

Doc Code:

U.S. PTO
60/934456
06/13/2007

PTO/SB/16 (10-05)

Approved for use through 07/31/2006. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

PROVISIONAL APPLICATION FOR PATENT COVER SHEET - Page 1 of 2

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53(c).

Express Mail Label No. EV961570102US

INVENTOR(S)

Given Name (first and middle [if any])	Family Name or Surname	Residence (City and either State or Foreign Country)
Dwight	Marcus	Ojai, California

☐ Additional inventors are being named on _____ separately numbered sheets attached hereto

TITLE OF THE INVENTION (500 characters max)

METHOD AND SYSTEM FOR GENERATING MEDIA PROGRAMMING

Direct all correspondence to:

CORRESPONDENCE ADDRESS

☒ The address corresponding to Customer

45722

OR

☒ Firm or

PLEVY, HOWARD & DARCY, PC

Address

P.O. Box 226

City

Fort Washington

State

PA

ZIP

19034

Country

USA

Telephone

215-542-5824

Email

robert.rosenthal@phd-ip.com

ENCLOSED APPLICATION PARTS (check all that apply)

☐ Application Data Sheet. See 37 CFR 1.76

☐ CD(s), Number of CDs _____

☒ Specification Number of Pages 16
☐ Other (specify) _____

☒ Drawing(s) Number of Sheets 1
Total # of sheets 17

= Application Size Fee

\$0.00

Fees Due: Filing Fee of \$200 (\$100 for small entity). If the specification and drawings exceed 100 sheets of paper, an application size fee is also due, which is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR

METHOD OF PAYMENT OF THE FILING FEE AND APPLICATION SIZE FEE FOR THIS PROVISIONAL APPLICATION FOR PATENT

☒ Applicant claims small entity status. See 37 CFR 1.27.

☒ A check or money order is enclosed to cover the filing fee and application size fee (if applicable).
\$100.00
☐ Payment by credit card. Form PTO-2038 is attached.

TOTAL FEE AMOUNT (\$)

☒ The Director is hereby authorized to charge the filing fee and application size fee (if applicable) or credit any overpayment to
Account Number: 50-3208

A duplicative copy of this form is enclosed for fee processing.

USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT

This collection of information is required by 37 CFR 1.51. 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 8 hours to complete, including gathering, preparing, and submitting the completed application 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.

P19SMALL/REV09

PROVISIONAL APPLICATION COVER SHEET

Page 2 of 2

PTO/SB/16 (10-05)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

The invention was made by an agency of the United States Government or under a contract with an agency of the United States



No.

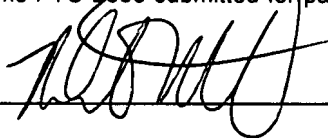


Yes, the name of the U.S. Government agency and the Government contract number are: _____

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

SIGNATURE



Date

June 13, 2007

TYPED or PRINTED NAME

Robert E. Rosenthal

REGISTRATION NO.
(if appropriate)

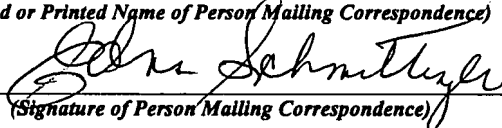
33,450

TELEPHONE

215-542-5824

Docket Number:

NPOWR-8-P

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)			Docket No. NPOWR-8-P	
Applicant(s): Dwight Marcus				
Application No. Not Yet Assigned	Filing Date Filed Herewith	Examiner Not Yet Assigned	Customer No. 45722	Group Art Unit Not Yet Assigned
Invention: METHOD AND SYSTEM FOR GENERATING MEDIA PROGRAMMING				
I hereby certify that the following correspondence: Provisional Application Cover Sheet (2 pgs.), Specification (16 pgs.), Drawings (1 pg.), check in the amount of \$100.00. <i>(Identify type of correspondence)</i> is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>June 13, 2007</u> <i>(Date)</i> Edna Schmittinger <i>(Typed or Printed Name of Person Mailing Correspondence)</i>  <i>(Signature of Person Mailing Correspondence)</i> EV961570102US <i>("Express Mail" Mailing Label Number)</i>				
Note: Each paper must have its own certificate of mailing.				

