

Exhibit C-2

Invalidity Claim Chart for Bulthuis against U.S. Patent No. 10,109,028

Charted Reference:

- W.H.O. Patent No. WO 03/015383 A2 (“Bulthuis”) anticipates and/or renders obvious, along or in combination with one or more references identified below, the claims of U.S. Patent No. 10,109,028 (“the ‘028 patent”).

This claim chart is based on Facebook and Instagram’s (“Facebook”) current understanding of the asserted claims, the implicit assertions of claim scope that can be discerned from Voxer’s vague and overbroad infringement contentions, and Facebook’s investigation to date. Facebook is not adopting Voxer’s apparent constructions, nor is Facebook admitting to the accuracy of any particular construction. Facebook reserves all rights to amend this invalidity claim chart in light of any claim-construction - developments or any amendments to Voxer’s infringement contentions and as permitted by any orders in this case, including without limitation the Order Governing Proceedings (March 2, 2020). Further, as discovery is ongoing and Facebook continues to seek discovery from third parties regarding the references identified in Facebook’s invalidity contentions as well as other potential prior art, Facebook reserves the right to revise its invalidity contentions as appropriate in view of any ongoing discovery.

The claim chart below identifies where each limitation of each asserted claim of the ‘028 patent can be found in Bulthuis. The citations provided below are exemplary, rather than exhaustive, and Facebook reserves the right to rely upon any other portion of the cited references.

Claim	Exemplary Evidence of Anticipation and/or Obviousness
<p>1. An embeddable communications software module that allows a software application to access a communications system providing both time delayed and near real time communication, the embeddable communications software module stored in a non-transitory tangible computer readable storage medium, wherein the embeddable communications software module is arranged to:</p>	<p>To the extent the preamble is limiting, Bulthuis discloses an embeddable communications software module that allows a software application to access a communications system providing both time delayed and near real time communication, the embeddable communications software module stored in a non-transitory tangible computer readable storage medium. <i>See</i> citations for claim 1[a]-[i]; 5[a]-[d]; 6[a]-[d]. <i>See also</i>, e.g.,</p> <p>“Advantageously this is achieved by automatically recording real-time communication in response to a user initiating or accepting the real-time communication. Advantageously, the stored communications can serve as a memory aid, or as an opportunity to forward copies of a conversation to additional individuals. For example, the user may want to store the communications at a home server, or the user may want to have the 25 communications automatically transcribed and stored or forwarded as text files, etc. As another example, such automatic recording provides an advantage to the user of a mobile phone. Instead of taking notes or taking action while communicating in real-time, e.g., while driving, the user can postpone these activities to a more convenient moment as the recording is going to be available.” Bulthuis, at 1:29.</p> <p>“The invention therefore records real time communications and stores them as data to enable people or data processing systems to retrieve them.” Bulthuis, at 1:29.</p> <p>“The invention, however, addresses the consumer functionality that preferably is integrated with the communication device such as a mobile phone, or with the communication service provided to consumers by the service providers.” Bulthuis, 2:5.</p> <p>“More specifically, the invention relates to a consumer electronics communication device. The device has a first functionality adapted to enable real-time communication via the device; and a second functionality to enable recording of the real time communication. Preferably, the first functionality comprises at least one user interface mechanism for providing real-time audio and/or visual information to a user and to receive real-time audio and/or visual information from the user. Preferably, the device comprises a user input to enable the user to select a portion of the real-time communication for the recording. For example, while the user is discussing an issue via the device with another party, the user wants to store, for use later on, a</p>

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	<p>specific piece of information being brought up in the discussion, e.g., a telephone number being mentioned, navigation directions, a street address, etc. The user then asks the other party to repeat that piece of information. While the user holds down a "record" key on the device, the repeated piece of information gets recorded." Bulthuis, at 2:8.</p> <p>"The device preferably has an onboard storage for storing the recorded communication. For example, the device has a solid state memory card/module or a HDD module with a small form factor that stores a copy of the communication or conversation conducted in real time." Bulthuis, at 2:25.</p> <p>"Preferably, the device comprises a last-communication rewind mechanism for replay of at least a part, e.g., the last 5 minutes, of the communication recorded most recently. For example, the last-communication rewind mechanism comprises a distinct, respective, physically actuatable selector mechanism located on an exterior of the device to retrieve this part. As another example, the device is voice-controllable and the rewind mechanism is activated upon a specific voice command, in order to enable hands-free operation. The storage of the last N minutes is achieved, e.g., through a circular buffer that starts overwriting itself when full." Bulthuis, at 3:10.</p> <p>"The method comprises enabling automatic, or default, recording of at least part of a real-time communication between at least two subscribers. The method comprises enabling playback of subscriber-selected ones of the recorded real-time communications, responsive to at least one subscriber request." Bulthuis, at 3:24.</p> <p>"A proper user interface (e.g., graphical or voice controlled) then enables the subscriber to select the mode of organization or representation." Bulthuis, at 4:4.</p> <p>"An implementation of the invention uses a module with a storage for coupling with the communication device for enabling recording of the real time communication. The module is coupled galvanically,</p>

