

**PATENT APPLICATION FEE DETERMINATION RECORD**

Effective January 1, 2003

Application or Docket Number

3399 P103

**CLAIMS AS FILED - PART I**

	(Column 1)	(Column 2)
TOTAL CLAIMS	11	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	11 minus 20 = *	0
INDEPENDENT CLAIMS	3 minus 3 = *	0
MULTIPLE DEPENDENT CLAIM PRESENT	<input type="checkbox"/>	

\* If the difference in column 1 is less than zero, enter "0" in column 2

**SMALL ENTITY TYPE**

**OR OTHER THAN SMALL ENTITY**

RATE	FEE	OR	RATE	FEE
BASIC FEE	375.00	OR	BASIC FEE	750.00
X\$ 9=		OR	X\$18=	0
X42=		OR	X84=	0
+140=		OR	+280=	0
TOTAL		OR	TOTAL	750

**CLAIMS AS AMENDED - PART II**

	(Column 1)	(Column 2)	(Column 3)
<b>AMENDMENT A</b>	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total *	Minus **	=
	Independent *	Minus ***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>		

**SMALL ENTITY**

**OR OTHER THAN SMALL ENTITY**

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
<b>AMENDMENT B</b>	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total *	Minus **	=
	Independent *	Minus ***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>		

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
<b>AMENDMENT C</b>	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total *	Minus **	=
	Independent *	Minus ***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>		


RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Please type a plus sign (+) inside this box 

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No. 3399P103
	First Inventor Rikard M. Kjellberg, et al.
	Title Device Capability Based Discovery, Packaging and Provisioning of Content for
	Express Mail Label No. EV336585205US

<b>APPLICATION ELEMENTS</b> <small>See MPEP chapter 600 concerning utility patent application contents</small>	ADDRESS TO: Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
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<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <small>(Submit an original and a duplicate for fee processing)</small></p> <p>2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification <span style="float: right;">[Total Pages <u>30</u>]</span> <small>(preferred arrangement set forth below)</small></p> <ul style="list-style-type: none"> <li>- Descriptive title of the invention</li> <li>- Cross References to Related Applications</li> <li>- Statement Regarding Fed sponsored R &amp; D</li> <li>- Reference to sequence listing, a table, or a computer program listing appendix</li> <li>- Background of the invention</li> <li>- Brief Summary of the invention</li> <li>- Brief Description of the Drawings (if filed)</li> <li>- Detailed Description</li> <li>- Claim(s)</li> <li>- Abstract of the Disclosure</li> </ul> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <u>14</u>]</p> <p>5. Oath or Declaration (unsigned) [Total Pages <u>3</u>]</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> Newly executed (original or copy)</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> Copy from a prior application (37 C.F.R. § 1.63(d)) <small>(for continuation/divisional with Box 18 completed)</small></p> <p style="margin-left: 40px;">i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> <small>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</small></p> <p>6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p>	<p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all of the following are necessary)</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> Computer Readable Form (CRF)</p> <p style="margin-left: 20px;">b. Specification Sequence Listing on:</p> <p style="margin-left: 40px;">i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</p> <p style="margin-left: 40px;">ii. <input type="checkbox"/> paper</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> Statements verifying identity of above copies</p> <hr/> <p>9. <input type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</p> <p>10. <input type="checkbox"/> 37 C.F.R. § 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney <small>(when there is an assignee)</small></p> <p>11. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>13. <input type="checkbox"/> Preliminary Amendment <input type="checkbox"/> Application Amended to Reflect Claim of Priority</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <small>(Should be specifically itemized)</small></p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) <small>(if foreign priority is claimed)</small></p> <p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.</p> <p>17. <input type="checkbox"/> Other: _____</p>
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17399 U.S. P.T.O.  
10/600746  
06/19/03

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation     Divisional     Continuation-in-part (CIP)    of prior application No: \_\_\_\_\_


Prior application Information: Examiner \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**18. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	 <b>26529</b> PATENT TRADEMARK OFFICE	<input type="checkbox"/> Correspondence address below
---	--	---

Name		Address		City	State	Zip Code
Country		Telephone	(408) 720-8300	Fax	(408) 720-8383	

Name (Print/Type)	Jordan M. Becker	Registration No. (Attorney/Agent)	39,602
Signature		Date	06/19/03

Based on PTO/SB/05 (05-03) as modified by Blakely, Solokoff, Taylor & Zafman (w/r) 05/02/2003.  
SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

16623 U.S. PTO  
 06/19/03

<b>FEE TRANSMITTAL for FY 2003</b>		<i>Complete if Known</i>	
Effective 01/01/2003. Patent fees are subject to annual revision.		Application Number	
		Filing Date	
		First Named Inventor	Rikard M. Kjellberg
		Examiner Name	
		Group/Art Unit	
		Attorney Docket No.	3399P103
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
TOTAL AMOUNT OF PAYMENT	(\$)	750.00	

**METHOD OF PAYMENT (check one)**

Check   
  Credit card   
  Money Order   
  Other   
  None

Deposit Account

Deposit Account Number: 02-2666

Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below   
  Credit any overpayments

Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

**FEE CALCULATION**

**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	750.00
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					(\$) 750.00

**2. EXTRA CLAIM FEES**

Total Claims: 11 - 20\* = 0 x 18.00 = \$0.00

Independent Claims: 3 - 3\* = 0 x 84.00 = \$0.00

Multiple Dependent

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple Dependent claim, if not paid	
1204	84	2204	42	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					(\$) 0.00

\*or number previously paid, if greater, For Reissues, see below


**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1812	2,520	2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1404	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	1809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					
<b>SUBTOTAL (3)</b>					(\$)

\*Reduced by Basic Filing Fee Paid

<b>SUBMITTED BY</b>		<i>Complete (if applicable)</i>			
Name (Print/Type)	Jordan M. Becker	Registration No. (Attorney/Agent)	39,602	Telephone	(408) 720-8300
Signature		Date	06/19/03		

Based on PTO/SB/17 (01-03) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 05/02/2003.  
 SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Please type a plus sign (+) inside this box 

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No. <b>3399P103</b>
	First Inventor <b>Rikard M. Kjellberg, et al.</b>
	Title <b>Device Capability Based Discovery, Packaging and Provisioning of Content for</b>
	Express Mail Label No. <b>EV336585205US</b>

<b>APPLICATION ELEMENTS</b> <small>See MPEP chapter 600 concerning utility patent application contents</small>	ADDRESS TO: Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
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<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <small>(Submit an original and a duplicate for fee processing)</small></p> <p>2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification <span style="float: right;"><small>[Total Pages <u>30</u>]</small></span> <small>(preferred arrangement set forth below)</small></p> <ul style="list-style-type: none"> <li>- Descriptive title of the invention</li> <li>- Cross References to Related Applications</li> <li>- Statement Regarding Fed sponsored R &amp; D</li> <li>- Reference to sequence listing, a table, or a computer program listing appendix</li> <li>- Background of the invention</li> <li>- Brief Summary of the invention</li> <li>- Brief Description of the Drawings (if filed)</li> <li>- Detailed Description</li> <li>- Claim(s)</li> <li>- Abstract of the Disclosure</li> </ul> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <span style="float: right;"><small>[Total Sheets <u>14</u>]</small></span></p> <p>5. Oath or Declaration (unsigned) <span style="float: right;"><small>[Total Pages <u>3</u>]</small></span></p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> Newly executed (original or copy)</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> Copy from a prior application (37 C.F.R. § 1.63(d)) <small>(for continuation/divisional with Box 18 completed)</small></p> <p style="margin-left: 40px;">i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> <small>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</small></p> <p>6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p>	<p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all of the following are necessary)</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> Computer Readable Form (CRF)</p> <p style="margin-left: 20px;">b. Specification Sequence Listing on:</p> <p style="margin-left: 40px;">i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</p> <p style="margin-left: 40px;">ii. <input type="checkbox"/> paper</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> Statements verifying identity of above copies</p> <p>9. <input type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</p> <p>10. <input type="checkbox"/> 37 C.F.R. § 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney <small>(when there is an assignee)</small></p> <p>11. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>13. <input type="checkbox"/> Preliminary Amendment <input type="checkbox"/> Application Amended to Reflect Claim of Priority</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <small>(Should be specifically itemized)</small></p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) <small>(if foreign priority is claimed)</small></p> <p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.</p> <p>17. <input type="checkbox"/> Other: _____</p>
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17399 U.S. P.T.O.  
**10/600746**  
06/19/03

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation     Divisional     Continuation-in-part (CIP)    of prior application No: \_\_\_\_\_

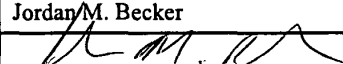
Prior application Information: Examiner \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

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**18. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	 <b>26529</b> PATENT TRADEMARK OFFICE	<input type="checkbox"/> Correspondence address below
---	--	---

Name			
Address			
City	State	Zip Code	
Country	Telephone	(408) 720-8300	Fax (408) 720-8383

Name (Print/Type)	Jordan M. Becker	Registration No. (Attorney/Agent)	39,602
Signature		Date	06/19/03

Based on PTO/SB/05 (05-03) as modified by Blakely, Solokoff, Taylor & Zafman (w/r) 05/02/2003.  
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		Filing Date	
		First Named Inventor	Rikard M. Kjellberg
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Examiner Name	
		Group/Art Unit	
<b>TOTAL AMOUNT OF PAYMENT</b>		Attorney Docket No.	3399P103
(\$)		750.00	

**METHOD OF PAYMENT (check one)**

Check   
  Credit card   
  Money Order   
  Other   
  None

Deposit Account

Deposit Account Number: 02-2666  
 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below   
  Credit any overpayments  
 Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

**3. ADDITIONAL FEES**

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1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)

**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
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1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					(\$)

**2. EXTRA CLAIM FEES**

Total Claims: 11 - 20\* = 0 x 18.00 = \$0.00  
 Independent Claims: 3 - 3\* = 0 x 84.00 = \$0.00  
 Multiple Dependent: \_\_\_\_\_ = \_\_\_\_\_

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1204	84	2204	42	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					(\$)

\*or number previously paid, if greater, For Reissues, see below

<b>SUBMITTED BY</b>		<i>Complete (if applicable)</i>			
Name (Print/Type)	Jordan M. Becker	Registration No. (Attorney/Agent)	39,602	Telephone	(408) 720-8300
Signature		Date	06/19/03		

Based on PTO/SB/17 (01-03) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 05/02/2003.  
 SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

## **APPLICATION DATA SHEET**

### **APPLICATION INFORMATION**

Application Type:: Regular  
Subject Matter:: Utility  
Title:: Device Capability Based  
Discovery, Packaging and Provisioning of  
Content for Wireless Mobile Devices  
Attorney Docket Number:: 3399P103  
Request for Early Publication?:: No  
Request for Non-Publication?:: No  
Total Drawing Sheets:: 14  
Small Entity?:: No

### **APPLICANT INFORMATION**

Applicant Authority Type:: Inventor  
Primary Citizenship Country:: Sweden  
Status:: Full Capacity  
Given Name:: Rikard  
Middle Name:: M.  
Family Name:: Kjellberg  
City of Residence:: Santa Cruz  
State or Province of Residence:: CA  
Country of Residence:: US  
Street of mailing address:: 23911 East Cliff Drive  
City of mailing address:: Santa Cruz  
State or Province of mailing address:: CA  
Country of mailing address:: US  
Postal or Zip Code of mailing address:: 95062  
  
Applicant Authority Type:: Inventor  
Primary Citizenship Country:: US  
Status:: Full Capacity

Given Name:: Sheng  
Family Name:: Liang  
City of Residence:: Cupertino  
State or Province of Residence:: CA  
Country of Residence:: US  
Street of mailing address:: 10440 Oakville Avenue  
City of mailing address:: Cupertino  
State or Province of mailing address:: CA  
Country of mailing address:: US  
Postal or Zip Code of mailing address:: 95014

Applicant Authority Type:: Inventor  
Primary Citizenship Country:: Sweden  
Status:: Full Capacity  
Given Name:: Tomas  
Middle Name:: G.  
Family Name:: Lund  
City of Residence:: Foster City  
State or Province of Residence:: CA  
Country of Residence:: US  
Street of mailing address:: 718 Bounty Drive #1815  
City of mailing address:: Foster City  
State or Province of mailing address:: CA  
Country of mailing address:: US  
Postal or Zip Code of mailing address:: 94404

Applicant Authority Type:: Inventor  
Primary Citizenship Country:: US  
Status:: Full Capacity  
Given Name:: William  
Family Name:: Chan  
City of Residence:: San Mateo

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**REPRESENTATIVE INFORMATION**

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**DOMESTIC PRIORITY INFORMATION**

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This Application	An application claiming the benefit under 35 USC 119(e)	60/392,999	06/28/2002

UNITED STATES PATENT APPLICATION

FOR

Device Capability Based Discovery, Packaging and Provisioning of Content for Wireless  
Mobile Devices

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Device Capability Based Discovery, Packaging and Provisioning of Content for Wireless  
Mobile Devices

[0001] This application claims the benefit of U.S provisional patent applications nos.: 60/393,024; 60/392,383; 60/393,041; and 60/392,999, each of which was filed on June 28, 2002, and each of which is incorporated herein by reference.

FIELD OF THE INVENTION

[0002] At least one embodiment of the present invention pertains to systems and methods for providing digital content to wireless services subscribers, and more particularly, to facilitating management and delivery of digital content from multiple content suppliers to multiple wireless services subscribers in multiple domains.

BACKGROUND

[0003] Personal mobile communication/computing devices, such as cellular telephones, personal digital assistants (PDAs) and two-way pagers, have become commonplace in many countries. These devices are referred to collectively herein as "mobile devices" or "wireless devices". The current state-of-the-art of mobile devices has advanced far beyond that of their predecessors. For example, early cellular telephones were used analog signals to communicate over wireless telecommunications networks (or simply "wireless networks") and were nothing more than mobile telephones. Today's cellular telephones typically are all digital and provide many other functions in addition to telephony capability. For example, many of the latest generation of mobile telephones (and other mobile devices) allow their users to play games, access World Wide Web pages, exchange email, exchange and download files, exchange short messaging service (SMS) messages, and send and receive video.

[0004] With new mobile devices providing a wider range of capabilities, there is increasing demand among the users of these devices (i.e., wireless services subscribers) for new and interesting types of digital content that can be used on these mobile devices, such as games and other applications, images, ring tones, screensavers, wallpapers, etc. Although newer mobile devices often come pre-provisioned with certain digital products when first acquired by the subscriber, it is desirable to allow subscribers to acquire additional digital products for use in their

mobile devices as such products become available. While this capability already exists, currently subscribers acquire digital content directly from the content suppliers (typically via the wireless network and the Internet). This process is inconvenient if a subscriber wishes to acquire various different items of digital content from different suppliers, since the subscriber must navigate to the web sites of different suppliers. Therefore, it is further desirable to make many different types of digital content available to subscribers at one time through a centralized "store".

[0005] From the content supplier's perspective, another impediment to the efficient distribution of digital content is the fact that different mobile devices often require different content packaging formats and provisioning protocols. In order to make a given item of digital content available to multiple mobile devices supporting different provisioning models, a digital content supplier will normally deploy that item of content multiple times, packaging it differently for each of the provisioning models. For example, an image to be delivered to Nokia-COD phones and Sprint-GCD OTA phones would be deployed twice, custom-packaged for each of those two delivery modes. It is very burdensome for digital content suppliers to have to package and provision the digital content they produce in a manner that is suitable for all of the devices in the marketplace. Moreover, it is difficult for content suppliers to keep up with the constant changes in device capabilities for the many mobile devices in the marketplace. Consequently, there is often a gap between the interoperability of a given digital product and how effective it can be used on a device. Therefore, the problem exists of how to efficiently allow many digital content providers to distribute many different types of digital content to subscribers using many different types of mobile devices.

[0006] A related problem is how to charge subscribers for the digital content they acquire. In one known system. The wireless carrier's system is capable of connecting to an external billing system and provides billing events to that system when a subscriber performs a chargeable action. However, this scenario assumes that all subscribers belong to a single organization that also owns the billing system. Furthermore, it assumes that a single currency is used. Yet many multi-national organizations have a parent company with subsidiaries in many countries. Different countries have different currencies, taxes and other charges. Each subsidiary may

implement its own support/business infrastructure to deal with local regulations and customs, particularly with respect to the billing process. Consequently, the carrier's system must be able to generate billing events and direct them to the appropriate external billing system. Furthermore, it must be able to present the customer with a charge for each service, in the applicable currency and expressed in a way that is appropriate considering local taxes, fees and other regulations.

[0007] One way to address this problem, which only partially solves it, is to use credit card systems. In this scenario, the credit card company acts as an intermediary in the billing process. This approach consolidates all billing at one point. Settlement is done between the product/service provider and the subscriber provider (e.g., the wireless carrier) for a fee. This approach, however, does not handle the currency, taxes, fees and regulations issues mentioned above.

## SUMMARY OF THE INVENTION

[0008] One aspect of the invention is a method and apparatus for providing access to content for use on wireless communication devices. Multiple items of content are stored in a server system, to be made available for use in wireless communication devices used by multiple wireless services subscribers. Each of the items of content is associated in the server system with multiple different provisioning models for provisioning the content in wireless communication devices. Each of the provisioning models corresponds to a different set of device capabilities.

[0009] In another aspect of the invention, multiple different implementations of at least one of the items of content are received, where each implementation corresponds to a different set of device capabilities. A product catalog containing a description of the items of content is also maintained. The product catalog includes, in association with each item of content, a reference to each implementation of the item of content.

[0010] Other features of the present invention will be apparent from the accompanying drawings and from the detailed description which follows.

## BRIEF DESCRIPTION OF THE DRAWINGS

[0011] One or more embodiments of the present invention are illustrated by way of example and not limitation in the figures of the accompanying drawings, in which like references indicate similar elements and in which:

[0012] Figure 1 illustrates the relationship between the download manager, content suppliers, and subscribers;

[0013] Figure 2 shows a network architecture in which a download manager in accordance with the invention can be deployed;

[0014] Figure 3 schematically shows the components of the download manager;

[0015] Figure 4 shows the components of the device capability manager;

[0016] Figure 5 shows the relationship between a product entry and implementations of the product in the product catalog;

[0017] Figure 6 shows the relationship between a product and its implementations;

[0018] Figure 7 shows how various data elements are used in the billing process;

[0019] Figure 8 illustrates a simplified process by which a product can be listed in the product catalog in a way that facilitates device-tailored product discovery and provisioning;

[0020] Figure 9 shows a process by which the product catalog is displayed to a subscriber;

[0021] Figure 10 shows a process by which a purchase of a product can be made using the download manager;

[0022] Figure 11 illustrates the separation, within the download manager, of content from how the content is provisioned;

[0023] Figure 12 illustrates a process by which a product is provisioned in a client device using the appropriate one of various provisioning protocols;

[0024] Figure 13 shows an example of the software deployment architecture of the download manager; and

[0025] Figure 14 illustrates the hardware architecture of a computer system in which the download manager can be implemented.

## DETAILED DESCRIPTION

[0026] A system and method for efficiently managing the publication, purchase and delivery of digital content from multiple content suppliers to multiple wireless services subscribers in multiple domains are described below. As used in this description, the terms "digital content", "digital product", "content", and "product" are used interchangeably and mean software and/or data embodying things such as games and other applications, applets or the like; images; screensavers; wallpaper; ring tones; etc., particularly (but not necessarily exclusively) those designed for use in mobile devices such as cellular telephones, personal digital assistants (PDAs), and other small-footprint wireless/mobile devices. For convenience the terms "purchase" or "buy" are used to mean either actual purchase or any other conventional way in which a subscriber can acquire rights to use digital content (e.g., by acquiring a license).

### Overview

[0027] As described in greater detail below, a system which manages publication, purchase and delivery of digital content is implemented in a network server system that includes one or more server computer systems on a network. The server system includes an application server referred to herein as the "download manager". Digital content suppliers can publish and manage their products using the download manager via a computer network, such as the Internet, and can make their products available to wireless services subscribers through the download manager for purchase or licensing. Subscribers can access the server system via wireless networks to purchase rights to download and use the digital content on their wireless communication devices.

[0028] Figure 1 illustrates the relationship between the download manager, content suppliers, and wireless services subscribers (users of mobile devices). The download manager 1 acts as an intermediary between multiple content suppliers 2 (e.g., 2A, 2B, etc.) and multiple customers (e.g., 3A, 3B, etc.), e.g., wireless services subscribers, belonging to multiple "domains". In the supply chain process for distribution of digital content, a content supplier 2 adds a digital product to the set of products managed by the download manager 1 (i.e., products "in the store"). The supplier 2 then associates various attributes with the product. Once the product has been submitted to the



product store, a product administrator associated with the download manager 1 verifies its quality and determines whether it should be made available to the customers 2 or if it should be rejected. Once the product is approved, customers 2 can buy the product by accessing the download manager 1 from their client devices.

[0029] To facilitate description, it is henceforth assumed herein that the customers are users of mobile devices and, therefore, are subscribers of wireless services (although that need not be the case); thus, customers are henceforth called "subscribers" herein. Note, however, that the techniques described herein need not be limited to wireless services subscribers or mobile client devices.

#### Domains and Partner Management

[0030] Among other advantageous features, the download manager 1 facilitates partner management. A "partner", as the term is used herein, is an entity that holds a relationship to a subscriber for purposes of delivery of digital products, billing, returns, etc. For example, a partner can be an Internet portal, an Internet Service Provider (ISP), a wireless carrier, an application service provider (ASP), etc. A partner also appoints a number of content suppliers to supply products to the product store. Partner management is the concept of being able to assign responsibility for various parts of the digital product supply chain to different categories of users.

[0031] The entities "within the store" (managed by the download manager 1) belonging to a partner are partitioned into entities called "domains". A "domain", as the term is used herein, is an entity, defined in the download manager 1, that describes the billing relationship between a partner and a set of subscribers, as well as describing a partitioning of product space and administrative responsibilities. As such, a domain can represent a grouping of wireless services subscribers, such as a wireless carrier or a subsidiary of a wireless carrier, a business enterprise, or any other defined group of wireless services subscribers. The domain manager maintains a database of data defining the associations between domains and partners, administrators, subscribers and products.

[0032] Domains facilitate the proper billing of subscribers from multiple organizations and/or with multiple wireless carriers (or other subscriber providers), and facilitate

presentation of product descriptions to subscribers in the languages and currencies appropriate for their local countries or regions.

[0033] The domain entity is also used in the download manager 1 to classify other entities as belonging to a domain 1-to-1, belonging to a domain 1-to-many, many-to-many, or not belonging to a domain. In general, a domain captures the following relationships to the subscribers:

- 1) how subscribers are charged for the products they purchase and in which currency;
- 2) to which user groups the subscribers can belong;
- 3) from which product categories the subscribers can select products; and
- 4) which products are accessible to the subscribers.

[0034] In certain embodiments of the invention, a domain has the following properties:

- a name (localized)
- a description (localized)
- a uniform resource locator (URL) to a web site giving further description of the domain
- a contact address including contact person, contact telephone numbers, fax numbers and postal address
- the currency to use for billing and display purposes
- reference to handlers for various different payment models (e.g., online payment, pre-payment and post-payment)
- a set of references to rating handlers used for adjustment of product prices

[0035] The name and the descriptions have localized values for the set of languages registered in the system.

[0036] The distinction between domain entities and non-domain entities also forms the basis for delegated administration. More specifically, for each domain, the responsibility for supplying products, approving or rejecting products, etc. can be delegated to different suppliers and administrators. Thus, each domain is associated with a set of administrators that handle the products in the store. In certain embodiments of the invention, these administrators include a system administrator, a domain administrator, a product administrator, and a customer care administrator.

[0037] The system administrator is the overall administrator for the download manager 1, who can create new domains and their respective domain administrators to help regulate it. He also maintains the ability to control non-domain entities such as devices, content types, etc. The domain administrator is the overall administrator for a given domain. He has the ability to manage all of the suppliers and subscribers for his domain as well as create product and customer care administrators for the domain. The product administrator is responsible for managing the entire product lifecycle for the content submitted by the domain's suppliers. The customer care administrator is responsible for managing subscribers belonging to the domain. Each subscriber belongs to only one domain and can only see products for the domain to which he belongs.

[0038] A partner appoints a number of content suppliers who provide products to the product store. A supplier can only submit products to the domain(s) to which he belongs. The relationship between suppliers and domains is many-to-many. Products are approved and deployed separately for each domain.

[0039] From the content supplier's perspective, all entities in the download manager 1 that are domain-related are only selectable based on the domains to which the supplier can provide products. For example, a supplier can only choose from among the product categories and license models that belong to the domains to which the supplier has the right to supply products.

#### Network Environment

[0040] Figure 2 shows a network architecture in which a download manager in accordance with the invention can be advantageously deployed. One or more wireless networks 22 are connected to a computer network 24 through corresponding gateways 23. The computer network 24 may be the Internet, although alternatively, it could be essentially any other type of computer network, such as a corporate intranet, a local area network (LAN), etc., or a combination of such networks.

[0041] A number of mobile client devices 21 (e.g., 21A, 21B, etc.) operate on each wireless network 22. A number of servers 25 (e.g., 5A, 5B, etc.) operate on the computer network 24 to provide a variety of services for the mobile devices 21 and/or to one or more non-mobile client devices 29 coupled to the computer network 24. For

example, the servers 25 may include World Wide Web servers, file servers, application servers, etc.

[0042] Each gateway 23 is operated by the wireless carrier of the wireless network to which it is directly connected. Each gateway 23 provides an interface between a particular wireless network 22 and the computer network 24 (e.g., the Internet), providing routing and, if necessary, appropriate protocol translation and/or content transcoding. In some cases, the gateway 23 may be a standalone device or system. In other cases, the gateway 23 may be part of a more-capable server system that provides additional value-added services to users of client devices 21; such as a proxy service 27, a provisioning manager 28, etc.

[0043] A download manager 1 in accordance with the present invention is connected to the computer network 24, either directly (as shown) or indirectly. The download manager 1 can be, but does not have to be, operated by a wireless carrier.

#### Download Manager

[0044] Figure 3 schematically shows the download manager in greater detail, according to certain embodiments of the invention. In the illustrated embodiment, the major components of the download manager include a delivery manager 31, a product manager 32, a business & operations manager 33, and multiple protocol handlers 34. Each of these components is preferably implemented as software, data, or a combination of software and data. However, in other embodiments, some or all of these components could be implemented in hardwired circuitry. The download manager 1 may also include a database 35 of published content, as shown, although at least some of the published content may instead be stored remotely.

[0045] The product manager 32 is the download manager's interface to the various content suppliers and provides centralized product cataloging (including enabling qualified content suppliers to register content for analysis and publication) and complete product life cycle support (i.e., management of content submission, analysis, approval, publication, use, maintenance, and eventual deactivation). The term "publication", as used herein, means making a product available on the download manager to wireless services subscribers for downloading to their client devices. The delivery manager 31

is the download manager's interface to the various subscribers and is responsible for delivering purchased digital content to subscribers, including invoking a protocol handler appropriate for communicating with each requesting mobile device. The protocol handlers 34 support multiple product discovery protocols and multiple product delivery protocols simultaneously. Hence, the protocol handlers 34 include product discovery handlers (e.g., a WAP handler, a Web handler, a Motorola Discovery handler) and product delivery handlers (e.g., a MIDP OTA handler, a Motorola OTA handler, a Nokia COD OTA handler). The business & operations manager 33 is mainly responsible for managing domain information and processes for charging subscribers for purchases of content. These components are described further below.

[0046] As shown in Figure 3, the delivery manager 31 in certain embodiments includes a security manager 36, a device capability manager 37, a personal vault 38, a storefront 39, and a notification manager 40. The storefront 39 is a conventional graphical user interface for allowing subscribers to make online purchases. It can be branded to a particular wireless carrier, for example, or other business entity. The security manager 36 is responsible for authentication of subscribers and client devices for purposes of purchasing content and preferably can support multiple authentication schemes, such as HTTP-based authentication, MSISDN/NIA based authentication, etc. The personal vault 38 stores, on a subscriber-by-subscriber basis, information to facilitate digital rights management (DRM), such as product licenses and/or other "purchase" information of the products purchased by each subscriber. This allows a subscriber to remove downloaded content from a mobile device without losing rights to the product, or to recover products on a device in cases of device hard reset, loss, etc.

[0047] The notification manager 40 can provide various types of notifications to subscribers using various communication channels, such as email, SMS, and WAP Push. The notification manager 40 can generate notifications automatically, such as notifications of new products or product upgrades, or in response to commands from a system administrator, such as account notifications, notifications of special promotions, etc.

[0048] The device capability manager 37 is responsible for device recognition (e.g., supporting device recognition through UAPProf using Profile headers and Profile-Diff

headers), device capability determination (e.g., retrieving device descriptors using best efforts and appending device capabilities to the session context), and device capability management (e.g., automated management of UAProf capable devices and quarantine of undefined or partially defined devices). As described further below, recognition of devices and their capabilities is used for a variety of purposes, such as to filter the set of available products that a subscriber can discover when connecting to the download manager 1, to select the appropriate implementations of products that are purchased, and to select the appropriate provisioning model for provisioning a purchased product in a client device.

[0049] Figure 4 shows the components of the device capability manager 37 according to an embodiment of the invention. The device capability manager 37 includes a device manager 41, a device handler manager 42, a delivery context cache 43, a set of device recognition handlers 44, a device data access object (DAO) 45, a device information database 46, a UAProf parser 47, a UAProf resolver 48, a dm-config.xml file 49, and a DeviceVocabulary file 50. The device information database 46 stores information identifying mobile devices and their corresponding capabilities. The device manager 41 contains all of the business logic that supports the user interface and the rest of the download manager 1. The device DAO 45 contains all data logic and scripted query language necessary to communicate with the device information database 46.

[0050] The device handler manager 42 is responsible for discovering and determining the types of devices accessing the download manager 1. Upon startup of the download manager 1, the device handler manager 42 loads the device recognition handlers 44 ordered by the dm-config.xml file 49. This order is then used to determine which headers are to be processed first. The delivery context cache 43 is used to help improve performance on subsequent look-ups. If no device capabilities can be found or processed by the chain of handlers 44, the device handler manager 42 then uses a default delivery context as defined by an administrative user interface.

[0051] The illustrated embodiment includes three device recognition handlers 44: an XwapProfile handler, a UserAgent handler, and a quarantine handler. The XwapProfile handler is responsible for processing the "x-wap-profile" and "x-wap-profil-diff" request headers in requests from mobile (client) devices. It makes use of the UAProf parser 47

to parse RDF-compliant files and the UAProf resolver 48 to resolve the differences of the headers. The UAProf parser 47 parses RDF-compliant files. The UAProf resolver 48 reads resolution rules from the device-vocabulary.xml configuration file 50 and uses these rules to help merge x-wap-profile and x-wap-profile-diff headers.

[0052] The UserAgent handler is responsible for processing the “user-agent” request headers. It uses regular expression matching to best match the capabilities with the incoming “user-agent” header. If no user-agent header can be found or one is found but does not match to any existing capabilities, the request header is passed to the next handler in the chain.

[0053] The quarantine handler is responsible for processing any “accept” request headers. If the quarantine handler finds a user-agent header, it will add a new record in a device match table. Otherwise, it will simply return a delivery context with a set of capabilities determined by the “accept” headers and capabilities already defined by the default device profile.

[0054] The device capability manager 37 is capable of managing client devices in either of two categories: actual devices and generic devices. In response to client device requests, the device capability manager 37 uses actual device information from the request and any applicable stored generic device definitions to recognize the accessing client device and its capabilities. The system administrator can define devices (or device capabilities) in either category. An actual device is a particular make and model of client device, such as “Nokia 6310”. Actual devices are identified solely from incoming requests, based on the UserAgent and x-wap-profile headers in the requests, for example. A generic device is a predefined device or set of device capabilities. Examples of some generic device definitions are: all Nokia devices (e.g., “vendorname=nokia”), all devices with display size > 40, and all devices which support SMS. In response to client device requests, the device capability manager 37 uses the UserAgent or x-wap-profile header to identify the actual device accessing the system and to look up its corresponding capabilities in the device information database 46, which are combined with any applicable generic device definitions to determine the capabilities of the client device. The use of this information is described further below.

[0055] It is useful now to define two types of device capabilities which the device capability manager is able to resolve: static capabilities and active capabilities. As defined in the download manager, "static" capabilities are the well-known set of attributes for a given device which are defined during pre-processing, not on-the-fly. These are associated with a client device as identified in the UserAgent or x-wap-profile headers. Generic devices, as defined above, only have static capabilities. "Active" capabilities represent a dynamic collection of attributes extracted during an interaction between the client device and the download manager, typically from the Accept headers. These two types of device capabilities are stored separately in the device information database 46.

[0056] The ability for a user to discover content based on the static (well-known) capabilities of his device is valuable. With the number of device manufacturers and content providers in the market, there is often a gap between the interoperability of a given content and how effective it can be run on a device. By using the system's unique ability to capture the capabilities of a device and for content suppliers to select compatible devices for their content, the download manager 1 is capable of targeting supported products to their respective devices for a subscriber. In addition, the download manager 1 is able to easily adapt to the ever-changing modifications to capabilities and requirements and is highly scalable as more devices and content are pushed into the system, without a substantial decrease in performance.

[0057] Referring again to Figure 3, the product manager 32 in certain embodiments includes a product workflow manager 51, a content analysis manager 52, a pricing manager 53, and a product catalog 54. The product workflow manager 51 allows the system administrator to define and modify details of the product workflow for processing content submitted by content providers. An example of a product workflow is (n chronological order): 1) submission, 2) content analysis, 3) listing of content in the product catalog, 4) usage of the content, 5) maintenance of content, and 6) content retirement (i.e., cancellation or deletion).

[0058] The content analysis manager 52 manages the process of verifying content quality and compliance with various requirements when the content is initially submitted by the content supplier (e.g., compliance with its declared type, content structure



resource utilization, etc.). Content must pass the content analysis process satisfactorily before being listed in the product catalog 54 (i.e., published).

[0059] The pricing manager 53 allows administrators to add, modify and delete license for products in the store. The pricing manager 53 also includes and invokes a set of rating handlers at the time of purchase, which can adjust the price of the product based on various factors (e.g., promotions, applicable rebates, etc.), as described further below.

[0060] The product catalog 54 contains descriptions of all published items of content (products). Referring to Figure 5, the catalog 54 includes, for each product entry 56, a reference 58 to at least one implementation 57 of that product. An implementation 57 can be simply a binary file (a "binary") representing the product. In some cases, however, an implementation 57 may represent two or more binaries 61, as shown in Figure 6. Also as represented in Figures 5 and Figure 6, any particular product may have multiple implementations published on the download manager, each of which may be designed for a different specific client device or set of client devices.