METHOD AND SYSTEM FOR PROVIDING MEDIA PROGRAMMING

FIELD OF THE INVENTION

[0001] The present invention relates to providing of media programming.

BACKGROUND OF THE INVENTION

[0002] Methods and systems for generation of media programming have been disclosed in my U.S. Patent No. 6,032,156, which is hereby incorporated by reference herein in its entirety. In some embodiments, a library of media elements, which may include brief video clips, brief audio recordings, and other types of media, may be maintained. The media elements are tagged, and a database maintains the tags. Various parameters and instructions for assembly of media elements into programming may be provided, such as through templates, and the media elements are assembled into media programming.

SUMMARY OF THE INVENTION

[0003] In an embodiment, a method of generating media programming is provided. A client receives from an aggregator a menu of selectable feeds. A selection of one of the selectable feeds is received at the aggregator. In response to the selection, a client is provided with media programming generated by a publisher. Information relating to the client, which may include, by way of example, user selections or user information, is furnished to the publisher. In response to receiving the user selections or user information, the publisher provides media programming, dependent at least in part on the received user selection or user information.

BRIEF DESCRIPTION OF THE FIGURE

[0004] Fig. 1 is a schematic representation illustrating an embodiment of the invention.

DETAILED DESCRIPTION OF EMBODIMENTS

[0005] In an implementation shown in Fig. 1, an aggregator 100 is shown. The term “aggregator” is described below. An aggregator provides a presentation element to user 1 120 and user 2 130. User 1 120 and user 2 130 may be users having client devices, which may include laptop or desktop computer systems, PDAs, cellular telephones, set-top boxes (which term includes boards incorporated in display devices and having the functionality of set-top boxes). A presentation element provides a selection of one or more feeds to the user. User 1 120 and user 2 130 each provide a selection of a feed to aggregator 100. Aggregator 100 provides information relating to each user to publisher 110. Based on the selected feed and the user information, publisher 110 provides individual feeds to the user, which feeds are responsive at least in part to the user information, in addition to feed selection.

[0006] One or more sources of programming, referred to as aggregators, which may be, by way of non-limiting example, web servers providing websites to client devices on a network, such as the Internet, a channel, an electronic program guide, or software incorporated locally on a user's system, including standalone applications or add-ons, provide a presentation element. The presentation element may include selections of sources of media programming, such as by a menu or selectable icons. The aggregator may store only a portion of available content, which may be termed media assets, locally on the memory associated with the aggregator server. The aggregator server may be a website that experiences high traffic volume. The user or viewer is redirected (such as by code provided to a browser to redirect the user to a different URL, or by providing instructions and addresses for a user to furnish to the browser) to a source of the media assets. The source may be, for example, a server having a different network address, a channel from which data is received remotely, a cache stored on a client device or long-term storage device. These locations, as noted, may be client-based, for example through the use of embedded software in browsers and other client-resident software or firmware that creates a locus of media aggregation at the client's device. Microsoft Windows XP Media Center Edition

is an example of client-resident software that has the capability of aggregating media at the client's device. It may be appreciated that a local aggregating device may aggregate locally-resident elements, elements received from a remote source, or combinations of local and remote elements.

[0007] In an embodiment, a media feed (such as a video feed, an audio only feed, a sequence of still images), or multiple such feeds, be provided to such a location or site, or originate from such location, that are suitable for the purposes of discovery and showcasing the contents of a remote channel or site or server/database device(s) while still maintaining an economy of feeds and while allowing the publisher of each such feed to obtain, by any means, information specific to individual user/viewers – which information might be user profiles, queries, and/or usage patterns such as viewing requests, skip requests, channel-changing activities and/or click actions – which will cause, by any means, the creation of a subsequently customized feed optimized for such user/viewer. This is done in such a way that each individual viewer or similar viewer group receives media programming optimized for them – yet without occupying more aggregation location/site 'real estate' than is needed for a general media feed. As noted above, U.S. Patent No. 6,032,156 provides exemplary methods of generating a media stream, such as a video stream, adapted for a specific user/viewer into a unicast concatenated media stream.