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	<p>electrically or in a wireless manner with the device. Preferably, the module is controllable via a user-interface of the device. For example, a certain key or pattern of keys is reserved for user-interaction with the module to implement, e.g., scrolling through the communication stored on the module, or replaying the communication most recently recorded, or to activate the recording during a real time communication upon a user input. The module preferably, comprises at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user. The module preferably comprises an opt-out mechanism adapted to exempt a particular communication from recording.” Bulthuis, at 4:20</p> <p>“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user-determined or selectable conditions. The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p>“The term "communication" shall be used herein to include telephone calls, whether audio, video, or multimedia in nature, and whether or not occurring via conventional telephonic devices or via the Internet or another data network.” Bulthuis, at 5:15-17.</p> <p>“The above list only gives a few examples of the many strategies for organizing communications that might be employed by a skilled system and/or user interface designer.” Bulthuis, at 7:16</p> <p>“The recording can, but need not, be made at the device itself. For example, a cell phone can be equipped with a recording component comprising, e.g., a flash memory card or a hard disk drive unit (HDD) with a small form-factor. The recording component can be accommodated in the cell phone...” Bulthuis at 8:31.</p> <p>“The recording components as a separate module can be an after-market add-on.” Bulthuis at 9:2.</p>

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	<p>“The recording can also be (part of) a service on a communication network. For example, the user can lease storage space on the network for buffering of the recordings, e.g., as is similarly done for voice mails.” Bulthuis at 9:7.</p> <p>“The data stored in storage 414 thus represents a conversation recorded. In a simple implementation of the invention, storage 414 comprises a FIFO and stores an amount of data equivalent to, e.g., one minute or a few minutes of conversation before a stored part gets overwritten. This enables for facilitates an instant rewind.” Bulthuis at 10:14.</p> <p>“1. A consumer electronics communication device comprising: a first functionality adapted to enable real-time communication via the device; and a second functionality adapted to enable recording of at least part of the real time communication.” Bulthuis at 12:1.</p> <p>“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time communication.” Bulthuis at 12:6.</p> <p>“4. The device of claim 1, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 12:14.</p> <p>“8. The device of claim I, comprising a last-communication rewind mechanism for replay of at least part of the communication recorded most recently.” Bulthuis at 12:27.</p> <p>“10. A method comprising offering a service, the method comprising: enabling recording of at least part of a real-time communication between at least two subscribers; and responsive to at least one subscriber</p>

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	<p>request, enabling playback of subscriber selected ones of recorded real-time communications.” Bulthuis at 13:4.</p> <p>“11. The method of claim 10, comprising organizing the recorded communications for retrieval and playback by at least one subscriber.” Bulthuis at 13:10.</p> <p>“13. The method of claim 10, enabling the subscriber to select a portion of the real time communication for recording.” Bulthuis at 13:17.</p> <p>“14. The method of claim 10, comprising offering subscribers a last communication rewind feature for enabling to retrieve at least part of a copy of the real time communication recorded most recently.” Bulthuis at 13:20.</p> <p>“15. For use with a consumer electronics communication device that enables real-time communication via the device: a module with a storage for coupling with the device for enabling automatic recording of the real time communication.” Bulthuis at 13:24.</p> <p>“16. The module of claim 15, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 13:28.</p> <p>“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p> <p>To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of</p>

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	<p>persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results.</p> <div data-bbox="682 422 1018 1088"> <pre> graph TD 410 --- 402 402 --> 406 406 --> 408 408 <--> 414 408 --> 412 412 --> 404 416 --> 408 </pre> </div> <p style="text-align: center;">400</p> <p style="text-align: center;">FIG.4</p> <p>To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve</p>

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	predictable results. <i>See, e.g.</i> , Katis 1; Felt; Katis 2; Red 5; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura; Simens Open Space; Android-recorder.
<p>1[a] provide an application programming interface (API) that allows the embeddable communications software module to receive API inputs from the software application, the embeddable communication software module and the software application communicating through the API;</p>	<p>Bulthuis discloses the embeddable communications software module is arranged to provide an application programming interface (API) that allows the embeddable communications software module to receive API inputs from the software application, the embeddable communication software module and the software application communicating through the API. <i>See, e.g.</i></p> <p>“Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button.” Bulthuis, Abstract.</p> <p>“U.S. Pat. App. Ser. No. 09/780,229 FILED 2/9/01 (Attorney docket no. US018001, inventor Rik Sagar, "RAPID RETRIEVAL USER INTERFACE DESIGNED AROUND SMALL DISPLAYS AND FEW BUTTONS FOR SEARCHING LONG SORTED LISTS"” Bulthuis, at 1:5.</p> <p>“More specifically, the invention relates to a consumer electronics communication device. The device has a first functionality adapted to enable real-time communication via the device; and a second functionality to enable recording of the real time communication. Preferably, the first functionality comprises at least one user interface mechanism for providing real-time audio and/or visual information to a user and to receive real-time audio and/or visual information from the user. Preferably, the device comprises a user input to enable the user to select a portion of the real-time communication for the recording. For example, while the user is discussing an issue via the device with another party, the user wants to store, for use later on, a specific piece of information being brought up in the discussion, e.g., a telephone number being mentioned, navigation directions, a street address, etc. The user then asks the other party to repeat that piece of information. While the user holds down a "record" key on the device, the repeated piece of information gets recorded.” Bulthuis, at 2:8.</p> <p>“Advantageously this is achieved by automatically recording real-time communication in response to a user</p>