[0061] Hence, any particular product entry in the catalog 54 can include references to multiple implementations of the product. However, the products shown to any particular subscriber when the subscriber views the catalog are filtered according to the device capabilities of the subscriber's device. More specifically, only those products that have at least one implementation compatible with the subscriber's device are shown to the subscriber. As shown in Figure 5, each implementation entry 57 also includes a list (59A or 59B) of devices supported by that implementation. Each product entry 56 in the catalog 54 includes a list 59 of the devices that are supported by that product. Which represents the aggregation of all of the devices supported by all of the implementations 57 of that product.

[0062] In addition, for any particular product, the catalog may include a description 60 of the product in multiple different languages, to accommodate subscribers in different countries. Product descriptions 60 are shown to each subscriber in the appropriate language, and the prices of products are shown in the appropriate currency, according to the domain of which the subscriber is a member. The domain of the subscriber is identified by the domain manager 62, as described below.

[0063] Referring again to Figure 3, the business & operations manager 33 in certain embodiments includes an operation administration and management (OA&M) module 61, a domain manager 62, and a payment manager 63. The OA&M module 61 provides a Web based user interface for administering the download manager 1. It supports role-based delegation of administration duties (e.g., system administrator, domain administrator, product administrator, customer care administrator, etc.) and interfaces with the provisioning manager to provide logging and reporting of key events and transactions.

[0064] The payment manager 63 is responsible for the process of charging subscribers when they purchase content and supports multiple different languages and currencies, partitioned by domain. The approach to billing and payment assumes that there are local billing mechanisms in place, each of which has an established relationship to the subscriber already. The local billing mechanism operates in the local currency using the local taxes, fees and other applicable charges for the subscriber's region. It also invoices at intervals that are customary for the region.

[0065] In certain embodiments of the invention, a subscriber can select the preferred payment model to use of three available payment models:

- Online payment – payment is performed 'just-in-time'. A typical implementation performs the payment transaction at the time of the purchase.
- Pre-paid payments – payment is performed before purchase and the purchase is deducted from the pre-paid amount.
- Post payments – payment is performed after the purchase by invoice.

[0066] A separate payment handler of a set of payment handlers 64 is accessible to the payment manager 63 for each of these payment models (see Figure 3), and the payment manager is responsible for invoking the appropriate payment handler 64 at the time of purchase.

[0067] Referring now to Figure 7, anytime a subscriber logs in to the download manager, a session 71 is created. The session 71 holds a reference to a unique subscriber profile 72 associated with the subscriber. Each subscriber has such a subscriber profile, which points to the organization that holds the billing relationship with

the subscriber (i.e., the partner responsible for invoicing the subscriber) and an indication of the subscriber's selected payment model (i.e., post-paid, pre-paid, or online).

[0068] The download manager 1 also maintains a subscriber provider profile 73 for each subscriber provider (e.g., wireless carrier, etc.). Each subscriber provider profile 73 holds a reference to each of the payment handlers 64, an indication of the local currency, and an indication of any value added tax and/or other charges that normally apply to the offered services in the region.

[0069] The product catalog 54, as described above, holds the name, description and price of each product, as well as information indicating the supported devices. There is a separate entry for each supported local currency. There are no dependencies between the prices in various currencies for the same product.

[0070] This approach allows a product (or service) to have many different prices, on in each supported currency. There are no dependencies between prices other than that they all apply to one product. This approach, therefore, supports localized pricing policies and local taxes, etc.

[0071] The payment manager 63 includes a set of rating handlers (not shown), which are responsible for adjusting the price of products based on various factors, such as promotional offers, applying rebates, etc. Prices of content may change from time to time, subject to factors such as rebates, promotions, etc. At the time of purchase, the price of the product is determined by invoking the rating handlers. Each rating handler is called by the payment manager 63 with a reference to the corresponding product license and a reference to the subscriber. The rating handler is responsible for adjusting the price, if appropriate, and returning a new price.

[0072] Each of the payment handlers includes a charge method. During purchase the charge method of the registered payment handler for the payment model selected by the subscriber is called. The argument to the charge method is a data structure, ChargeDetailRecord, generated by the payment manager 63, which holds information about the subscriber, the product, the product license with the price, and the domain of the subscriber. The charge method can either approve the charge and, thus, allow the purchase, or it can deny the purchase.

[0073] Referring again to Figure 3, the domain manager 62 manages the associations between domains and partners, subscribers, suppliers, and products, and stores all of the domain information. As noted above, each domain can have the following properties:

- a name (localized)
- a description (localized)
- a uniform resource locator (URL) to a web site giving further description of the domain
- a contact address including contact person, contact telephone numbers, fax numbers and postal address
- the currency to use for billing and display purposes
- reference to handlers for online payment, pre-payment and post-payment
- a set of references to rating handlers

[0074] The domain manager 62 enables flexible business models to be implemented via revenue sharing between, and charging by, different stakeholders (partners).

[0075] Various aspects of the operation of the download manager 1 will now be described further with reference to Figures 8 through 13. Figure 8 illustrates a simplified process by which a product can be listed in the product catalog in a way that facilitates device-tailored product discovery and provisioning, according to an embodiment of the invention. Certain operations in the product workflow are not shown in Figure 8 to facilitate explanation, such as content analysis and approval. Initially, at block 801 the download manager 1 receives inputs from a product supplier defining a product and one or more implementations of that product. At block 802, the download manager receives inputs from the supplier specifying one or more devices (actual or generic) which support each implementation and one or more provisioning protocols to be used for each implementation. At block 803 the download manager 1 stores the product definition, the implementations, and a list of all of the supported devices and provisioning protocols. Finally, at block 804 the download manager 1 determines the set of all possible devices which support the product and stores this information in association with the product information in the product catalog 54.

[0076] Figure 9 shows a process by which the catalog is displayed to a subscriber, according to an embodiment of the invention. At block 901 a client device operated by the subscriber connects to the download manager 1. The domain manager 62 then identifies the domain of the subscriber at block 902 based on its stored domain and subscriber associations. At block 903, the product manager 32 selects the language and currency to be used based on the domain of the subscriber (each domain has one language and currency). At block 904, the device capability manager 37 identifies the client device (e.g., from the UserAgent or x-wap-profile header) and its corresponding set of static (well-known) device capabilities. When a request to view available products is received from the client device (block 905), at block 906 the product manager 32 determines from the product catalog 54 which products are supported by the client device, based on the (static) capabilities of the client device. The download manager 1 then sends a response to the client at block 907, to cause the client device to display product information relating to only those products supported by the client device, in the appropriate currency and language for the subscriber's domain.

[0077] Figure 10 shows a process by which a purchase of a product can be made, according to an embodiment of the invention. After displaying the product catalog 54 to the subscriber, the download manager 1 receives the subscriber's selection of the product to purchase at block 1001. At block 1002 the pricing manager 53 calls all of the registered rating adapters. The rating adapters then adjust the price of the selected product, if appropriate, at block 1003. At block 1004 the pricing manager 53 then presents a license object indicating the price to the subscriber. If the subscriber confirms the purchase (block 1005), then at block 1006 the provisioning manager requests the payment manager 63 to charge the applicable price for the product. The payment manager 63 responds at block 1007 by selecting the applicable payment handler 44 based on the domain to which the subscriber belongs and the subscriber's preferred payment model (prepaid, post-paid, or online). Finally, at block 1008 the selected payment handler 44 performs the charge method to complete the transaction.

## Multiple Provisioning Models

[0078] Different client devices often require different content provisioning protocols and packaging formats. In order to make a given item of digital content available to multiple mobile devices supporting different provisioning models, a digital content supplier would normally have to deploy that item of content multiple times, packaging it differently for each of the provisioning models. The download manager 1, however, separates content from how it is provisioned to a device. As described above and as illustrated conceptually in Figure 11, in the download manager 1 the product information is separated from the content itself, the content is separated from how it is packaged for delivery, the packaged content is separated from the delivery mechanism, and the delivery mechanism is separated from the discovery mechanism (the mechanism by which the subscriber discovers a product). By virtue of this separation, a content supplier is able to deploy content only once, targeting a wide range of devices, and the download manager 1 will deliver the content to those devices over a wide range of provisioning protocols.

[0079] When a product is submitted to the download manager 1 by a supplier, the supplier specifies which devices are supported by each implementation of the product. This information is then stored by the download manager 1 and used to select the proper packaging and provisioning protocol when the product is subsequently purchased.

[0080] The provisioning model used to provision a particular product in a particular client device is based on the device capabilities of the client device as well as the content type of the best-fit implementation. A provisioning "model", in this context, includes a particular provisioning protocol and a content packaging format. The ability to deliver the "best-fit" content based on "active" (dynamic) capabilities of a device is advantageous. Content provisioning provides the second part of targeting products to a given subscriber based on his device's capabilities. Whereas product discovery as described above relies on the "static" capabilities, provisioning relies on the "active" capabilities to determine the exact and often new enhancements of the client device. Given that a device can be fitted or enhanced with new features not described by the default set of capabilities originally intended for the device, the download manager 1

can use these active capabilities to find the best match content to provision to the device.

[0081] Figure 12 illustrates a process by which a product is provisioned in a client device using the appropriate one of various provisioning protocols. At block 1201, in response to a subscriber purchasing a product, the delivery manager 31 selects the best implementation of the product based on the device capabilities (static and active) of the client device. At block 1202 the download manager retrieves the content type of the selected implementation (e.g., MIDlet, EXE file, applet, iAppli, etc.). At block 1203 the download manager 1 selects the appropriate provisioning model available for that implementation, based on the device capabilities of the client device and the content type of the selected implementation. The provisioning manager 28 then creates a content descriptor for the implementation at block 1204, based on the selected provisioning model. The content descriptor specifies the name of the content to be provisioned, the size of the content, a location (e.g., a URL) at which the content is stored, and the content type of the content. The content descriptor is unique to the provisioning handler (protocol) of the selected provisioning model.

[0082] The provisioning manager 28 then downloads the content descriptor to the client device at block 1205. The client device parses the descriptor and then requests the content. When the provisioning manager 28 receives the request for the content from the client device at block 1206, the provisioning manager 28 responds at block 1207 by downloading the content using the provisioning protocol of the selected provisioning model (e.g., COD OTA, Openwave Download Fun, MIDP OTA, etc.)

#### Download Manager Deployment Architecture

[0083] Figure 13 shows an example of the software deployment architecture of the download manager 1 at a high level, according to an embodiment of the invention. Each instance of the download manager 1 resides on a host 131 that has access to a database 140. The host 131 is a server-class computer system including an operating system (e.g., Solaris). The database 140 may represent multiple physical databases, which in aggregate store all of the data used by the download manager 1 (i.e., product information, subscriber information, partner information, domain information, etc.). In

the illustrated embodiment, each host 131 includes a Java Virtual Machine (JVM) 132 which runs on top of the operating system and which hosts an application server 133. On top of the application server 133 is a Web container 134 that contains Java Server Pages (JSPs) 135 and servlets 136 as well as application components 137 including the business logic and data access layer 138 of the download manager 1.

[0084] The download manager 1 is formed by the Web container 134 and its contents, the application components 137, and at least a portion of the database 140. Horizontal scaling can be achieved by adding more hosts 131 hosting instances of the download manager 1. In that case, an Internet Protocol (IP) load balancer 139 provides sticky load balancing, i.e., directing all session-specific traffic to the same host.

[0085] The above-described software architecture (i.e., the download manager) can be implemented in one or more conventional server-class computer systems. Figure 14 illustrates the hardware architecture of such a computer system at a high-level. Note that this architecture is also representative of at least some client devices that access the download manager 1. Note also that Figure 14 is a conceptual representation which represents any of numerous possible specific physical arrangements of hardware components; however, the details of such arrangements are not germane to the present invention and are well within the knowledge of those skilled in the art.

[0086] The processing system shown in Figure 14 includes one or more processors 140, i.e. a central processing unit (CPU), read-only memory (ROM) 141, and random access memory (RAM) 142, each connected to a bus system 146. Also coupled to the bus system 146 are a mass storage device 143, a data communication device 144, and in some embodiments, one or more additional input/output (I/O) devices 145.

[0087] The processor(s) 140 may be, or may include, one or more programmable general-purpose or special-purpose microprocessors or digital signal processors (DSPs), microcontrollers, application specific integrated circuits (ASICs), programmable logic devices (PLDs), or a combination of such devices. The bus system 146 includes one or more buses or other physical connections, which may be connected to each other through various bridges, bus controllers and/or adapters such as are well-known in the art. For example, the bus system 146 may include a "system bus", which may be connected through one or more adapters to one or more expansion buses, such as a



Peripheral Component Interconnect (PCI) bus, HyperTransport or industry standard architecture (ISA) bus, small computer system interface (SCSI) bus, universal serial bus (USB), or Institute of Electrical and Electronics Engineers (IEEE) standard 1394 bus (sometimes referred to as "Firewire"). In alternative embodiments, some or all of the aforementioned components may be connected to each other directly, rather than through a bus system.

[0088] The mass storage device 143 may be, or may include, any one or more devices suitable for storing large volumes of data in a non-volatile manner, such as a magnetic disk or tape, magneto-optical (MO) storage device, or any of various types of Digital Versatile Disk (DVD) or Compact Disk (CD) based storage, or a combination of such devices.

[0089] The data communication device 144 is a device suitable for enabling the processing system to communicate data with a remote processing system over a data communication link 148, and may be, for example, a conventional telephone modem, a wireless modem, an Integrated Services Digital Network (ISDN) adapter, a Digital Subscriber Line (DSL) modem, a cable modem, a radio transceiver, a satellite transceiver, an Ethernet adapter, or the like.

[0090] The I/O devices 145 (which may be omitted in a system that operates exclusively as a server and provides no direct local user interface) may include, for example, one or more devices such as: a pointing device such as a mouse, trackball, touchpad, or the like; a keyboard; audio speakers; and/or a display device such as a cathode ray tube (CRT), a liquid crystal display (LCD), or the like. Other variations upon the illustrated set of components can be implemented in a manner consistent with the invention.

[0091] Software (including instructions and data) 147 to implement the techniques described above may be stored in one or more of ROM 141, RAM 142, and mass storage device 143. In certain embodiments, the software 147 may be initially loaded into the processing system by downloading it from a remote system through the communication device 144.

[0092] Thus, a system and method for managing the publication, purchase and delivery of digital content from multiple content suppliers to multiple wireless services subscribers in multiple domains have been described. Although the present invention

has been described with reference to specific exemplary embodiments, it will be recognized that the invention is not limited to the embodiments described, but can be practiced with modification and alteration within the spirit and scope of the appended claims. Accordingly, the specification and drawings are to be regarded in an illustrative sense rather than a restrictive sense.

## CLAIMS

What is claimed is:

1. A method of providing access to content for use on wireless communication devices, the method comprising:

receiving and storing in a server system a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers; and

associating each of the items of content in the server system with a plurality of different provisioning models for provisioning the content in wireless communication devices, each of the provisioning models corresponding to a different set of device capabilities.

2. A method as recited in claim 1, wherein each provisioning model includes a provisioning protocol and a corresponding set of provisioning descriptors.

3. A method as recited in claim 1, further comprising:

receiving a request for one of the items of content from a wireless services subscriber;

identifying device capabilities of a wireless communication device used by the subscriber in response to the request;

selecting one of a plurality of provisioning models associated in the server system with the requested item of content, based on the device capabilities of the wireless communication device used by the subscriber;

packaging the requested item according to the selected provisioning model; and  
provisioning the requested item in the wireless communication device used by the subscriber according to the selected provisioning model.

4. A method as recited in claim 3, wherein:

said packaging the requested item comprises creating a provisioning descriptor for the requested item according to the selected provisioning model, and associating the provisioning descriptor with the requested item; and

said provisioning the requested item in the wireless device comprises sending the packaged requested item to the wireless communication device used by the subscriber according to a provisioning protocol associated with the selected provisioning model.

5. A method of providing access to content for use on wireless communication devices, the method comprising:

receiving and storing a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers, including receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities; and

maintaining a product catalog containing a description of the items of content, the product catalog including, in association with each item of content, a reference to each implementation of said item of content.

6. A method of providing access to digital content for use on wireless communication devices, the method comprising:

receiving and storing in a server system a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers, including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities;

operating the server system to maintain a product catalog containing a description of the items of digital content, wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content;

receiving a request from a wireless device used by one of the subscribers;  
in response to the request, selecting a portion of the product catalog to be presented to the subscriber, based on device capabilities of the wireless device used by the subscriber; and

presenting the selected portion of the product catalog to the subscriber via a wireless network, such that the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item.

7. A method as recited in claim 6, wherein said selecting a portion of the product catalog comprises:

in response to the request, determining the identity of the wireless device used by the subscriber, wherein each implementation of the plurality of items of digital content has been previously associated in the server system with at least one device identity, according to corresponding device capabilities supported by the implementation; and

selecting the portion of the product catalog to be presented to the subscriber based on the identity of the wireless device used by the subscriber.

8. A method as recited in claim 6, further comprising:

receiving from the subscriber a request for one of the items of digital content in said portion of the product catalog;

selecting an implementation of the requested item of digital content, based on device capabilities of the wireless device used by the subscriber; and

downloading the selected implementation of the item of digital content to the wireless device used by the subscriber.

9. A method as recited in claim 1, further comprising associating each of the items of digital content in the server system with a plurality of different provisioning models, each of the provisioning models corresponding to a different set of device capabilities, each provisioning model including a provisioning protocol and a corresponding set of

provisioning attributes and descriptors for provisioning digital content in wireless devices.

10. A method as recited in claim 9, further comprising:

receiving from the subscriber a request for one of the items of digital content in said portion of the product catalog;

identifying device capabilities of the wireless device used by the subscriber;

selecting one of a plurality of provisioning models associated with the requested item in the server system, based on the device capabilities of the wireless device used by the subscriber;

packaging the requested item according to the selected provisioning model; and

provisioning the requested item in the wireless device used by the subscriber according to the selected provisioning model.

11. A method as recited in claim 10, wherein:

said packaging the requested item comprises creating a provisioning descriptor for the requested item according to the selected provisioning model, and associating the provisioning descriptor with the requested item; and

said provisioning the requested item in the wireless device comprises sending the packaged requested item to the wireless device used by the subscriber according to a provisioning protocol associated with the selected provisioning model.

### ABSTRACT OF THE DISCLOSURE

A network server system includes a download manager that manages the publication, purchase and delivery of digital products from multiple suppliers to wireless services subscribers in multiple domains. Product suppliers can publish and manage their products on the server system via a computer network and make their products available to the subscribers for purchase or licensing. The subscribers in each domain can access the server remotely to purchase rights to download and use the products on associated wireless communication devices. Multiple different implementations of any product can be maintained, where each implementation corresponds to a different set of device capabilities. Each product can also be associated with multiple different provisioning models, each corresponding to a different set of device capabilities.

