

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Weel

Serial No. 12/114,286

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Attorney Docket No. 1116-065B/A033DIV2

For: **SYSTEM AND METHOD FOR SHARING PLAYLISTS**

Examiner: Mohamed A. Wasel

Art Unit: 2454

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Commissioner for Patents

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Sir:

**AMENDMENTS AND REMARKS TO ACCOMPANY
REQUEST FOR CONTINUED EXAMINATION**

Applicant offers the following amendments and remarks to accompany a concurrently filed Request for Continued Examination in response to the Final Office Action mailed June 18, 2010. Applicant encloses a payment in the amount of \$810.00 to cover the fee associated with this request. If any additional fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

In the Claims:

1. (Currently Amended) A method comprising:
receiving, at a wireless handheld remote control, a playlist from a remote source; and
presenting, at the wireless handheld remote control, the playlist to a first user associated with the wireless handheld remote control such that the first user is enabled to select at least one item from the playlist for playback by a media player device which is associated with and separate from the wireless handheld remote control.
2. (Original) The method of claim 1 wherein the playlist is further communicated from the remote source to the media player device.
3. (Currently Amended) The method of claim 1 further comprising communicating the playlist from the wireless handheld remote control to the media player device.
4. (Currently Amended) The method of claim 1 wherein the remote source stores a plurality of playlists including the playlist and the plurality of playlists [[are]] is associated with a plurality of users, [[and]] the method further comprising:
comparing each of a plurality of user profiles of the plurality of users with a target user profile of the first user associated with the wireless handheld remote control to select a matching user profile from the plurality of user profiles; and
effecting selection of a playlist of a matching user associated with the matching user profile from the plurality of user profiles as the playlist to be communicated to the wireless handheld remote control.
5. (Original) The method of claim 4 wherein the matching user profile is one of the plurality of user profiles most similar to the target user profile.
6. (Original) The method of claim 1 wherein the remote source is a central server.

7. (Original) The method of claim 1 wherein the remote source is a peer-to-peer network formed by a plurality of user devices, and receiving the playlist comprises receiving the playlist from one of the plurality of user devices.
8. (Currently Amended) The method of claim 7 wherein each of the plurality of user devices forming the peer-to-peer network is a user device selected from a group consisting of: ~~[[a]]~~ the media player device and ~~[[a]]~~ the wireless handheld remote control.
9. (Original) The method of claim 1 wherein the remote source is the media player device.
10. (Currently Amended) A wireless handheld remote control comprising:
 - a communication interface communicatively coupling the wireless handheld remote control to a remote source via a network; and
 - a control system associated with the communication interface and adapted to:
 - receive a playlist from the remote source; and
 - present the playlist to a first user associated with the wireless handheld remote control such that the first user is enabled to select at least one item from the playlist for playback by a media player device which is associated with and separate from the wireless handheld remote control.
11. (Currently Amended) A method comprising:
 - receiving, at a media player device, a playlist from a remote source; and
 - communicating the playlist from the media player device to a wireless handheld remote control associated with and separate from the media player device, wherein, at the wireless handheld remote control, the playlist is presented to a first user associated with the wireless handheld remote control and used by the first user to select at least one item from the playlist for playback by the media player device.
12. (Currently Amended) A media player device comprising:
 - a communication interface communicatively coupling the media player device to a remote source via a network; and

a control system associated with the communication interface and adapted to:
 receive a playlist from the remote source; and
 communicate the playlist from the media player device to a wireless handheld
remote control which is associated with and separate from the media player device,
wherein, at the wireless handheld remote control, the playlist is presented to a first user
associated with the wireless handheld remote control and used by the first user to select at
least one item from the playlist for playback by the media player device.

REMARKS

Applicant has carefully reviewed the Final Office Action mailed June 18, 2010 (hereinafter "Final Office Action") and offers the following remarks to accompany the above amendments. This amendment is filed in conjunction with a Request for Continued Examination.

Status of the Claims

Claims 1-12 were previously pending. No claims have been added or cancelled herein. Claims 1, 10, 11, and 12 have been amended to clarify that the remote control device is a wireless handheld remote control, that the playlist is presented on the remote control, and that the remote control is separate from the media player. Claims 3, 4, and 8 have been amended in view of the amendments to claim 1. Accordingly, claims 1-12 are pending. No new matter has been added.