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	<p>initiating or accepting the real-time communication.” Bulthuis, at 2:20.</p> <p>“The invention, however, addresses the consumer functionality that preferably is integrated with the communication device such as a mobile phone, or with the communication service provided to consumers by the service providers.” Bulthuis, at 2:5.</p> <p>“In another embodiment of the invention, the device has an output for transmitting a signal to a storage, the signal being representative of the real time communication for being recorded at the storage. The device is connected via a wire or in a wireless fashion with the storage.” Bulthuis, at 2:30.</p> <p>“The method comprises enabling automatic, or default, recording of at least part of a real-time communication between at least two subscribers. The method comprises enabling playback of subscriber-selected ones of the recorded real-time communications, responsive to at least one subscriber request. In this manner, the recording and storage can be delegated to a network, e.g., a dedicated server on a communication network. As a result, the communication device can be kept lean, and legacy devices can make use of the service.” Bulthuis, at 3:24.</p> <p>“A proper user interface (e.g., graphical or voice controlled) then enables the subscriber to select the mode of organization or representation.” Bulthuis, at 4:4.</p> <p>“The service preferably comprises offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” Bulthuis, at 4:11.</p> <p>“The service preferably comprises offering subscribers a last-communication rewind feature for retrieval of a copy of at least part of the real time communication recorded most recently.” Bulthuis, at 4:17.</p>

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	<p>“An implementation of the invention uses a module with a storage for coupling with the communication device for enabling recording of the real time communication. The module is coupled galvanically, electrically or in a wireless manner with the device. Preferably, the module is controllable via a user-interface of the device.” Bulthuis, at 4:20.</p> <p>“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user determined or selectable conditions. The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p>“At 302 it is tested whether anyone has opted out of recording. Opting out may be in the form of pressing of the button 105 by the user. This button is, for example, of the sort that needs to be pushed for each call, or it may be of the sort that once pushed stays down until it is pushed again. Or, there may be a programmable opt out option in the local communication device or in the network.” Bulthuis at 6:21.</p> <p>“Operation of the server 206 may be by a commercial service, for instance by the wireless service provider in the case of mobile phones. The service provider may charge fees for recording, storing and retrieving communications.” Bulthuis at 8:8.</p> <p>“The recording can, but need not, be made at the device itself. For example, a cell phone can be equipped with a recording component comprising, e.g., a flash memory card or a hard disk drive unit (HDD) with a small form-factor. The recording component can be accommodated in the cell phone...” Bulthuis at 8:31.</p>

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	<p data-bbox="514 266 1759 298">“The recording components as a separate module can be an after-market add-on.” Bulthuis at 9:2.</p> <p data-bbox="514 370 1892 513">“The recording can also be (part of) a service on a communication network. For example, the user can lease storage space on the network for buffering of the recordings, e.g., as is similarly being done for voice mails. An application server processes the communication information and converts it to a digital format suitable for a sound file within this context and for the expected quality, e.g., using the wav format.” Bulthuis at 9:7.</p> <p data-bbox="514 584 1885 727">“In case the recordings are stored on the network, the communication device may serve as a controller to have these recordings made and/or retrieved from the network. Alternatively, or in addition, the recordings, either as audio data or transcribed text data, are retrievable from the network from another device, e.g., laptop or desktop PC with the proper connection hardware and software.” Bulthuis at 9:18.</p> <p data-bbox="514 799 1860 909">“Caller-ID or other profiling information (e.g. time of the day, geographic location, day of the week, etc.) may be used to select for which communications to skip the recording or to explicitly carry out the recording.” Bulthuis at 9:28.</p> <p data-bbox="514 980 1892 1084">“Now, for a rewind of the conversation recorded, the parameters stored in storage 414 get supplied to codec 408. Codec 408 then reconstructs the digitized conversation and has it rendered by loudspeaker 404. A user interface (UI) 416 is provided for user control of the rewind.” Bulthuis, at 10:10.</p> <p data-bbox="514 1156 1885 1260">“In the latter case, a child can be given such a capturing device, integrated within a piece of clothing or bicycle. The device can be remotely activated by the parent at any time. The device sends the captured data to a remote server or stores it locally for download and post-processing later on.” Bulthuis at 11:5.</p> <p data-bbox="514 1331 1860 1403">“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p>

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	<p>To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results.</p> <p>Moreover, if a combination were required, Bulthuis renders this claim limitation obvious in view of numerous prior art references that disclose an application programming interface (API) that allows the embeddable communications software module to receive API inputs from the software application, the embeddable communication software module and the software application communicating through the API. Long before the alleged invention of the '028 patent, it was well known that an application programming interface could allow a software module to receive API inputs from the software application, with the software module and the software application communicating through the API.</p> <p>The Pelttari reference, for instance, discloses a communications software module and a software application communicating through an API. The Pelttari reference states, for example, that “[a]s an example, the category of the audio content is identified from the identification parameters using an API.” 028 chart for Pelttari at 0045. <i>See</i> 028 chart for Pelttari at Figs. 2-5, 45-46, 49, 61, 62, 65, 67, 75-77, 81, 102-3, 106-9, 155, 122.</p> <p>The Rand reference also discloses a communications software module and a software application communicating through an API. The Rand reference states, for example, that “FIG. 9a illustrates an embodiment of the invention including a possible relationship between a device, operating system, and a software application serving as the software 40 component of the invention ("The Application"). The Application could integrate with third party VoIP and Audio Apps through an Application Programming Interface (API), Software Development Kit (SDK), or other means.” Rand reference 21:38-44. <i>See also</i>, <i>e.g.</i>, 028 chart for Rand reference at 16:17-28.</p> <p>The Rensin reference also discloses a communications software module and a software application communicating through an API. The Rensin reference states, for example, that “[a]ccording to one</p>