[0008] In an embodiment, an aggregating source is provided. The source may be, by way of example, a web server available via the Internet or other network, a channel, an electronic program guide, or software incorporated locally on a user's system, including standalone applications or add-ons. An entity, such as without limitation a media company or media destination 'brand', may operate, sponsor support or otherwise be involved with such a web server, channel, electronic program guide, and/or desktop or other local application. Such a web server, channel, electronic program, guide, or local application may be referred to as an 'aggregator'. An aggregator provides numerous sources of media content on a front page or other user-accessible presentation element. Such sources are suitable for the presentation, and/or consumption, of viewing/listening/interaction

opportunities, and may be entirely or partially from other sources. Such other sources may be maintained by entities other than the entity that sponsors or supports the aggregator. By way of example, some or all of the media sources thus presented are drawn from remote sources by a suitable means, such as, without limitation XML feeds, RSS feeds, Atom feeds, Podcasts, simple video/audio feeds or streams or syndication technologies. In the body of this document we'll refer to these collective methodologies as simply 'feeds' or 'XML feeds'. The sources of feeds will be termed "publishers."

[0009] In the examples noted, an aggregator permits a user to obtain a feed through an action such as a mouse click on a web page, or a channel selection on an electronic program guide. It will be appreciated that an aggregator may include a printed or static reference to a feed. Once the user follows the information provided in the printed or static reference to select the feed, user information or selections may be furnished to the publisher, and the method and system may be implemented as described herein.

[0010] A presentation element of an aggregator may include, for a given publisher, one or more placements or positions on the presentation element. In some circumstances, there may be competition among publishers for positions on the presentation element. The presentation element may be a menu page, for example, or a graphical layout presenting multiple positions from one or more publishers. Different entities that control publishers may be desirous of obtaining the visibility coming from inclusion in the presentation element, as well as obtaining a relatively prominent position within the presentation element. In some instances, there may be competition among entities controlling publishers for prominence (including position, size of display, visual prominence of display, effects associated with a display, and otherwise) on a presentation element of an aggregator. An aggregator may provide a limited number of feeds, in order to make the presentation element more desirable. A possible consideration in the selection and prominence of feeds may be desirability of such feeds for the likely customers of the site, or the possible revenue obtained from an arrangement with the publisher. In some cases, an entity that has a variety of media offerings may,

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

[0011] Without limitation, for example, an entity providing continuous programming in the form of several channels, each showing music videos in a particular style, have a single placement at a presentation element of an aggregator. The entity providing the programming may control a publisher. The publisher may include a server running software capable of selecting media elements, different media streams, or other types of content, in response to received user selection or information. An aggregator, as noted above, might be a website generated by a server, or an electronic program guide. The single placement may represent a single feed, such as a single XML video feed. The single XML video feed might provide, in response to an initial selection from a user, programming including a representative mix of music video styles – Folk, Country, Rock, Pop etc. – which might represent all available styles, or may be in an order or frequency selected to be of likely interest to viewers/users of the aggregator, based, for example, on demographic information about such viewers or users.

[0012] The user selection may be made by clicking on a mouse when a cursor is positioned on an aggregator page over an icon or thumbnail representing the feed. The aggregator receives the user selection of the feed. The aggregator may provide the feed, or the user may be handed off to the publisher to provide the feed to the user.