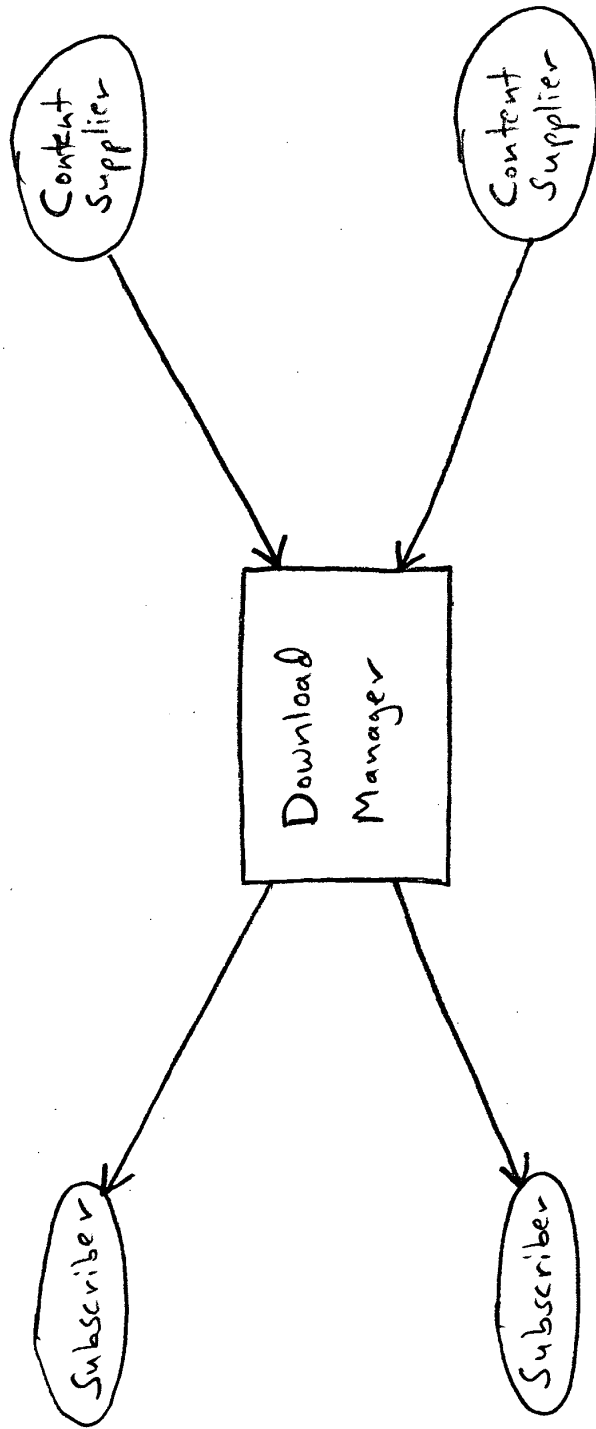


FIG. 1



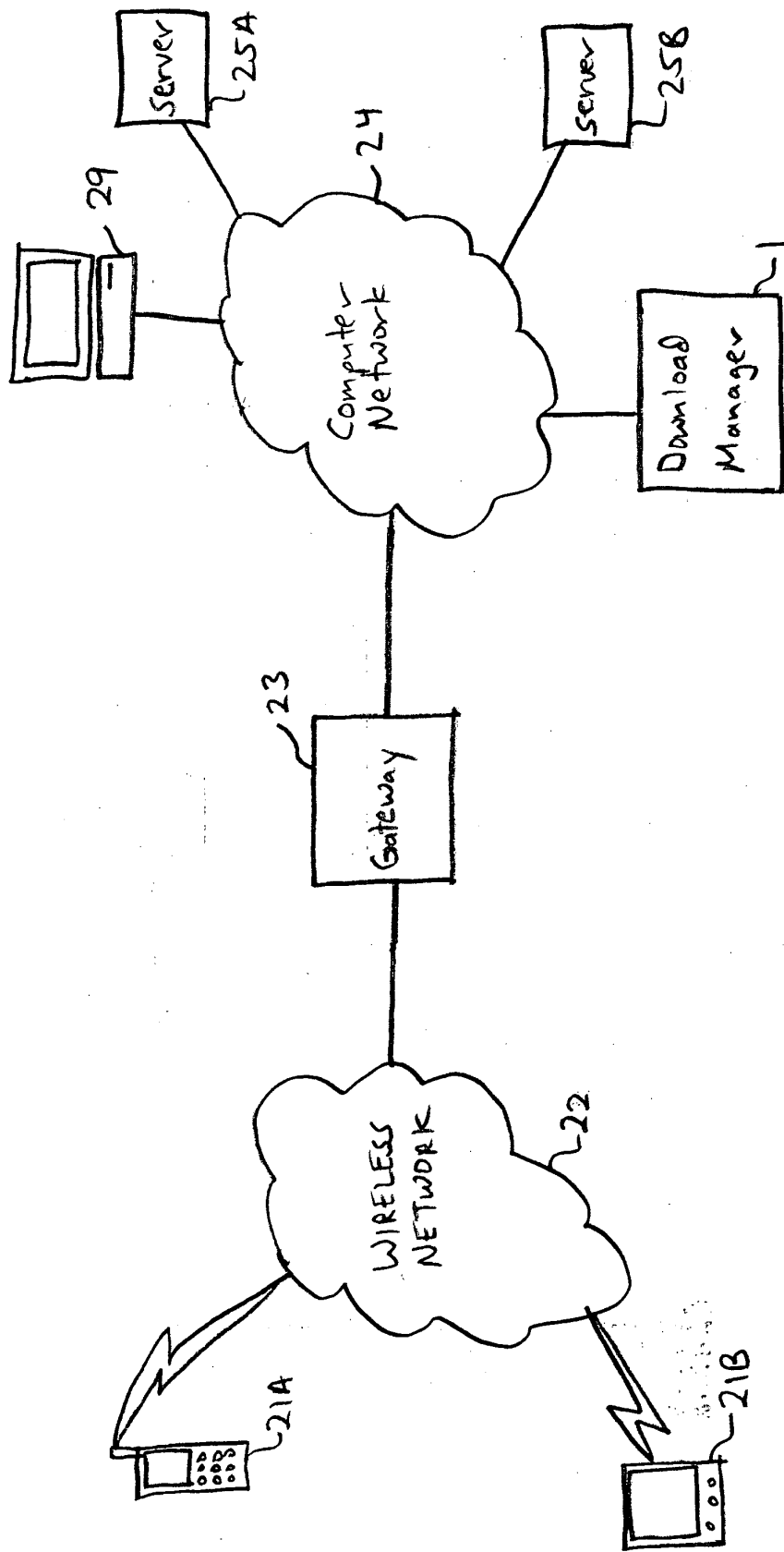


FIG. 2

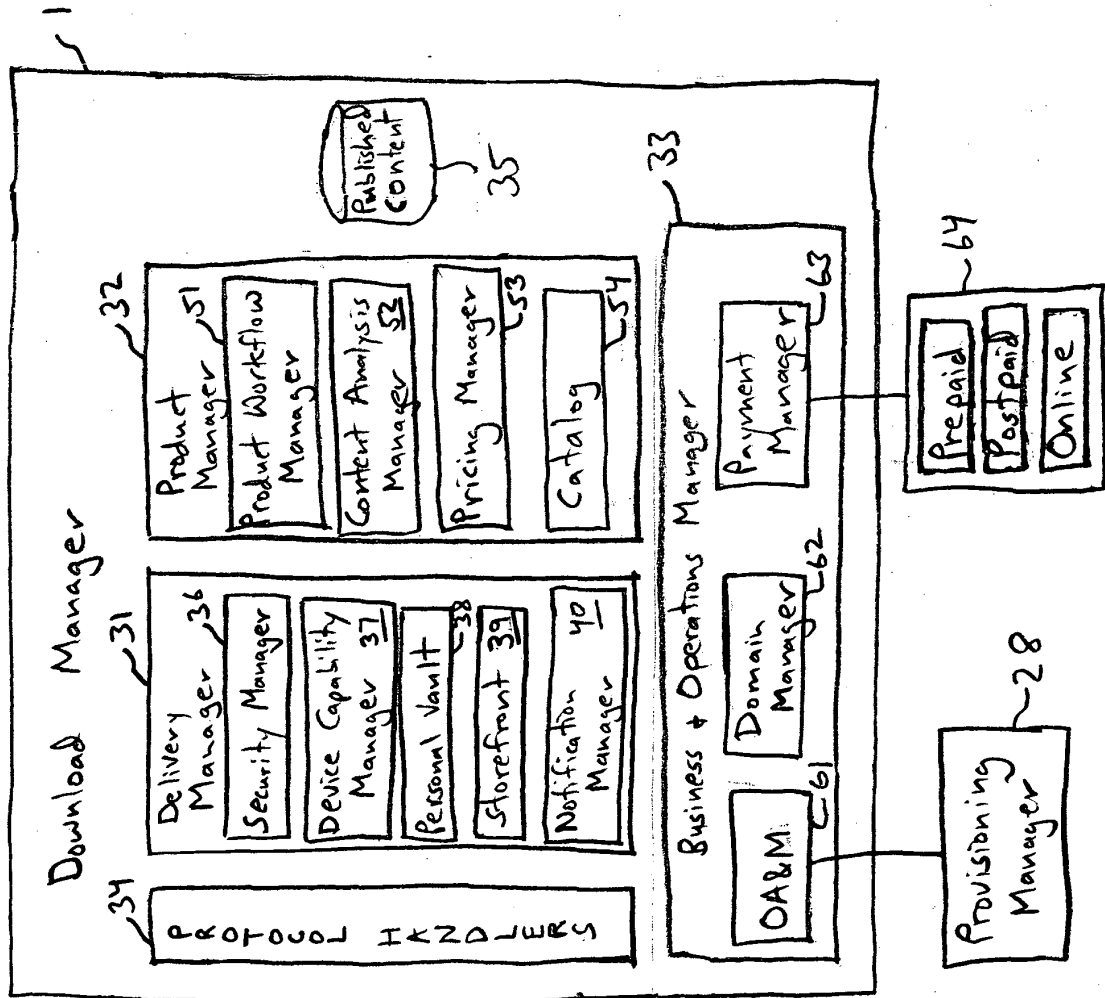


FIG. 3

← 37

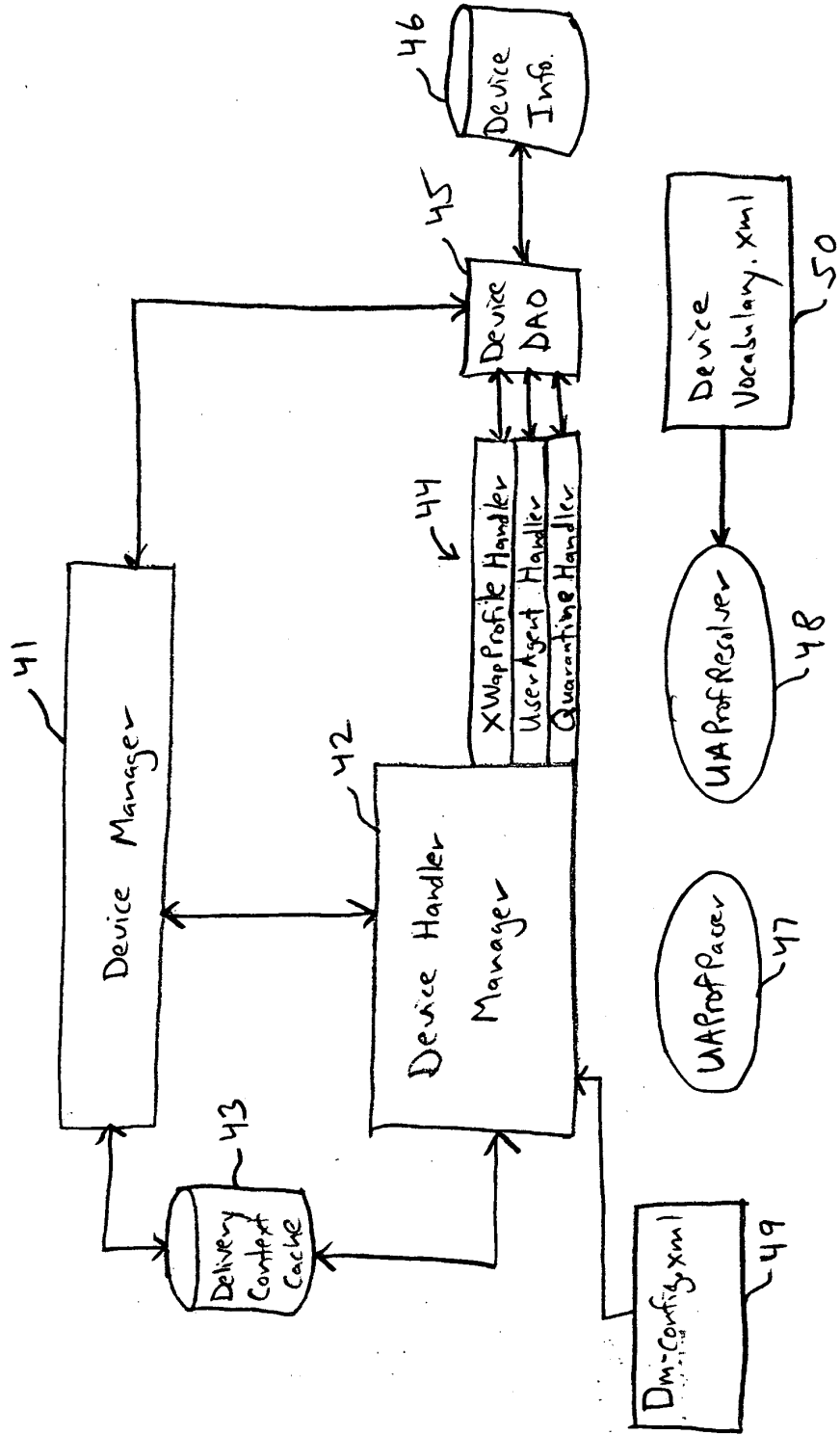


FIG. 4

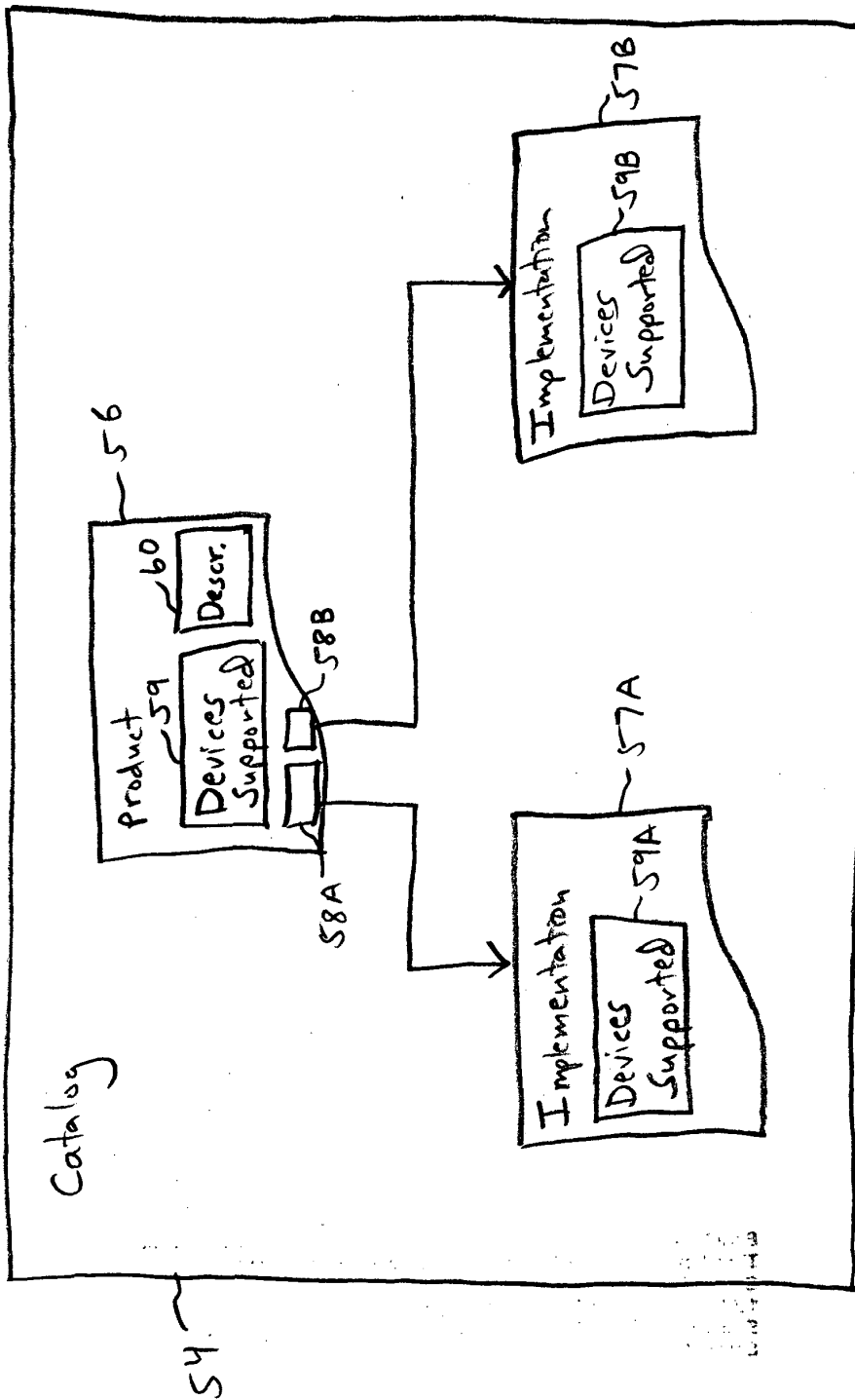


FIG. 5

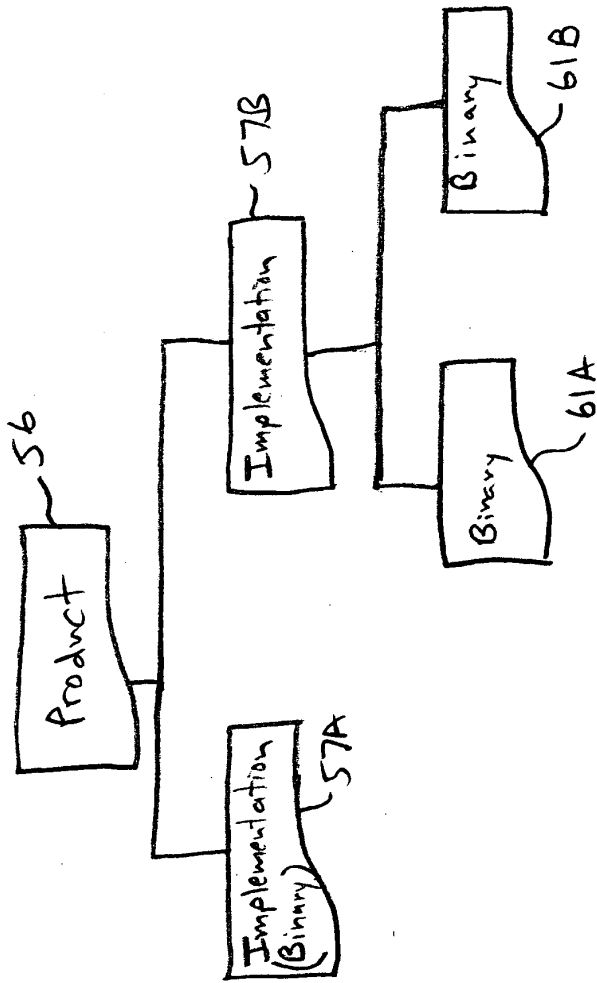


FIG. 6

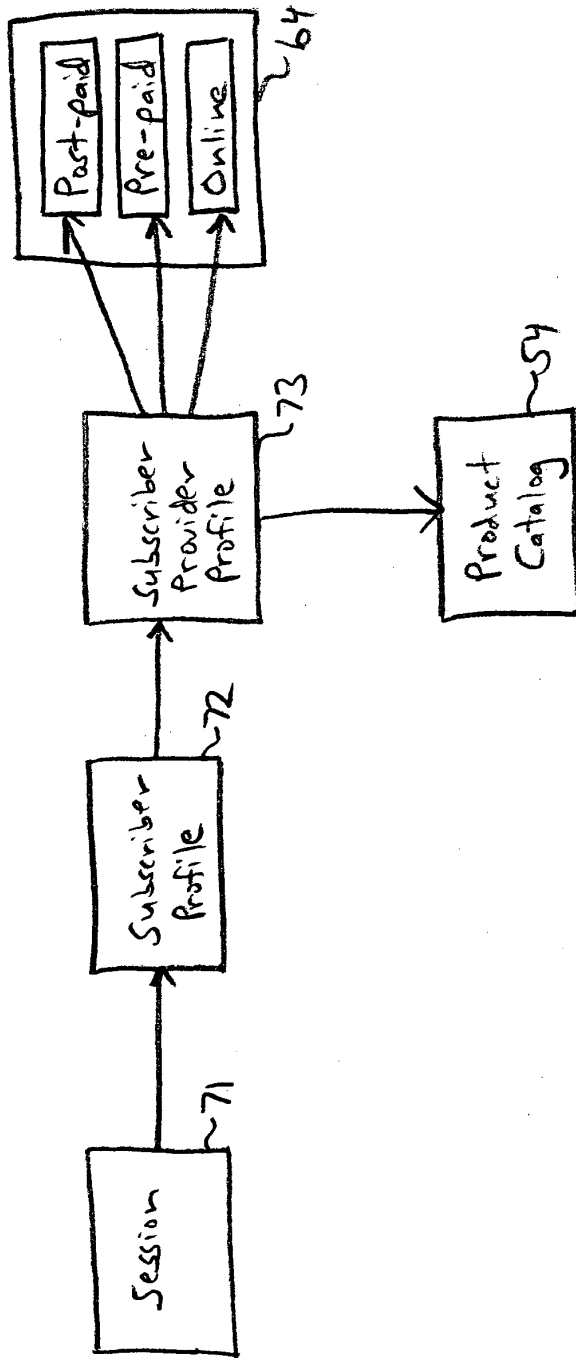


FIG. 7

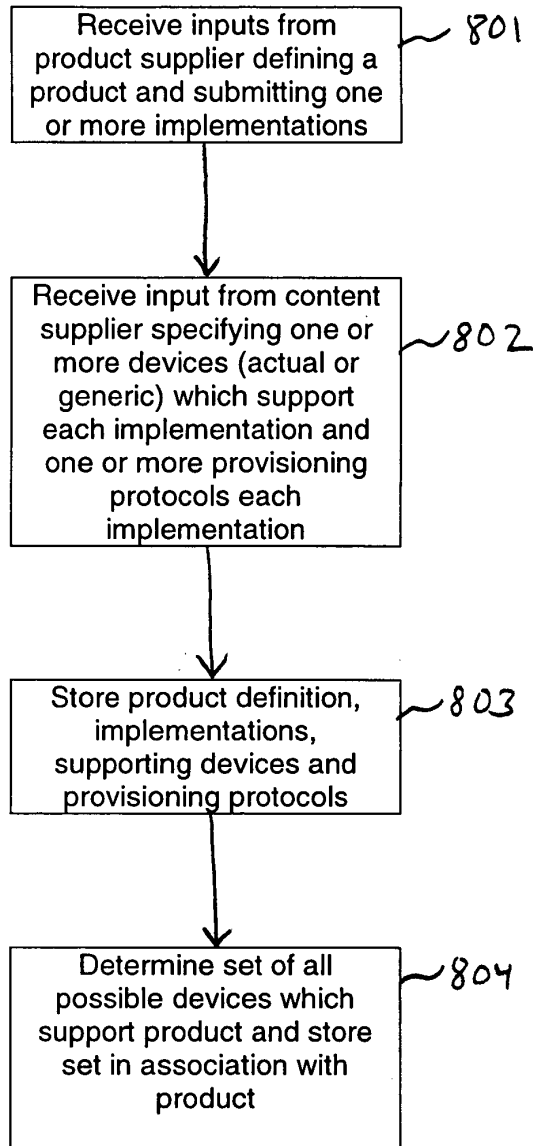


FIG. 8

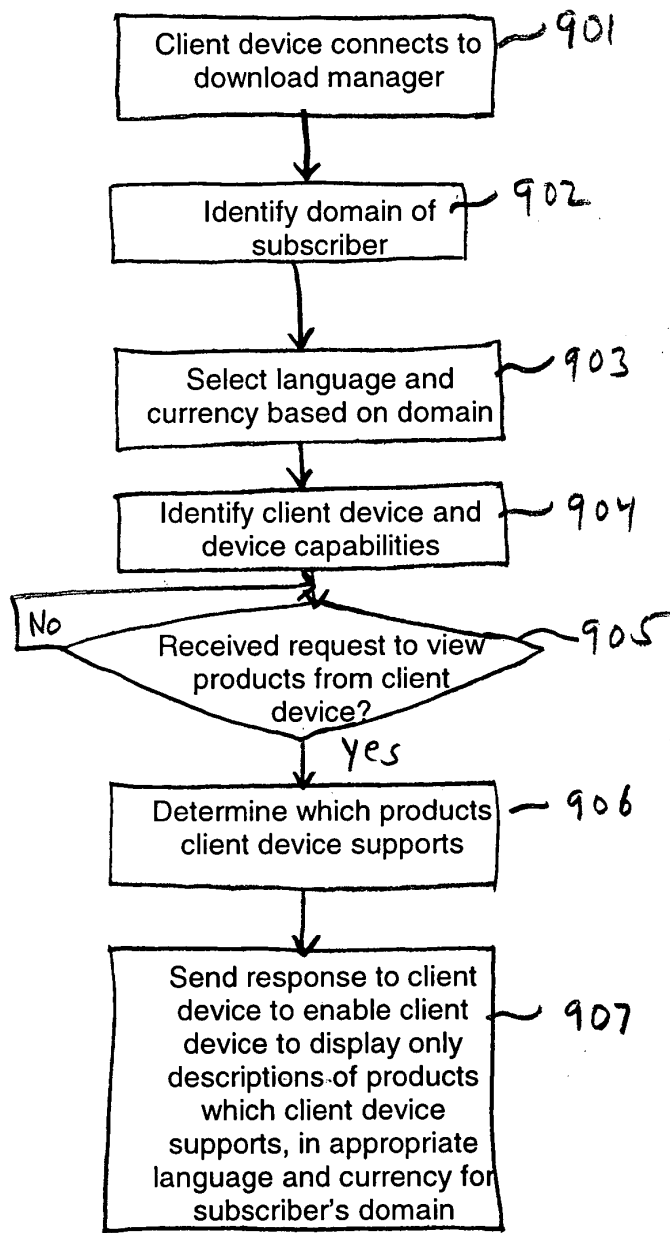


FIG. 9



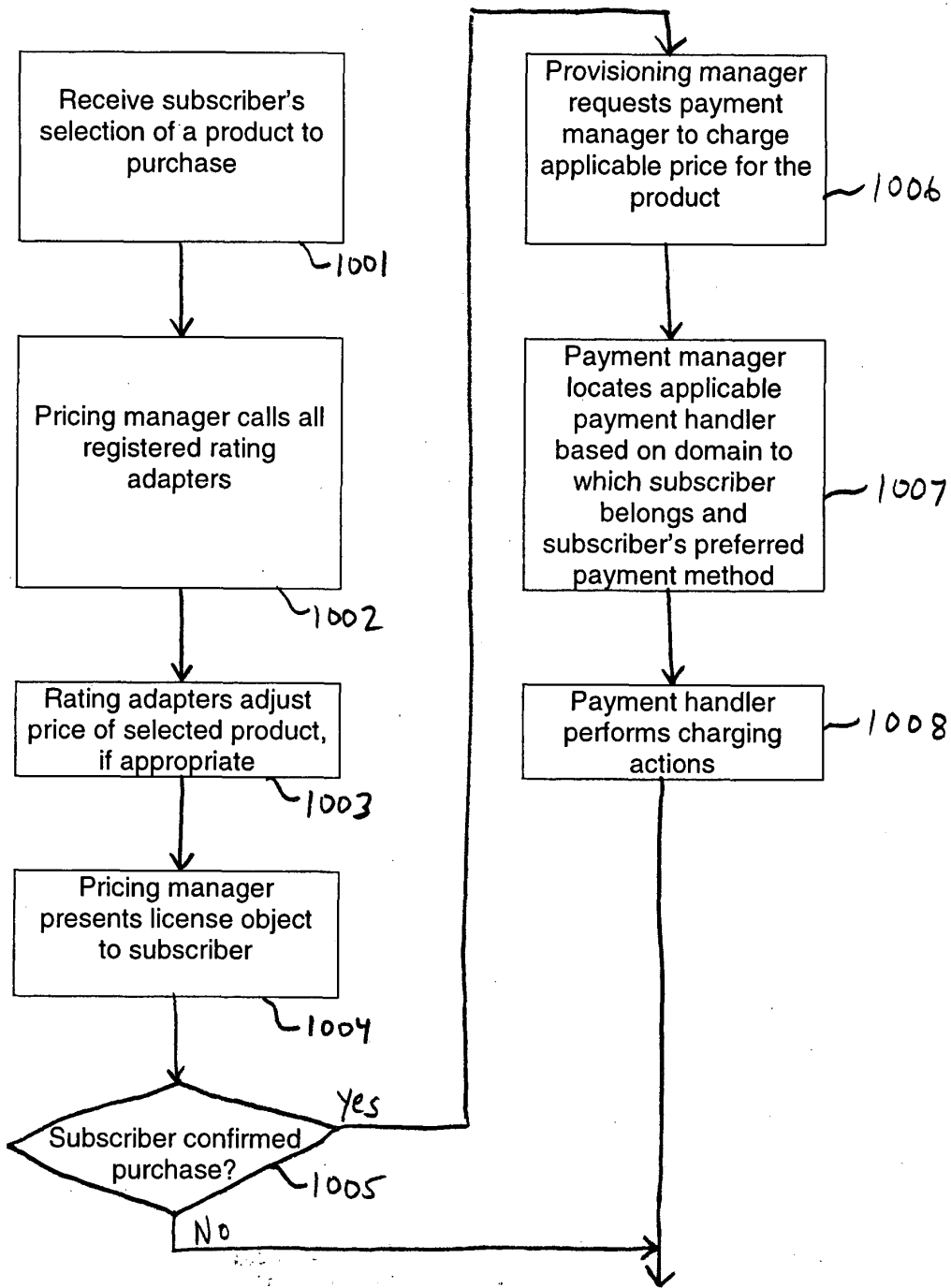


FIG. 10

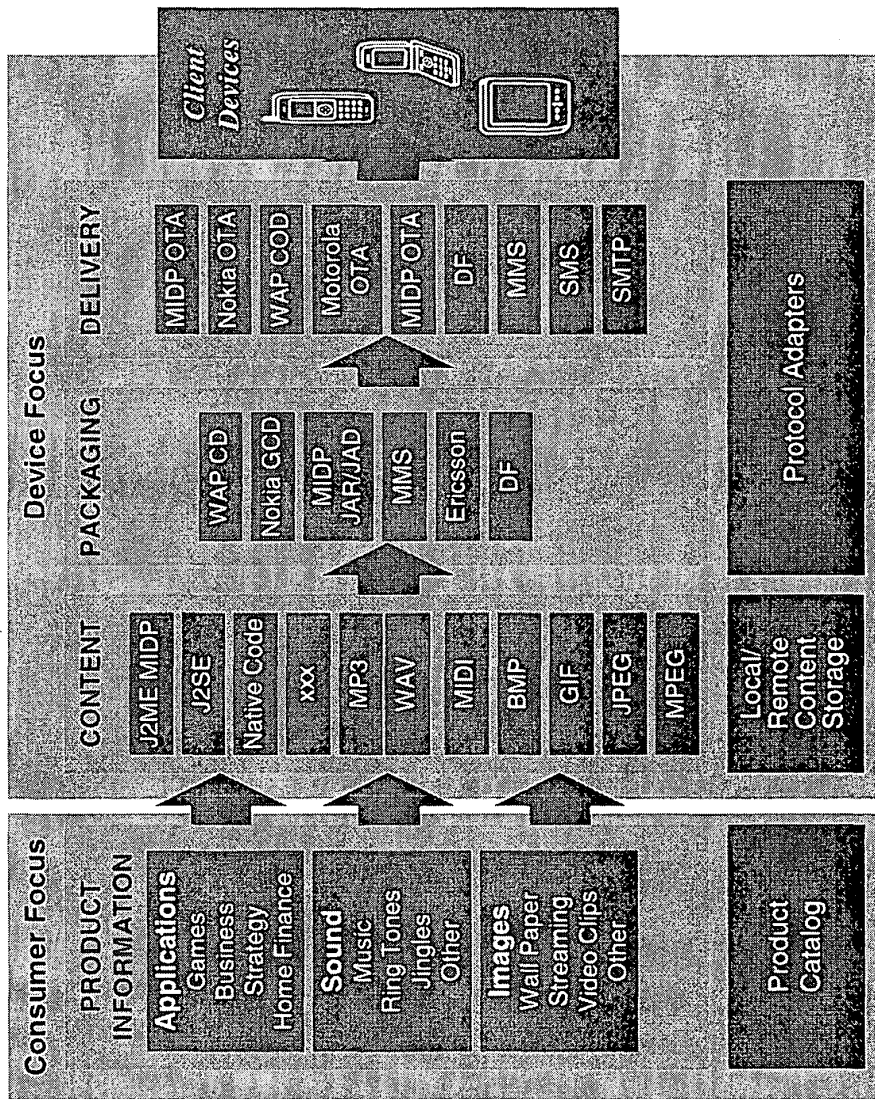


FIG. 11

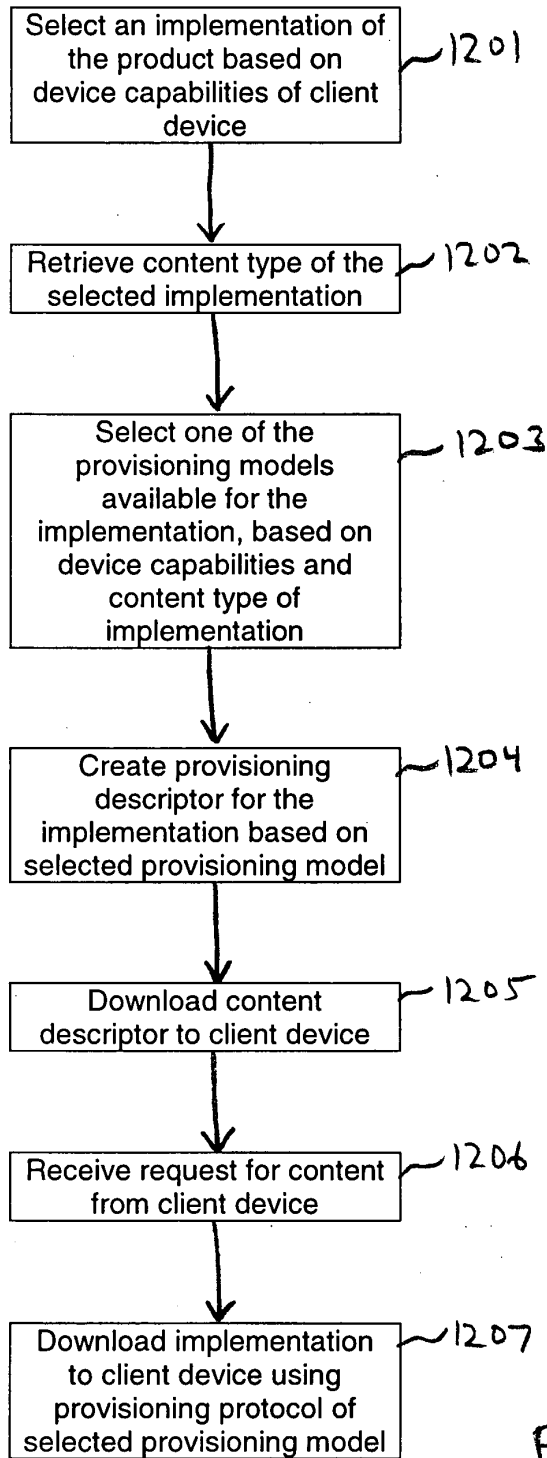


FIG. 12

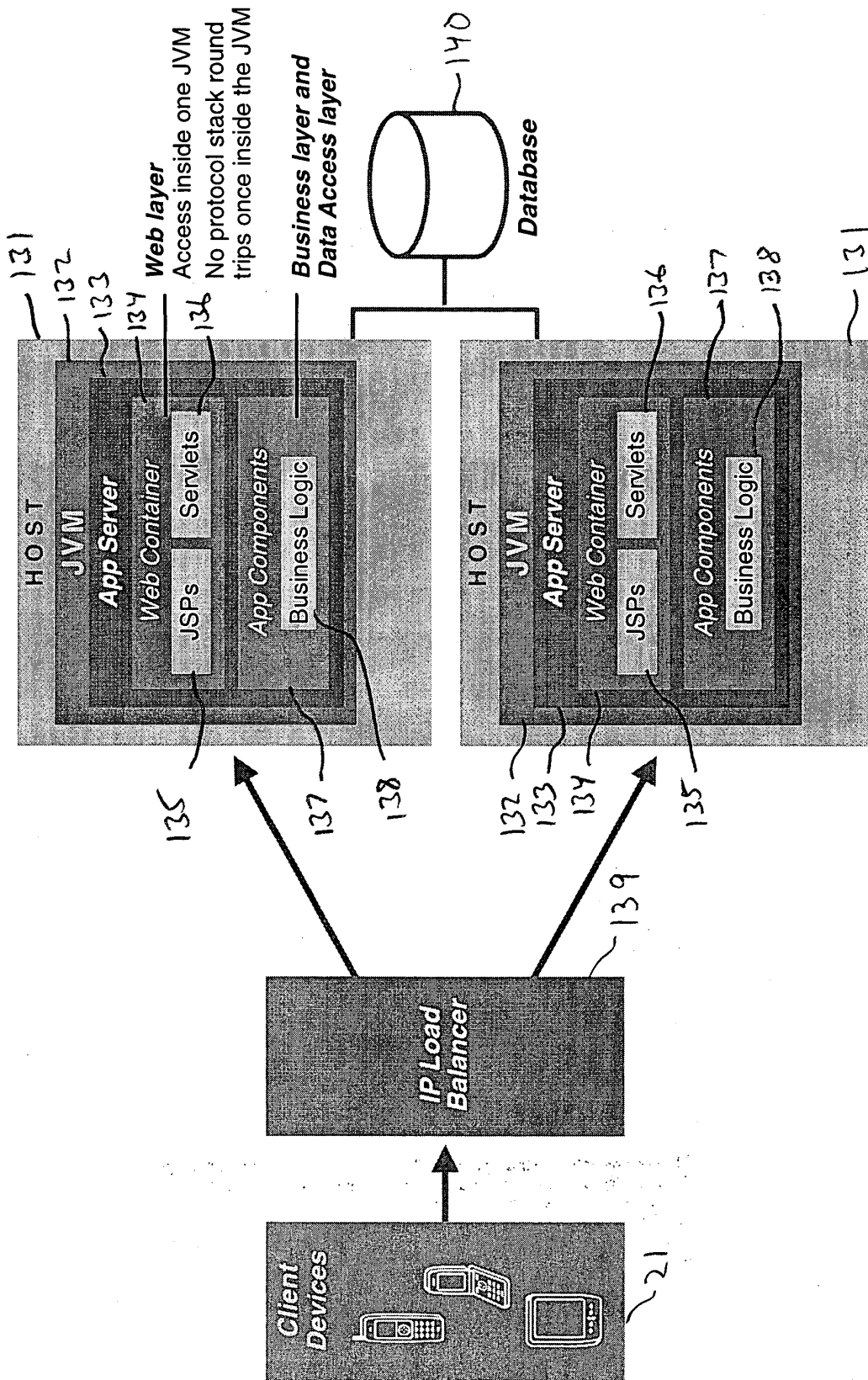


FIG. 13

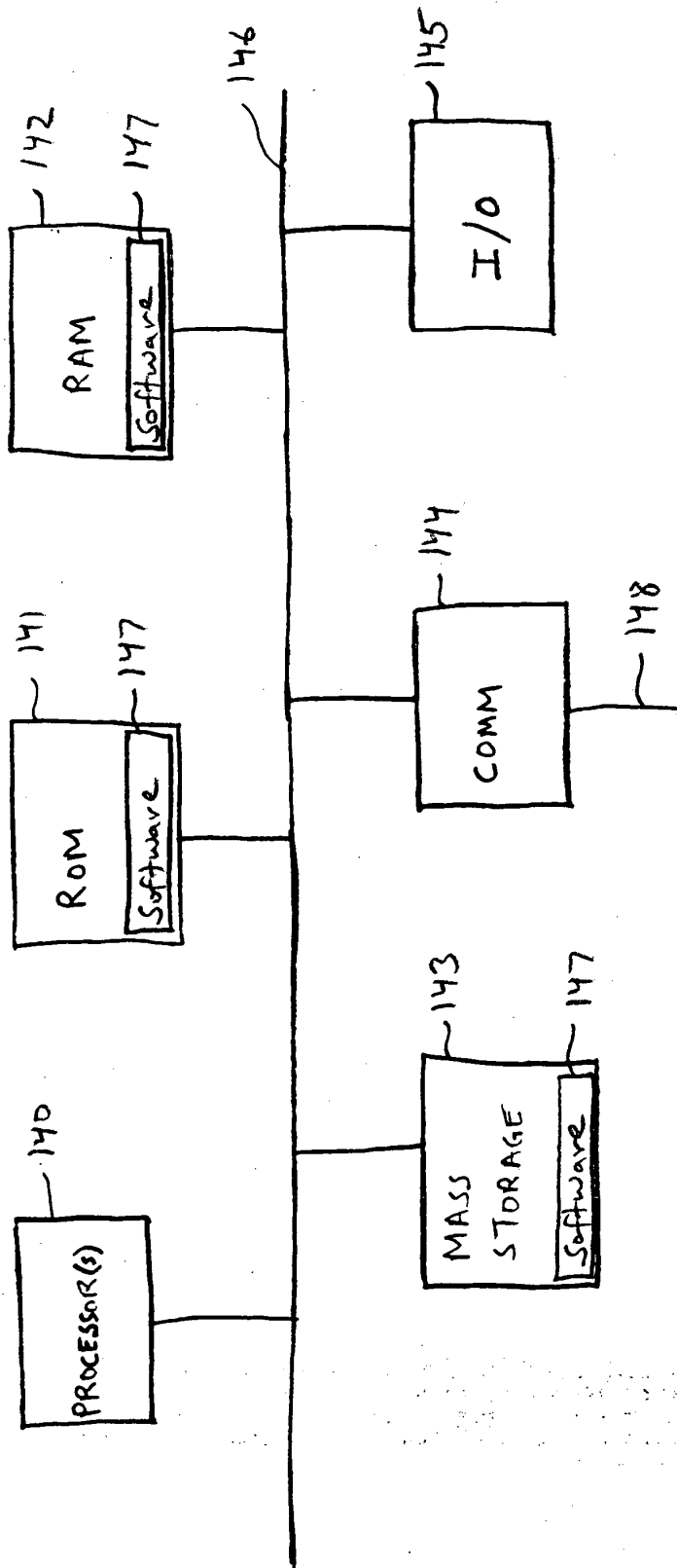


FIG. 14

Attorney's Docket No.: 3399P103/1218

Patent

First Named Inventor: Rikard M. Kjellberg

Check One:

Declaration Submitted with  
Initial Filing OR  
 Declaration Submitted After  
Initial Filing (Surcharge under  
37 C.F.R. § 1.16(e) Required).

Complete If Known:

Application No.: Not yet assigned  
Filing Date: Herewith  
Art Unit: Not yet assigned  
Examiner Name: Not yet assigned

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled  
Device Capability Based Discovery, Packaging and Provisioning of Content for Wireless Mobile Devices

the specification of which

is attached hereto.  
 was filed on (MM/DD/YYYY) \_\_\_\_\_ as  
United States Application Number \_\_\_\_\_  
or PCT International Application Number \_\_\_\_\_  
and was amended on (MM/DD/YYYY) \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above.

I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application. I do not know and do not believe that the claimed invention was in public use or on sale in the United States of America more than one year prior to this application, nor do I know or believe that the invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed?</u>		<u>Certified Copy Attached?</u>	
<u>(Number)</u>	<u>(Country)</u>	<u>(Foreign Filing Date - MM/DD/YYYY)</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

I hereby appoint the Practitioners associated with Customer Number 26529 as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith.

Direct all correspondence to (check one):

Customer Number or Bar Code Label



26529

PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made in 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 are made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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<b>Inventor's Signature:</b>	_____	<b>Date of Signature:</b>	_____
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<b>Inventor's Signature:</b>	_____	<b>Date of Signature:</b>	_____
Residence: (City)	<u>Foster City</u>	(State/Country)	<u>CA/US</u>
Mailing Address:	<u>718 Bounty Drive #1815, Foster City, CA 94404, US</u>		
Full Name of Fourth/Joint Inventor:	<b>William Chan</b>	Citizenship:	<b>US</b>
<b>Inventor's Signature:</b>	_____	<b>Date of Signature:</b>	_____
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Mailing Address:	<u>1341 David Street #314, San Mateo, CA 94403, US</u>		
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<b>Inventor's Signature:</b>	_____	<b>Date of Signature:</b>	_____
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Mailing Address:	<u>874 Flin Way, Sunnyvale, CA 94087, US</u>		
Full Name of Sixth/Joint Inventor:	<b>Xinbi Chen</b>	Citizenship:	<b>China</b>
<b>Inventor's Signature:</b>	_____	<b>Date of Signature:</b>	_____
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Mailing Address:	<u>524 Kendall Avenue Apt. 1, Palo Alto, CA 94306, US</u>		



**PATENT APPLICATION FEE DETERMINATION RECORD**  
Effective January 1, 2003

Application or Docket Number

3399 P103

**CLAIMS AS FILED - PART I**

	(Column 1)	(Column 2)
TOTAL CLAIMS	11	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	11 minus 20= *	0
INDEPENDENT CLAIMS	3 minus 3 = *	0
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

\* If the difference in column 1 is less than zero, enter "0" in column 2

**SMALL ENTITY TYPE**  OR

**OTHER THAN SMALL ENTITY**

RATE	FEE	OR	RATE	FEE
BASIC FEE	375.00	OR	BASIC FEE	750.00
X\$ 9=		OR	X\$18=	0
X42=		OR	X84=	0
+140=		OR	+280=	0
TOTAL		OR	TOTAL	257

**CLAIMS AS AMENDED - PART II**

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus **	=
	Independent	Minus ***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

**SMALL ENTITY** OR

**OTHER THAN SMALL ENTITY**

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus **	=
	Independent	Minus ***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus **	=
	Independent	Minus ***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

\*\*\*If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.



Attorney's Docket No.: 3399P103/1218

Patent

First Named Inventor: Rikard M. Kjellberg

Check One:

- Declaration Submitted with Initial Filing OR
- Declaration Submitted After Initial Filing (Surcharge under 37 C.F.R. § 1.16(e) Required).

Complete If Known:

Application No.: 10/600,746  
 Filing Date: 06/19/2003  
 Art Unit: \_\_\_\_\_  
 Examiner Name: \_\_\_\_\_

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled  
Device Capability Based Discovery, Packaging and Provisioning of Content for Wireless Mobile Devices

the specification of which

X is attached hereto.  
X was filed on (MM/DD/YYYY) 06/19/2003 as  
 United States Application Number 10/600,746  
 or PCT International Application Number \_\_\_\_\_  
 and was amended on (MM/DD/YYYY) \_\_\_\_\_  
 (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

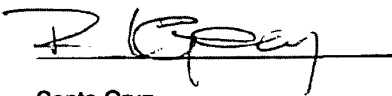
<u>Prior Foreign Application(s)</u>			<u>Priority Claimed?</u>		<u>Certified Copy Attached?</u>	
<u>(Number)</u>	<u>(Country)</u>	<u>(Foreign Filing Date - MM/DD/YYYY)</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
<u>          </u>	<u>          </u>	<u>          </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
<u>          </u>	<u>          </u>	<u>          </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
<u>          </u>	<u>          </u>	<u>          </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>

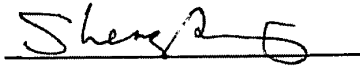
I hereby appoint the Practitioners associated with Customer Number 26529 as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith.

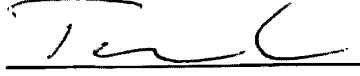
Direct all correspondence to (check one):


  X   Customer Number **26529**

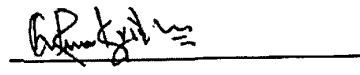
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Full Name of Sole/First Inventor: **Rikard M. Kjellberg** Citizenship: **Sweden**  
 Inventor's Signature:  Date of Signature: 9/2-03  
 Residence: (City) **Santa Cruz** (State/Country) **CA/US**  
 Mailing Address: 23911 East Cliff Drive, Santa Cruz, CA 95062, US

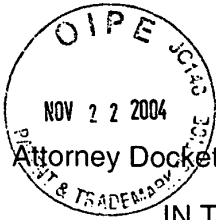
Full Name of Second/Joint Inventor: **Sheng Liang** Citizenship: **US**  
 Inventor's Signature:  Date of Signature: 8/27/03  
 Residence: (City) **Cupertino** (State/Country) **CA/US**  
 Mailing Address: 10440 Oakville Avenue, Cupertino, CA 95014, US

Full Name of Third/Joint Inventor: **Tomas G. Lund** Citizenship: **Sweden**  
 Inventor's Signature:  Date of Signature: 8/27/03  
 Residence: (City) ~~Foster City~~ **MENLO PARK** (State/Country) **CA/US**  
 Mailing Address: ~~718 Bounty Drive #1815, Foster City, CA 94404, US~~  
 1010 NOEL DR #14, MENLO PARK, CA 94025, US

Full Name of Fourth/Joint Inventor: **William Chan** Citizenship: **US**  
 Inventor's Signature:  Date of Signature: 8/26/03  
 Residence: (City) **San Mateo** (State/Country) **CA/US**  
 Mailing Address: 1341 David Street #314, San Mateo, CA 94403, US

Full Name of Fifth/Joint Inventor: **Ramakrishna Chinta** Citizenship: **India**  
 Inventor's Signature:  Date of Signature: 8/27/03  
 Residence: (City) **Sunnyvale** (State/Country) **CA/US**  
 Mailing Address: 874 Flin Way, Sunnyvale, CA 94087, US

Full Name of Sixth/Joint Inventor: **Xinbi Chen** Citizenship: **China**  
 Inventor's Signature:  Date of Signature: 8/27/03  
 Residence: (City) **Palo Alto** (State/Country) **CA/US**  
 Mailing Address: 524 Kendall Avenue Apt. 1, Palo Alto, CA 94306, US



JFW

Attorney Docket No.: 3399P103

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for:

Rikard M. Kjellberg

Serial No.: 10/600,746

Filing Date: 06/19/2003

For: DEVICE CAPABILITY BASED  
DISCOVERY, PACKAGING AND  
PROVISIONING OF CONTENT FOR  
WIRELESS MOBILE DEVICES

Examiner: Not Yet Assigned

Group Art Unit: 2681

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

INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 or PTO/SB/08 together with copies of a European search report for related European patent application no. 03254137.7, dated August 17, 2004 and the documents cited in that report, except for copies not required to be submitted (e.g., copies of U.S. patents and U.S. published patent applications need not be enclosed). It is respectfully requested that the cited documents be considered and that the enclosed copy of Information Disclosure Citation Form PTO-1449 or PTO/SB/08 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability or constitutes prior art with respect to the present invention.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):

X  37 C.F.R. §1.97(b).