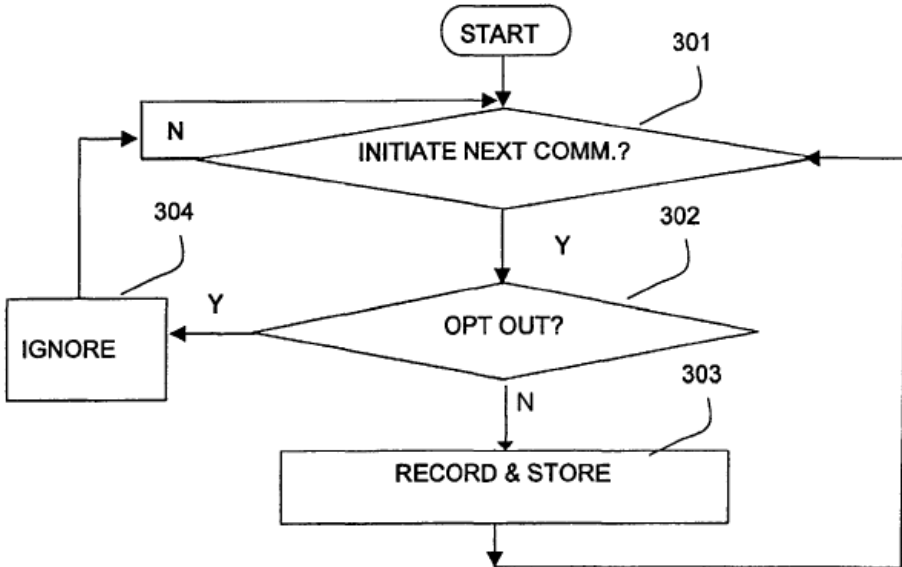
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	<p>embodiment of the present invention, the server software 14 includes its own application programming interface to allow for integration with a variety of third-party products and systems, such as existing third-party imagery databases, video surveillance tools and infrastructures, third-party alerting and messaging systems, and artificial intelligence solutions, such as facial and object recognition applications.” 028 chart for Rensin at 0383. <i>See also, e.g.</i>, 028 chart for Rensin reference at [0022], [0032-35], [0086], [0110], [0164], [0383], Claims 1-2, 4-10.</p> <p>The Milgramm reference also discloses a communications software module and a software application communicating through an API. The Milgramm reference states, for example, that “For example, when signing up for the live stream detection and notification service provided by the centralized server 101, the user provides user registration information to the centralized server 101. Such user registration information can include basic information about the user such as name, user ID, e-mail address and phone number. The user registration information can later be used to determine the method of notifying the user (e.g., via e-mail or via SMS sent to the phone number).” Milgramm reference at 0028. <i>See also, e.g.</i>, 028 chart for Milgramm reference at [0006-13], [0027], [0056], [0059], Figs. 1-3, 5.</p> <p>The Jones reference also discloses a communications software module and a software application communicating through an API. The Jones reference states, for example, that “As described below in detail with reference to one or more of the embodiments illustrated in the drawings (as well as the above-referenced international patent application), the conference interface may be configured to provide any desirable content and/or functionality and may support various user interface and/or conferencing features, including conference record/playback features, an "always on" record mode, and various methods for enabling a participant to join a conference already in progress. ” Jones reference at 0026. <i>See also, e.g.</i>, 028 chart for Jones reference at [0053], [0059].</p> <p>The Jang reference also discloses a communications software module and a software application communicating through an API. The Jang reference states, for example, that “[t]he control unit 220 receives a selection signal entered via the keypad input unit 240 by using the interface program and</p>

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	<p>recognizes the selection signal as a broadcasting control selection signal.” Jang 0017. <i>See also, e.g.</i>, 028 chart for Jang reference at Abstract, [0009-10], [0016-25], [0027], Claims 1-4, Figs. 2-3.</p> <p>A person of ordinary skill in the art would understand that an API is a commonly used mechanism through which software programs and modules communicate. For example, the ‘028 patent itself references prior art to the patent that utilized an API to enable a software module to receive API inputs from a software application, such as Riemann (2006/0095332) at Figs. 1-2, Abstract, 2, 4-5, 13, 21-23.42-45.</p> <p>To the extent a combination is required, it would have been obvious for one of ordinary skill to combine Bulthuis with any of the references described above. One of ordinary skill would have been motivated to do so, among other reasons, to achieve the benefit of providing a means for the embeddable communication software module and the software application to communicate. Bulthuis and the references described above belong to the same field of endeavor (communication by means of streaming media), and all describe systems and methods for creating, transmitting, receiving, rendering, and/or storing streaming media. To the extent a combination is required, it would have been obvious person of ordinary skill in the art to combine Bulthuis with any of the references discussed above, and such a person would have been motivated to do so. Applying the teachings of such references would have involved nothing more than the application of known techniques to a known method ready for improvement to yield predictable results. <i>See, e.g.</i>, Felt; Freer p. 31; Minamide [0055]; Belanger; Red 5; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura; Simens Open Space.</p>
<p>1[b] receive an incoming message behavior policy from the software application, wherein the incoming message behavior policy controls how the embeddable communications software module responds to incoming messages;</p>	<p>Bulthuis discloses the embeddable communications software module is arranged to receive an incoming message behavior policy from the software application, wherein the incoming message behavior policy controls how the embeddable communications software module responds to incoming messages. <i>See, e.g.</i></p> <p>“Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button.” Bulthuis, Abstract.</p> <p>“The invention, however, addresses the consumer functionality that preferably is integrated with the</p>