[0013] In one embodiment, the same initial feed may be provided to all users who make a particular selection. In another embodiment, the publisher may receive information pertaining to the user and provide some level of customization of the feed. By way of example, the publisher may have two or more predetermined streams of media available, and may select one of those streams based on the received user data. In another embodiment, the publisher may have a library of media elements, and may assemble media programming made up of those media elements based on the received information pertaining to the user. The received information may include browsing history pertaining to the user; for example, if the user has browsed pages on the aggregator's site prior to selecting a feed, the pages, or information relating to the content of those pages, may be provided to the publisher. A cookie identifying the user and known to the publisher, if available, may be provided to the publisher. Initially, the feed may provide a video playing, or recently played, on the feed might (or might not) be used to assume content 'centers' of interest to the visitor. That is, any given stream might be suitably equipped to locate the content element (like a video) that generated, or in probability generated (meaning, for example, the media element(s) immediately preceding a clicked video), a mouse-click or similar user-driven event. In any event, the user is now typically either shuttled to the source of the feed or is presented the feed on the aggregator itself. To clarify, clicking the 'feed' can be either or both the activating element of the feed or the start of the intelligent learning process itself. If user actions or profiles have been polled in any manner (which might include logging in or creation of user profiles, swapping of cookies for the purpose of determining action history, or simple action collection (like, without limitation, mouse motions, click patterns or channel selection)), then in the event that multiple feeds are available each containing

different forms of content (whether taken as a whole as final streams, or unitarily, as in individually cached video clips or stream segments) – either aesthetically/subjectively (say, feature films of slightly different subjective character) or objectively (say, exercise or cooking content) - or from locally-cached media content of various types – then this information is passed to, for example, a client-side media assembly engine or switching system or handed off to the remote feed's source, which would typically be configured with the media assembly engine described above. It will be appreciated that a media assembly engine may be provided at a client's device, at the aggregator's server, or at the publisher's server, for example.

[0014] User information that may be passed to the publisher may include, by way of example, viewing history, user preference data, search queries or patterns. By way of example, the aggregator or publisher may have pre-existing data relating to the user. For example, a search engine provider may have information pertaining to searches previously carried out by the user, and may make such information available for use by the publisher, or by another party in connection with determination of the content of a stream.

[0015] In some embodiments, a publisher or other provider of a feed may have a predetermined feed which is provided initially, or is provided to a user in the absence of any user information. The predetermined feed may be determined based on factors not related to user information, such as time or date. An algorithm for providing a wholly or partly customized stream may provide for modification of one or more elements of the predetermined feed if certain conditions relating to user information are met. The initial feed or stream may be modified based on user information provided at the outset of the feed.

[0016] Two exemplary methods for generating a feed are the following.

[0017] First, an assembly engine such as the one disclosed in U.S. Patent No. 6,032,156 can be implemented, either locally, such as on a client system, or remotely (say, on the server) to modify the contents of a stream with any combination of switching (with or without caching) between media feeds such as video RSS feeds to the aggregation location. The method may be implemented

using media source files from any location. The files may be, for example, client-cached, or streamed from multiple servers or both simultaneously within a given stream. The location of the media files may be transparent to the user. By way of example, user information may be passed to the appropriate client-side or server-side location for incorporation into the logic of a media assembly engine.

[0018] Second, the media feed clicked upon can be modified at one or more locations, such as a source external to the client and the aggregation server, or at the aggregator's server, by implementing a media assembly engine, to make media selections that are in accord with the choices (individual and/or statistical) to the feed itself.

[0019] In connection with a media assembly engine implemented locally to the user, the user experience can be customized by 1/ altering the source of the media elements through individually self-modifying streams as described in U.S. Patent No. 6,032,156, or 2/ the streams can be modified by switching between feeds to the aggregation site (which would require appropriate stream metadata to identify the 'character' of the stream's content and typically some optional local caching to facilitate aesthetically-suitable switching¹, which caching might also benefit optionally from, say, image or speech recognition to identify even rudimentary disjuncture from, for example, scene and/or narrator/talent changes, and 3/ through a combination of these methods. This stream metadata can be as simple as picking up and/or assembling keywords derived from the content stream itself – For instance a 'Food Channel' might also have 'cooking', 'dining', 'nutrition' and 'French cuisine' in addition to 'food', 'TBS' and 'food channel'. That is, as the content on multiple feed or cached sources are not typically synchronized it may be desirable to employ a nominal delay on the general presentation of the entire media stream, or to use client-side caching of multiple streams to allow optimal points to be made available for inter-stream switching or