\_\_\_\_\_ 37 C.F.R. §1.97(c). If so, then enclosed with this Information Disclosure Statement is one of the following:

\_\_\_\_\_ A statement pursuant to 37 C.F.R. §1.97(e) or

\_\_\_\_\_ A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).

\_\_\_\_\_ 37 C.F.R. §1.97(d). If so, then enclosed with this Information Disclosure Statement are the following:

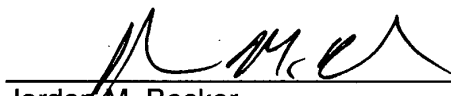
- (1) A statement pursuant to 37 C.F.R. §1.97(e); and
- (2) A check for \$180.00 for the fee under 37 C.F.R. §1.17(p) for submission of the Information Disclosure Statement.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated:  11-18-04

  
\_\_\_\_\_  
Jordan M. Becker  
Reg. No. 39,602

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025  
(408) 720-8300

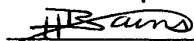
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

11-18-04

(Date of Deposit)

Harleen Bains

(Typed or printed name of person mailing correspondence)



(Signature of person mailing correspondence)

Substitute for Form 1449/PTO

**INFORMATION DISCLOSURE STATEMENT BY APPLICANT**  
(use as many sheets as necessary)

NOV 22 2004  
U.S. PATENT & TRADEMARK OFFICE

Complete if Known	
Application Number	10/600,746
Filing Date	06/19/2003
First Named Inventor:	Rikard M. Kjellberg
Art Unit	2681
Examiner Name	Not Yet Assigned
Attorney Docket Number	3399P103

Sheet 1 of 2

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)				
		US-	6,161,140	12-12-2000	Moriya	
		US-				
		US-				
		US-				
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FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
		WO	02/27543 A2		04-04-2002	Volantis Systems Limited		
		EP	0 992 922 A2		04-12-2000	International Business Machines Corporation		

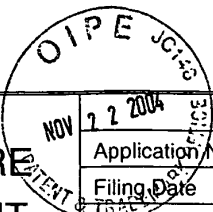
Examiner Signature	Date Considered	
--------------------	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language translation is attached.

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 2 hours 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, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SENT FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



<b>Substitute for Form 1449/PTO</b>				<i>Complete if Known</i>		
<h2>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p><i>(use as many sheets as necessary)</i></p>				Application Number		10/600,746
				Filing Date		06/19/2003
				First Named Inventor:		Rikard M. Kjellberg
				Art Unit		2681
				Examiner Name		Not Yet Assigned
				Attorney Docket Number		3399P103
				Sheet	2	of

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No <sup>1</sup>	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, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		AUSTALLER, GERHARD, et al.: "Gulliver Beans: Generating Device Optimized and Individualized Content for WAP Applications", Proc. Workshop Information Design for Mobile Web Services, [Online] May 15, 2000, pages 1-7, XP-002266242.	
		ELLIPSUS SYSTEMS: "Ellipsus' Mobile Application Provisioning System", White Paper, [Online] September 23, 2001, pages 0-10, XP-002266188.	

Examiner Signature	Date Considered	
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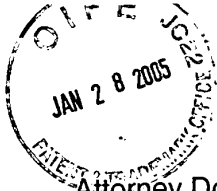
\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English Translation is attached.

This collection of information is required by 37 CFR 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 2 hours 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, 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, Virginia 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.





IFW

Attorney Docket No.: 3399P103

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for:

Rikard M. Kjellberg, et al.

Serial No.: 10/600,746

Filing Date: 06/19/2003

For: DEVICE CAPABILITY BASED  
DISCOVERY, PACKAGING AND  
PROVISIONING OF CONTENT FOR  
WIRELESS MOBILE DEVICES

Examiner: Not Yet Assigned

Group Art Unit: 2681

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

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January 24, 2005

(Date of Deposit)

Harleen Bains

(Printed name)

January 24, 2005

(Signature)

(Date)

REQUEST FOR STATUS

Sir:

Applicant respectfully requests the current status for the above-referenced patent application. Applicant has timely filed all required documents. To date, Applicant has not received an Office Action.

In support of this Request for Status, attached please find a copy of the filing receipt received on December 11, 2003.

In view of the information presented, Applicant hereby respectfully requests the current status for the above-referenced application.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 01-24-2005

  
Jordan M. Becker  
Reg. No. 39,602

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300

Openware Systems Inc.



UNITED STATES PATENT AND TRADEMARK OFFICE

JMB

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/600,746	06/19/2003	2681	880	3399P103	14	11	3

26529  
 BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC  
 12400 WILSHIRE BOULEVARD  
 SEVENTH FLOOR  
 LOS ANGELES, CA 90025

CONFIRMATION NO. 5994

UPDATED FILING RECEIPT



\*OC000000011448941\*

Date Mailed: 12/09/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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)**

Rikard M. Kjellberg, Santa Cruz, CA;  
 Sheng Liang, Cupertino, CA;  
 Tomas G. Lund, Menlo Park, CA;  
 William Chan, San Mateo, CA;  
 Ramakrishna Chinta, Sunnyvale, CA;  
 Xinbi Chen, Palo Alto, CA;

RECEIVED

DEC 11 2003

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
 LOS ANGELES

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 60/393,024 06/28/2002  
 and claims benefit of 60/392,383 06/28/2002  
 and claims benefit of 60/393,041 06/28/2002  
 and claims benefit of 60/392,999 06/28/2002

**Foreign Applications**

If Required, Foreign Filing License Granted: 09/12/2003

Projected Publication Date: 03/18/2004

Non-Publication Request: No

Early Publication Request: No

ENTERED

DEC 12 2003

STATUS DB-LA

**Title**

Device capability based discovery, packaging and provisioning of content for wireless mobile devices

**Preliminary Class**

455

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

**GRANTED**

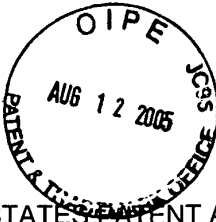
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a 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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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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).



LFW

Attorney Docket No.: 3399P103

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for:

Rikard M. Kjellberg, et al.

Serial No.: 10/600,746

Filing Date: 06/19/2003

For: DEVICE CAPABILITY BASED  
DISCOVERY, PACKAGING AND  
PROVISIONING OF CONTENT FOR  
WIRELESS MOBILE DEVICES

Examiner: Not Yet Assigned

Group Art Unit: 2681

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

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August 10, 2005

(Date of Deposit)

Harleen Bains

(Printed name)

*HBains*

August 10, 2005

(Signature)

(Date)

INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 or PTO/SB/08 together with copies of the documents cited on that form, except for copies not required to be submitted (e.g., copies of U.S. patents and U.S. published patent applications need not be enclosed). It is respectfully requested that the cited documents be considered and that the enclosed copy of Information Disclosure Citation Form PTO-1449 or PTO/SB/08 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

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- 37 C.F.R. §1.97(b).
- 37 C.F.R. §1.97(c). If so, then enclosed with this Information Disclosure Statement is one of the following:
- A statement pursuant to 37 C.F.R. §1.97(e) or
- A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).
- 37 C.F.R. §1.97(d). If so, then enclosed with this Information Disclosure Statement are the following:
- (1) A statement pursuant to 37 C.F.R. §1.97(e); and
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If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

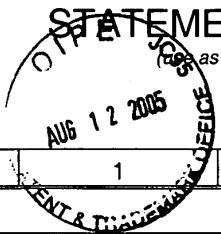
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: August 10, 2005

  
Jordan M. Becker  
Reg. No. 39,602

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025  
(408) 720-8300

Substitute for Form 1449/PTO			<b>Complete if Known</b>		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <small>(Use as many sheets as necessary)</small>			Application Number	10/600,746	
			Filing Date	06/19/2003	
			First Named Inventor:	Rikard M. Kjellberg, et al.	
			Art Unit	2681	
			Examiner Name	Not Yet Assigned	
Sheet	1	of	2	Attorney Docket Number	3399P103



U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (If known)				
		US-	6,076,166	06-13-2000	Moshfeghi et al.	
		US-	6,167,441	12-26-2000	Himmel	
		US-	6,275,692 B1	08-14-2001	Skog	
		US-	6,311,215 B1	10-30-2001	Bakshi et al.	
		US-	2001/0037192 A1	11-01-2001	Shimamoto et al.	
		US-	2002/0194219 A1	12-19-2002	Bradley et al.	
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		US-				

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
		WO	01/97482 A1		12-20-2001	Telefonaktiebolaget LM Ericsson		
		WO	02/23857 A2		03-21-2002	Viafone, Inc.		
		WO	98/35469 A2		08-13-1998	The Sabre Group, Inc.		
		WO	98/35469 A3		08-13-1998	The Sabre Group, Inc.		

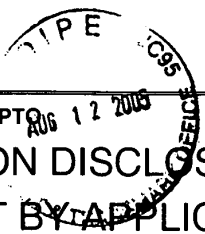
Examiner Signature		Date Considered	
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SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



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			Filing Date	06/19/2003	
			First Named Inventor:	Rikard M. Kjellberg, et al.	
			Art Unit	2681	
			Examiner Name	Not Yet Assigned	
Sheet	2	of	2	Attorney Docket Number	3399P103

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No <sup>1</sup>	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, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		Erik Bladh et al., "GPRS – Applicability and Expectations", Växjö University, School of Mathematics and Systems Engineering, Reports from MSI, August 2002, pages 1-64.	

Examiner Signature	Date Considered
--------------------	-----------------

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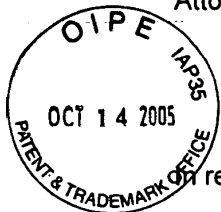
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*JL*

Attorney Docket No.: 3399P103

Patent



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application for:

Rikard M. Kjellberg, et al.

Serial No.: 10/600,746

Filing Date: 06/19/2003

For: DEVICE CAPABILITY BASED  
DISCOVERY, PACKAGING AND  
PROVISIONING OF CONTENT FOR  
WIRELESS MOBILE DEVICES

Examiner: Not Yet Assigned

Group Art Unit: 2681

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

*I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on*

October 12, 2005

(Date of Deposit)

Harleen Bains

(Printed name)

*H Bains*

(Signature)

October 12, 2005

(Date)

INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 or PTO/SB/08 together with copies of the documents cited on that form, except for copies not required to be submitted (e.g., copies of U.S. patents and U.S. published patent applications need not be enclosed). It is respectfully requested that the cited documents be considered and that the enclosed copy of Information Disclosure Citation Form PTO-1449 or PTO/SB/08 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability or constitutes prior art with respect to the present invention.



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- 37 C.F.R. §1.97(b).
- 37 C.F.R. §1.97(c). If so, then enclosed with this Information Disclosure Statement is one of the following:
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Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: October 12, 2005

  
Jordan M. Becker  
Reg. No. 39,602

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025  
(408) 720-8300

Substitute for Form 1449/PTO <b>INFORMATION DISCLOSURE          STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>			<b>Complete if Known</b>	
			Application Number	10/600,746
		Filing Date	06/19/2003	
		First Named Inventor:	Rikard M. Kjellberg, et al.	
		Art Unit	2681	
		Examiner Name	Not Yet Assigned	
Sheet	1	of	Attorney Docket Number 3399P103	



U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)				
		us-	5,835,724	11-10-1998	Smith	
		us-	5,895,471	04-20-1999	King et al.	
		us-	6,049,892	04-11-2000	Casagrande et al.	
		us-	2003/0084165 A1	05-01-2003	Kjellberg et al.	
		us-	2004/0024867 A1	02-05-2004	Kjellberg	
		us-	2004/0054787 A1	03-18-2004	Kjellberg et al.	
		us-	2005/0071418 A1	03-31-2005	Kjellberg et al.	
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FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
		WO	00/44147 A1		07-27-2000	Telefonaktiebolaget LM Ericsson		
		WO	00/70826 A2		11-23-2000	Tang, Bob		
		WO	99/08208 A1		02-18-1999	Aoraki Corporation Limited		
		WO	99/26159 A2		05-27-1999	Microsoft Corporation		

Examiner Signature		Date Considered	
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number	10/600,746
				Filing Date	06/19/2003
				First Named Inventor:	Rikard M. Kjellberg, et al.
				Art Unit	2681
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	3399P103

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No <sup>1</sup>	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, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		"A Vision for Dynamic Java Services Provisioning, The Java Services Vending Machine Concept", June 2001, Version 1.0, Sun Microsystems, Inc., pages 1-25.	
		Sheila Riley, "Sun-Microsoft Spat Now Carrying Over To Wireless World", Investor's Business Daily, 1 page.	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

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JTF



Attorney Docket No.: 3399P103

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for:

Rikard M. Kjellberg et al.

Serial No.: 10/600,746

Filing Date: 06/19/2003

For: DEVICE CAPABILITY BASED  
DISCOVERY, PACKAGING AND  
PROVISIONING OF CONTENT  
FOR WIRELESS MOBILE  
DEVICES

Examiner: Not Yet Assigned

Group Art Unit: 2681

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

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on  
April 25, 2006  
(Date of Deposit)  
Harleen Bains  
(Printed name)  
*H Bains*  
(Signature) April 25, 2006  
(Date)

INFORMATION DISCLOSURE STATEMENT AND NOTICE OF OTHER PENDING APPLICATION(S)

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 or PTO/SB/08 together with copies of the documents cited on that form, except for copies not required to be submitted (e.g., copies of U.S. patents and U.S. published patent applications need not be enclosed). It is respectfully requested that the cited documents be considered and that the enclosed copy of Information Disclosure Citation Form PTO-1449 or PTO/SB/08 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

Applicant would like to bring to the Examiner's attention the following co-pending patent application(s), which is/are assigned to the assignee of the present application, and which may be relevant to the present application:

- 1) U.S. patent application no. 10/269,133, entitled, "User-Centric Session Management for Client-Server Interaction using Multiple Applications and Devices," filed on October 10, 2002, publication no. 2003/0084165 A1, of Rikard M. Kjellberg et al., which was previously cited in the IDS filed by applicant October 14, 2005.

2) U.S. patent application no. 10/282,557, entitled, "Method and Apparatus for Determination of Device Capabilities on a Network," filed on October 28, 2002, publication no. 2004/0024867 A1, of Rikard M. Kjellberg, which was previously cited in the IDS filed by applicant October 14, 2005.

3) U.S. patent application no. 10/601,022, entitled, "Domain-Based Management of Distribution of Digital Content from Multiple Suppliers to Multiple Wireless Services Subscribers," filed on June 19, 2003, publication no. 2004/0054787 A1, of Rikard M. Kjellberg et al., which was previously cited in the IDS filed by applicant October 14, 2005.

4) U.S. patent application no. 10/794,826, entitled, "Federated Download of Digital Content to Wireless Devices," filed on March 4, 2004, publication no. 2005/0071418 A1, of Rikard M. Kjellberg et al., which was previously cited in the IDS filed by applicant October 14, 2005.

**Applicants respectfully request that the above-listed items not be printed on the face of any patent which may issue from the present application.**

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability or constitutes prior art with respect to the present invention.

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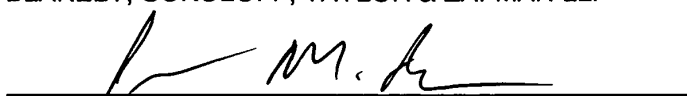
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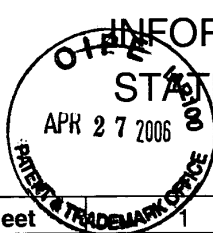
Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: April 25, 2006

  
\_\_\_\_\_  
Jordan M. Becker  
Reg. No. 39,602

Customer No. 26529  
12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025  
(408) 720-8300

<b>Substitute for Form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>			<b>Complete if Known</b>	
			Application Number	10/600,746
<b>Sheet</b> <u>1</u> <b>of</b> <u>1</u>			Filing Date	06/19/2003
			First Named Inventor:	Rikard M. Kjellberg et al.
			Art Unit	2681
			Examiner Name	Not Yet Assigned
			Attorney Docket Number	3399P103

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)				
		US-	6,438,576	08-20-2002	Huang et al.	
		US-	2001/0047477 A1	11-29-2001	Chiang	
		US-	2002/0065944 A1	05-30-2002	Hickey et al.	
		US-	2002/0078253 A1	06-20-2002	Szondy et al.	
		US-	2002/0194473 A1	12-19-2002	Pope et al.	
		US-	2003/0017826 A1	01-23-2003	Fishman et al.	
		US-	2003/0101329 A1	05-29-2003	Lahti et al.	
		US-	6,223,289 B1	04-24-2001	Wall et al.	
		US-	6,587,880 B1	07-01-2003	Saigo et al.	
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FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

<b>Examiner Signature</b>		<b>Date Considered</b>	
---------------------------	--	------------------------	--

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# BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (408) 720-8300

INTELLECTUAL PROPERTY LAW  
12400 WILSHIRE BOULEVARD, 7TH FLOOR  
LOS ANGELES, CA 90025

FACSIMILE: (408) 720-8383

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## FACSIMILE COVER SHEET

Deliver to: USPTO Art Group: 2681  
 Facsimile No.: (571) 273-8300 Date: May 23, 2006  
 From: Jordan M. Becker, Reg. No. 39,602  
 Our Docket No.: 3399P103 Number of pages 3 including this sheet.  
 Application No.: 10/600,746 Filing Date: 6/19/2003  
 Docket Due Date(s): \_\_\_\_\_

Enclosed are the following documents:

<input type="checkbox"/> Amendment: _____ ( ___ pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief ( ___ pgs)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application: _____ ( ___ pgs) w/cover & abstract	<input type="checkbox"/> Petition for: _____
<input type="checkbox"/> Assignment & Cover Sheet ( ___ pgs)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input checked="" type="checkbox"/> Certificate of Facsimile	<input type="checkbox"/> Reply Brief ( ___ pgs)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Declaration & POA ( ___ pgs)	<input type="checkbox"/> Request to Rescind Previous Nonpublication Request
<input type="checkbox"/> Drawings: ___ sheets, ___ figures	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input type="checkbox"/> Extension of Time: _____	<input type="checkbox"/> Response to Written Opinion ( ___ pgs)
<input type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Terminal Disclaimer
<input checked="" type="checkbox"/> IDS & PTO/SB/08 ( 2 pgs)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input checked="" type="checkbox"/> Other 1 cited reference _____	<input type="checkbox"/> Transmittal Letter

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Harleen Bains

5/23/2006  
Date

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Attorney Docket No.: 3399P103

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for:

Rikard M. Kjellberg et al.

Serial No.: 10/600,746

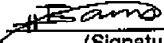
Filing Date: 06/19/2003

For: DEVICE CAPABILITY BASED  
DISCOVERY, PACKAGING AND  
PROVISIONING OF CONTENT FOR  
WIRELESS MOBILE DEVICES

Examiner: Not Yet Assigned

Group Art Unit: 2681

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

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Harleen Bains	
(Printed name)	
	May 23, 2006
(Signature)	(Date)

INFORMATION DISCLOSURE STATEMENT

Sir:

It is respectfully requested that the information listed below be considered and that a copy of this Information Disclosure Statement be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

Applicants note that an Office Action has been received in a related, copending application. In particular, a Final Office Action for U.S. Patent Application No. 10/601,022 was mailed on 05/05/2006. A copy of this Final Office Action is available through the Patent Application Information Retrieval (PAIR) system. If the Examiner so requests, Applicants will provide the Examiner with a copy of this Final Office Action.

**Applicants respectfully request that the above-listed item not be printed on the face of any patent which may issue from the present application.**

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability or constitutes prior art with respect to the present invention.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):


- 37 C.F.R. §1.97(b).
- 37 C.F.R. §1.97(c). If so, then enclosed with this Information Disclosure Statement is one of the following:
  - A statement pursuant to 37 C.F.R. §1.97(e) or
  - A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).
- 37 C.F.R. §1.97(d). If so, then enclosed with this Information Disclosure Statement are the following:
  - (1) A statement pursuant to 37 C.F.R. §1.97(e); and
  - (2) A check for \$180.00 for the fee under 37 C.F.R. §1.17(p) for submission of the Information Disclosure Statement.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: May 23, 2006

  
 \_\_\_\_\_  
 Jordan M. Becker  
 Reg. No. 39,602

Customer No. 26529  
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# BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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LOS ANGELES, CA 90025

FACSIMILE: (408) 720-8383

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## FACSIMILE COVER SHEET

Deliver to: USPTO Art Group: 2681  
 Facsimile No.: (571) 273-8300 Date: July 17, 2006  
 From: Jordan M. Becker, Reg. No. 39,602  
 Our Docket No.: 3399P103 Number of pages 4 including this sheet.  
 Application No.: 10/600,746 Filing Date: 6/19/2003  
 Docket Due Date(s): \_\_\_\_\_

Enclosed are the following documents:

<input type="checkbox"/> Amendment: _____ ( ___ pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief ( ___ pgs)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application: _____ ( ___ pgs) w/cover & abstract)	<input type="checkbox"/> Petition for: _____
<input type="checkbox"/> Assignment & Cover Sheet ( ___ pgs)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input checked="" type="checkbox"/> Certificate of Facsimile _____	<input type="checkbox"/> Reply Brief ( ___ pgs)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Declaration & POA ( ___ pgs)	<input type="checkbox"/> Request to Reconsider Previous Nonpublication Request
<input type="checkbox"/> Drawings: ___ sheets, ___ figures	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input type="checkbox"/> Extension of Time: _____	<input type="checkbox"/> Response to Written Opinion ( ___ pgs)
<input type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Terminal Disclaimer
<input checked="" type="checkbox"/> IDS & PTO/SB/08 ( 3 pgs)	<input type="checkbox"/> Transmittal of Publication Fee Duo
<input checked="" type="checkbox"/> Other 4 cited references _____	<input type="checkbox"/> Transmittal Letter

### CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

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*H. Bains*  
Harleen Bains

7/17/2006  
Date

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JUL 17 2006 Patent

Attorney Docket No.: 3399P103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for:

Rikard M. Kjellberg et al.

Serial No.: 10/600,746

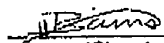
Filing Date: 06/19/2003

For: DEVICE CAPABILITY BASED  
DISCOVERY, PACKAGING AND  
PROVISIONING OF CONTENT FOR  
WIRELESS MOBILE DEVICES

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

Examiner: Not Yet Assigned

Group Art Unit: 2681

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July 17, 2006	
(Date of Transmission)	
Harleen Bains	
(Printed name)	
	July 17, 2006
(Signature)	(Date)

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INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 or PTO/SB/08 together with copies of the documents cited on that form, except for copies not required to be submitted (e.g., copies of U.S. patents and U.S. published patent applications need not be enclosed). It is respectfully requested that the cited documents be considered and that the enclosed copy of Information Disclosure Citation Form PTO-1449 or PTO/SB/08 be initiated by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

Applicants note that an Office Action has been received in a related, copending application. In particular, a Final Office Action for U.S. Patent Application No. 10/282,557 was mailed on 06/09/2006. A copy of this Final Office Action is available through the Patent Application Information Retrieval (PAIR) system. If the Examiner so requests, Applicants will provide the Examiner with a copy of this Final Office Action.

Applicants respectfully request that the above-listed item not be printed on the face of any patent which may issue from the present application.

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability or constitutes prior art with respect to the present invention.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):


- 37 C.F.R. §1.97(b).
- 37 C.F.R. §1.97(c). If so, then enclosed with this Information Disclosure Statement is one of the following:
  - A statement pursuant to 37 C.F.R. §1.97(e) or
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- 37 C.F.R. §1.97(d). If so, then enclosed with this Information Disclosure Statement are the following:
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If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: July 17, 2006

  
 \_\_\_\_\_  
 Jordan M. Becker  
 Reg. No. 39,602

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12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA. 90025  
(408) 720-8300

JUL 17 2006

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Substitute for Form 1449/PTO			<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>			Application Number	10/600,746
			Filing Date	06/19/2003
			First Named Inventor:	Rikard M. Kjellberg et al.
			Art Unit	2681
			Examiner Name	Not Yet Assigned
			Attorney Docket Number	3399P103
Sheet	1	of	1	

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)				
		US-	6,430,624	08-06-2002	Jamtegaard et al.	
		US-	2003/0054794 A1	03-20-2003	Zhang	
		US-	2004/0248570 A1	12-09-2004	Denenberg et al.	
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FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>o</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language translation is attached.

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 2 hours 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, 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, Virginia 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-766-9199) and select option 2.

Based on Form PTO/SB/08A (08-03) as modified by BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP on 09/10/03.

	Type	Hits	Search Text	DBs
1	BRS	12422	"455".clas. and content	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM TDB
2	BRS	121	server with (plurality or multiple) near6 content and S1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM TDB
3	BRS	475	(different or plural\$3 or multiple) with provision\$3 with model\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM TDB
4	BRS	0	S2 and S3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM TDB
5	BRS	7	S1 and S3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM TDB
6	BRS	17560	(user or customer or mobile) near3 profile and S6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM TDB
7	BRS	2249053	media or content	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM TDB
8	BRS	12036	(user or customer or mobile) adj profile and S6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM TDB
9	BRS	10841	user adj profile and S6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM TDB
10	BRS	3375	user adj profile same S6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM TDB
11	BRS	2182	user adj profile with S6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM TDB
12	BRS	2	mobile adj profile with S6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM TDB
13	BRS	17	mobile adj profile same S6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM TDB
14	BRS	55	mobile adj profile and S6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM TDB



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,746	06/19/2003	Rikard M. Kjellberg	3399P103	5994

26529      7590      10/20/2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025

EXAMINER

SMITH, CREIGHTON H

ART UNIT      PAPER NUMBER

2614

DATE MAILED: 10/20/2006

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



<b>Office Action Summary</b>	<b>Application No.</b> 10/600,746	<b>Applicant(s)</b> KJELLBERG ET AL.	
	<b>Examiner</b> Creighton H. Smith	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

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

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

**Status**

- 1)  Responsive to communication(s) filed on \_\_\_\_\_.
- 2a)  This action is **FINAL**.                                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 5-8 is/are allowed.
- 6)  Claim(s) 1-4 and 9 is/are rejected.
- 7)  Claim(s) 10 and 11 is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \*    c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7.17.06, 9.27.06, 10.14.05
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_

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

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Namba et al '385 or Gidron et al.

Namba et al disclose the downloading of content data to a wireless device, col. 4, lines 1-5; a server system (50), col. 5, lines 54-55, that store various data contents and profiles of such data in its storage. Namba et al disclose that plural content items, i.e., various data such as video, sound, and graphics, col. 10, lines 35-48, are the downloadable data items.

Namba et al disclose in cols. 5-6, lines 66-67 & 1-10, that they use an evaluation function to determine which communication system, A or B, to use that corresponds/suitable for the contents of the data. Some of the different types of communications systems contemplated by Namba et al are PDC, CDMA, W-CDMA, PHS, LAN, or the like, with the communication system (PDC, CDMA, W-CDMA, PHS, etc.) that corresponds to the contents of the data. In col. 9, lines 21 et seq, Namba et al disclose a request signal for data from the mobile terminal 10 to a provider 400. That request signal includes a mobile profile (various information including moving speed, communication rate, terminal environment, user environment, and the like. The provide

400 will then access site 300, in response to a user's request signal to check to check if the site 300 has the contents which are requested by the user. Namba et al next discloses that a profile M1 is divided into 3 profiles: M2a, M2b, M2c. Each one of the profiles M2a-M2c contains various information including the specification of division of the data, specification of the data path (*specification of the communication system*), data wait time, delivery time and the like.

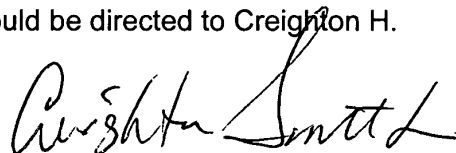
Therefore, with Namba's disclosure in col. 6 of the different communications systems (PDC, CDMA, W-CDMA, PHS, LAN, etc.), and the disclosure in col. 9 of each of the profiles M2a-M2c specifying a certain communication system, like those systems disclosed in col. 6, it is readily apparent that Namba et al has different provisioning models that correspond to the different terminal's capabilities.

See ¶ 0042 of Gidron et al.

Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5-8 are allowed.

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.



Creighton H Smith  
Primary Examiner  
Art Unit 2614

16 OCT '06

<b>Notice of References Cited</b>	Application/Control No. 10/600,746	Applicant(s)/Patent Under Reexamination KJELLBERG ET AL.	
	Examiner Creighton H. Smith	Art Unit 2614	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-6,912,385	06-2005	Namba et al.	455/419
*	B US-2003/0060188	03-2003	Gidron et al.	455/408
*	C US-2003/0027581	02-2003	Jokinen et al.	455/456
D	US-			
E	US-			
F	US-			
G	US-			
H	US-			
I	US-			
J	US-			
K	US-			
L	US-			
M	US-			

**FOREIGN PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	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.

Substitute for Form 1449/PTO

**INFORMATION DISCLOSURE STATEMENT BY APPLICANT**  
(use as many sheets as necessary)

**Complete if Known**

	Application Number	10/600,746
	Filing Date	06/19/2003
	First Named Inventor:	Rikard M. Kjellberg
	Art Unit	2681
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	3399P103

Sheet **1** of **2**



U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)				
CHS		US-	6,161,140	12-12-2000	Moriya	
		US-				
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		US-				
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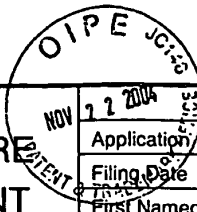
FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>2</sup>	Number <sup>3</sup> Kind Code <sup>3</sup> (if known)				
CHS		WO	02/27543 A2	04-04-2002	Volantis Systems Limited		
CHS		EP	0 992 922 A2	04-12-2000	International Business Machines Corporation		

Examiner Signature	<i>CHS</i>	Date Considered	10/06
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Substitute for Form 1449/PTO

**INFORMATION DISCLOSURE STATEMENT BY APPLICANT**  
(use as many sheets as necessary)

**Complete if Known**

Application Number	10/600,746
Filing Date	06/19/2003
First Named Inventor:	Rikard M. Kjellberg
Art Unit	2681
Examiner Name	Not Yet Assigned
Attorney Docket Number	3399P103

Sheet **2** of **2**

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No <sup>1</sup>	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, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
CHS		AUSTALLER, GERHARD, et al.: "Gulliver Beans: Generating Device Optimized and Individualized Content for WAP Applications", Proc. Workshop Information Design for Mobile Web Services, [Online] May 15, 2000, pages 1-7, XP-002266242.	
CHS		ELLIPSUS SYSTEMS: "Ellipsus' Mobile Application Provisioning System", White Paper, [Online] September 23, 2001, pages 0-10, XP-002266188.	

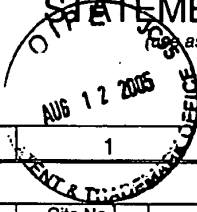
Examiner Signature	<i>Amtd</i>	Date Considered	12/08
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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English Translation is attached.

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		Application Number	10/600,746
(Use as many sheets as necessary)		Filing Date	06/19/2003
		First Named Inventor:	Rikard M. Kjellberg, et al.
		Art Unit	2681
		Examiner Name	Not Yet Assigned
Sheet	1	of	2
		Attorney Docket Number	3399P103

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>2</sup>	Number-Kind Code <sup>3</sup> (if known)			
CNS		US-	6,076,166	06-13-2000	Moshfeghi et al.	
		US-	6,167,441	12-26-2000	Himmel	
		US-	6,275,692 B1	08-14-2001	Skog	
		US-	6,311,215 B1	10-30-2001	Bakshi et al.	
		US-	2001/0037192 A1	11-01-2001	Shimamoto et al.	
CNS		US-	2002/0194219 A1	12-19-2002	Bradley et al.	
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FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>2</sup>	Number <sup>3</sup>	Kind Code <sup>3</sup> (if known)				
CNS		WO	01/97482	A1	12-20-2001	Telefonaktiebolaget LM Ericsson		
		WO	02/23857	A2	03-21-2002	Viafone, Inc.		
CNS		WO	98/35469	A2	08-13-1998	The Sabre Group, Inc.		
		WO	98/35469	A3	08-13-1998	The Sabre Group, Inc.		

Examiner Signature	<i>C Smith</i>	Date Considered	10/06
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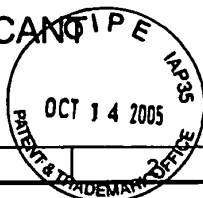
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Substitute for Form 1449/PTO		<b>Complete if Known</b>		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>		Application Number	10/600,746	
		Filing Date	06/19/2003	
		First Named Inventor:	Rikard M. Kjellberg, et al.	
		Art Unit	2681	
		Examiner Name	Not Yet Assigned	
Sheet	1	of	Attorney Docket Number	3399P103



U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)				
C/S		us-	5,835,724	11-10-1998	Smith	
		us-	5,895,471	04-20-1999	King et al.	
		us-	6,049,892	04-11-2000	Casagrande et al.	
		us-	2003/0084165 A1	05-01-2003	Kjellberg et al.	
		us-	2004/0024867 A1	02-05-2004	Kjellberg	
		us-	2004/0054787 A1	03-18-2004	Kjellberg et al.	
C/S		us-	2005/0071418 A1	03-31-2005	Kjellberg et al.	
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FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>o</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
		WO	00/44147 A1		07-27-2000	Telefonaktiebolaget LM Ericsson		
		WO	00/70826 A2		11-23-2000	Tang, Bob		
		WO	99/08208 A1		02-18-1999	Aoraki Corporation Limited		
		WO	99/26159 A2		05-27-1999	Microsoft Corporation		

Examiner Signature	<i>C Smith</i>	Date Considered	<i>10/06</i>
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Based on Form PTO/SB/08A (08-03) as modified by BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP on 09/10/03.

Substitute for Form 1449/PTO <b>INFORMATION DISCLOSURE          STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/600,746
				Filing Date	06/19/2003
				First Named Inventor:	Rikard M. Kjellberg, et al.
				Art Unit	2681
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	3399P103

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No <sup>1</sup>	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, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
CHS		"A Vision for Dynamic Java Services Provisioning, The Java Services Vending Machine Concept", June 2001, Version 1.0, Sun Microsystems, Inc., pages 1-25.	
CHS		Sheila Riley, "Sun-Microsoft Spat Now Carrying Over To Wireless World", Investor's Business Daily, 1 page.	

