key. The one-way hash function is capable of calculating for the encrypted data stream from the symmetric encryptor a number associated with said data stream such that (a) the number represents the data stream, but the data stream is not recoverable from the number, and (b) that it is computationally infeasible to create a second data stream that, when presented to the one-way hash function, produces an identical number. The communications port is capable of sending the meta data and the hash to a second party. The communications port is further capable of receiving from a second party a certificate that has the property of (a) being uniquely and verifiably identified with the meta data and hash of claim 12, and (b) being verifiably identified as originating with the second party. The asymmetric encryptor is capable of converting the output of the symmetric encryptor and other data into an encrypted information packet that can

be read only by a specific second party by means of a pair of related but non-identical keys, the encryption key and the decryption key. The communications port is further capable of conveying the encrypted information packet to a second party. The storage facility consists of a communications port, a device authenticator, an asymmetric decryptor, a validator, a symmetric decryptor, a data expander and recovery device, a tag generator, a mass storage mechanism, an asymmetric encryptor, and a user authenticator. The communications port is capable of receiving a request from validation from the capture device. The device authenticator is capable of verifying that the capture device is authorized to use the storage facility and to create an authentication certificate such that (a) it is computationally infeasible to create a second meta data set or hash that creates an identical authentication record, and (b) the authentication record is uniquely identified with the storage facility. The asymmetric encryptor is capable of using the decryption key to recover the authentication certificate and the singly encrypted data set. The validator is capable of determining if the recovered authentication certificate (a) was generated by the storage facility, and (b) is valid for the presented hash and meta data. The symmetric decryptor is capable of converting the singly encrypted data set into the compressed data set. The data expander and recovery device is capable of converting the compressed data set into the original primary data set, the secondary data set, and the meta data set. The tag generator is capable of taking the primary data set, the secondary data set and the meta data set and producing a set of index tags that describe the primary data set. The tag generator in which the tag generation is performed by a human operator. The tag generation is performed by a speech-to-text function or by an image recognizer. The mass storage mechanism is capable of storing the primary data set, the secondary data set and the meta data set in a way that the information can be retrieved based on the index tags. The user authenticator is capable of receiving requests from access points and verifying their authority to perform retrieval operations at the storage facility.

[0047] The system can, at its most condensed version, comprise an asymmetric encryptor capable of converting data read from the mass storage mechanism using a public encryption key into a form usable only by a party with knowledge of a secret key that corresponds to the said public encryption key. The access point consists of an asymmetric decryptor, a communications port and an authentication requester. The authentication requester is capable of identifying the

access point and the data element or elements to be recovered from the storage facility in a manner that proves its authority to access said data element or elements.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention	METHOD FOR VOICE COMMAND ACTIVATION, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH CONVERSION, METATAGS CREATION, STORAGE AND SEARCH RETRIEVAL
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As the below named inventor, I hereby declare that:

This declaration is directed to: ☒ The attached application, or
☐ United States application or PCT international application number _____
filed on _____.

The above-identified application was made or authorized to be made by me.

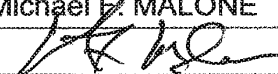
I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

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LEGAL NAME OF INVENTOR

Inventor: Michael F. MALONE Date (Optional): 8/12/13
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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	MPOR60-34549
		Application Number	
Title of Invention	APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

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Application Information:

Title of the Invention	APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL		
Attorney Docket Number	MPOR60-34549	Small Entity Status Claimed	☐
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)		Suggested Figure for Publication (if any)	

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	MPOR60-34549
		Application Number	
Title of Invention	APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL		

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For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

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Prior Application Status		Patented			Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
	Continuation of	15/824087	2017-11-28	10237067	2019-03-19

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Application Data Sheet 37 CFR 1.76			Attorney Docket Number		MPOR60-34549	
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Title of Invention		APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL				

Prior Application Status		Patented		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
15/824087	Continuation of	15/272013	2016-09-21	9832017	2017-11-28
Prior Application Status		Abandoned		Remove	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)		
15/272013	Continuation of	14/660166	2015-03-17		
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Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
14/660166	Continuation of	13/965625	2013-08-13	8983119	2015-03-17
Prior Application Status		Patented		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
13/965625	Continuation of	13/417229	2012-03-10	8509477	2013-08-13
Prior Application Status		Patented		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
13/417229	Continuation of	12/857358	2010-08-16	8135169	2012-03-13
Prior Application Status		Patented		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
12/857358	Continuation of	11/621062	2007-01-08	7778438	2010-08-17
Prior Application Status		Patented		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
11/621062	Continuation in part of	11/325373	2006-01-04	7184573	2007-02-27
Prior Application Status		Expired		Remove	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)		
11/621062	Claims benefit of provisional	60/757075	2006-01-06		
Prior Application Status		Patented		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
11/325373	Continuation of	10/674910	2003-09-29	6996251	2006-02-07
Prior Application Status		Expired		Remove	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)		
10/674910	Claims benefit of provisional	60/414449	2002-09-30		