¹ That is, as the content on multiple feed or cached sources are not typically synchronized it may be desirable to employ a nominal delay on the general presentation of the entire media stream, or to use client-side caching of multiple streams to allow optimal points to be made available for inter-stream switching or concatenation. This is, however, optional and feed sources could be switched with impunity without regard to aesthetic effect.

concatenation. This is, however, optional and feed sources could be switched with impunity without regard to aesthetic effect.

[0020] The following are possible implementations of the method and system. In one implementation, any given feed to the aggregator is dynamically switchable (see U.S. Patent No. 6,032,156 for one method) at its source. Based on user information, such as a record of browsing or a user profile furnished to the source, and suitable algorithms, the stream may be customized to a unicast or narrowcast stream. The stream may be renamed, either at the source site or elsewhere. Information associating the user and the renamed stream may be provided by the source to the aggregator, so that the aggregator may properly associate the renamed stream with the appropriate user or users. The aggregator may use such methods as user profiles, cookies, or proxy IDs. The new stream is returned to the aggregator. In this implementation, typically a page or pages, may be customized for that user/viewer and suitably identified – for example through the use of a unique URL. The pages may be for display on any suitable device, including a computer, PDA, cell phone, or television receiving signals from a set-top box.

[0021] In another embodiment, multiple streams, which may be customizable or predetermined are provided to an aggregator; based on user information, such as user actions or user profile, the streams are modified, if they are customizable, or a mere concatenation of portions of those various streams is provided. This concatenation may be implemented by assembling or switching between those multiple streams at the client side (using a switching system or media assembly engine). This concatenation may also be implemented by passing information corresponding to the user's use (or anticipated usage pattern) of the multiple streams back to the aggregation server or source, which concatenates based on this information and one or more algorithms. Concatenated or customized feeds are then passed back to the aggregation site, which in this case is typically a page or pages (whether, for example, on a user's computer, PDA, cell phone, or set-top box) customized for that user/viewer.

[0022] In one implementation, media elements or streams, or libraries of elements and streams, may be cached at the aggregator. A non-limiting example of an offline aggregator is a media player, such as a compact portable digital media player, including for example a player for digital music files, such as those sold by Apple Inc. under the iPod ® brand, with access only to files in its memory. In some implementations, a mix of both client-based caching and online or remote sources for media files may be employed. It will be appreciated that in any implementation assembly of either local or remote media assets, or both, can be accomplished on a client computer system or device through the use of an assembly engine or switcher. Assembly may also be implemented by passing the media files or identifying information or proxies for the media files to a remote server or group of servers (such as the aggregation server(s)) where they can be assembled into a new stream which defines a new composite experience. This composite media viewing/listening/playing experience might be an entirely separate stream, or may be combined with one, several, or all streams arriving at the aggregation site to provide customized streams. In this case a page or pages (whether, for example, on a user's computer, PDA, cell phone, or television displaying signals from a set-top box) may be generated by the aggregator, which page has been customized for that user/viewer. This new 'home page' or other presentation form might be customized to reflect the desires and/or needs of the particular user/viewer. It will be appreciated that customization of a home page may include customization resulting in home pages each presented only to one user/viewer, or to customization such that the same home page is presented to more than one viewer or user, but there are options permitting differing home pages to be generated and provided to different viewers.

An Example Using a Dynamic RSS-Feed Methodology

[0023] In an example of multiple streams provided of an aggregator and then modified or concatenated, a remote channel presents various music videos in a mix of styles. There may be one or more feeds to the aggregator, but within the limits described above, the feeds contain, in their initial state, fixed content.