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	<p>communication device such as a mobile phone, or with the communication service provided to consumers by the service providers.” Bulthuis, 2:5.</p> <p>“The device preferably comprises an opt-out mechanism in order to exempt a particular communication from being recorded. For example, the opt out mechanism comprises a prompter that asks at least the user or another party involved in the real time communication to signal if there is a desire for omitting the recording.” Bulthuis, 3:4.</p> <p>“The method comprises enabling automatic, or default, recording of at least part of a real-time communication between at least two subscribers. The method comprises enabling playback of subscriber-selected ones of the recorded real-time communications, responsive to at least one subscriber request.” Bulthuis, at 3:24.</p> <p>“The service preferably comprises offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” Bulthuis, at 4:11.</p> <p>“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user-determined or selectable conditions. The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p>“Visible in the diagram are a display 102, a keypad 103 and additional functionality specification apparatus 104. The functionality specification apparatus 104 shown includes an opt- out-of-recording button 105, a last-conversation-rewind button 106, and a thumb wheel 107, which may be in accordance with U.S. Pat. App. Ser. No. 09/780,229 referred to above. These functionality specification devices may be fixed</p>

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	<p>function or may be programmable. Other options for specification of functionality, such as touch screens or pointer devices, are well known to those of ordinary skill in the art and may be readily substituted for the apparatus shown.” Bulthuis, at 5:23.</p> <p>“At 302 it is tested whether anyone has opted out of recording. Opting out may be in the form of pressing of the button 105 by the user. This button is, for example, of the sort that needs to be pushed for each call, or it may be of the sort that once pushed stays down until it is pushed again. Or, there may be a programmable opt out option in the local communication device or in the network.” Bulthuis at 6:21.</p> <p>“Fore [sic] example, caller-ID can be used to automatically allocate the recording to the proper folder.” Bulthuis at 7:14.</p> <p>“Caller-ID or other profiling information (e.g. time of the day, geographic location, day of the week, etc.) may be used to select for which communications to skip the recording or to explicitly carry out the recording.” Bulthuis at 9:28.</p> <p>“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time communication.” Bulthuis at 12:6.</p> <p>“6. The device of claim I, comprising an opt-out mechanism adapted to exempt a particular communication from being recorded.” Bulthuis at 12:20.</p> <p>“7. The device of claim 6, wherein the opt-out mechanism comprises a prompter that asks at least the user or another party involved in the real time communication to signal if there is a desire for omitting the recording.” Bulthuis at 12:23.</p>

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	<p>“10. A method comprising offering a service, the method comprising: enabling recording of at least part of a real-time communication between at least two subscribers; and responsive to at least one subscriber request, enabling playback of subscriber selected ones of recorded real-time communications.” Bulthuis at 13:4.</p> <p>“12. The method of claim 10, comprising offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” 13:13.</p>

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	 <pre> graph TD START([START]) --> 301{INITIATE NEXT COMM.?} 301 -- N --> 304[IGNORE] 301 -- Y --> 302{OPT OUT?} 302 -- Y --> 304 302 -- N --> 303[RECORD & STORE] 303 --> 301 </pre> <p style="text-align: center;">FIG.3</p> <p>Bulthuis, at 3/4.</p> <p>To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results. <i>See, e.g.</i>, Katis 1; Felt; Katis 2; Yannakopoulos Fig. 6; Freer p. 23-24; Kono [0014]; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura.</p>
<p>1[c] receive an incoming message from an [sic] remote communications device;</p>	<p>Bulthuis discloses the embeddable communications software module is arranged to receive an incoming message from an [sic] remote communications device. <i>See, e.g.</i></p> <p>“Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button.” Bulthuis, Abstract.</p> <p>“The invention therefore records real time communications and stores them as data to enable people or data processing systems to retrieve them.” Bulthuis, at 1:29.</p> <p>“The device has a first functionality adapted to enable real-time communication via the device; and a second functionality to enable recording of the real time communication.” Bulthuis, at 2:10.</p> <p>“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user-determined or selectable conditions. The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p>“At 301 it is tested whether a communication is started. Typically, communication is started when the user answers the phone or when the user makes a phone call. It may or may not be desirable to begin recording as soon as the user starts using the phone. A call can be detected in response to hearing tones transmitted</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>from the phone.” Bulthuis at 6:8.</p> <p>“1. A consumer electronics communication device comprising: a first functionality adapted to enable real-time communication via the device; and a second functionality adapted to enable recording of at least part of the real time communication.” Bulthuis at 12:1.</p> <p>“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time communication.” Bulthuis at 12:6.</p> <p>“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p> <p>To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results. <i>See, e.g.</i>, Katis 1; Felt; Katis 2; Nguyen [9:43]; Bluvband [0017]; Pacord [16:10]; Yannakopoulos [0028]; Uehara [0026]; Eto [0051]; Red 5; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura; Simens Open Space; Android-recorder.</p>
<p>1[d] progressively store the incoming message as it is received;</p>	<p>Bulthuis discloses the embeddable communications software module is arranged to progressively store the incoming message as it is received. <i>See, e.g.</i></p> <p>“A consumer electronics device, such as a cell phone, is designed to record real time communications occurring on it. Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button. Recordings are stored and organized for ease of retrieval.</p>