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	MPOR60-34549
		Application Number	
Title of Invention	APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL		
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)ⁱ the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

			Remove
Application Number	Country ⁱ	Filing Date (YYYY-MM-DD)	Access Code ⁱ (if applicable)
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			

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

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

☐ NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	MPOR60-34549
		Application Number	
Title of Invention	APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL		

Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

☐ A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

☐ B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	MPOR60-34549
		Application Number	
Title of Invention	APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL		

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.			
Applicant		1 Remove	
If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section. Clear			
☒ Assignee		Legal Representative under 35 U.S.C. 117	
Person to whom the inventor is obligated to assign.		Joint Inventor	
Person to whom the inventor is obligated to assign.		Person who shows sufficient proprietary interest	
If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:			
<div></div>			
Name of the Deceased or Legally Incapacitated Inventor: <div></div>			
If the Applicant is an Organization check here. ☒			
Organization Name		MYPORT IP, INC.	
Mailing Address Information For Applicant:			
Address 1		2711 Northview Drive	
Address 2			
City		McKinney	State/Province
Country		US	TX
Postal Code		75070	
Phone Number		Fax Number	
Email Address			
Additional Applicant Data may be generated within this form by selecting the Add button. Add			

Assignee Information including Non-Applicant Assignee Information:

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

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

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	MPOR60-34549
		Application Number	
Title of Invention	APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL		

Assignee 1				
Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.				
Remove				
If the Assignee or Non-Applicant Assignee is an Organization check here. ☐				
Prefix	Given Name	Middle Name	Family Name	Suffix
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Mailing Address Information For Assignee including Non-Applicant Assignee:				
Address 1		<input type="text"/>		
Address 2		<input type="text"/>		
City	<input type="text"/>	State/Province	<input type="text"/>	
Country i	<input type="text"/>	Postal Code	<input type="text"/>	
Phone Number	<input type="text"/>	Fax Number	<input type="text"/>	
Email Address	<input type="text"/>			
Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button. Add				

Signature:[Remove](#)

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). However, if this Application Data Sheet is submitted with the INITIAL filing of the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).

This Application Data Sheet must be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature	/Keith D. Harden, Reg. #74472/		Date (YYYY-MM-DD)	2019-03-19
First Name	Keith	Last Name	Harden	Registration Number
				74,472
Additional Signature may be generated within this form by selecting the Add button. Add				

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	MPOR60-34549
		Application Number	
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This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

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

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

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

Electronic Acknowledgement Receipt	
EFS ID:	35471103
Application Number:	16358455
International Application Number:	
Confirmation Number:	6531
Title of Invention:	APPARATUS FOR VOICE ASSISTANT, LOCATION TAGGING, MULTI-MEDIA CAPTURE, TRANSMISSION, SPEECH TO TEXT CONVERSION, PHOTO/VIDEO IMAGE/OBJECT RECOGNITION, CREATION OF SEARCHABLE METATAGS/ CONTEXTUAL TAGS, STORAGE AND SEARCH RETRIEVAL
First Named Inventor/Applicant Name:	Michael F. Malone
Customer Number:	25883
Filer:	Keith D. Harden
Filer Authorized By:	
Attorney Docket Number:	MPOR60-34549
Receipt Date:	19-MAR-2019
Filing Date:	
Time Stamp:	18:29:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Drawings-only black and white line drawings	MPO34549DWGS.pdf	726011 9e4127c85ccde69cdcec5f332040c7e9a64a dfc9	no	4

Warnings:

Information:					
2		MPO34549CONApp2.pdf	70072	yes	25
			4f0580b534960e877ecbcc6f11cd4817022c b380		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Abstract		25	25	
	Claims		20	24	
	Specification		1	19	
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3	Oath or Declaration filed	MPO34549DECEXE2.pdf	149362	no	1
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4	Application Data Sheet	MPO34549ADS.pdf	1824106	no	9
			e2235a2fd4d959df54ca9fda6c0a102742f7 a4bf		
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<p>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.</p> <p>New Applications Under 35 U.S.C. 111 If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p>National Stage of an International Application under 35 U.S.C. 371 If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p>New International Application Filed with the USPTO as a Receiving Office If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					