[0024] A user viewing an aggregator home page 'clicks' on the remote video feed presenting the music videos. More precisely, a user generally clicks on the representation of content, or of a unit of content to initiate, or foreground, the stream within the feed. In this example, the channel arrives by an XML feed called 'Music TV Channel X'. 'X' here represents the initial state of the undifferentiated (within the parameters above) music feed.

[0025] Upon clicking on 'Music TV Channel X' the user is presented the stream of the music channel. In this example, the user's profile or query, viewing history is returned to the remote server of the Music Channel. Here, with or without the initial state metadata described above, the user receives the undifferentiated feed.

[0026] Now the user begins to interact with the stream. The stream may present various options and controls for the viewer. This interaction with the media stream can be local to the aggregator or to the originating feed server. As each interaction occurs, appropriate metadata representing these actions (individually or collectively smoothed or conditioned) is passed to the originating server or a remote server. The metadata may provide answers to questions such as the following: Did the user select a musical genre from a menu? Did the user click on a short-form excerpt of a video and view all or substantially all of the long-form of the video? Such short form excerpts are described, for example, in U.S. Patent Application Serial No. 11/649,727, filed January 4, 2007, which application, along with the applications incorporated by reference therein, is incorporated by reference herein. Did the user skip a short form video or cancel out swiftly from a long-form video, thus indicating perhaps unsuitability? Did the user search for a particular artist or song name?

[0027] All of this usage information may be passed back to the originating server or a remote server. At this point the contents of the XML feed are ready to be

optimized. The originating server now dynamically assigns a new feed ID, or name, which may, for example, be an appended ID to the feed's name – in this case 'Music TV Channel X', where 'X' might now be, for example, a (probably new) unique character/numeric string associating the new feed with the user by any mean. 'X' however, may represent any method of identifying the feed with an identifier unique to a user, user group, or any suitable representation of such a user or group. The feed URL might remain the same, but by any means the units/media contained within the resultant feed the next time it is retrieved/refreshed by the same user or user proxy are in some way modified in response to the viewer query/interaction.

[0028] If the engine is at the publisher, the information is passed from the aggregator, e.g., by a cookie.

[0029] The origin of the click - i.e. what happened prior to the click, may be taken into account.

[0030] The click pattern of the user on the aggregator site may be passed, and may be considered in generating the initial feed.

[0031] The click pattern of the user on other feeds or other sites may be passed.

[0032] A search engine provider may have substantial information regarding the user, including topics of interest relative to past searching, that may be made available to an engine in customizing the feed.

[0033] Appropriate parameters may be set at the aggregating server to allow the featured channel with the default 'X' value to be replaced dynamically by the channel with the new 'X' value. Such replacement might be implemented on a new dedicated page or in the original position of the feed on the page. Thus the single original feed featured on the aggregating site or location is replaced by multiple unicast or narrowcast feeds each associated with a user or group of like users. Each such feed may include a dynamically-varying unique sequence of media elements. Templates may control the generation of the sequences. The feed may include media elements selected based on current viewer behavior or a longer record of viewer interests to provide a sequence of media elements suitable to that viewer's instantaneous and/or long-term desires.