Examiner Signature	<i>CHS</i>	Date Considered	10/06
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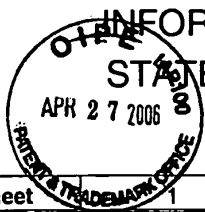
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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English Translation is attached.

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Substitute for Form 1449/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <small>(use as many sheets as necessary)</small>		Application Number	10/600,746
		Filing Date	06/19/2003
		First Named Inventor:	Rikard M. Kjellberg et al.
		Art Unit	2681
		Examiner Name	Not Yet Assigned
Sheet 1	of 1	Attorney Docket Number	3399P103



U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup>	Number <sup>4</sup> Kind Code <sup>5</sup> (if known)			
CAS		US-	6,438,576	08-20-2002	Huang et al.	
		US-	2001/0047477 A1	11-29-2001	Chiang	
		US-	2002/0065944 A1	05-30-2002	Hickey et al.	
		US-	2002/0078253 A1	06-20-2002	Szondy et al.	
		US-	2002/0194473 A1	12-19-2002	Pope et al.	
		US-	2003/0017826 A1	01-23-2003	Fishman et al.	
		US-	2003/0101329 A1	05-29-2003	Lahti et al.	
		US-	6,223,289 B1	04-24-2001	Wall et al.	
		US-	6,587,880 B1	07-01-2003	Saigo et al.	
		US-				

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

Examiner Signature	<i>C Smith</i>	Date Considered	<i>10/06</i>
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Substitute for Form 1449/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>		Application Number	10/600,746
		Filing Date	06/19/2003
		First Named Inventor:	Rikard M. Kjollborg et al.
		Art Unit	2881
		Examiner Name	Not Yet Assigned
Sheet	1	of	1
		Attorney Docket Number	9399P103

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		Number-Kind Code <sup>2</sup> (if known)				
CHS CHS CHS		US-	6,430,624	08-06-2002	Jamgaard et al.	
		US-	2003/0054794 A1	03-20-2003	Zhang	
		US-	2004/0248570 A1	12-09-2004	Denenberg et al.	
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		Country Code <sup>4</sup>	Number <sup>5</sup>	Kind Code <sup>6</sup> (if known)				

Examiner Signature	<i>CSmith</i>	Date Considered	10/06
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Bib Data Sheet

CONFIRMATION NO. 5994

<b>SERIAL NUMBER</b> 10/600,746	<b>FILING OR 371(c) DATE</b> 06/19/2003 <b>RULE</b>	<b>CLASS</b> 455	<b>GROUP ART UNIT</b> 2614	<b>ATTORNEY DOCKET NO.</b> 3399P103
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**APPLICANTS**  
 Rikard M. Kjellberg, Santa Cruz, CA;  
 Sheng Liang, Cupertino, CA;  
 Tomas G. Lund, Menlo Park, CA;  
 William Chan, San Mateo, CA;  
 Ramakrishna Chinta, Sunnyvale, CA;  
 Xinbi Chen, Palo Alto, CA;  
*Yes CAs*

**\*\* CONTINUING DATA \*\*\*\*\***  
 This appln claims benefit of 60/393,024 06/28/2002 and claims benefit of 60/392,383 06/28/2002  
 and claims benefit of 60/393,041 06/28/2002  
 and claims benefit of 60/392,999 06/28/2002  
*No CAs*

**\*\* FOREIGN APPLICATIONS \*\*\*\*\***

**IF REQUIRED, FOREIGN FILING LICENSE GRANTED**  
**\*\* 09/12/2003**

Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	<b>STATE OR COUNTRY</b> CA	<b>SHEETS DRAWING</b> 14	<b>TOTAL CLAIMS</b> 11	<b>INDEPENDENT CLAIMS</b> 3
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged Examiner's Signature: <i>CAS</i> Initials: _____				

**ADDRESS**  
26529

**TITLE**  
Device capability based discovery, packaging and provisioning of content for wireless mobile devices

<b>FILING FEE RECEIVED</b> 880	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees ( Filing )
		<input type="checkbox"/> 1.17 Fees ( Processing Ext. of time )
		<input type="checkbox"/> 1.18 Fees ( Issue )
		<input type="checkbox"/> Other _____
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**Search Notes**



Application/Control No.

10/600,746

Examiner

Creighton H. Smith

Applicant(s)/Patent under Reexamination

KJELLBERG ET AL.

Art Unit

2614

**SEARCHED**

Class	Subclass	Date	Examiner
455	419	10/06	CHS
"	418		
"	414.1		

**SEARCH NOTES  
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
EAST Search see Printout	10/06	CHS

**INTERFERENCE SEARCHED**

Class	Subclass	Date	Examiner

**Index of Claims**



Application/Control No.

10/600,746

Examiner

Creighton H. Smith

Applicant(s)/Patent under Reexamination

KJELLBERG ET AL.

Art Unit

2614

✓	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date			
Final	Original				
	82				
1	✓				
2	✓				
3	✓				
4	✓				
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Attorney Docket No.: 3399P103

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for:

Rikard M. Kjellberg et al.

Application No.: 10/600,746

Filing Date: 6/19/2003

For: Device Capability Based Discovery,  
Packaging and Provisioning of Content  
for Wireless Mobile Devices

Examiner: Creighton H. Smith

Group Art Unit: 2614

Confirmation no.: 5994

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

*I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on*  
January 17, 2007

(Date of Deposit)

Andreas Radke

(Printed name)

Andreas Radke

(Signature)

1-17-07

(Date)

AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action mailed on 10/20/2006, please enter the following amendment and consider the remarks below:

01/23/2007 CNEGA1 0000053 10600746

01 FC:1201

200.00 OP





**FEE TRANSMITTAL FOR FY 2006**

Effective on 10/01/2005. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 200

Complete if Known:

Application No. 10/600,746  
 Filing Date June 19, 2003  
 First Named Inventor Rikard M. Kjellberg  
 Examiner Name Creighton H. Smith  
 Art Unit 2614  
 Attorney Docket No. 3399P109

Applicant claims small entity status. See 37 CFR 1.27.

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify)

**Deposit Account**

Deposit Account Number : 02-2666

Deposit Account Name: \_\_\_\_\_

The Director is Authorized to do the following with respect to the above-identified Deposit Account:

- Charge fee(s) indicated below.
- Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.
- Charge fee(s) indicated below except for the filing fee
- Credit any overpayments.
- Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

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.

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Large Entity		Small Entity		Fee Description		Fees Paid (\$)
Code	Fee (\$)	Code	Fee (\$)			
1011	300	2011	150	Utility application filing fee	} 1,000/500	_____
1111	500	2111	250	Utility search fee		_____
1311	200	2311	100	Utility examination fee		_____
1012	200	2012	100	Design application filing fee	} 430/215	_____
1112	100	2112	50	Design search fee		_____
1312	130	2312	65	Design examination fee		_____
1013	200	2013	100	Plant filing fee	} 660/330	_____
1113	300	2113	150	Plant search fee		_____
1313	160	2313	80	Plant examination fee		_____
1004	300	2004	150	Reissue filing fee	} 1,400/700	_____
1114	500	2114	250	Reissue search fee		_____
1314	600	2314	300	Reissue examination fee		_____
1005	200	2005	100	Provisional application filing fee		_____
<b>SUBTOTAL (1) \$</b>						_____

**2. EXCESS CLAIM FEES**

		<u>Extra Claims</u>		<u>Fee from below</u>	<u>Fees Paid (\$)</u>
<b>Total Claims</b>	<u>14</u>	- 20 or HP =	<u>0</u>	X <u>50</u>	= <u>0</u>
HP = highest number of total claims paid for, if greater than 20					
<b>Independent Claims</b>	<u>4</u>	- 3 or HP =	<u>1</u>	X <u>200</u>	= <u>200</u>
HP = highest number of independent claims paid for, if greater than 3					
<b>Multiple Dependent Claims</b>					= _____

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
<u>Code</u>	<u>Fee (\$)</u>	<u>Code</u>	<u>Fee (\$)</u>	
1202	50	2202	25	Each claim over 20
1201	200	2201	100	Each independent claim over 3
1203	360	2203	180	Multiple dependent claims, if not paid
1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent
1205	50	2205	25	Reissue: each independent claim more than in the original patent

**SUBTOTAL (2) \$ 200**

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due 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 1.16(s).

<u>Total Sheets</u>		<u>Extra Sheets</u>		<u>Number of each add'l 50 or fraction thereof</u>		<u>Fee from below</u>	<u>Fees paid (\$)</u>
_____	- 100 =	_____	/ 50 =	_____ (round up to whole number)	X	_____	_____

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec &amp; drawings except sequences &amp; program listings):</u>
<u>Code</u>	<u>Fee (\$)</u>	<u>Code</u>	<u>Fee (\$)</u>	
1081	250	2081	125	Utility
1082	250	2082	125	Design
1083	250	2083	125	Plant
1084	250	2084	125	Reissue

**SUBTOTAL (3) \$ \_\_\_\_\_**

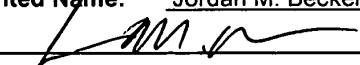
**FEE CALCULATION (continued)**

**4. OTHER FEE(S)**

				<u>Fees Paid (\$)</u>
Non-English Specification, \$130 fee (no small entity discount)				_____
<u>Large Entity</u>		<u>Small Entity</u>		
Code	Fee (\$)	Code	Fee (\$)	<u>Fee Description</u>
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1813	8,800	1813	8,800	Request for inter parties reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	120	2251	60	Extension for reply within first month
1252	450	2252	225	Extension for reply within second month
1253	1,020	2253	510	Extension for reply within third month
1254	1,590	2254	795	Extension for reply within fourth month
1255	2,160	2255	1,080	Extension for reply within fifth month
1401	500	2401	250	Notice of Appeal
1402	500	2402	250	Filing a brief in support of an appeal
1403	1,000	2403	500	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	500	2452	250	Petition to revive - unavoidable
1453	1,500	2453	750	Petition to revive - unintentional
1501	1,400	2501	700	Utility issue fee (or reissue)
1502	800	2502	400	Design issue fee
1503	1100	2503	550	Plant issue fee
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)
1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)
1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))
1814	130	2814	65	Statutory Disclaimer
1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))
1801	790	2801	395	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.
1505	300	1505	300	Publication fee for republication
1803	130	1803	130	Request for voluntary publication or republication
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority
Other fee (specify) _____				_____
Other fee (specify) _____				_____
<b>SUBTOTAL (4) \$</b>				_____

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**

Typed or Printed Name: Jordan M. Becker  
 Signature:  Date: January 17, 2007  
 Reg. Number: 39,602 Telephone Number: 408-720-8300

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

IN THE CLAIMS:

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

1-4. (Canceled)

5. (Original) A method of providing access to content for use on wireless communication devices, the method comprising:

receiving and storing a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers, including receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities; and

maintaining a product catalog containing a description of the items of content, the product catalog including, in association with each item of content, a reference to each implementation of said item of content.

6. (Original) A method of providing access to digital content for use on wireless communication devices, the method comprising:

receiving and storing in a server system a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers, including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities;

operating the server system to maintain a product catalog containing a description of the items of digital content, wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content;

receiving a request from a wireless device used by one of the subscribers;

in response to the request, selecting a portion of the product catalog to be presented to the subscriber, based on device capabilities of the wireless device used by the subscriber; and

presenting the selected portion of the product catalog to the subscriber via a wireless network, such that the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item.

7. (Original) A method as recited in claim 6, wherein said selecting a portion of the product catalog comprises:

in response to the request, determining the identity of the wireless device used by the subscriber, wherein each implementation of the plurality of items of digital content has been previously associated in the server system with at least one device identity, according to corresponding device capabilities supported by the implementation; and

selecting the portion of the product catalog to be presented to the subscriber based on the identity of the wireless device used by the subscriber.

8. (Original) A method as recited in claim 6, further comprising:

receiving from the subscriber a request for one of the items of digital content in said portion of the product catalog;

selecting an implementation of the requested item of digital content, based on device capabilities of the wireless device used by the subscriber; and

downloading the selected implementation of the item of digital content to the wireless device used by the subscriber.

9. (Currently amended) A method as recited in claim 48, further comprising associating each of the items of digital content in the server system with a plurality of different provisioning models, each of the provisioning models corresponding to a different set of device capabilities, each provisioning model including a provisioning protocol and a corresponding set of provisioning attributes and descriptors for provisioning digital content in wireless devices.

10. (Original) A method as recited in claim 9, further comprising:

receiving from the subscriber a request for one of the items of digital content in said portion of the product catalog;

identifying device capabilities of the wireless device used by the subscriber;

selecting one of a plurality of provisioning models associated with the requested item in the server system, based on the device capabilities of the wireless device used by the subscriber;

packaging the requested item according to the selected provisioning model; and

provisioning the requested item in the wireless device used by the subscriber according to the selected provisioning model.

11. (Original) A method as recited in claim 10, wherein:

said packaging the requested item comprises creating a provisioning descriptor for the requested item according to the selected provisioning model, and associating the provisioning descriptor with the requested item; and

said provisioning the requested item in the wireless device comprises sending the packaged requested item to the wireless device used by the subscriber according to a provisioning protocol associated with the selected provisioning model.

12. (New) A system comprising:

a network interface through which to communicate over a communication network; and

a download manager to

receive and store a plurality of items of content to be made available for use in wireless communication devices used by a plurality of wireless telecommunications subscribers, including receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities; and

maintain a product catalog containing a description of the items of content, the product catalog including, in association with each item of content, a reference to each implementation of said item of content.

13. (New) A system comprising:

a processor; and

a storage facility accessible to the processor and containing code which, when executed by the processor, causes the processing system to

receive and store a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless telecommunications subscribers, including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities;

maintain a product catalog containing a description of the items of digital content, wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content;

receive a request from a wireless device used by one of the subscribers;

in response to the request, select a portion of the product catalog to be presented to the subscriber, based on device capabilities of the wireless device used by the subscriber; and

cause the selected portion of the product catalog to be presented to the subscriber via a wireless telecommunications network, such that the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item.

14. (New) A system as recited in claim 13, wherein selection of said portion of the product catalog comprises:

in response to the request, determining the identity of the wireless device used by the subscriber, wherein each implementation of the plurality of items of digital content has been previously associated in the server system with at least one device identity, according to corresponding device capabilities supported by the implementation; and

selecting the portion of the product catalog to be presented to the subscriber based on the identity of the wireless device used by the subscriber.

15. (New) A system as recited in claim 14, wherein said storage facility further contains code which, when executed by the processor, causes the processing system to:

receive from the subscriber a request for one of the items of digital content in said portion of the product catalog;

select an implementation of the requested item of digital content, based on device capabilities of the wireless device used by the subscriber; and

download the selected implementation of the item of digital content to the wireless device used by the subscriber.

16. (New) A system as recited in claim 15, wherein said storage facility further contains code which, when executed by the processor, causes the processing system to:

associate each of the items of digital content in the server system with a plurality of different provisioning models, each of the provisioning models corresponding to a different set of device capabilities, each of the provisioning models including a provisioning protocol and a corresponding set of provisioning attributes and descriptors for provisioning digital content in wireless devices.

17. (New) A system as recited in claim 16, wherein said storage facility further contains code which, when executed by the processor, causes the processing system to:

receive from the subscriber a request for one of the items of digital content in said portion of the product catalog;

identify device capabilities of the wireless device used by the subscriber;

select one of a plurality of provisioning models associated with the requested item in the server system, based on the device capabilities of the wireless device used by the subscriber;

package the requested item according to the selected provisioning model; and

provision the requested item in the wireless device used by the subscriber according to the selected provisioning model.

18. (New) A system as recited in claim 17, wherein packaging the requested item comprises creating a provisioning descriptor for the requested item according to the



selected provisioning model, and associating the provisioning descriptor with the requested item; and

wherein provisioning the requested item in the wireless device comprises sending the packaged requested item to the wireless device used by the subscriber according to a provisioning protocol associated with the selected provisioning model.

### REMARKS

Reconsideration of the present application is respectfully requested. Claims 1-4 have been canceled. Claim 9 has been amended. Claims 12-18 are newly added. No new matter has been added.

Claims 5-8 stand allowed. Claims 10 and 11 were rejected as being dependent on a rejected base claim but were otherwise deemed to recite allowable subject matter. Claims 1-4, and 9 were rejected under 35 U.S.C. § 102(e) based on U.S. Patent no. 6,912,385 of Namba et al. or U.S. Patent Application Publication no. 2003/0060188 of Gidron.

Claims 1-4 have been canceled, thus rendering the rejection of those claims moot. Claim 9 has been amended to correct its dependency to depend on claim 8.

Regarding the new claims, independent claims 12 and 13 include limitations substantially similar to those in claims 5 and 6, respectfully. Therefore, Applicants believe that claims 12 and 13 (and all claims that depend on them) are patentable for at least reasons similar to claims 5 and 6.

Therefore, Applicants believe that all pending claims are in condition for allowance.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

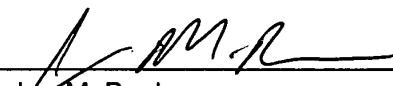
Conclusion

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 1/17/2007

  
\_\_\_\_\_  
Jordan M. Becker  
Reg. No. 39,602

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025  
(408) 720-8300



*[Handwritten initials]*

**AMENDMENT TRANSMITTAL**

**PATENT**

Application No.: 10/600,746  
Filing Date: June 19, 2003  
First Named Inventor: Rikard M. Kjellberg  
Examiner's Name: Creighton H. Smith  
Art Unit: 2614  
Attorney Docket No.: 3399P103

- An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- Applicant(s) claim small entity status (37 CFR 1.27).

**ATTACHMENTS**

- Preliminary Amendment
- Amendment/Response with respect to Office Action (9 pages)
- Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- Notice of Appeal
- RCE (Request for Continued Examination)
- Supplemental Declaration
- Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- Information Disclosure Statement (IDS)
- Copies of IDS citations
- Petition for Extension of Time
- Fee Transmittal Document (that includes a fee calculation based on the type and number of claims; in duplicate)
- Cross-Reference to Related Application(s)
- Certified Copy of Priority Document
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- Check(s)
- Postcard (Return Receipt)

**SUBMITTED BY:**

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
TYPED OR PRINTED NAME: Jordan M. Becker  
SIGNATURE: *[Signature]*  
REG. NO.: 39,602  
DATE: January 17, 2007  
ADDRESS: 12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, California 90025  
TELEPHONE NO.: (408) 720-8300

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on January 17, 2007

Date of Deposit

Andreas Radke

Name of Person Mailing Correspondence

*Andreas Radke*  
Signature

1-17-07  
Date

Express Mail Label No. (if applicable): \_\_\_\_\_

**Send to:** COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, Virginia 22313-1450

(10/14/03)

10/600746

**PATENT APPLICATION FEE DETERMINATION RECORD**  
Effective January 1, 2003

Application or Docket Number

3399 P103

**CLAIMS AS FILED - PART I**

	(Column 1)	(Column 2)
TOTAL CLAIMS	11	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	11 minus 20 = *	0
INDEPENDENT CLAIMS	3 minus 3 = *	0
MULTIPLE DEPENDENT CLAIM PRESENT	<input type="checkbox"/>	

\* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE  OR OTHER THAN SMALL ENTITY

RATE	FEE	OR	RATE	FEE
BASIC FEE	375.00	OR	BASIC FEE	750.00
X\$ 9=		OR	X\$18=	0
X42=		OR	X84=	0
+140=		OR	+280=	0
TOTAL		OR	TOTAL	750

**CLAIMS AS AMENDED - PART II**

2/17/07

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	* 14 Minus ** 20	=
	Independent	* 4 Minus *** 3	= 1
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM	<input type="checkbox"/>	

SMALL ENTITY OR OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	200
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	200

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	* Minus **	=
	Independent	* Minus ***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM	<input type="checkbox"/>	

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	* Minus **	=
	Independent	* Minus ***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM	<input type="checkbox"/>	

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

	Type	L #	Hits	Search Text	DBs	Time Stamp	Comments
1	BRS	L1	3628	content with (wireless or mobile or cell\$4).clm.	US-PGPUB	2007/02/15 12:52	
2	BRS	L2	0	implmentation\$1 with item\$1 with different with (device\$1 or teerterminal\$1) with 1.clm.	US-PGPUB	2007/02/15 12:54	



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

26529 7590 03/16/2007

BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER: SMITH, CREIGHTON H
ART UNIT: 2614
PAPER NUMBER:
DATE MAILED: 03/16/2007

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.

TITLE OF INVENTION: DEVICE CAPABILITY BASED DISCOVERY, PACKAGING AND PROVISIONING OF CONTENT FOR WIRELESS MOBILE DEVICES

Table with 7 columns: APPLN. TYPE, SMALL ENTITY, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE

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 SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

**PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
 or **Fax** (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)

26529                      7590                      03/16/2007

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC**  
 12400 WILSHIRE BOULEVARD  
 SEVENTH FLOOR  
 LOS ANGELES, CA 90025

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 facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)
_____ (Signature)
_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,746	06/19/2003	Rikard M. Kjellberg	3399P103	5994

TITLE OF INVENTION: DEVICE CAPABILITY BASED DISCOVERY, PACKAGING AND PROVISIONING OF CONTENT FOR WIRELESS MOBILE DEVICES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	06/18/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
SMITH, CREIGHTON H	2614	455-419000

<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.</p>	<p>2. For printing on the patent front page, list</p> <p>(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, _____ 1</p> <p>(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. _____ 2</p> <p>_____ 3</p>
--	---

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 has been filed for recordation as set forth in 37 CFR 3.11. 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

<p>4a. The following fee(s) are submitted:</p> <p><input type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p>	<p>4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)</p> <p><input type="checkbox"/> A check is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).</p>
---	--

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

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information 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 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, 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.





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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26529 7590 03/16/2007
BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025
EXAMINER SMITH, CREIGHTON H
ART UNIT 2614 PAPER NUMBER
DATE MAILED: 03/16/2007

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

The Patent Term Adjustment to date is 790 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 790 day(s).

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 Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/600,746	KJELLBERG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Creighton H. Smith	2614	

**-- 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 Applicant's amendment filed on 17 JAN '07.
2.  The allowed claim(s) is/are 5-18.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of 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.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  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. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

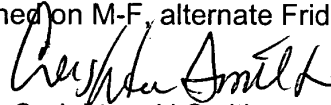
Creighton H Smith  
 Primary Examiner  
 Art Unit: 2614

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The prior art fails to disclose a method and system of accessing content on a wireless communication device, that specifically includes ***receiving and storing a plurality of different implementations of the items of content.*** Neither does the prior art teach maintaining a catalog describing the items of content. No obvious combination of references found would have taught one of ordinary skill in the art to make and use applicant's method and system as claimed.


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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Creighton H. Smith whose telephone number is 571/272-7546. The examiner can normally be reached on M-F, alternate Fridays off.

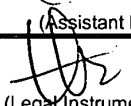



Creighton H Smith  
Primary Examiner  
Art Unit 2614

\*\*\*

<b>Issue Classification</b> 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/600,746	KJELLBERG ET AL.	
	Examiner	Art Unit	
	Creighton H. Smith	2614	

ISSUE CLASSIFICATION									
ORIGINAL			CROSS REFERENCE(S)						
CLASS	SUBCLASS	CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)						
455	419	455	418	414.1					
INTERNATIONAL CLASSIFICATION									
H04F	3144								
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(Assistant Examiner) (Date)  2/20/07 (Legal Instruments Examiner) (Date)	 <b>CREIGHTON SMITH</b> <b>PRIMARY EXAMINER</b> (Primary Examiner) (Date)	Total Claims Allowed: 14  <table style="width: 100%;"> <tr> <td style="text-align: center;">O.G. Print Claim(s)</td> <td style="text-align: center;">O.G. Print Fig.</td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> </table>	O.G. Print Claim(s)	O.G. Print Fig.	1	1
O.G. Print Claim(s)	O.G. Print Fig.					
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<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
Final	Original	Final	Original	Final	Original	Final	Original
	1		31		61		91
	2		32		62		92
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	4		34		64		94
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**Index of Claims**



Application/Control No.

10/600,746

Examiner

Creighton H. Smith

Applicant(s)/Patent under Reexamination

KJELLBERG ET AL.

Art Unit

2614

√	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date			
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**Search Notes**



Application/Control No.

10/600,746

Examiner

Creighton H. Smith

Applicant(s)/Patent under Reexamination

KJELLBERG ET AL.

Art Unit

2614

**SEARCHED**

Class	Subclass	Date	Examiner

**SEARCH NOTES  
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR

**INTERFERENCE SEARCHED**

Class	Subclass	Date	Examiner
Interference SEARCH		02/07	CS

**PART B - FEE(S) TRANSMITTAL**



Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or **Fax** (571)-273-2885

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 12400 WILSHIRE BOULEVARD  
 SEVENTH FLOOR  
 LOS ANGELES, CA 90025

05/14/2007 HGUTEMAZ 00000112 10600746

01 FC:1501 1400.00 OP  
 02 FC:1504 300.00 OP

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 facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

<b>Andreas Radke</b>	(Depositor's name)
<i>Andreas Radke</i>	(Signature)
5-11-07	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SMITH, CREIGHTON H	2614	455-419000

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 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list  
 1 **Blakely Sokoloff**  
**Taylor & Zafman LLP**  
 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 has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: **Openwave Systems Inc.**  
 (B) RESIDENCE: (CITY and STATE OR COUNTRY) **Redwood City, California**

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

4a. The following fee(s) are submitted:  
 Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)  
 A check is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number **02-2666** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)  
 a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature: *Jordan M. Becker*  
 Typed or printed name: **Jordan M. Becker**

Date: **May 11, 2007**  
 Registration No. **39,602**

This collection of information 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 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, 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.

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application No.	10/600,746
		Filing Date	June 19, 2003
		First Named Inventor	Rikard M. Kjellberg
		Art Unit	2614
		Examiner Name	Smith, Creighton H.
Total Number of Pages in This Submission	18	Attorney Docket Number	3399P103

ENCLOSURES <i>(check all that apply)</i>		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>  <div style="border: 1px solid black; padding: 5px; width: fit-content;">           Payment of Issue Fee and Submission of Formal Drawings Return Postcard         </div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Jordan M. Becker, Reg. No. 39,602 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	May 11, 2007

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Andreas Radke		
Signature		Date	May 11, 2007

Based on PTO/SB/21 (09-04) as modified by Blakely, Solokoff, Taylor & Zafman (ndc) 10/12/2006.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450





Attorney Docket No.: 3399P103

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for:

Rikard M. Kjellberg et al.

Serial No.: 10/600,746

Filing Date: June 19, 2003

For: DEVICE CAPABILITY BASED  
DISCOVERY, PACKAGING AND  
PROVISIONING OF CONTENT FOR  
WIRELESS MOBILE DEVICES

Examiner: Smith, Creighton H.

Group Art Unit: 2614

Confirmation No.: 5994

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

*I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on*  
May 11, 2007

(Date of Deposit)

Andreas Radke

(Printed name)

Andreas Radke 5-11-07

(Signature)

(Date)

PAYMENT OF ISSUE FEE & SUBMISSION OF FORMAL DRAWINGS

Dear Sir:

In response to the Notice of Allowance mailed March 16, 2007, enclosed herewith for filing in the above-referenced patent application are fourteen (14) sheets of formal drawings.


Enclosed is a check in the amount of \$1,700.00 for payment of the issue and publication fees.

If there is a deficiency in fees, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: May 11, 2007

  
Jordan M. Becker  
Reg. No. 39,602

Customer No. 48102  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1030  
(408) 720-8300