Interview Summary

Applicant thanks Examiner Wasel for the courtesies extended during the telephonic interview. The undersigned and the Examiner discussed Hawkins, and the Examiner recommended certain clarifications to the independent claims that the Examiner felt may further clarify Applicant's invention. No agreement regarding allowability of claims was reached.

Discussion of Amended Claims in View of the Prior Art Cited in the Final Office Action

In the Final Office Action, claims 1-3 and 6-12 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0210507 A1 to Hawkins et al. (hereinafter "Hawkins").

Applicant submits that Hawkins fails to teach or suggest at least three relevant features recited in Applicant's amended claim 1, specifically: 1) a wireless handheld remote control, 2) a media player device which is associated with and separate from the wireless handheld remote control, and 3) an ability to select an item from the playlist on the wireless handheld remote control for playback on the associated media player device. Although Hawkins discloses that a client device may receive a playlist, Hawkins contains no teachings or suggestions regarding receiving a playlist on a wireless handheld remote control and selecting an item from the playlist

on the wireless handheld remote control, wherein the item is selected for playback on an associated, and separate, media player device.

For at least the foregoing reasons, Applicant submits that Hawkins cannot anticipate Applicant's claim 1. Applicant's claims 10, 11, and 12 contain substantially similar limitations to those discussed herein with regard to claim 1, and should thus be allowable for at least the same reasons. Claims 2, 3, and 6-9 depend directly or indirectly from claim 1, and are therefore allowable as depending from an allowable independent claim.

Rejection Under 35 U.S.C. § 103(a) – Hawkins and Gang

Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hawkins in view of U.S. Patent No. 7,075,000 B2 to Gang et al. (hereinafter "Gang"). Applicant respectfully traverses. When determining whether a claim is obvious, an Examiner must make "a searching comparison of the claimed invention—including all its limitations—with the teaching of the prior art." *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, "obviousness requires a suggestion of all limitations in a claim." *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing *In re Royka*, 490 F.2d 981, 985 (CCPA 1974)). Moreover, as the Supreme Court recently stated, "*there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.*" *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418, 82 U.S.P.Q.2d (BNA) 1385, 1396 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)).

Gang discloses a system and method for predicting the musical taste of a user (Gang, Abstract). Gang discloses the generation of a personal profile for a user of the system based on the user's ratings of songs. For example, Gang discloses:

After rating the N songs, the user preferably asks for recommendations for new songs, for example by pushing a "Get Recommendations" button 18. The system of the present invention (described with regard to FIGS. 15 and 16 below) then preferably builds a personal profile of the user, on the basis of these ratings, and also on the basis of previously determined information about the songs as described above. (Gang, column 14, lines 50-57)

Gang discloses to use the personal profile to recommend additional songs to the user. For example, Gang discloses: "After clicking on 'Get Recommendations' button 18, the user also preferably receives a list of M new songs based on the personal profile, as shown as a second set

GUI 20 in FIG. 2” (Gang, column 14, lines 58-61). Nowhere does Gang teach or suggest comparing a user profile of a target user with the user profiles of other users. In fact, Applicant submits that doing so would be inconsistent with Gang’s teachings, since Gang teaches to base musical recommendations to a user on ratings of songs provided by the user, not based on other users’ tastes.

The Patent Office asserts that Gang is extensible to other interests of users which involve subjective issues of “taste” (Final Office Action, page 6). Applicant, however, fails to see how this assertion relates to whether or not Gang teaches or suggests the claim language recited in claims 4 and 5. As discussed above, Gang discloses a mechanism for generating recommendations to a user. This mechanism does not appear to relate to comparing each of a plurality of user profiles with a target user profile to select a matching user profile, as recited in Applicant’s claim 4. Additional disclosure from Gang that the invention is extensible to other interests of users which involve subjective issues of “taste” certainly does not constitute disclosure of comparing each of a plurality of user profiles with a target user profile to select a matching user profile. For at least the foregoing reasons, Applicant submits that claims 4 and 5 are allowable over the cited references.

Conclusion

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant’s representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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