Targeted Advertising Implications

[0034] One or more feeds may include contain elements that are tagged or labeled to indicate the generation of revenue or royalty. In general terms, such labels indicate that an advertiser has an obligation to provide payment or other value if a revenue-generating element is employed; such labels also may indicate that a payment or other value is due to a content provider or other owner of rights. Elements requiring other types of transactions may also be incorporated. These elements that generate royalty or revenue or other types of transactions include, without limitation, media clips, sidebars, overlays, audio elements, animation elements, and/or graphical elements residing/displaying within or outside of a player region. Such elements may include sponsorship elements, advertising, pay-per-view media and the like. Such elements may be inserted by an engine in any feed or stream described herein. The methods described herein allow such elements to be inserted dynamically, which allows user-responsive or user-sensitive variants in positioning, frequency, type, demographic targeting, geo-targeting and psychographic targeting to be effectively applied to the feeds on a user by user basis. Users might be grouped, say, by geo-targeting parameters upon an initial visit to the aggregator and then progressively refined as user and usage data is collected. Such positionings can even include dynamic temporal and spatial positioning within the contents of a stream or of an aggregation location or site. It should be mentioned that revenue/royalty-generating media elements need not be treated differently, except in respect to their revenue generating aspects, than other media element. Revenue/royalty-generating elements may be inserted in one or more feeds and/or streams dynamically in the same way as other media elements. The methods and systems disclosed herein advantageously for advertisers represent a highly optimized delivery opportunity. Because users can be targeted by profile, use patterns and contextually – even across the elapsed time of the stream – the value of these ad/promotional elements is optimized. This refined targeting

results in higher cost-per-exposure (by any metric) and thus more profitability for ad purveyors (like agencies and media networks) and higher ROI for advertisers.

[0035] The methods and systems described above may be implemented with computer storage products or computer readable media that contain program code or computer software for causing a processor to perform the various computer-implemented operations. The computer-readable medium is any data storage device that can store data which can thereafter be read by a computer system such as a microprocessor. The media and program code may be those specially designed and constructed for the purposes of the present invention, or they may be of the kind well known to those of ordinary skill in the computer software arts. Examples of computer-readable media include, but are not limited to magnetic media such as hard disks, floppy disks, and magnetic tape; optical media such as CD-ROM disks; magneto-optical media; and specially configured hardware devices such as application-specific integrated circuits (ASICs), programmable logic devices (PLDs), and ROM and RAM devices. Examples of program code include both machine code, as produced, for example, by a compiler, or files containing higher-level code that may be executed using an interpreter. Steps in the computer-implemented methods may be implemented in processors running software stored locally, and/or in configurations such as application service providers, in which certain steps are executed on processors communicating with one another over a network such as the Internet. Either stand-alone computers or client/server systems, or any combination thereof, may be employed.

[0036] It will be appreciated that any of the steps in the methods described above may be implemented by one or more processors executing instructions stored in computer-readable memories. It will be appreciated that any of the method steps described above may be implemented by means for performing the step, wherein the means for performing the step include a processor operating in accordance with instructions contained in computer program code.

[0037] The methods and systems described herein may employ any suitable communications interface and hardware. By way of non-limiting example, communications may be implemented in a network, such as the Internet, employing the TCP/IP protocol.

[0038] Media elements may be stored in any suitable medium, which may include magnetic media, and both digital and analog media. Media elements may be stored and transmitted in a compressed format, such as the MPEG-3 format for video, or may be stored and transmitted in uncompressed formats.

[0039] In embodiments having multiple media generators, it will be appreciated that there are numerous possible distributions of the functions of generating media. For example, all media elements may be stored in a single library in the memory associated with one device, which device generates all programming. Alternatively, an entire library of media elements, or portions of a library of media elements, may be stored in association with one or more additional media generators. Protocols may be provided for distribution of media elements between different stored libraries of media elements. A library of media elements is any set of more than one media element.

[0040] It will be appreciated that the embodiments described and illustrated herein are merely exemplary.