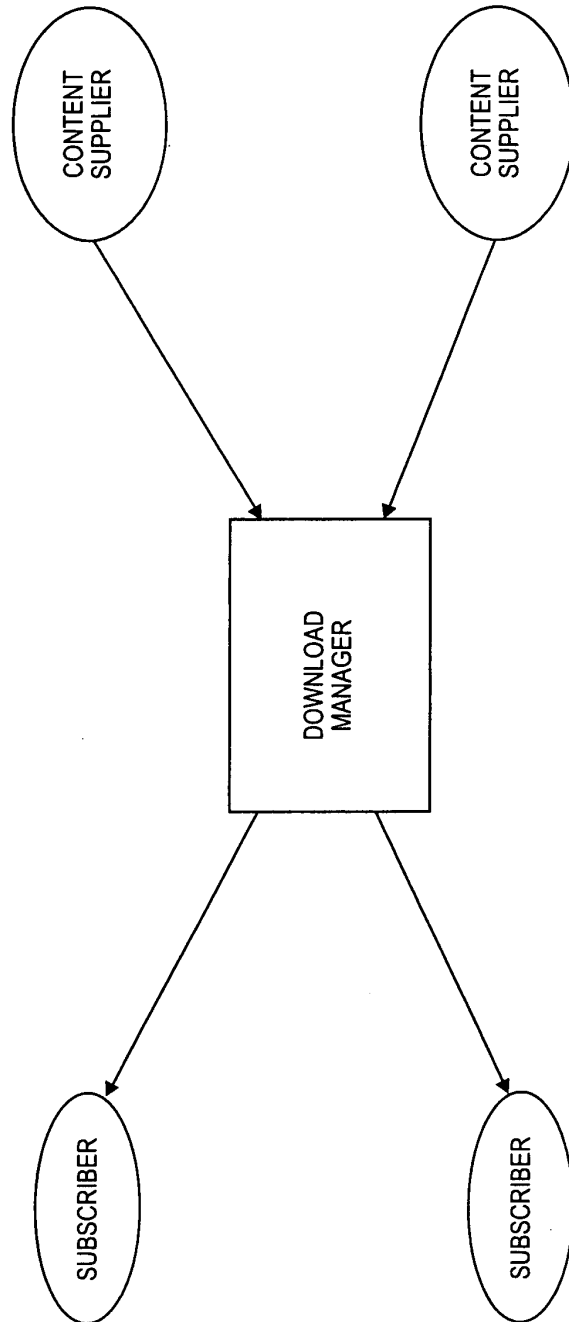


FIG. 1

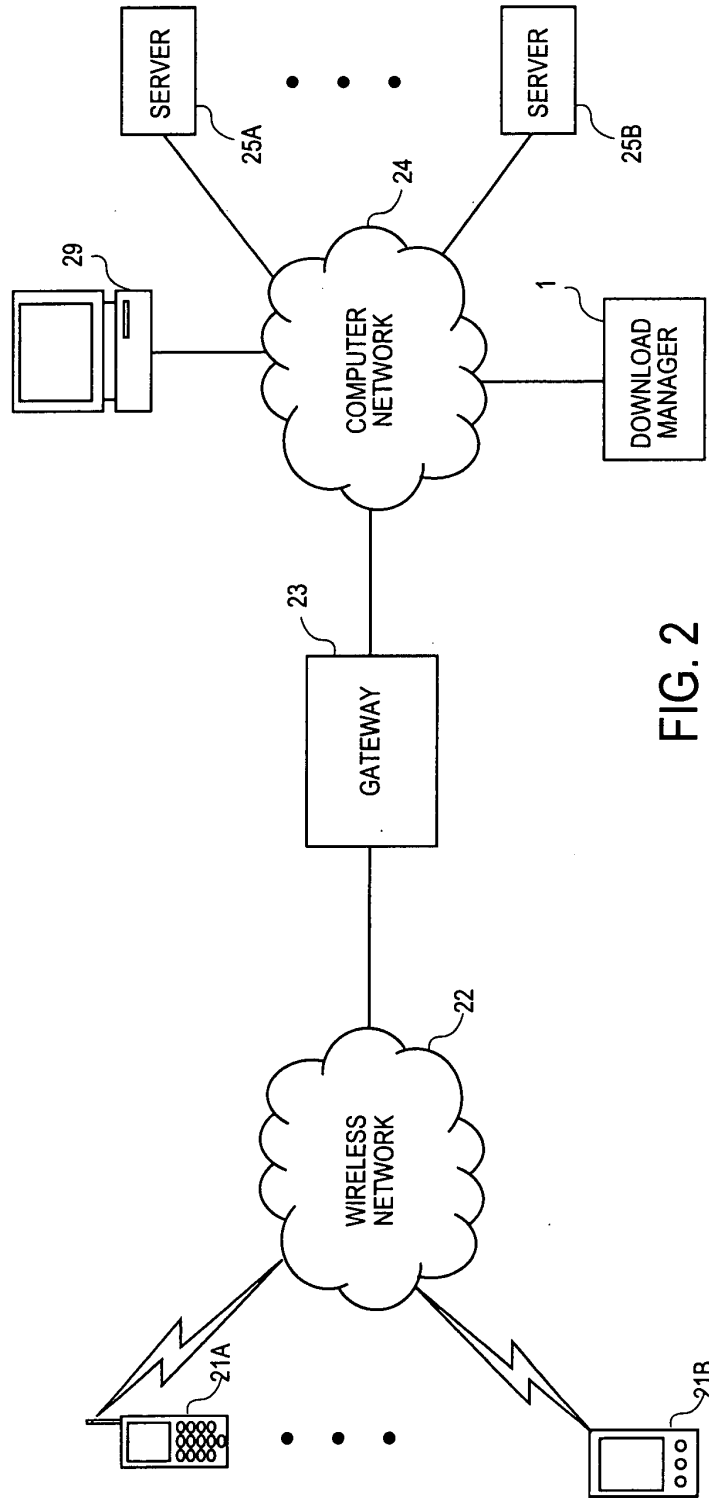


FIG. 2

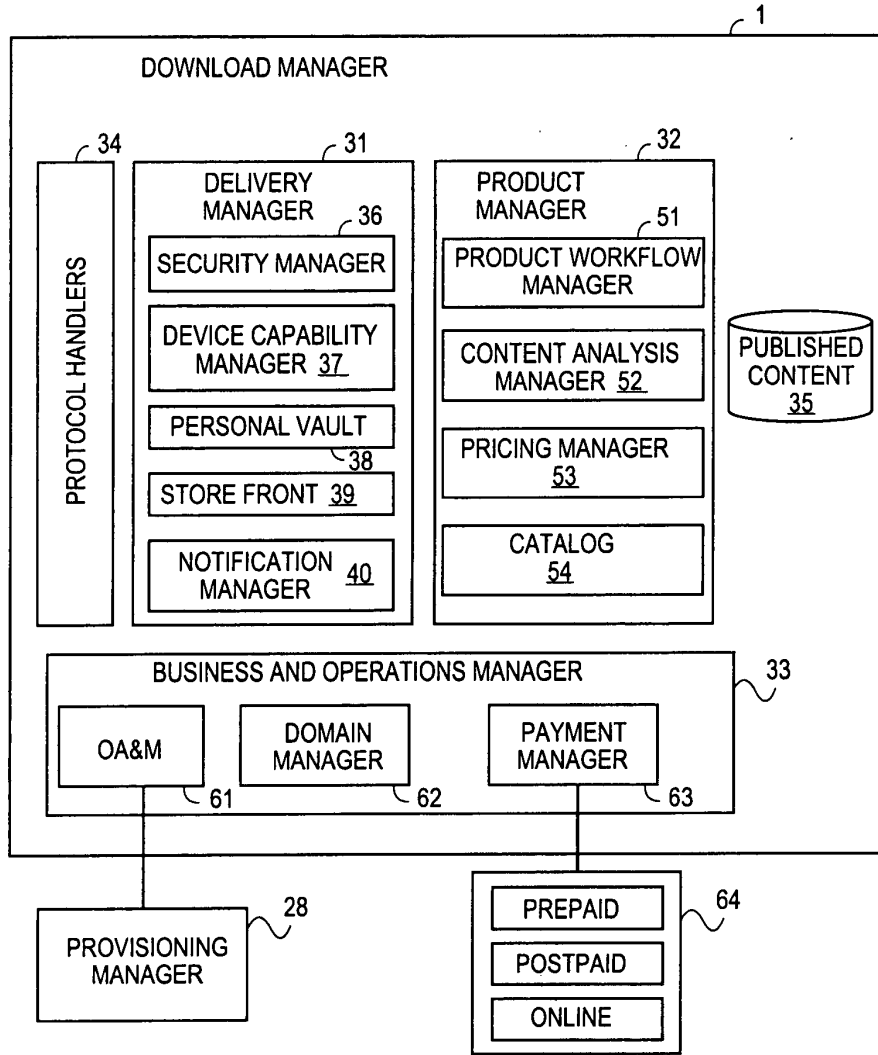


FIG. 3

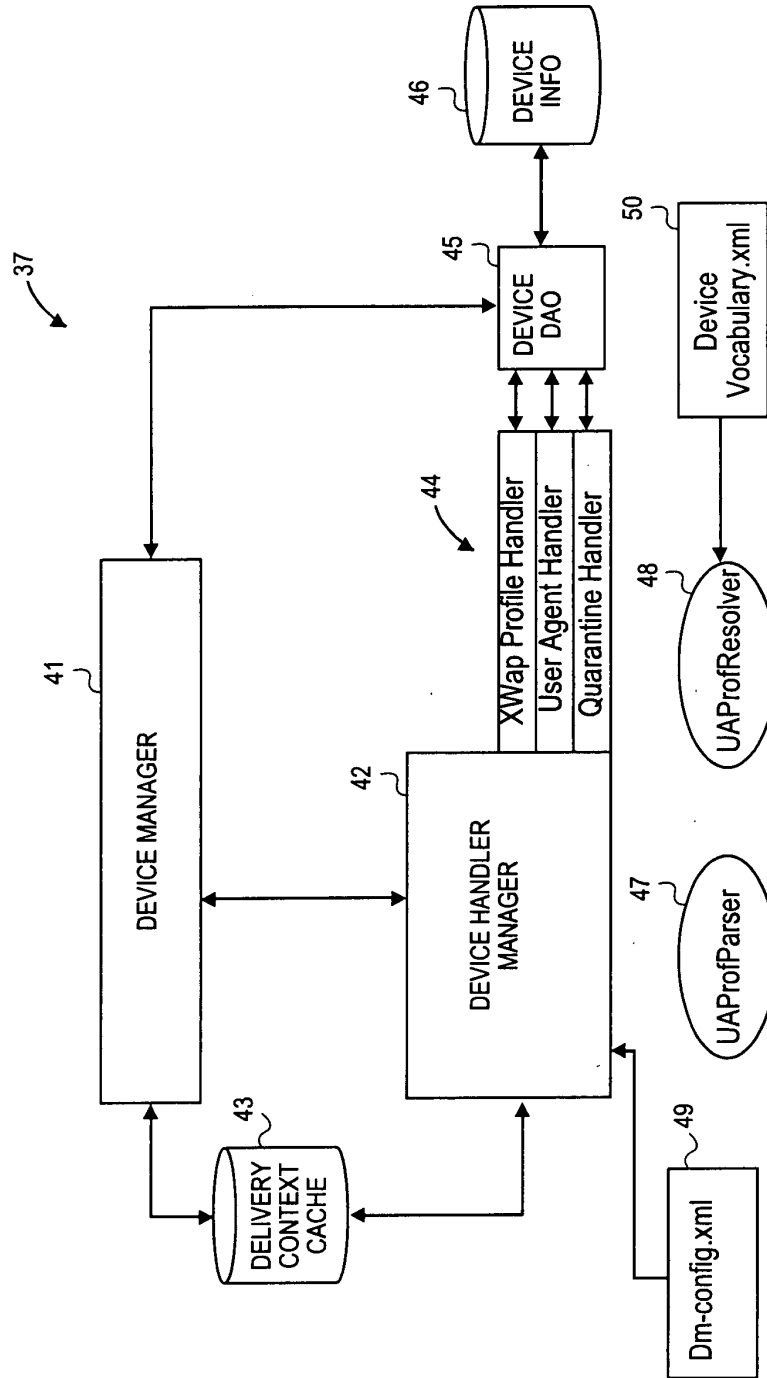


FIG. 4

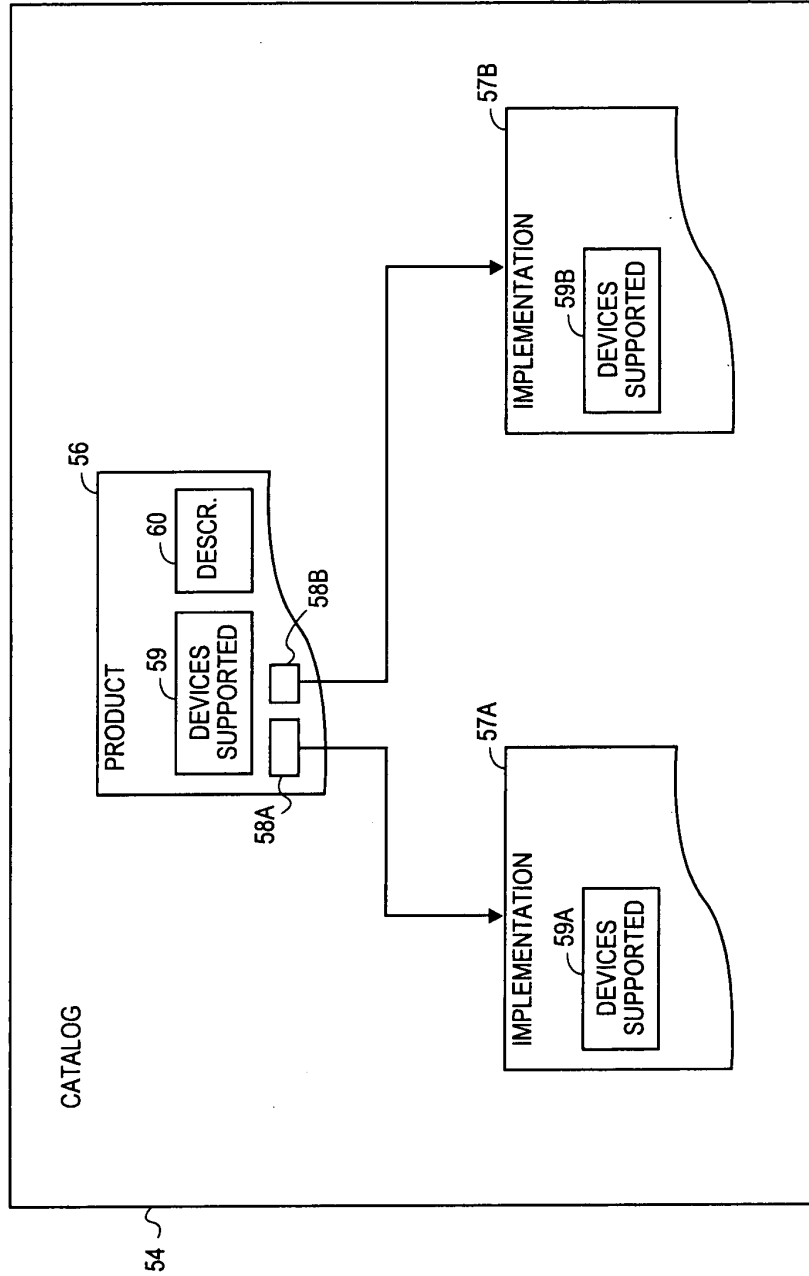


FIG. 5

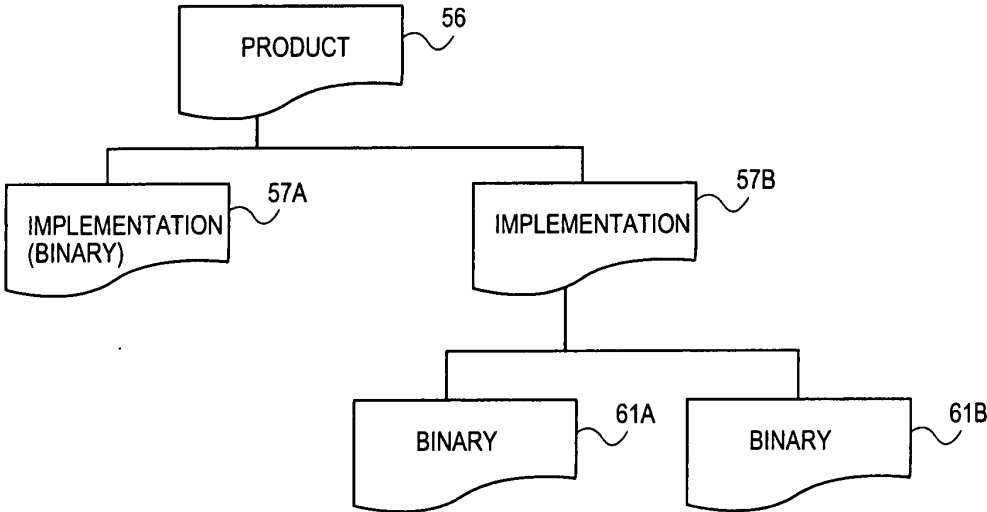


FIG. 6

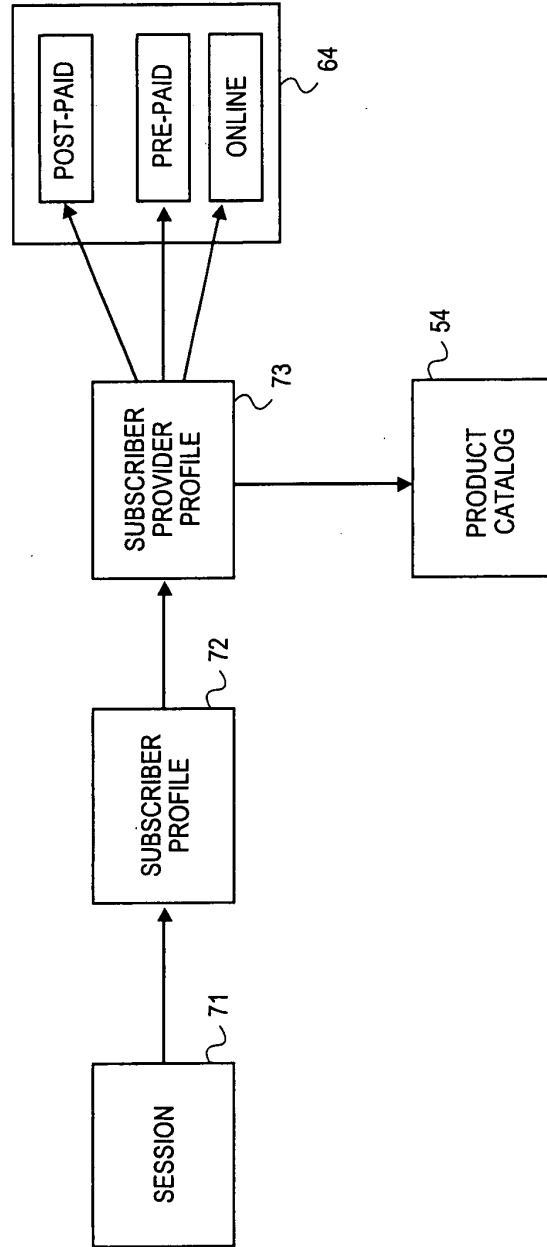


FIG. 7



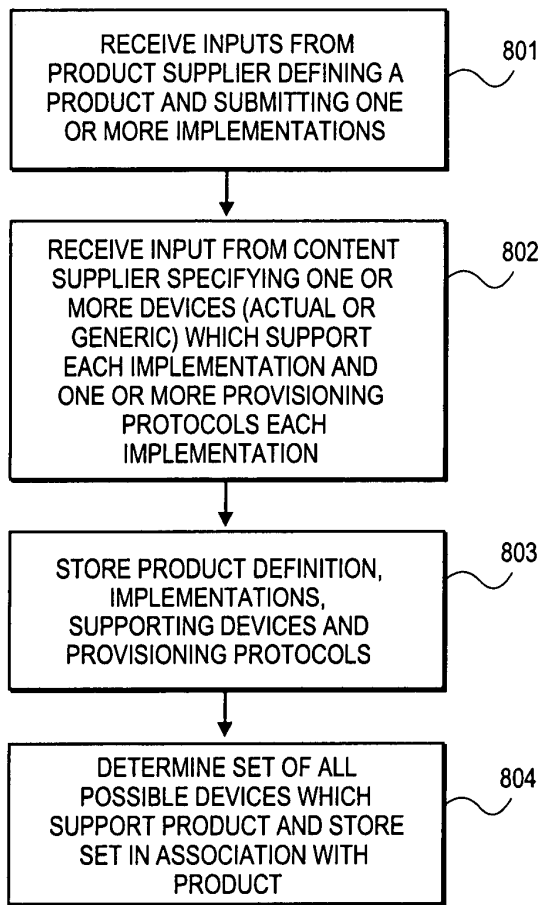


FIG. 8

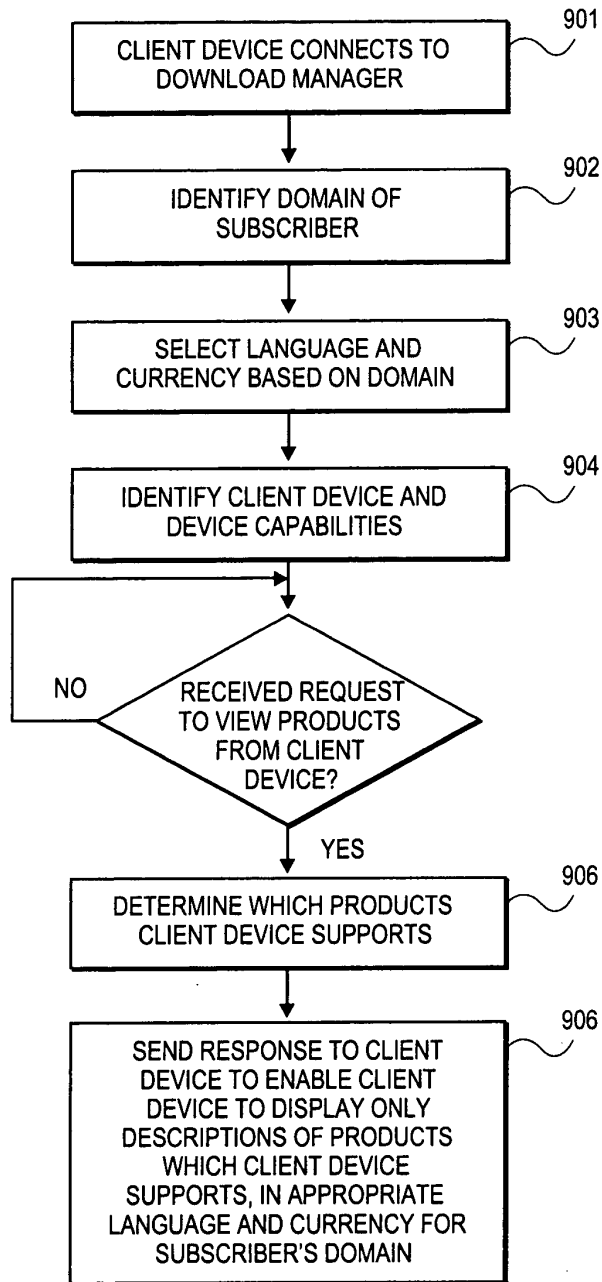


FIG. 9

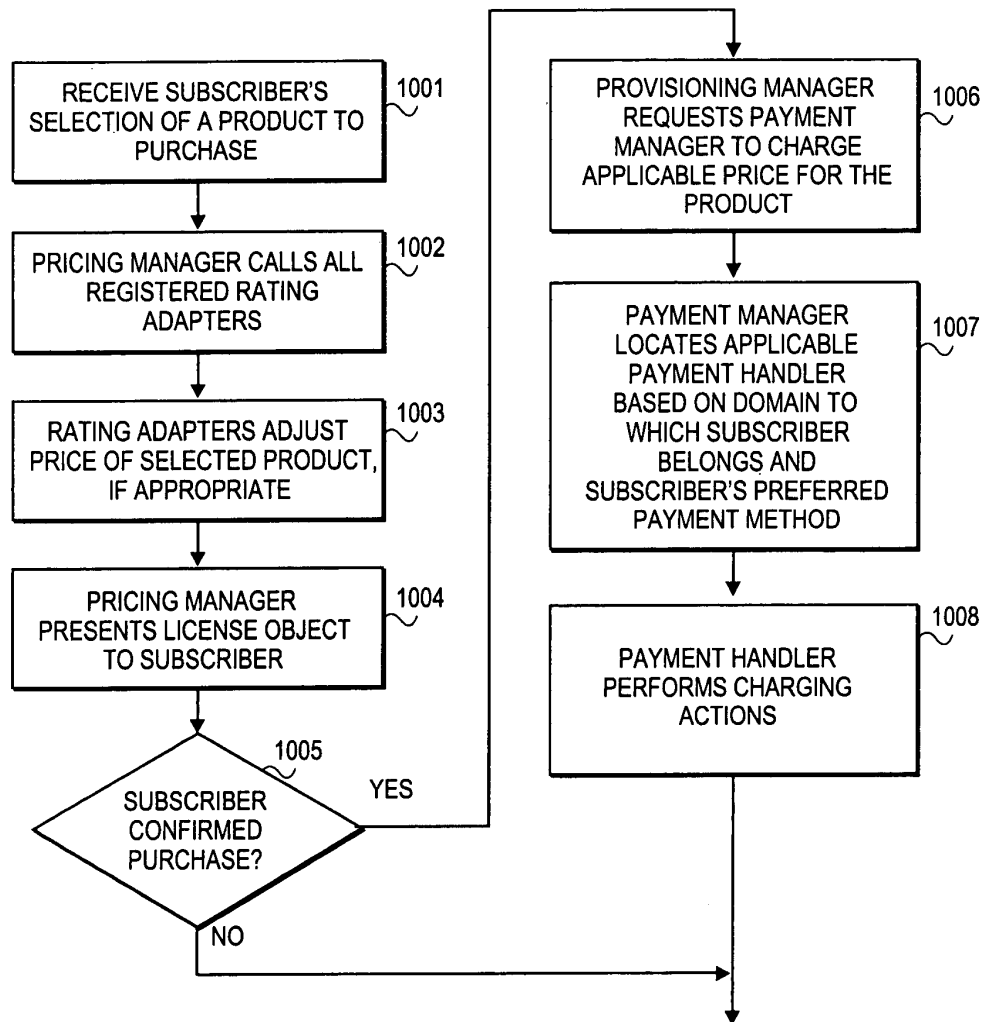


FIG. 10

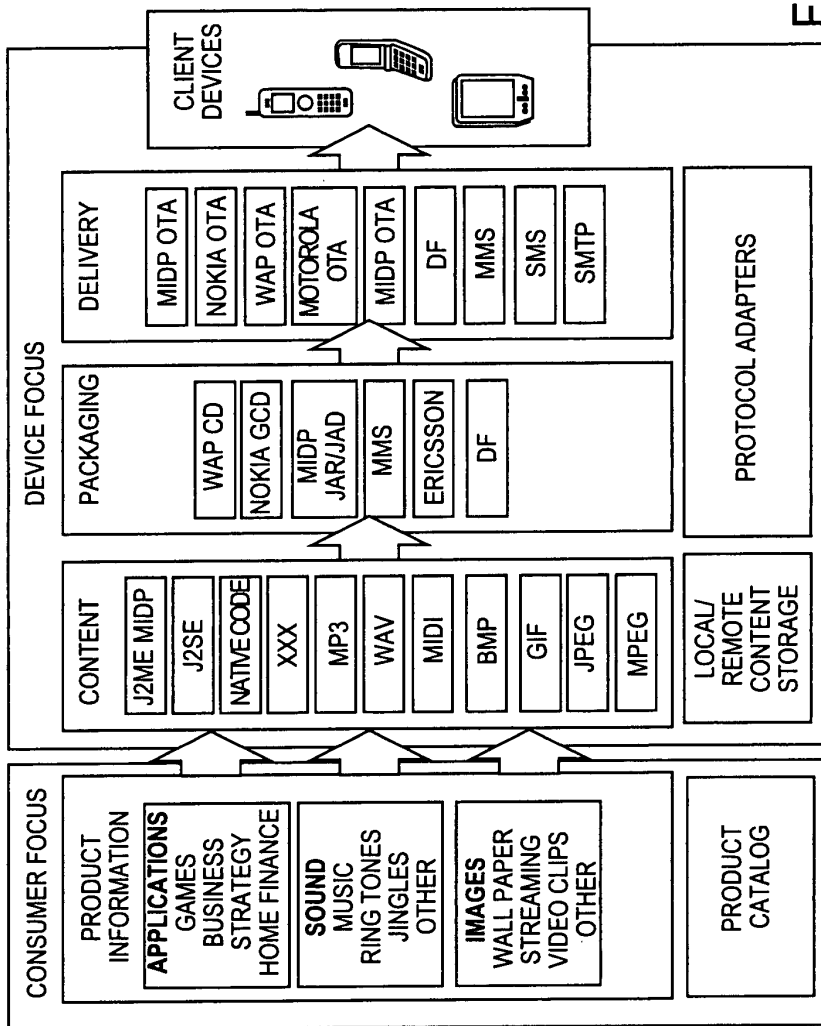


FIG. 11

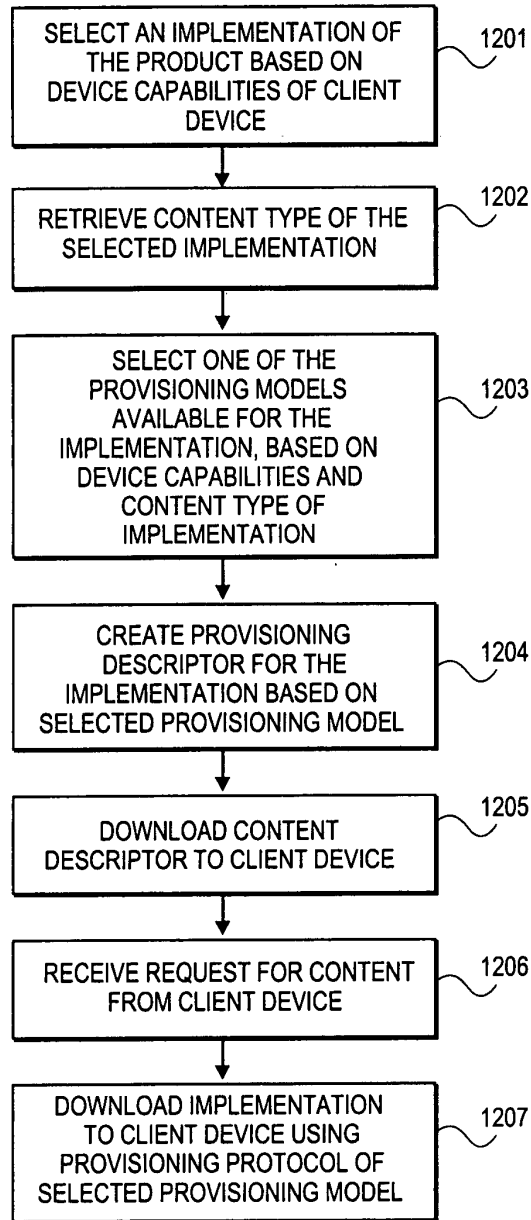


FIG. 12

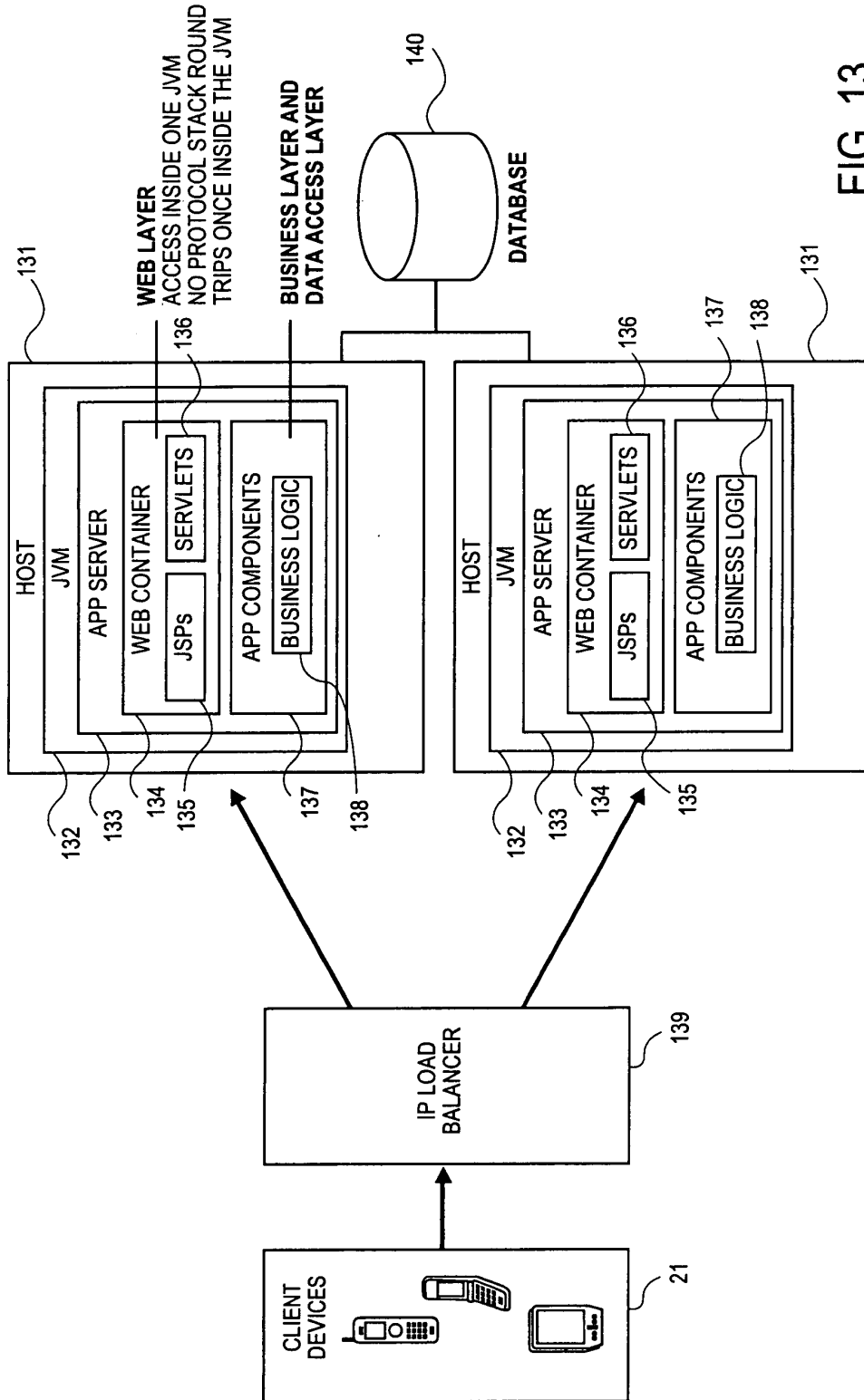


FIG. 13

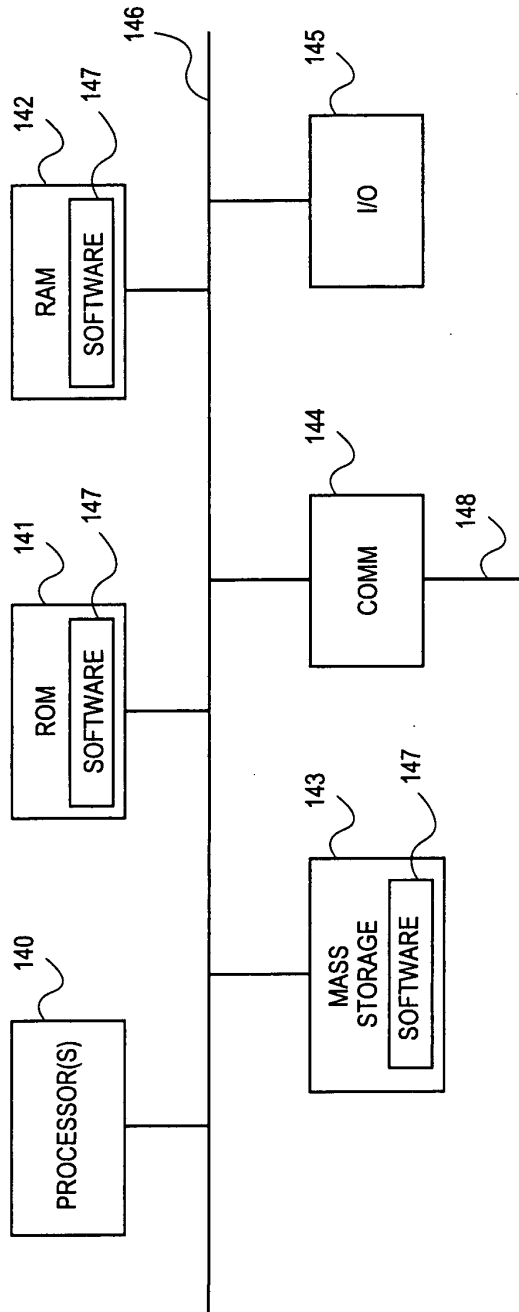


FIG. 14



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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,746	06/19/2007	7233790	3399P103	5994

26529 7590 05/30/2007  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025

**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 753 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 Customer Service Center of the Office of Patent Publication at (571)-272-4200.

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

- Rikard M. Kjellberg, Santa Cruz, CA;
- Sheng Liang, Cupertino, CA;
- Tomas G. Lund, Menlo Park, CA;
- William Chan, San Mateo, CA;
- Ramakrishna Chinta, Sunnyvale, CA;
- Xinbi Chen, Palo Alto, CA;



### POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

Practitioners associated with the Customer Number:

46670

OR

Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number		Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

The address associated with Customer Number:

46670

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone			Email

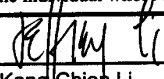
Assignee Name and Address:

Openwave Systems Inc.  
2100 Seaport Boulevard, Office #311B  
Reedwood City, CA 94063  
United States of America

**A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.**

#### SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	2/6/08
Name	Jeffrey Kang-Chien Li	Telephone	650-480-5320
Title	Vice President and General Counsel		

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Rikard M. Kjellberg, et alApplication No./Patent No.: 7,233.790 Filed/Issue Date: June 19, 2007Entitled: DEVICE AND CAPABILITY BASED DISCOVERY, PACKAGING AND PROVISIONING OF CONTENT FOR WIRELESS MOBILE DEVICESOpenwave Systems Inc., a Corporation  
(Name of Assignee) (Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- 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 013985, Frame 0220, or a true copy of the original assignment is attached.

**OR**

- B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

 Additional documents in the chain of title are listed on a supplemental sheet. As required by 37 CFR 3.73(b)(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.

_____ /Alan D. Minsk/ Signature	_____ February 14, 2008 Date
_____ Alan D. Minsk, Reg. No. 35,956 Printed or Typed Name	_____ (206) 467-9600 Telephone Number
_____ Attorney of Record Title	

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	2870031
<b>Application Number:</b>	10600746
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	5994
<b>Title of Invention:</b>	DEVICE CAPABILITY BASED DISCOVERY, PACKAGING AND PROVISIONING OF CONTENT FOR WIRELESS MOBILE DEVICES
<b>First Named Inventor/Applicant Name:</b>	Rikard M. Kjellberg
<b>Customer Number:</b>	26529
<b>Filer:</b>	Alan D. Minsk/Elyse Brownell
<b>Filer Authorized By:</b>	Alan D. Minsk
<b>Attorney Docket Number:</b>	022395-018810US
<b>Receipt Date:</b>	15-FEB-2008
<b>Filing Date:</b>	19-JUN-2003
<b>Time Stamp:</b>	17:33:18
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
------------------------	----

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	022395_GenPOA.pdf	50806 <small>8473f061ad35736986d3fa075a0b6e85ea99e80f</small>	no	1

### Warnings:

### Information:

2	Assignee showing of ownership per 37 CFR 3.73(b).	373b.pdf	69662 <small>413c93893044ab30b7445b260d484953 69e481e8</small>	no	1
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>				120468	
<p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  <b>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.</b></p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  <b>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.</b></p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  <b>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.</b></p>					



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/600,746	06/19/2003	Rikard M. Kjellberg	022395-018810US

**CONFIRMATION NO. 5994**

26529  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

**POWER OF ATTORNEY NOTICE**



Date Mailed: 02/28/2008

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 02/15/2008.

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

/hchristian/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/600,746	06/19/2003	Rikard M. Kjellberg	022395-018810US

**CONFIRMATION NO. 5994**

**POA ACCEPTANCE LETTER**

46670  
TOWNSEND AND TOWNSEND AND CREW LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834



Date Mailed: 02/28/2008

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 02/15/2008.

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.