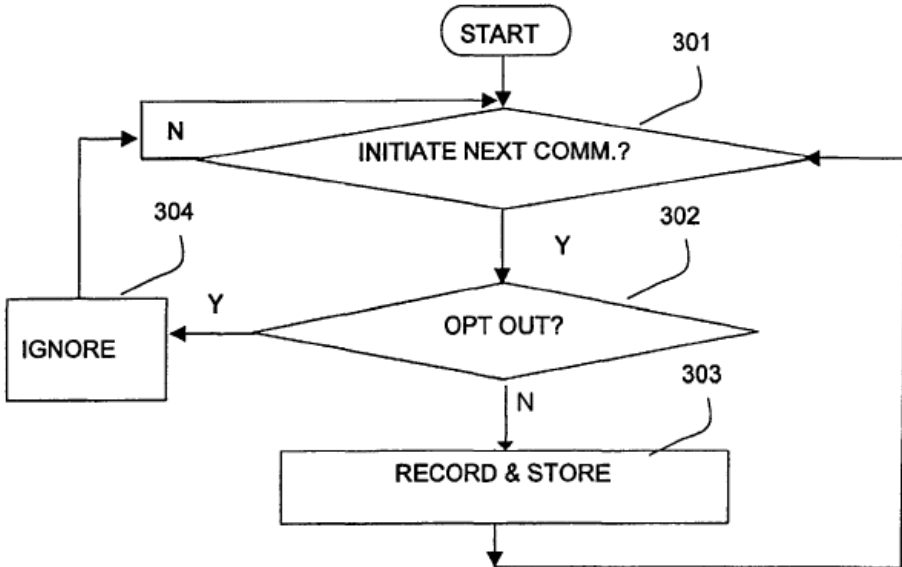
Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>Recordings can be forwarded to a remote user.” Bulthuis, Abstract.</p> <p>“In the telephonic arts, it is known to record voice mail when the person being called does not answer the phone. The 911 services ("911" is the national number in the U.S. for emergence calls) also record telephone conversations as part of their service.” Bulthuis, at 1:14.</p> <p>“Advantageously this is achieved by automatically recording real-time communication in response to a user initiating or accepting the real-time communication.” Bulthuis, at 1:20.</p> <p>“The invention therefore records real time communications and stores them as data to enable people or data processing systems to retrieve them.” Bulthuis, at 1:29.</p> <p>“The invention, however, addresses the consumer functionality that preferably is integrated with the communication device such as a mobile phone, or with the communication service provided to consumers by the service providers.” Bulthuis, 2:5.</p> <p>“The device has a first functionality adapted to enable real-time communication via the device; and a second functionality to enable recording of the real time communication.” Bulthuis, at 2:10.</p> <p>“Preferably, the first functionality comprises at least one user interface mechanism for providing real-time audio and/or visual information to a user and to receive real-time audio and/or visual information from the user. Preferably, the device comprises a user input to enable the user to select a portion of the real-time communication for the recording.” Bulthuis, at 2:11.</p> <p>“Preferably, the device comprises at least one organizational mechanism for organizing the recorded</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>communications in a retrievable form for the user. The organization is based on, e.g., time of the day at which the communication got recorded, caller-ID, or another criterion.” Bulthuis, at 2:21.</p> <p>“The device preferably has an onboard storage for storing the recorded communication. For example, the device has a solid state memory card/module or a HDD module with a small form factor that stores a copy of the communication or conversation conducted in real time.” Bulthuis, at 2:25.</p> <p>“In another embodiment of the invention, the device has an output for transmitting a signal to a storage, the signal being representative of the real time communication for being recorded at the storage. The device is connected via a wire or in a wireless fashion with the storage.” Bulthuis, at 2:30.</p> <p>“Preferably, the device comprises a last-communication rewind mechanism for replay of at least a part, e.g., the last 5 minutes, of the communication recorded most recently. For example, the last-communication rewind mechanism comprises a distinct, respective, physically actuatable selector mechanism located on an exterior of the device to retrieve this part. As another example, the device is voice-controllable and the rewind mechanism is activated upon a specific voice command, in order to enable hands-free operation. The storage of the last N minutes is achieved, e.g., through a circular buffer that starts overwriting itself when full.” Bulthuis, at 3:10.</p> <p>“The method comprises enabling automatic, or default, recording of at least part of a real-time communication between at least two subscribers. The method comprises enabling playback of subscriber-selected ones of the recorded real-time communications, responsive to at least one subscriber request.” Bulthuis, at 3:24.</p> <p>“The service preferably enables the subscriber to select a portion of the real time communication for recording.” Bulthuis, at 4:13.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 321 1843 386">“An implementation of the invention uses a module with a storage for coupling with the communication device for enabling recording of the real time communication.” Bulthuis, at 4:20.</p> <p data-bbox="514 464 1871 675">“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user-determined or selectable conditions. The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p data-bbox="514 753 1864 818">“If opt out is not selected, the communication is recorded and stored in a usable form at 303.” Bulthuis, at 6:32.</p> <p data-bbox="514 896 1776 961">“The user of the device is preferably enabled to have a call recorded that s/he initiates as well as an incoming call.” Bulthuis, at 8:11.</p> <p data-bbox="514 1039 1860 1136">“The recording can, but need not, be made at the device itself. For example, a cell phone can be equipped with a recording component comprising, e.g., a flash memory card or a hard disk drive unit (HDD) with a small form-factor. The recording component can be accommodated in the cell phone...” Bulthuis at 8:31.</p> <p data-bbox="514 1214 1759 1247">“The recording components as a separate module can be an after-market add-on.” Bulthuis at 9:2.</p> <p data-bbox="514 1325 1808 1390">“The recordings are preferably stored in digital form, possibly after sampling an analog signal. In this manner, compression techniques can be used to save memory space.” 9:23.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="516 318 1875 456">“The data stored in storage 414 thus represents a conversation recorded. In a simple implementation of the invention, storage 414 comprises a FIFO and stores an amount of data equivalent to, e.g., one minute or a few minutes of conversation before a stored part gets overwritten. This enables or facilitates an instant rewind.” Bulthuis, at 10:14.