Abstract

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

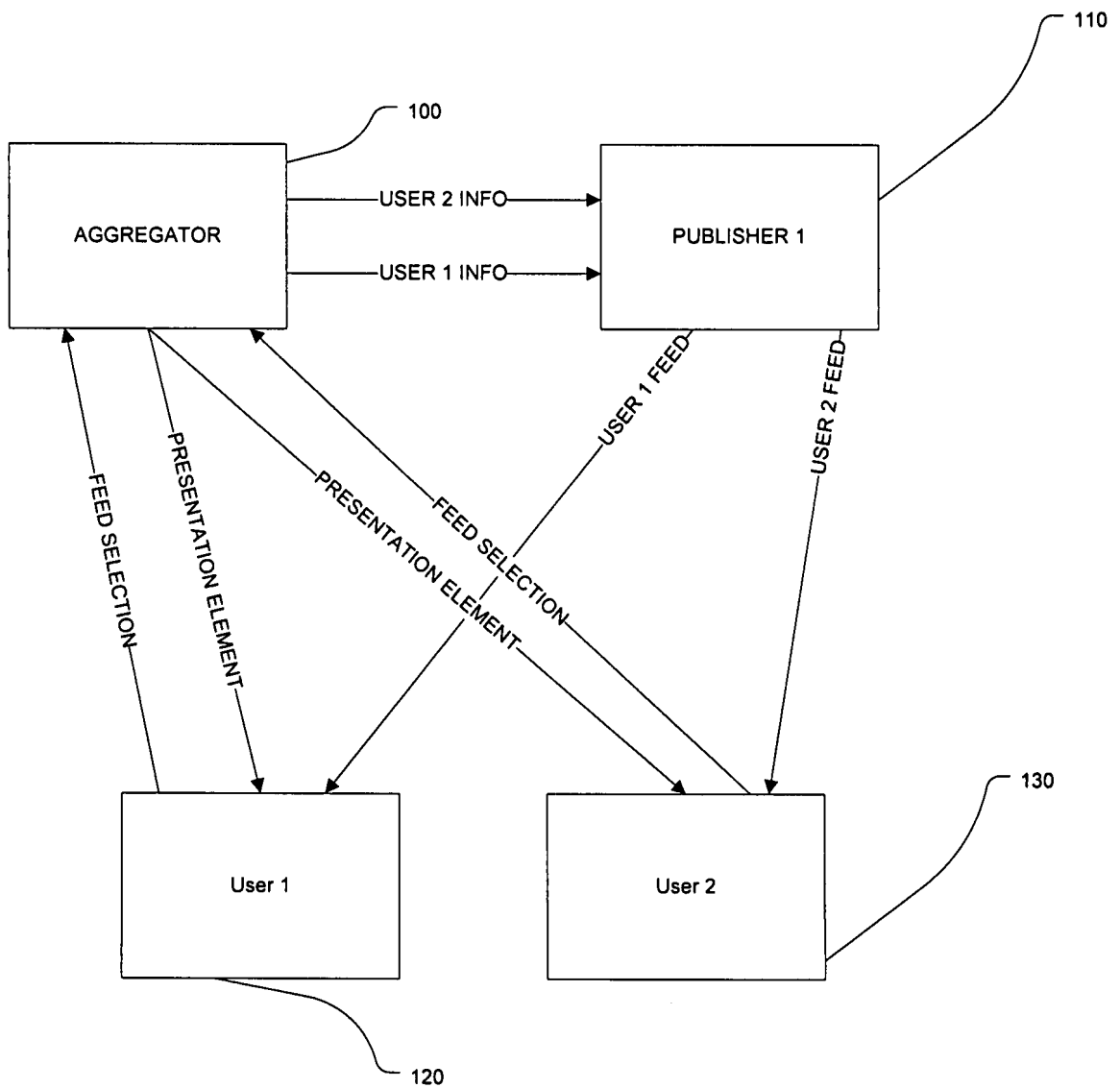


Fig. 1

PATENT APPLICATION SERIAL NO. _____

**U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET**

06/15/2007 EFLORES 00000020 60934456
01 FC:2005 100.00 OP

PTO-1556
(5/87)



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
60/934,456	06/13/2007		100	NPOWR-8-P		

CONFIRMATION NO. 8458

45722
PLEVY, HOWARD & DARCY, P.C.
P.O. BOX 226
Fort Washington, PA19034

FILING RECEIPT

Date Mailed: 07/05/2007

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Dwight Marcus, Ojai, CA;

Power of Attorney:

Robert Rosenthal--33450

If Required, Foreign Filing License Granted: 07/02/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US60/934,456

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method and system for generating media programming

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but

does not result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN

FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).