/hchristian/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

AO 120 (Rev. 08/10)

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

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 District of Nevada on the following

Trademarks or  Patents. (  the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 3:12-cv-505	DATE FILED 9/19/2012	U.S. DISTRICT COURT District of Nevada
PLAINTIFF UNWIRED PLANET, LLC		DEFENDANT APPLE, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,317,594	11/13/2001	SEE COMPLAINT
2 6,317,831	11/13/2001	SEE COMPLAINT
3 6,321,092	11/20/2001	SEE COMPLAINT
4 6,532,446	3/11/2003	SEE COMPLAINT
5 6,647,260	11/11/2003	SEE COMPLAINT

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

DATE INCLUDED 9/19/2012	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input checked="" type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,813,491	11/2/2004	SEE COMPLAINT
2 7,020,685	3/28/2006	SEE COMPLAINT
3 7,233,790	6/19/2007	SEE COMPLAINT
4 7,299,033		SEE COMPLAINT
5 7,522,927	4/21/2009	SEE COMPLAINT

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

DECISION/JUDGEMENT
--------------------

CLERK Lance S. Wilson	(BY) DEPUTY CLERK /s/ H. Jordan	DATE 9/20/2012
--------------------------	------------------------------------	-------------------

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

AO 120 (Rev. 2/99)

TO: <b>Mail Stop 8</b> <b>Director of the U.S. Patent &amp; Trademark Office</b> P.O. Box 1450 Alexandria, VA 22313-1450	<b>REPORT ON THE                  FILING OR DETERMINATION OF AN                  ACTION REGARDING A PATENT OR                  TRADEMARK</b>
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In Compliance with 35 § 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 Northern District of California on the following  Patents or  Trademarks:

DOCKET NO. CV 13-04134 KAW	DATE FILED 09/06/2013	U.S. DISTRICT COURT Northern District of California, 1301 Clay Street, RM 400S, Oakland, CA 94612
PLAINTIFF UNWIRED PLANET		DEFENDANT APPLE INC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,317,594		See attached Complaint transferred from USDC Nevada
2 6,317,831		
3 6,321,092		
4 6,532,446		
5 6,647,260		

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

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1 6,813,491		See attached Complaint transferred from USDC Nevada	
2 7,020,685			
3 7,233,790			
4 RE 43,113			
5 7,522,927			

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

DECISION/JUDGEMENT
--------------------

CLERK Richard W. Wicking	(BY) DEPUTY CLERK	DATE
-----------------------------	-------------------	------

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



1 designed the Accused Products and Services such that they would infringe one or more claims of  
2 the Accused Patents if made, used, sold, offered for sale or imported into the United States. The  
3 accused technology has no substantial use that does not infringe one or more claims of the  
4 Asserted Patents.

5 30. Apple's acts of direct, contributory and induced infringement have caused damage  
6 to Unwired Planet, and Unwired Planet is entitled to recover compensatory damages sustained as  
7 a result of Apple's wrongful acts. Unless enjoined by this Court, Apple will continue to infringe  
8 the Asserted Patents, continuing to damage Unwired Planet and causing irreparable harm.

9 31. Apple has known about each of the Asserted Patents. Moreover, Apple lacks  
10 justifiable belief that there is no infringement, or that the infringed claims are invalid, and has  
11 acted with objective recklessness in its infringing activity. Apple's infringement is therefore  
12 willful, and Unwired Planet is entitled to an award of exemplary damages, attorneys' fees, and  
13 costs in bringing this action.

14 **DEMAND FOR JURY TRIAL**

15 Unwired Planet hereby demands a jury for all issues so triable.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Unwired Planet respectfully requests that this Court enter judgment in  
18 their favor and grant the following relief:

- 19 A. Adjudge that Apple infringes the Asserted Patents;
- 20 B. Adjudge that Apple's infringement of the Asserted Patents was willful, and that  
21 Apple's continued infringement of the Asserted Patents is willful;
- 22 C. Award Unwired Planet damages in an amount adequate to compensate Unwired  
23 Planet for Apple's infringement of the Asserted Patents, but in no event less than a  
24 reasonable royalty under 35 U.S.C. § 284;
- 25 D. Award enhanced damages by reason of Apple's willful infringement of the  
26 Asserted Patents, pursuant to 35 U.S.C. § 284;
- 27 E. Award Unwired Planet pre-judgment and post-judgment interest to the full extent  
28 allowed under the law, as well as its costs;

- 1 F. Enter an order finding that this is an exceptional case and awarding Unwired  
2 Planet its reasonable attorneys' fees pursuant to 35 U.S.C. § 285;
- 3 G. Enter an injunction enjoining Apple, and all others in active concert with Apple,  
4 from further infringement of the Asserted Patents;
- 5 H. Award an accounting for damages;
- 6 I. Award a future compulsory royalty in the event full injunctive relief is not  
7 awarded as requested; and
- 8 J. Award such other relief as the Court may deem appropriate and just under the  
9 circumstances.

10 Dated: May 10, 2013

Respectfully submitted,

/s/ Michael D. Rounds

11 Michael D. Rounds  
12 Nevada Bar No. 4734  
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13 Adam K. Yowell  
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26 Telephone: (512) 692-8700  
27 Fax: (512) 692-8744

28 **ATTORNEYS FOR PLAINTIFF  
UNWIRED PLANET LLC.**

1 Plaintiff Unwired Planet LLC files this First Amended Complaint for Patent Infringement  
2 against Apple Inc. (Apple), and alleges as follows:

3 **JURISDICTION**

4 1. This is an action arising under the patent laws of the United States, 35 U.S.C. §  
5 101 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6 **VENUE**

7 2. This Court has personal jurisdiction over the Defendant Apple. Apple has  
8 conducted and does conduct business within the State of Nevada. Apple, directly or through  
9 subsidiaries or intermediaries (including distributors, retailers, and others), ships, distributes,  
10 offers for sale, sells, and advertises (including the provision of an interactive web page) its  
11 products and/or services in the United States, the State of Nevada, and the District of Nevada.  
12 Apple, directly and through subsidiaries or intermediaries (including distributors, retailers, and  
13 others), has purposefully and voluntarily placed one or more of its infringing products and/or  
14 services, as described below, into the stream of commerce with the expectation that they will be  
15 purchased and/or used by consumers in the District of Nevada. These infringing products and/or  
16 services have been and continue to be purchased and/or used by consumers in the District of  
17 Nevada. Apple has committed acts of patent infringement within the State and District of  
18 Nevada.

19 3. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c) and (d) and  
20 1400(b). A substantial part of the events giving rise to Unwired Planet's claims occurred in the  
21 District of Nevada and Apple is subject to personal jurisdiction in the district.

22 **PARTIES**

23 4. Plaintiff Unwired Planet LLC is a Nevada entity having a principal place of  
24 business at 226 California Ave., Reno, NV 89509. "Unwired Planet" refers to Plaintiff and its  
25 predecessors in interest referred to herein for the patents-in-suit.

26 5. Unwired Planet has a long history of innovative technical contributions, as set  
27 forth below, including the patents-at-issue in this lawsuit.

28



1 its browser software and developer tools. These products included Up.Mail (which delivered e-  
2 mail to wireless telephones), Up.Organizer (a personal information management application),  
3 Up.Web (which allowed subscribers to manage and configure the other programs from their PCs),  
4 Up.Browser (a wireless phone browser), and Up.Smart (a PDA software application for wireless  
5 phones), among others. By August 1999, 31 network operators across the globe had licensed  
6 Phone.com's software. Phone.com flourished, providing its access software to companies around  
7 the globe. USA Today called Phone.com "the linchpin for the wireless internet" in a July 2000  
8 article, stating that Phone.com's software touched approximately 80 percent of Web-enabled  
9 phones at the time. Bloomberg named Alain Rossmann one of the founders of Unwired Planet,  
10 among the "Top Entrepreneurs of 1999."

11 12. In 2000, Phone.com merged with Software.com to form Openwave Systems Inc.,  
12 the predecessor to the current-day Unwired Planet, in a \$6.4 billion merger. Openwave continued  
13 to grow and innovate. By mid-2001, about 97 percent of internet-ready mobile phones in the  
14 United States and approximately 75 percent overseas used an Openwave browser. By July 2001  
15 Openwave had increased in size to approximately 2,200 employees worldwide, and the company  
16 earned revenues of over \$465 million for fiscal year 2001.

17 13. Through its innovation and technological leadership, Openwave was awarded a  
18 sizeable portfolio of over 200 patents. Many of these patents disclose and protect the  
19 foundational aspects of today's most widely-used mobile technologies, such as mobile internet,  
20 location-based services, and e-commerce applications.

21 14. Unfortunately, merely having patents did not protect Openwave from infringing  
22 competition. As Openwave's revenues and market share fell, it was forced to downsize its own  
23 employees. With the onslaught of infringing competition having forced Openwave out of the  
24 market it created, in April 2012 Openwave sold its product businesses, but retained the patents it  
25 had been awarded. After selling off its product businesses, Openwave changed its name back to  
26 Unwired Planet, Inc., Unwired Planet Inc. is the parent of, and the predecessor in interest of,  
27 Plaintiff Unwired Planet, LLC. Unwired Planet retained its patents, representing almost two  
28 decades of investment, allowing the company to focus its efforts on licensing its fundamental

1 patent portfolio to the companies whose infringement put it out of the software and service  
2 businesses.

3 **THE PATENTS**

4 15. United States Letters Patent No. 6,317,594 (“the ‘594 Patent”), entitled “System  
5 and Method for Providing Data to a Wireless Device upon Detection of Activity of the Device on  
6 a Wireless Network,” was duly and legally issued to inventors William E. Gossman and Peter J.  
7 Hartmaier on Nov. 13, 2001. Plaintiff Unwired Planet owns by assignment the entire right, title,  
8 and interest in the ‘594 Patent, and is entitled to sue for past and future infringement. A true and  
9 correct copy of the ‘594 Patent is attached hereto as Exhibit A and incorporated herein by  
10 reference.

11 16. United States Letters Patent No. 6,317,831 (“the ‘831 Patent”), entitled “Method  
12 and Apparatus for Establishing a Secure Connection over a One-way Data Path,” was duly and  
13 legally issued to inventor Peter F. King on Nov. 13, 2001. Plaintiff Unwired Planet owns by  
14 assignment the entire right, title, and interest in the ‘831 Patent, and is entitled to sue for past and  
15 future infringement. A true and correct copy of the ‘831 Patent is attached hereto as Exhibit B  
16 and incorporated herein by reference.

17 17. United States Letters Patent No. 6,321,092 (“the ‘092 Patent”), entitled “Multiple  
18 Input Data Management for Wireless Location-based Applications,” was duly and legally issued  
19 to inventors James Fitch, David L. Hose, and Michael McKnight on Nov. 20, 2001. Plaintiff  
20 Unwired Planet owns by assignment the entire right, title, and interest in the ‘092 Patent, and is  
21 entitled to sue for past and future infringement. A true and correct copy of the ‘092 Patent is  
22 attached hereto as Exhibit C and incorporated herein by reference.

23 18. United States Letters Patent No. 6,532,446 (“the ‘446 Patent”), entitled “Server  
24 Based Speech Recognition User Interface for Wireless Devices,” was duly and legally issued to  
25 inventor Peter F. King on Mar. 11, 2003. Plaintiff Unwired Planet owns by assignment the entire  
26 right, title, and interest in the ‘446 Patent, and is entitled to sue for past and future infringement.  
27 A true and correct copy of the ‘446 Patent is attached hereto as Exhibit D and incorporated herein  
28 by reference.

1           19.     United States Letters Patent No. 6,647,260 (“the ’260 Patent”), entitled “Method  
2 and System Facilitating Web Based Provisioning of Two-Way Mobile Communications  
3 Devices,” was duly and legally issued to inventors Steve Dusse, Peter F. King, Bruce V.  
4 Schwartz, and Bruce K. Martin, Jr. on November 11, 2003. Plaintiff Unwired Planet owns by  
5 assignment the entire right, title, and interest in the ’260 Patent, and is entitled to sue for past and  
6 future infringement. A true and correct copy of the ’260 Patent is attached hereto as Exhibit E  
7 and incorporated herein by reference.

8           20.     United States Letters Patent No. 6,813,491 (“the ’491 Patent”), entitled “Method  
9 and Apparatus for Adapting Settings of Wireless Communication Devices in Accordance with  
10 User Proximity,” was duly and legally issued to inventor Aldan Martin McKinney on Nov. 2,  
11 2004. Plaintiff Unwired Planet owns by assignment the entire right, title, and interest in the ’491  
12 Patent, and is entitled to sue for past and future infringement. A true and correct copy of the ’491  
13 Patent is attached hereto as Exhibit F and incorporated herein by reference.

14           21.     United States Letters Patent No. 7,020,685 (“the ’685 Patent”), entitled “Method  
15 and Apparatus for Providing Internet Content to SMS-based Wireless Devices,” was duly and  
16 legally issued to inventors David A. Chen and Piyush Patel on Mar. 28, 2006. Plaintiff Unwired  
17 Planet owns by assignment the entire right, title, and interest in the ’685 Patent, and is entitled to  
18 sue for past and future infringement. A true and correct copy of the ’685 Patent is attached hereto  
19 as Exhibit G and incorporated herein by reference.

20           22.     United States Letters Patent No. 7,233,790 (“the ’790 Patent”), entitled “Device  
21 Capability based Discovery, Packaging and Provisioning of Content for Wireless Mobile  
22 Devices,” was duly and legally issued to inventors Rikard M. Kjellberg, Sheng Liang, Tomas G.  
23 Lund, William Chan, Ramakrishna Chinta, and Xinbi Chen on Jun. 19, 2007. Plaintiff Unwired  
24 Planet owns by assignment the entire right, title, and interest in the ’790 Patent, and is entitled to  
25 sue for past and future infringement. A true and correct copy of the ’790 Patent is attached hereto  
26 as Exhibit H and incorporated herein by reference.

27           23.     United States Reissued Patent No. US RE43,113 E (“the ’113 Patent”), entitled  
28 “Domain-based management of distribution of digital content from multiple suppliers to multiple

1 wireless services subscribers,” was duly and legally issued to inventors Rikard M. Kjellberg,  
2 Sheng Liang, Tomas G. Lund, and William Chan. Plaintiff Unwired Planet owns by assignment  
3 the entire right, title, and interest in the '113 Patent, and is entitled to sue for past and future  
4 infringement. A true and correct copy of the '113 Patent is attached hereto as Exhibit I and  
5 incorporated herein by reference.

6 24. United States Letters Patent No. 7,522,927 (“the '927 Patent”), entitled “Interface  
7 for Wireless Location Information,” was duly and legally issued to inventors James Fitch, David  
8 Hose, and Michael McKnight on Apr. 21, 2009. Plaintiff Unwired Planet owns by assignment the  
9 entire right, title, and interest in the '927 Patent, and is entitled to sue for past and future  
10 infringement. A true and correct copy of the '927 Patent is attached hereto as Exhibit J and  
11 incorporated herein by reference.

12 25. The '594, '831, '092, '446, '260, '491, '685, '790, '113, and '927 Patents  
13 (collectively, the Asserted Patents) cover inventions relating to wireless devices, management of  
14 wireless devices, management of messages and data for wireless devices, location services, and  
15 speech recognition.

16 **CLAIM FOR PATENT INFRINGEMENT**

17 26. Plaintiff Unwired Planet repeats and realleges the allegations in paragraphs 1–25  
18 as though fully set forth herein.

19 27. Apple directly infringes one or more claims of each of the Asserted Patents under  
20 35 U.S.C. § 271. Apple is making, using, selling, offering for sale, exporting, and/or importing  
21 Accused Products and Services which infringe one or more claims of each of the Asserted  
22 Patents, as set forth in the table below. Further discovery may reveal additional infringing  
23 products and/or models.

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Asserted Patent	Accused Products and Services
6,317,594	Mobile App Systems and/or Services (including Apple App Store, Apps, Apple Push Notification Service (APNS), iAds, and Location Services including Safari web browser, Apple Maps, Local Search), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones, tablets, and music players with the iOS operating system including iPhones, iPads, and iPods)
6,317,831	Mobile App Systems and/or Services (including Apple App Store, Apps, and APNS), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones, tablets, and music players with the iOS operating system including iPhones, iPads, and iPods)
6,321,092	Mobile App Systems and/or Services (including iAds, and Location Services including Safari web browser, Apple Maps, Local Search), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones, tablets, and music players with the iOS operating system including iPhones, iPads, and iPods)
6,532,446	Mobile App Systems and/or Services (including Siri), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones, tablets, and music players with the iOS operating system including iPhones, iPads, and iPods)
6,647,260	Mobile App Systems and/or Services (including iTunes, Apple App Store, and Apps), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones, tablets, and music players with the iOS operating system including iPhones, iPads, and iPods)
6,813,491	Mobile Devices (including mobile phones, tablets, and music players with the iOS operating system including iPhones, iPads, and iPods)
7,020,685	Mobile App Systems and/or Services (including Siri), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones, tablets, and music players with the iOS operating system including iPhones, iPads, and iPods)
7,233,790	Mobile App Systems and/or Services (including iTunes, Apple App Store, and Apps), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones, tablets, and music players with the iOS operating system including iPhones, iPads, and iPods)

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Asserted Patent	Accused Products and Services
RE43,113	Mobile App Systems and/or Services (including iTunes, Apple App Store, and Apps), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones, tablets, and music players with the iOS operating system including iPhones, iPads, and iPods)
7,522,927	Mobile App Systems and/or Services (including iAds, Location Services including Safari web browser, Apple Maps, Local Search, Find My iPhone, Find My iPad, and Find My Friends), Servers (including servers supporting the aforementioned Systems and/or Services), and Mobile Devices (including mobile phones, tablets, and music players with the iOS operating system including iPhones, iPads, and iPods)

28. Apple indirectly infringes one or more claims of each of the Asserted Patents under 35 U.S.C. § 271(b). Apple has induced and continues to induce its customers and/or users of the Accused Products and services above to infringe one or more claims of the Asserted Patents above. Apple specifically intends for its customers and/or users of the Accused Products and Services above to infringe one or more claims of the Asserted Patents above in the United States because on information and belief, Apple knew of the Asserted Patents and designed the Accused Products and Services such that they would each infringe one or more claims of each of the Asserted Patents if made, used, sold, offered for sale or imported into the United States, and Apple knows that the customers and/or users of the Accused Products and Services will directly infringe one or more claims of the Asserted Patents when those customers and/or users make, use, sell, offer to sell, and/or import into the United States, the Accused Products and Services. In addition, Apple has failed to redesign the Accused Products and Services to cease infringement.

29. Apple indirectly infringes one or more claims of the Asserted Patents by contributory infringement under 35 U.S.C. § 271(c). Apple has contributed to and continues to contribute to the direct infringement of one or more claims of the Asserted Patents by customers and/or users of the Accused Products and Services. Upon information and belief, Apple knew of the Asserted Patents. Apple has sold, offered to sell, and/or imported in and into the United States the Accused Products, which Apple has known to be especially made or adapted for use in infringing the Asserted Patents and which have no substantial non-infringing uses. Apple

AO 120 (Rev. 08/10)

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

Trademarks or  Patents. (  the patent action involves 35 U.S.C. § 292.);

DOCKET NO.	DATE FILED 10/13/2021	U.S. DISTRICT COURT District of Delaware
PLAINTIFF STARZ ENTERTAINMENT, LLC		DEPENDANT VL COLLECTIVE IP, LLC and VIDEOLABS, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 7,233,790	6/19/2007	VIDEOLABS, INC.
2 7,440,559	10/21/2008	VL COLLECTIVE IP, LLC
3 8,605,794	12/10/2013	VL COLLECTIVE IP, LLC
4 RE43,113	1/17/2012	VIDEOLABS, INC.
5		

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

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK	(BY) DEPUTY CLERK	DATE
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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

AO 120 (Rev. 08/10)

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

Trademarks or  Patents. (  the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED 2/23/2022	U.S. DISTRICT COURT District of Delaware
PLAINTIFF  VideoLabs, Inc. and VL Collective IP LLC		DEPENDANT  Netflix Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 US 8,139,878 B2	3/20/2012	VideoLabs, Inc.
2 US 7,440,559 B2	10/21/2018	VL Collective IP LLC
3 US 7,233,790 B2	6/19/2007	VideoLabs, Inc.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK	(BY) DEPUTY CLERK	DATE
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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

AO 120 (Rev. 08/10)

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

Trademarks or  Patents. (  the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 22-cv-229-CFC	DATE FILED 2/23/2022	U.S. DISTRICT COURT District of Delaware
PLAINTIFF  VideoLabs, Inc. and VL Collective IP LLC		DEPENDANT  Netflix Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 US 8,139,878 B2	3/20/2012	VideoLabs, Inc.
2 US 7,440,559 B2	10/21/2018	VL Collective IP LLC
3 US 7,233,790 B2	6/19/2007	VideoLabs, Inc.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED 5/6/2022	INCLUDED BY <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 US 8,605,794 B2	12/10/2013	VL Collective IP LLC
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK	(BY) DEPUTY CLERK	DATE
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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

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.

## 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/AIA82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

Application Number	10/600,746
Filing Date	19 June 2003
First Named Inventor	Rikard M. Kjellberg
Title	DEVICE CAPABILITY BASED DISCOVERY, PACKAGING AND PROVISIONING OF CONTENT FOR WIRELESS MOBILE DEVICES
Art Unit	2614
Examiner Name	Creighton H. Smith
Attorney Docket Number	22104.38

**SIGNATURE of Applicant or Patent Practitioner**

Signature	/Levi S. Brown/	Date (Optional)	
Name	Levi S. Brown	Registration Number	72533
Title (if Applicant is a juristic entity)	Attorney for Applicant		
Applicant Name (if Applicant is a juristic entity)	VideoLabs, Inc.		

**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 \_\_\_\_\_ 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: 22913
- 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:
- OR

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):

VideoLabs, 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)	1/18/21
Name	Bill Goldman		
Title	SVP & Chief IP Officer		

**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 \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.35. 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.*

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Rikard M. Kjellberg, et al.Application No./Patent No.: 10/600,746 / 7,233,790Filed/Issue Date: 19 June 2003

Titled:

**DEVICE CAPABILITY BASED DISCOVERY, PACKAGING AND PROVISIONING...**

VIDEOLABS, INC.

, a Corporation

(Name of Assignee)

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

states that it is:

1.  the assignee of the entire right, title, and interest in;
2.  an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
3.  the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- 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 a copy\* is attached.

**OR**

- B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Rikard M. Kjellberg, et al.To: OPENWAVE SYSTEMS INC.

The document was recorded in the United States Patent and Trademark Office at  
Reel 013985, Frame 0220, or a copy\* is attached.

2. From: OPENWAVE SYSTEMS INC.To: UNWIRED PLANET, INC.

The document was recorded in the United States Patent and Trademark Office at  
Reel 028447, Frame 0940, or a copy\* is attached.

3. From: UNWIRED PLANET, INC.To: UNWIRED PLANET, LLC

The document was recorded in the United States Patent and Trademark Office at  
Reel 030585, Frame 0969, or a copy\* is attached.

Additional documents in the chain of title are listed on a supplemental sheet(s).

- \*As required by 37 CFR 3.73(b)(1)(i), if a copy/copies is/are attached, 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.]

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

/Levi S. Brown/

Signature

6 July 2022

Date

Levi S. Brown

Printed or Typed Name

72533

Title or Registration Number

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.

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**STATEMENT UNDER 37 CFR 3.73(B)**  
**SUPPLEMENTAL SHEET – ADDITIONAL DOCUMENTS IN THE CHAIN OF TITLE**

Patent No.: 7,233,790

From: UNWIRED PLANET LLC To: VIDEOLABS, INC.

The document was recorded in the United States Patent and Trademark Office at  
Reel 054727, Frame 0726

## 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.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	46124527
<b>Application Number:</b>	10600746
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	5994
<b>Title of Invention:</b>	DEVICE CAPABILITY BASED DISCOVERY, PACKAGING AND PROVISIONING OF CONTENT FOR WIRELESS MOBILE DEVICES
<b>First Named Inventor/Applicant Name:</b>	Rikard M. Kjellberg
<b>Customer Number:</b>	46670
<b>Filer:</b>	Levi S. Brown/JENNIFER ESCAMILLA
<b>Filer Authorized By:</b>	Levi S. Brown
<b>Attorney Docket Number:</b>	022395-018800US
<b>Receipt Date:</b>	06-JUL-2022
<b>Filing Date:</b>	19-JUN-2003
<b>Time Stamp:</b>	13:27:50
<b>Application Type:</b>	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	22104-38-2022-07-06-POA.pdf	781906 e0febeadc45598d8fc0d4bfa262a66548f5d c6b0	no	2

### Warnings:

<b>Information:</b>					
2	Assignee showing of ownership per 37 CFR 3.73	22104-38-2022-07-06-373State ment.pdf	323013  de19b021405a05b88d74ac3f1428d4bbb2f7ede6	no	3
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>				1104919	
<p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  <b>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.</b></p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  <b>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.</b></p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  <b>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.</b></p>					



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/600,746	06/19/2003	Rikard M. Kjellberg	22104.38

**CONFIRMATION NO. 5994**

**POA ACCEPTANCE LETTER**

22913  
Workman Nydegger  
60 East South Temple  
Suite 1000  
Salt Lake City, UT 84111



Date Mailed: 07/18/2022

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 07/06/2022.

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.

/nrhayden/



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/600,746	06/19/2003	Rikard M. Kjellberg	022395-018800US

**CONFIRMATION NO. 5994**

**POWER OF ATTORNEY NOTICE**

46670  
Kilpatrick Townsend & Stockton LLP (I)  
Mailstop: IP Docketing - 22  
1100 Peachtree Street  
Suite 2800  
Atlanta, GA 30309



Date Mailed: 07/18/2022

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 07/06/2022.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervenered 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.

/nrhayden/



**ACKNOWLEDGEMENT OF CHANGE TO SMALL ENTITY STATUS**

APPLICATION #	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET #	REQUEST ID
10/600,746	06/19/2003	Rikard M. Kjellberg	22104.12	105953

The entity status change request below filed through Patent Center on 09/01/2023 has been accepted.

*Certifications*

APPLICANT ASSERTING SMALL ENTITY STATUS. See 37CFR 1.27.

*Signature*

I certify, in accordance with 37 CFR 1.4(d)(4), that I am one of the signatories making the entity status change.

Signature	Name	Registration #
/Levi S. Brown/	Levi Brown	72533

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NETFLIX, INC.,  
Petitioner,

v.

VIDEOLABS, INC.,  
Patent Owner.

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IPR2023-00628  
Patent 7,233,790 B2

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Before JEFFREY S. SMITH, STACEY G. WHITE, and  
STEPHEN E. BELISLE, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

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



## I. INTRODUCTION

### A. Background and Summary

Petitioner, Netflix, Inc., filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 1–14 of U.S. Patent No. 7,233,790 B2 (Ex. 1001, “the ’790 patent”) pursuant to 35 U.S.C. § 311(a). Patent Owner, VideoLabs, Inc., filed a Preliminary Response (Paper 6, “Prelim. Resp.”) pursuant to 35 U.S.C. § 313. On August 11, 2023, a reexamination certificate was issued which amended claims 1 and 8. Ex. 2018. With our authorization (Paper 12), Petitioner filed a Reply (Paper 15) and Patent Owner filed a Sur-Reply (Paper 16) directed to whether the Board should institute in light of the amendments to claims 1 and 8.

Pursuant to 35 U.S.C. § 314(a), the Director may not authorize an *inter partes* review unless the information in the petition and preliminary 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.” For the reasons that follow, we institute an *inter partes* review as to claims 1–14 of the ’790 patent on the grounds of unpatentability asserted in the Petition.

### B. Real-Parties-In-Interest

Petitioner identifies itself (Netflix, Inc.) and Netflix Streaming Services, Inc. as its real parties-in-interest. Pet. 71. Patent Owner identifies itself (VideoLabs, Inc.) as well as VL IP Holdings LLC and VL Collective IP LLC as real parties-in-interest. Paper 4, 2.

### C. Related Matters

The Petition states that the '790 patent is the subject of the following proceedings:

*VideoLabs, Inc. v. Netflix Inc.*, No. 1-22-cv-00229, D. Del., filed Feb. 23, 2022;

*Starz Entertainment, LLC v. VL Collective IP, LLC*, No. 1-21-cv-01448, D. Del., filed Oct. 13, 2021;

*Unwired Planet, LLC v. Apple, Inc.*, No. 3-13-cv-04134, N.D. Cal., filed Sept. 19, 2012;

*Unwired Planet, LLC v. Apple, Inc.*, No. 3-12-cv-00505, D. Nev., filed Sept. 19, 2012.

Pet. 71. Patent Owner identifies the following additional proceeding as one in which the '790 patent was involved (Prelim. Resp. 1):

*Ex Parte* Reexamination, Control No. 90/015,063, filed June 23, 2022.<sup>1</sup>

## II. THE '790 PATENT

The '790 patent relates to “facilitating management and delivery of digital content from multiple content suppliers to multiple wireless services subscribers in multiple domains.” Ex. 1001, 1:14–18. The '790 patent explains that a download manager acts as an intermediary between content suppliers and wireless services subscribers. *Id.* at 4:11–15, Fig. 2.

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<sup>1</sup> Although the Petition was filed February 23, 2023 (Paper 1), and Patent Owner filed its initial Mandatory Notices on April 11, 2023 (Paper 4), Patent Owner did not inform the Board of the then-pending reexamination of the '790 patent until the filing of its Preliminary Response on July 5, 2023, at which point the Office already had issued a Notice of Intent to Issue *Ex-Parte* Reexamination Certificate (Paper 6, 1; Ex. 2011).

Figure 3 of the '790 patent is shown below.

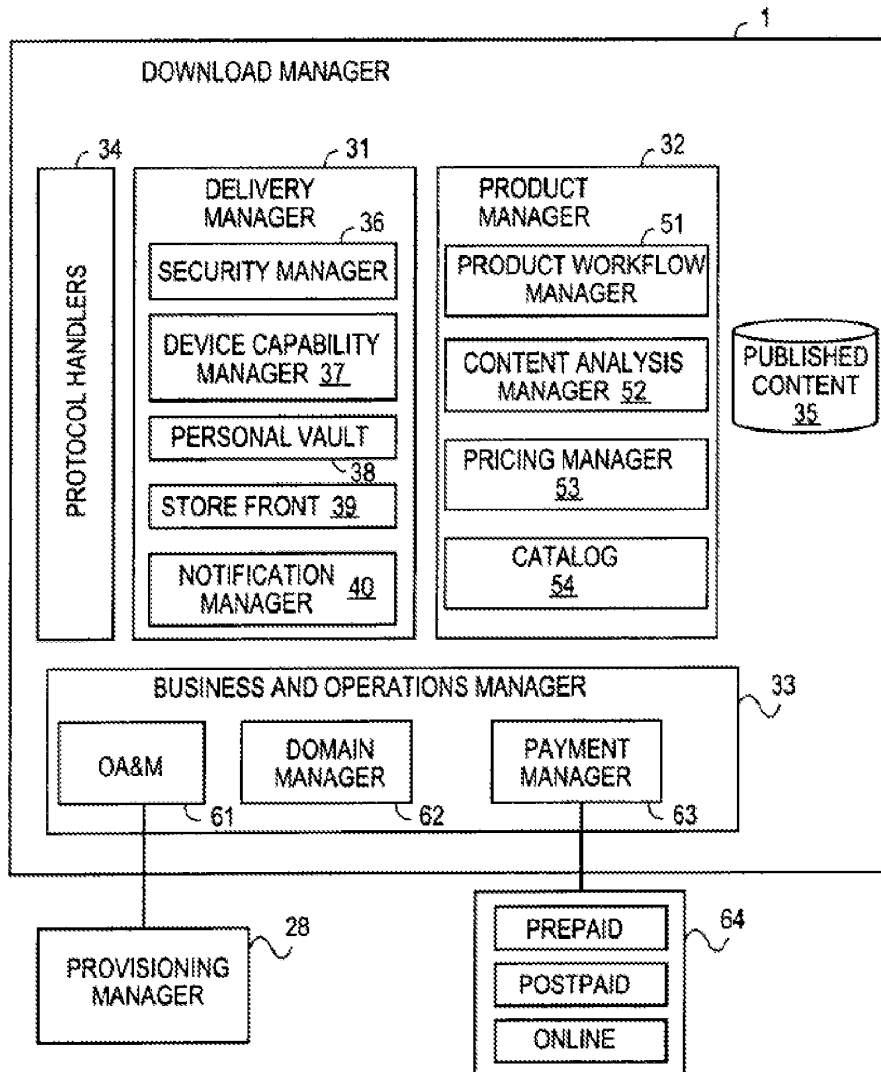


Figure 3 above schematically illustrates the components of the download manager along with a provisioning manager. Ex. 1001, 3:15–16. In the embodiment of Figure 3, download manager 1 includes delivery manager 31, product manager 32, business & operations manager 33, and multiple protocol handlers 34. *Id.* at 6:36–38. “[P]roduct manager 32 is the download manager's interface to the various content suppliers and provides centralized product cataloging (including enabling qualified content

suppliers to register content for analysis and publication) and complete product life cycle support.” *Id.* at 6:46–50. Product manager 32 includes product catalog 54 that contains descriptions of all published items of content (products), and specifically includes, for each product entry, a reference to at least one implementation of that product, wherein an implementation can be a binary file representing the product. *Id.* at 9:37–42, Fig. 3. Delivery manager 31 includes device capability manager 37 that is responsible for device recognition, capability determination, and management. *Id.* at 7:31–39, Fig. 3. The ’790 patent explains that “[w]hen a request to view available products is received from the client device,” the product manager determines from the product catalog which products are supported by the client based on the capabilities of that client device. *Id.* at 12:9–13. The download manager then sends a response to the client “to cause the client device to display product information relating to only those products supported by the client device.” *Id.* at 12:13–17.

### III. ILLUSTRATIVE CLAIM

Independent claim 1 of the '790 patent as amended<sup>2</sup> recites:

1. A method of providing access to digital content for use on wireless communication devices, the method comprising:

receiving and storing in a server system a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers, including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities;

operating the server system to maintain a product catalog containing a description of the items of digital content, wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content;

receiving a request from one of the wireless communication devices;

in response to the request, selecting a portion of the product catalog to be presented on the one wireless communication device, based in part on device capabilities of the one wireless communication device; and

presenting the selected portion of the product catalog to the one wireless communication device, such that the selected portion, as presented, provides a single description of each item of digital content in said portion, regardless of a number of implementations that are available for each said item.

Ex. 2018, 1:20–2:8.

Independent claim 2 recites:

2. A method of providing access to digital content for use on wireless communication devices, the method comprising:

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<sup>2</sup> On August 11, 2023, a reexamination certificate was issued which amended claims 1 and 8. Ex. 2018.

receiving and storing in a server system a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers,

including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities;

operating the server system to maintain a product catalog containing a description of the items of digital content, wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content;

receiving a request from a wireless device used by one of the subscribers;

in response to the request, selecting a portion of the product catalog to be presented to the subscriber, based on device capabilities of the wireless device used by the subscriber; and

presenting the selected portion of the product catalog to the subscriber via a wireless network, such that the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item.

Ex. 1001, 15:34–61.

#### IV. ASSERTED GROUNDS

Petitioner asserts that claims 1–14 of the '790 patent are unpatentable on the following grounds (Pet. 22).

Claim(s) Challenged	35 U.S.C. § <sup>3</sup>	Reference(s)/Basis
1–4, 8–11	102(a), (e)	Mehta <sup>4</sup>
1–14	103(a)	Mehta, Schlöpfer <sup>5</sup>

#### V. LEVEL OF ORDINARY SKILL

Petitioner identifies a person of ordinary skill as someone with “a bachelor’s degree in electrical or computer engineering, or a closely related scientific field such as computer science, and two years of work experience with digital multi-media content distribution and management, and associated system infrastructures.” Pet. 16. “Alternatively, any lack of experience could be remedied with additional education (*e.g.*, a master’s degree), and likewise, a lack of education can be remedied with additional work experience (*e.g.*, 4–5 years).” *Id.* Patent Owner does not address the level of ordinary skill. *See generally*, Prelim. Resp.