</p> <p data-bbox="516 532 1875 634">“1. A consumer electronics communication device comprising: a first functionality adapted to enable real-time communication via the device; and a second functionality adapted to enable recording of at least part of the real time communication.” Bulthuis at 12:1.</p> <p data-bbox="516 711 1875 813">“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time communication.” Bulthuis at 12:6.</p> <p data-bbox="516 889 1875 959">“3. The device of claim 1, comprising a user input to enable the user to select a portion of the real-time communication for the recording.” Bulthuis at 12:11.</p> <p data-bbox="516 1036 1875 1105">“5. The device of claim 1, comprising an onboard storage for storing at least part of the recorded communication.” Bulthuis at 12:17.</p> <p data-bbox="516 1182 1875 1317">“10. A method comprising offering a service, the method comprising: enabling recording of at least part of a real-time communication between at least two subscribers; and responsive to at least one subscriber request, enabling playback of subscriber selected ones of recorded real-time communications.” Bulthuis at 13:4.</p> <p data-bbox="516 1393 1875 1414">“11. The method of claim 10, comprising organizing the recorded communications for retrieval and</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>playback by at least one subscriber.” Bulthuis at 13:10.</p> <p>“13. The method of claim 10, enabling the subscriber to select a portion of the real time communication for recording.” Bulthuis at 13:17.</p> <p>“15. For use with a consumer electronics communication device that enables real-time communication via the device: a module with a storage for coupling with the device for enabling automatic recording of the real time communication.” Bulthuis at 13:24.</p> <p>“16. The module of claim 15, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 13:28.</p> <p>“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	 <pre> graph TD START([START]) --> 301{INITIATE NEXT COMM.?} 301 -- N --> 304[IGNORE] 301 -- Y --> 302{OPT OUT?} 302 -- Y --> 304 302 -- N --> 303[RECORD & STORE] 303 --> 301 </pre> <p style="text-align: center;">FIG.3</p> <p>Bulthuis, at 3/4.</p> <p>To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results. <i>See, e.g.,</i> Katis 1; Katis 2; Bluvband [0017]; Pacor [9:61]; Yannakopoulos [0024]; Freer p. 23; Eto [0050]; Minamide [0051]; Red 5; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura; Simens Open Space; Android-recorder.</p>
<p>1[e] in response to the received message, send a notification to the software application based on the incoming message behavior policy;</p>	<p>Bulthuis discloses the embeddable communications software module that is arranged to, in response to the received message, send a notification to the software application based on the incoming message behavior policy. <i>See, e.g.</i></p> <p>“A consumer electronics device, such as a cell phone, is designed to record real time communications occurring on it. Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button. Recordings are stored and organized for ease of retrieval. Recordings can be forwarded to a remote user.” Bulthuis, Abstract.</p> <p>“Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button.” Bulthuis, Abstract.</p> <p>“Advantageously this is achieved by automatically recording real-time communication in response to a user initiating or accepting the real-time communication.” Bulthuis, at 1:20.</p> <p>“The invention, however, addresses the consumer functionality that preferably is integrated with the communication device such as a mobile phone, or with the communication service provided to consumers by the service providers.” Bulthuis, 2:5.</p> <p>“The device has a first functionality adapted to enable real-time communication via the device; and a second functionality to enable recording of the real time communication.” Bulthuis, at 2:10.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>“Preferably, the first functionality comprises at least one user interface mechanism for providing real-time audio and/or visual information to a user and to receive real-time audio and/or visual information from the user. Preferably, the device comprises a user input to enable the user to select a portion of the real-time communication for the recording.” Bulthuis, at 2:11.</p> <p>“Preferably, the device comprises at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user. The organization is based on, e.g., time of the day at which the communication got recorded, caller-ID, or another criterion.” Bulthuis, at 2:21.</p> <p>“The device preferably comprises an opt-out mechanism in order to exempt a particular communication from being recorded. For example, the opt out mechanism comprises a prompter that asks at least the user or another party involved in the real time communication to signal if there is a desire for omitting the recording.” Bulthuis, 3:4.</p> <p>“The method comprises enabling automatic, or default, recording of at least part of a real-time communication between at least two subscribers. The method comprises enabling playback of subscriber-selected ones of the recorded real-time communications, responsive to at least one subscriber request.” Bulthuis, at 3:24.