The level of ordinary skill in the art usually is evidenced by the references themselves. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001); *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995); *In re Oelrich*, 579 F.2d 86, 91 (CCPA 1978). As Petitioner’s description of a person of ordinary skill appears commensurate with the subject matter before us, we apply Petitioner’s definition for purposes of this Decision.

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<sup>3</sup> The Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), amended 35 U.S.C. §§ 102, 103. Because the '790 patent has an effective filing date prior to the effective date of the applicable AIA amendment, we refer to the pre-AIA version of §§ 102, 103.

<sup>4</sup> U.S. Publication No. 2022/0131404 A1; pub. Sept. 19, 2002 (Ex. 1003).

<sup>5</sup> Schlöpfer et al., Mobile Applications with J2ME, July 7, 2001 (Ex. 1009).

## VI. CLAIM CONSTRUCTION

We interpret claim terms using “the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. 282(b).” 37 C.F.R. § 42.100(b) (2019). In this context, claim terms “are generally given their ordinary and customary meaning” as understood by a person of ordinary skill in the art in question at the time of the invention. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–13 (Fed. Cir. 2005) (citations omitted) (en banc). “In determining the meaning of the disputed claim limitation, we look principally to the intrinsic evidence of record, examining the claim language itself, the written description, and the prosecution history, if in evidence.” *DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 469 F.3d 1005, 1014 (Fed. Cir. 2006) (citing *Phillips*, 415 F.3d at 1312–17). Extrinsic evidence is “less significant than the intrinsic record in determining ‘the legally operative meaning of claim language.’” *Phillips*, 415 F.3d at 1317 (citations omitted).

We construe only those claim terms that require analysis to determine whether to institute *inter partes* review. See *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999) (holding that “only those terms need be construed that are in controversy, and only to the extent necessary to resolve the controversy”). Any special definition for a claim term must be set forth in the specification with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994). Petitioner contends that “no claim terms require specific construction to resolve the unpatentability issues presented” in the Petition. Pet. 23. We agree and do not construe any terms at this stage.



## VII. ANALYSIS

### A. *Legal Standards*

“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”)); *see also* 37 C.F.R. § 42.104(b) (requiring a petition for *inter partes* review to identify how the challenged claim is to be construed and where each element of the claim is found in the prior art patents or printed publications relied upon).

To establish anticipation, each and every element in a claim, arranged as recited in the claim, must be found in a single prior art reference. *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008). Although the elements must be arranged or combined in the same way as in the claim, “the reference need not satisfy an *ipsissimis verbis* test,” i.e., identity of terminology is not required. *In re Gleave*, 560 F.3d 1331, 1334 (Fed. Cir. 2009) (citing *In re Bond*, 910 F.2d 831, 832–33 (Fed. Cir. 1990)).

A claim is unpatentable under 35 U.S.C. § 103(a) if “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” *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, objective evidence

of obviousness or nonobviousness, i.e., secondary considerations.<sup>6</sup> *See Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966). An obviousness analysis “need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.” *KSR*, 550 U.S. at 418.

Additionally, the obviousness inquiry typically requires an analysis of “whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.” *KSR*, 550 U.S. at 418 (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2016) (requiring “articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”)). Furthermore, Petitioner does not satisfy its burden of proving obviousness by employing “mere conclusory statements,” but “must instead articulate specific reasoning, based on evidence of record, to support the legal conclusion of obviousness.” *In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1380 (Fed. Cir. 2016).

*B. Claims 1–4 and 8–11 As Anticipated By Mehta*

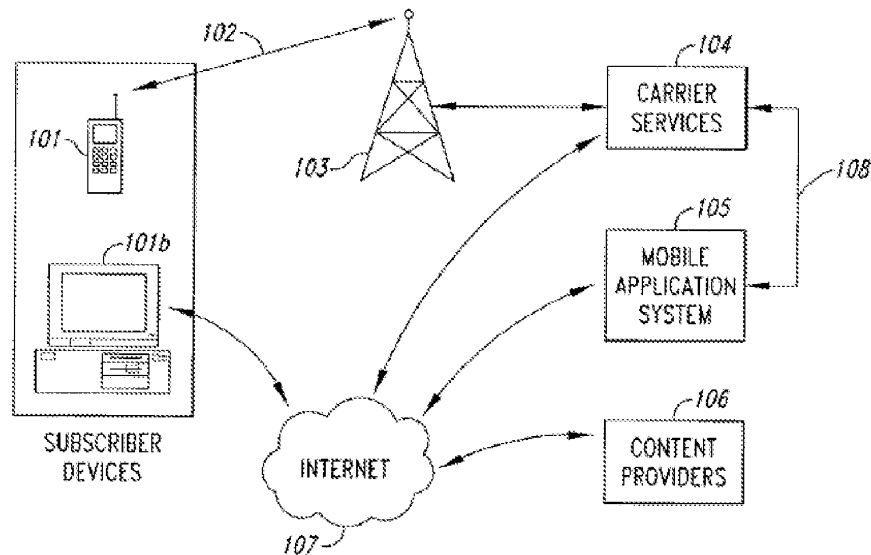
*1. Mehta – Exhibit 1003*

Mehta relates to “maintaining and distributing wireless applications to wireless devices over a wireless network.” Ex. 1003 ¶2. Mehta discloses a Mobile Application System (“MAS”) that “is a collection of interoperating server components that work individually and together in a secure fashion to provide applications, resources, and other content to mobile subscriber devices.” *Id.* ¶59.

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<sup>6</sup> The parties do not direct us to any objective evidence of non-obviousness at this stage of the proceeding.

Figure 1 of Mehta is shown below.



*Fig. 1*

Figure 1 above is a block diagram that illustrates how subscribers request and download software from an MAS. *Id.* ¶ 18. The MAS includes a provisioning manager which includes verifiers “used to determine compatibility of an application.” *Id.* ¶ 82, Fig. 5. When the MAS receives a request, the “Device Verifier” of the provisioning manager “determines the type and capabilities of the subscriber device” and “whether the device capabilities are sufficient to support a specific application.” *Id.* ¶¶ 82–85. Mehta’s MAS may analyze “a subscriber profile, a device profile, and an application profile to determine whether the subscriber is authorized to use the application and whether the application’s needs . . . are met by the device.” *Id.* ¶ 67. The MAS then “compiles and returns a list of applications that are available and appropriate based on the subscriber, application profiles, and device profiles.” *Id.* ¶ 70.

2. *Independent Claim 2*

The preamble of claim 2 recites a “method of providing access to digital content for use on wireless communication devices, the method comprising.” Petitioner contends that Mehta discloses the preamble in describing a Mobile Application System (“MAS”) and methods for providing applications, resources, and other content to mobile subscriber devices. Pet. 26–27, 31 (citing Ex. 1003 ¶¶ 2, 5, 5960, 62, 103, 127). Patent Owner does not contend otherwise at this stage of the proceeding.<sup>7</sup> Nonetheless, the burden remains on Petitioner to demonstrate unpatentability. *See Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015). Based on the evidence and arguments currently of record, for purposes of institution, Petitioner has sufficiently demonstrated that Mehta discloses the features recited in the preamble of claim 2.<sup>8</sup>

Claim 2 recites “receiving and storing in a server system a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers.” Petitioner contends that Mehta discloses this limitation in describing an MAS that receives applications from content providers and carrier services to provision them for deliver to the subscriber device. Pet. 27–28, 31 (citing Ex. 1003 ¶¶ 59, 62, 64, 68). Based on the evidence and arguments currently

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<sup>7</sup> Patent Owner does not challenge any of the proposed grounds at this stage of the proceeding, with the exception of contending that the Petition does not address amended claims 1 and 8 as discussed below.

<sup>8</sup> Because Petitioner has shown that the features in the preamble are satisfied by the prior art, we need not determine whether the preamble is limiting at this time. *See Vivid Techs.*, 200 F.3d at 803.

of record, for purposes of institution, Petitioner has sufficiently demonstrated that Mehta discloses this limitation of claim 2.

Claim 2 recites “including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities.” Petitioner contends that Mehta discloses this limitation in describing an MAS that stores and supports functionally equivalent programs that are capable of running multiple kinds of devices. Pet. 28–29, 31 (citing Ex. 1003 ¶¶ 64, 68, 98). Based on the evidence and arguments currently of record, for purposes of institution, Petitioner has sufficiently demonstrated that Mehta discloses this limitation of claim 2.

Claim 2 recites “operating the server system to maintain a product catalog containing a description of the items of digital content, wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content.” Petitioner contends that Mehta discloses this limitation in describing an MAS that includes a data repository that stores applications along with descriptions of the applications. Pet. 29–32 (citing Ex. 1003 ¶¶ 64, 67, 97–99). Based on the evidence and arguments currently of record, for purposes of institution, Petitioner has sufficiently demonstrated that Mehta discloses this limitation of claim 2.

Claim 2 recites “receiving a request from a wireless device used by one of the subscribers.” Petitioner contends that Mehta discloses this limitation in describing an MAS receives a wireless services request from a wireless subscriber. Pet. 32–33 (citing Ex. 1003 ¶¶ 6061, 64, Fig. 1). Based on the evidence and arguments currently of record, for purposes of

institution, Petitioner has sufficiently demonstrated that Mehta discloses this limitation of claim 2.

Claim 2 recites “in response to the request, selecting a portion of the product catalog to be presented to the subscriber, based on device capabilities of the wireless device used by the subscriber.” Petitioner contends that Mehta discloses this limitation in describing an MAS that analyzes various profiles to determine whether an application version meets the devices requirements of a subscriber. Pet. 33–35 (citing Ex. 1003 ¶¶ 67, 139, Fig. 4). Based on the evidence and arguments currently of record, for purposes of institution, Petitioner has sufficiently demonstrated that Mehta discloses this limitation of claim 2.

Claim 2 recites “presenting the selected portion of the product catalog to the subscriber via a wireless network, such that the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item.” Petitioner contends that Mehta discloses this limitation in describing an MAS that that filters the list of content to only identify those applications that are supported by the subscriber’s device.” Pet. 35–37 (citing Ex. 1003 ¶¶ 67, 9, 16, 117). Based on the evidence and arguments currently of record, for purposes of institution, Petitioner has sufficiently demonstrated that Mehta discloses this limitation of claim 2.

Based on the evidence and arguments currently of record, for purposes of institution, we are persuaded that Petitioner has demonstrated a reasonable likelihood of prevailing in showing that Mehta anticipates claim 2.

3. *Dependent Claims 3 and 4*

Claim 3 depends from claim 2 and recites “wherein said selecting a portion of the product catalog comprises: in response to the request, determining the identity of the wireless device used by the subscriber.” Petitioner contends that Mehta discloses this limitation in describing that the subscriber verifier determines the type and capabilities of the subscriber device. Pet. 37–38 (citing Ex. 1003 ¶¶ 83–84).

Claim 3 recites “wherein each implementation of the plurality of items of digital content has been previously associated in the server system with at least one device identity, according to corresponding device capabilities supported by the implementation.” Petitioner contends that Mehta discloses this limitation in describing that the deployment manager provisions each application for specific device or subscriber profiles. Pet. 38 (citing Ex. 1003 ¶ 79).

Claim 3 recites “selecting the portion of the product catalog to be presented to the subscriber based on the identity of the wireless device used by the subscriber.” Petitioner contends that Mehta discloses this limitation in describing that the initial list is based upon subscriber and device capabilities, and the final list to be presented to the subscriber is based on the type and capabilities of the subscriber’s device. Pet. 38–39 (citing Ex. 1003 ¶¶ 67, 85, 139).

Claim 4 depends from claim 2 and recites “receiving from the subscriber a request for one of the items of digital content in said portion of the product catalog.” Petitioner contends that Mehta discloses this limitation in describing a data repository that stores applications, where subscribers of wireless services request and download the applications. Pet. 39–40 (citing Ex. 1003 ¶¶ 61, 64, 81–82, Fig. 1).

Claim 4 recites “selecting an implementation of the requested item of digital content, based on device capabilities of the wireless device used by the subscriber.” Petitioner contends that Mehta discloses this limitation in describing receiving a request to download an application, verifying that the request is appropriate and permitted for download to the device and user, and sending the application to the requesting device. Pet. 41 (citing Ex. 1002 ¶ 83).

Claim 4 recites “downloading the selected implementation of the item of digital content to the wireless device used by the subscriber.” Petitioner contends that Mehta discloses this limitation in describing downloading the selected application to the subscriber device. Pet. 42–43 (citing Ex. 1002 ¶ 84, Fig. 3).

Based on the evidence and arguments currently of record, for purposes of institution, we are persuaded that Petitioner has demonstrated a reasonable likelihood of prevailing in showing that Mehta anticipates claims 3 and 4.

#### *4. Independent Claim 9*

Petitioner contends that claim 9 recites limitations similar to those recited in claim 2, and that Mehta anticipates claim 9 for the reasons given in the Petition’s analysis of claim 2. Pet. 46–47. Based on the evidence and arguments currently of record, for purposes of institution, we are persuaded that Petitioner has demonstrated a reasonable likelihood of prevailing in showing that Mehta anticipates claim 9.

#### *5. Dependent Claims 10 and 11*

Petitioner contends that claim 10 contains limitations similar to those recited in claim 3, that claim 11 recites limitations similar to those recited in claim 4, and that Mehta anticipates claims 10 and 11 for the reasons given in



the Petition's analysis of claims 3 and 4. Pet. 48. Based on the evidence and arguments currently of record, for purposes of institution, we are persuaded that Petitioner has demonstrated a reasonable likelihood of prevailing in showing that Mehta anticipates claim 9.

6. *Claims 1 and 8*

Patent Owner contends that the Petition addresses only the original pre-amendment versions of claims 1 and 8, which no longer exist. Prelim. Resp. 1. Patent Owner contends that the Petition does not present any arguments with respect to amended claims 1 and 8, and therefore, cannot satisfy the "reasonable likelihood" institution standard for amended claims 1 and 8. *Id.* at 9–11.

We agree that original claims 1 and 8 no longer exist because original claims 1 and 8 have been replaced by amended claims 1 and 8. However, the issue of whether the Petition and supporting evidence satisfies the "reasonable likelihood" standard for amended claims 1 and 8 does not determine whether we can institute, because, as discussed above in our analysis of claim 2, Petitioner has demonstrated a reasonable likelihood of prevailing with respect to at least one claim of the '790 patent challenged in the Petition. Therefore, we institute on all grounds and all claims challenged in the Petition which, in this case, are claims 1–14, where claims 1 and 8 are the currently existing claims as amended by the reexamination certificate. *See PGS Geophysical AS v. Iancu*, 891 F.3d 1354, 1360 (Fed. Cir. 2018). We describe below why we do not believe that our decision runs afoul of the Supreme Court's cautionary words that "nothing suggests the Director enjoys a license to depart from the petition and institute a different inter partes review of h[er] own design." *Id.* (quoting *SAS Institute, Inc. v. Iancu*, 134 S.Ct. 1348, 1356 (2018)).

Petitioner contends that the Petition as originally filed puts Patent Owner on notice of how the prior art asserted in the grounds anticipates or teaches the limitations added to amended claims 1 and 8. Paper 15, 1–2. Petitioner contends that, when analyzing amended claims 1 and 8, the Board can consider arguments already presented in the Petition with respect to limitations from other claims, which were added by amendment to claims 1 and 8. *Id.* at 2–4 (citing *Eizo Corp. v. Barco N. V.*, IPR2014-00358 (PTAB July 23, 2014) (Paper 11)). Petitioner contends that considering arguments already presented in the Petition when analyzing amended claims 1 and 8 does not amount to an amendment to the Petition, because neither Petitioner nor the Board is proposing a new ground, rather, the grounds remain the same. *Id.* at 45. Petitioner contends that it can file a motion to submit supplemental information to confirm that the analysis of the original claims found in the Petition as originally filed fully address claims 1 and 8 as amended. *Id.* at 5–6. Petitioner contends that such supplemental information would clarify the record that the Petition as originally filed, not a conclusion reached by the Board, shows that the challenged claims are unpatentable. *Id.*

Patent Owner contends that the Petition does not address the amended claims. Paper 16, 1, 3. Patent Owner contends that in *Eizo*, the Board properly considered claim 64 as amended by a reexamination certificate, because it was a combination of two original claims, 64 and 94, that were addressed in the Petition. *Id.* at 4. Patent Owner contends that Petitioner cannot amend the Petition and cannot submit supplemental information to allow an entirely new analysis of the claims. *Id.* at 6–7.

Both parties seem to agree that the Board can analyze a challenged claim that was amended to include limitations from another challenged

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claim. Paper 15, 2–4; Paper 16, 4. Both parties seem to agree that the Petition cannot be amended, and that a new ground cannot be added to the Petition. Paper 15, 45; Paper 16, 6–7. Both parties seem to disagree on the factual question of whether the grounds and supporting evidence in the Petition sufficiently address the limitations of amended claims 1 and 8. Paper 15, 2; Paper 16, 1.

The contentions of the parties appear consistent with the Supreme Court’s statements about *inter partes* review. The Supreme Court has held that “the petition must identify each claim challenged, the grounds for the challenge, and the evidence supporting the challenge.” *SAS Institute, Inc. v. Iancu*, 138 S.Ct. 1348, 1353 (2018). Here, the Petition identifies claims 1–14 as the challenged claims, grounds 1 and 2 as the grounds for the challenge, and Mehta, Schlöpfer, and the testimony of Mr. Wechselberger, along with other exhibits, as the evidence supporting the challenge. Pet. 26–70. Thus, the Petition, on this record, appears to satisfy *SAS*. The issue at this stage appears to be whether the grounds and supporting evidence in the Petition show that amended claims 1 and 8 are unpatentable. *See Axonics, Inc. v. Medtronic, Inc.*, 75 F.4<sup>th</sup> 1374, 1384 (Fed. Cir. 2023) (The Federal Circuit held that “where a patent owner in an IPR first proposes a claim construction in a patent owner response, a petitioner must be given the opportunity in its reply to argue and present evidence of anticipation or obviousness under the new construction, at least where it relies on the same embodiments for each invalidity ground as were relied on in the petition.”).

We encourage the parties, during the course of the trial, to explain whether the grounds and supporting evidence show that claims 1 and 8 as amended are unpatentable. In particular, we encourage the parties to address (1) whether the Petition puts Patent Owner on notice of how the prior art

asserted in the grounds anticipates or teaches the limitations of amended claims 1 and 8, (2) whether considering arguments already presented in the Petition when analyzing amended claims 1 and 8 amounts to adding a new ground, (3) whether considering arguments already presented in the Petition when analyzing amended claims 1 and 8 amounts to amending the Petition, and (4) whether filing supplemental information to clarify that the Petition as originally filed shows that amended claims 1 and 8 are unpatentable amounts to a new analysis of the claims. We provide the following comparison of amended claims 1 and 8 with original claims 1 and 8 and claims 2 and 9 to guide the parties.

Amended claim 1 recites a “method of providing access to digital content for use on wireless communication devices, the method comprising.” Claim 2 recites a “method of providing access to digital content for use on wireless communication devices, the method comprising.” On this record, the preamble of amended claim 1 appears to be identical to the preamble of claim 2 as addressed in the Petition.

Amended claim 1 recites “receiving and storing in a server system a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers, including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities.” Claim 2 recites

receiving and storing in a server system a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless services subscribers, including receiving and storing a plurality of different implementations of at least one of the items of digital

content, where each implementation of any given item of digital content corresponds to a different set of device capabilities.

On this record, this limitation of amended claim 1 appears to be identical to a limitation recited in claim 2 as addressed in the Petition.

Amended claim 1 recites “operating the server system to maintain [maintaining] a product catalog containing a description of the items of digital content, wherein the product catalog [including] includes, in association with each item of digital content, a reference to each implementation of said item of digital content.” Claim 2 recites “operating the server system to maintain a product catalog containing a description of the items of digital content, wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content.” On this record, this limitation of amended claim 1 appears to be identical to a limitation recited in claim 2 as addressed in the Petition.

Amended claim 1 recites “receiving a request from one of the wireless communication devices.” Claim 2 recites “receiving a request from a wireless device used by one of the subscribers.” To the extent that the limitations appear to be different, we leave it to the parties to explain whether the scope of the limitations is the same, and if not, whether the analysis of the claims in the Petition shows that Mehta describes this limitation of amended claim 1.

Amended claim 1 recites “in response to the request, selecting a portion of the product catalog to be presented on the one wireless communication device, based in part on device capabilities of the one wireless communication device.” Claim 2 recites “in response to the request, selecting a portion of the product catalog to be presented to the

subscriber, based on device capabilities of the wireless device used by the subscriber.” To the extent that the limitations appear to be different, we leave it to the parties to explain whether the scope of the limitations is the same, and if not, whether the analysis of the claims in the Petition shows that Mehta describes this limitation of amended claim 1.

Amended claim 1 recites “presenting the selected portion of the product catalog to the one wireless communication device, such that the selected portion, as presented, provides a single description of each item of digital content in said portion, regardless of a number of implementations that are available for each said item.” Claim 2 recites “presenting the selected portion of the product catalog to the subscriber via a wireless network, such that the selected portion, as presented to the subscriber, provides only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item.” To the extent that the limitations appear to be different, we leave it to the parties to explain whether the scope of the limitations is the same, and if not, whether the analysis of the claims in the Petition shows that Mehta describes this limitation of amended claim 1.

The preamble of amended claim 8 recites a “system that provides access to digital content for use on wireless communication devices, said system comprising.” The preamble of claim 9 recites a “system comprising.” We leave it to the parties to explain whether the preamble of amended claim 8 is limiting, and if so, whether the analysis of the claims in the Petition shows that the preamble of amended claim 8 is described by Mehta.

Amended claim 8 recites “a network interface through which to communicate over a communication network.” This limitation is found in original claim 8.

Amended claim 8 recites “a download manager to.” This limitation is found in original claim 8.

Amended claim 8 recites

receive and store a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless telecommunications subscribers, including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities.”

Claim 9 recites

receive and store a plurality of items of digital content to be made available for use in wireless communication devices used by a plurality of wireless telecommunications subscribers, including receiving and storing a plurality of different implementations of at least one of the items of digital content, where each implementation of any given item of digital content corresponds to a different set of device capabilities.”

On this record, this limitation of amended claim 8 appears to be identical to a limitation recited in claim 9 as addressed in the Petition.

Amended claim 8 recites “maintain a product catalog containing a description of the items of digital content, wherein the product catalog [including] includes, in association with each item of digital content, a reference to each implementation of said item of digital content.” Claim 9 recites “maintain a product catalog containing a description of the items of digital content, wherein the product catalog includes, in association with each item of digital content, a reference to each implementation of said item of digital content.” On this record, this limitation of amended claim 8

appears to be identical to a limitation recited in claim 9 as addressed in the Petition.

Amended claim 8 recites “receive a request from one of the wireless communication devices.” Claim 9 recites “receive a request from a wireless device used by one of the subscribers.” To the extent that the limitations appear to be different, we leave it to the parties to explain whether the scope of the limitations is the same, and if not, whether the analysis of the claims in the Petition shows that Mehta describes this limitation of amended claim 8.

Amended claim 8 recites “in response to the request, select a portion of the product catalog to be presented on the one wireless communication device, based in part on device capabilities of the one wireless communication device.” Claim 9 recites “in response to the request, select a portion of the product catalog to be presented to the subscriber, based on device capabilities of the wireless device used by the subscriber.” To the extent that the limitations appear to be different, we leave it to the parties to explain whether the scope of the limitations is the same, and if not, whether the analysis of the claims in the Petition shows that Mehta describes this limitation of amended claim 8.

Amended claim 8 recites “present the selected portion of the product catalog to the one wireless communication device, such that the selected portion, as presented, provides a single description of each item of digital content in said portion, regardless of a number of implementations that are available for each said item.” Claim 9 recites

cause the selected portion of the product catalog to be presented to the subscriber via a wireless telecommunications network, such that the selected portion, as presented to the subscriber, provides only a single description of each item of digital content



in said portion, regardless of the number of implementations of each said item.

To the extent that the limitations appear to be different, we leave it to the parties to explain whether the scope of the limitations is the same, and if not, whether the analysis of the claims in the Petition shows that Mehta describes this limitation of amended claim 8.

*C. Claims 1–14 As Obvious Over Mehta and Schlöpfer*

*1. Schlöpfer – Exhibit 1009*

Schlöpfer is a white paper to “provid[e] insight into Java technology for the application development on mobile devices.” Ex. 1009, 3. Schlöpfer describes the Java 2 Micro Edition (“J2ME”), which is an edition of Java designed for embedded devices and resource-constrained devices. *Id.* at 4. A “[P]rofile” is “defined as a set of APIs for a specific vertical market and relies upon the underlying configuration’s capabilities to create new, market-specific APIs.” *Id.* at 7.

The Mobile Information Device Profile (“MIDP”) addresses devices with a small display, touch screen or keypad, and capable of communicating via a mobile network with limited bandwidth. *Id.* at 7. Applications written “according to the MIDP specifications are called MIDlets.” *Id.* Schlöpfer discloses provision of MIDlets. *Id.* at 11. The MIDlets may be combined with supporting files, a manifest, and an application descriptor to form a “jar file.” *Id.* at 7. The application descriptor includes mandatory attributes such as name, version, vendor, URL, and size. *Id.* at 7–8.

*2. Reasons to Combine the Teachings of Mehta and Schlöpfer*

Petitioner contends a person of ordinary skill would have had reason to combine the teachings of Mehta and Schlöpfer because both references

concern distributing digital contents to mobile devices over a wireless network. Pet. 66. Petitioner also contends Mehta provides a motivation to look to Schlöpfer because Mehta “recognizes the issue of resource constraints on mobile devices and contemplates taking steps to address those constraints.” Pet. 67 (citing Ex. 1003 ¶¶ 10, 12). Petitioner contends that a person of ordinary skill would have combined Mehta’s MAS with Schlöpfer’s teachings of limited screen space of mobile devices and limited bandwidth of the mobile network, and an application descriptor and associated attributes. *Id.* at 66 (citing Ex. 1009, 11). Mr. Wechselberger testifies that a person of ordinary skill in the art would have provided a single description of each supported application of Mehta in order to accommodate the viewing capabilities of the requesting device as taught by Mehta, such as limited screen space and signal processing capabilities of the mobile device as taught by Schlöpfer. Ex. 1002 ¶¶ 106–108.

Petitioner argues that a person of ordinary skill would have had a reasonable expectation of success in combining the teachings of Mehta and Schlöpfer because the two references rely on Java for distributing digital content to mobile devices and refer to the specific J2ME edition of Java. Pet. 68. Petitioner also contends that a person of ordinary skill would have known that a provisioning model includes a corresponding set of provisioning attributes and descriptors. Pet. 68–70.

For purposes of this Decision, we are persuaded that Petitioner cites sufficient evidence to support its contention that a person of ordinary skill would have had reason to combine the teachings of Mehta and Schlöpfer.

3. *Claims 1 and 8*

We encourage the parties, during the course of the trial, to explain whether ground 2 and supporting evidence shows that claims 1 and 8 as amended are unpatentable, as discussed above in our analysis of ground 1.

4. *Claims 2–4 and 9–11*

Petitioner contends that Mehta discloses the limitations of claims 2–4 and 9–11 for the reasons given in ground 1. Pet. 48–53, 63–65. Petitioner further contends that to the extent Mehta alone may not disclose providing only a single description of each item of digital content in said portion, regardless of the number of implementations of each said item as recited in claim 2, the combination of Mehta and Schläpfer teaches this limitation. Pet. 51–52. Petitioner contends that Mehta discloses the subscriber avoids the problem of having to explicitly select a compatible application when the MAS only lists the applications that are supported by the subscriber’s device. *Id.* at 51 (citing Ex. 1003 ¶ 117). Petitioner contends that Schläpfer discloses that mobile devices have a small display and communicate over a mobile network with limited bandwidth. *Id.* (citing Ex. 1009, 7). Mr. Wechselberger testifies that a person of ordinary skill in the art would have provided a single description of each supported application of Mehta in order to accommodate the viewing capabilities of the requesting device as taught by Mehta, such as limited screen space and signal processing capabilities of the mobile device as taught by Schläpfer. Ex. 1002 ¶¶ 106–108.

Based on the evidence and arguments currently of record, for purposes of institution, we are persuaded that Petitioner has demonstrated a reasonable likelihood of prevailing in showing that the combination of Mehta and Schläpfer renders obvious claims 2–4 and 9–11.

5. *Claims 5 and 12*

Claim 5 depends from claim 4 and recites “associating each of the items of digital content in the server system with a plurality of different provisioning models, each of the provisioning models corresponding to a different set of device capabilities.” Petitioner contends that Mehta discloses this limitation in describing a plurality of different provisioning models, and that a person of ordinary skill in the art would have associated each of the items of digital content with the provisioning models for the benefit of distributing content for use on a particular device by a particular customer, in order to handle the device capabilities. Pet. 54–55 (citing Ex. 1003 ¶¶ 59, 85, 131).

Claim 5 recites “each provisioning model including a provisioning protocol and a corresponding set of provisioning attributes and descriptors for provisioning digital content in wireless devices.” Petitioner contends that the combination of Mehta and Schläpfer teaches this limitation. Pet. 55. Petitioner contends that Mehta discloses extending known protocols using well-known techniques to provide support for additional protocols. *Id.* (citing Ex. 1003 ¶ 71). Petitioner contends that a person of ordinary skill would have included a set of provisioning attributes and descriptors for the provisioning model as taught by Schläpfer. *Id.* at 55–56 (citing Ex. 1009, 78, 1112).

Claim 12 recites limitations similar to those found in claim 5. Petitioner contends that the combination of Mehta and Schläpfer teaches the limitations of claim 12 for the reasons given in its analysis of claim 5. Pet. 65.

Based on the evidence and arguments currently of record, for purposes of institution, Petitioner has sufficiently demonstrated a reasonable

likelihood of prevailing in showing that the combination of Mehta and Schläpfer renders obvious claims 5 and 12.

6. *Claims 6 and 13*

Claim 6 depends from claim 5 and recites “receiving from the subscriber a request for one of the items of digital content in said portion of the product catalog.” Petitioner contends that Mehta discloses this limitation for the reasons given in its analysis of claim 4. Pet. 56.

Claim 6 recites “identifying device capabilities of the wireless device used by the subscriber.” Petitioner contends that Mehta discloses this limitation in describing determining the type and capabilities of the subscriber device. Pet. 56–57 (citing Ex. 1003 ¶¶ 64, 85).

Claim 6 recites “selecting one of a plurality of provisioning models associated with the requested item in the server system, based on the device capabilities of the wireless device used by the subscriber.” Petitioner contends that Mehta discloses this limitation in describing that the MAS selects an appropriate provisioning model based on device capabilities. Pet. 57–58 (citing Ex. 1003 ¶¶ 89, 61, 64, 131).

Claim 6 recites “packaging the requested item according to the selected provisioning model.” Petitioner contends that Mehta discloses this limitation in describing that during the provisioning process, the content can be packaged appropriate to the requesting device. Pet. 58 (citing Ex. 1003 ¶¶ 12, 15).

Claim 6 recites “provisioning the requested item in the wireless device used by the subscriber according to the selected provisioning model.” Petitioner contends that Mehta discloses this limitation in describing that the application is provisioned for a specific device. Pet. 59–60 (citing Ex. 1003 ¶¶ 64, 66, 131, Fig. 3).

Claim 13 recites limitations similar to those recited in claim 6. Petitioner contends that Mehta teaches the limitations of claim 6 for the reasons given in Petitioner's analysis of claim 6. Pet. 65.

Based on the evidence and arguments currently of record, for purposes of institution, Petitioner has sufficiently demonstrated a reasonable likelihood of prevailing in showing that the combination of Mehta and Schlöpfer renders obvious claims 6 and 13.

7. *Claims 7 and 14*

Claim 7 depends from claim 6 and recites "said packaging the requested item comprises creating a provisioning descriptor for the requested item according to the selected provisioning model, and associating the provisioning descriptor with the requested item." Petitioner contends that the combination of Mehta and Schlöpfer teaches this limitation. Pet. 60–62. Petitioner contends that Mehta describes packaging content appropriate to the requesting device during the provisioning process, and that Schlöpfer discloses provisioning applications accompanied by an application descriptor. *Id.* at 61 (citing Ex. 1003 ¶¶ 12; Ex. 1009, 78, 1112).

Claim 7 recites "said provisioning the requested item in the wireless device comprises sending the packaged requested item to the wireless device used by the subscriber according to a provisioning protocol associated with the selected provisioning model." Petitioner contends that Mehta discloses this limitation in describing sending the packaged application to the requesting subscriber device according to the determined protocol. Pet. 62–63 (citing Ex. 1003 ¶¶ 70, 134, Fig. 5).

Claim 14 recites limitations similar to those recited in claim 7. Petitioner contends that the combination of Mehta and Schlöpfer teaches the

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limitations of claim 14 for the reasons given in Petitioner's analysis of claim 7. Pet. 65.

Based on the evidence and arguments currently of record, for purposes of institution, we are persuaded that Petitioner has demonstrated a reasonable likelihood of prevailing in showing that the combination of Mehta and Schläpfer renders obvious claims 7 and 14.

### VIII. CONCLUSION

Based on the arguments presented in the Petition, we conclude that Petitioner has demonstrated a reasonable likelihood of prevailing with respect to claims 1–14 of the '790 patent challenged in the Petition. Accordingly, we institute a trial on all claims and all grounds asserted in the Petition. The Board has not made a final determination under 35 U.S.C. § 318(a) with respect to the patentability of any challenged claim. Any final determination will be based on the record developed during trial. We place Patent Owner on express notice that any argument not asserted in a timely-filed Response to the Petition, or in another manner permitted during trial, may be deemed waived, even if that argument was presented in the Preliminary Response.

IX. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review of claims 1–14 of the '790 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(b), *inter partes* review of the '790 patent shall commence on the entry date of this Decision, and notice is hereby given of the institution of a trial.



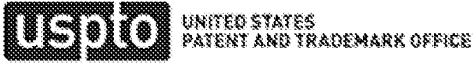
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Patent 7,233,790 B2

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**ACKNOWLEDGEMENT OF LOSS OF ENTITLEMENT TO ENTITY STATUS DISCOUNT**

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APPLICATION #	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET #	REQUEST ID
10/600,746	06/19/2003	Rikard M. Kjellberg	22104.12	124928

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The entity status change request below filed through Patent Center on 11/09/2023 has been accepted.

*Certifications*

APPLICANT CHANGING TO REGULAR UNDISCOUNTED FEE STATUS

*Signature*

I certify, in accordance with 37 CFR 1.4(d)(4), that I am one of the signatories making the entity status change.

Signature	Name	Registration #
/Levi Brown/	Levi Brown	72533

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