</p> <p>“The service preferably comprises offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” Bulthuis, at 4:11.</p> <p>“The service preferably enables the subscriber to select a portion of the real time communication for recording.” Bulthuis, at 4:13.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>“At 302 it is tested whether anyone has opted out of recording. Opting out may be in the form of pressing of the button 105 by the user. This button is, for example, of the sort that needs to be pushed for each call, or it may be of the sort that once pushed stays down until it is pushed again. Or, there may be a programmable opt out option in the local communication device or in the network.” Bulthuis at 6:21.</p> <p>“If opt out is not selected, the communication is recorded and stored in a usable form at 303.” Bulthuis, at 6:32.</p> <p>“Fore [sic] example, caller-ID can be used to automatically allocate the recording to the proper folder.” Bulthuis at 7:14.</p> <p>“The user of the device is preferably enabled to have a call recorded that s/he initiates as well as an incoming call.” Bulthuis, at 8:11.</p> <p>“Caller-ID or other profiling information (e.g. time of the day, geographic location, day of the week, etc.) may be used to select for which communications to skip the recording or to explicitly carry out the recording.” Bulthuis at 9:28.</p> <p>“Capturing can be continuous, event-triggered (e.g., heart-beat of the user, detection of a specific sound, coming within range of a specific object, etc.), user-controllable (voice activated, push-button) or controllable by another party.” Bulthuis at 11:2.</p> <p>“In the latter case, a child can be given such a capturing device, integrated within a piece of clothing or bicycle. The device can be remotely activated by the parent at any time. The device sends the captured data to a remote server or stores it locally for download and post-processing later on.” Bulthuis at 11:5.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 316 1871 422">“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time communication.” Bulthuis at 12:6.</p> <p data-bbox="514 495 1829 560">“3. The device of claim 1, comprising a user input to enable the user to select a portion of the real-time communication for the recording.” Bulthuis at 12:11.</p> <p data-bbox="514 633 1850 698">“4. The device of claim 1, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 12:14.</p> <p data-bbox="514 771 1885 836">“6. The device of claim I, comprising an opt-out mechanism adapted to exempt a particular communication from being recorded.” Bulthuis at 12:20.</p> <p data-bbox="514 909 1871 1015">“7. The device of claim 6, wherein the opt-out mechanism comprises a prompter that asks at least the user or another party involved in the real time communication to signal if there is a desire for omitting the recording.” Bulthuis at 12:23.</p> <p data-bbox="514 1088 1881 1234">“10. A method comprising offering a service, the method comprising: enabling recording of at least part of a real-time communication between at least two subscribers; and responsive to at least one subscriber request, enabling playback of subscriber selected ones of recorded real-time communications.” Bulthuis at 13:4.</p> <p data-bbox="514 1307 1787 1372">“11. The method of claim 10, comprising organizing the recorded communications for retrieval and playback by at least one subscriber.” Bulthuis at 13:10.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 316 1864 386">“12. The method of claim 10, comprising offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” 13:13.</p> <p data-bbox="514 459 1892 529">“13. The method of claim 10, enabling the subscriber to select a portion of the real time communication for recording.” Bulthuis at 13:17.</p> <p data-bbox="514 602 1871 704">“15. For use with a consumer electronics communication device that enables real-time communication via the device: a module with a storage for coupling with the device for enabling automatic recording of the real time communication.” Bulthuis at 13:24.</p> <p data-bbox="514 777 1892 847">“16. The module of claim 15, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 13:28.</p> <p data-bbox="514 920 1724 990">“17. The module of claim 15, comprising an opt out mechanism adapted to exempt a particular communication from recordation.” Bulthuis at 13:31.</p> <p data-bbox="514 1063 1860 1133">“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p> <p data-bbox="514 1206 1892 1346">To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>Moreover, if a combination were required, Bulthuis renders this claim limitation obvious in view of numerous prior art references that disclose a communications software module arranged to, in response to the received message, send a notification to a software application based on the incoming message behavior policy. Long before the alleged invention of the '028 patent, it was well known that a communications software module could be arranged to, in response to the received message, send a notification to the software application based on the incoming message behavior policy.</p> <p>The Manber reference also discloses a communications software module wherein the embeddable communications software module is further arranged to, in response to the received message, send a notification to a software application based on the incoming message behavior policy. The Manber reference states, for example, that “[t]he system notifies each of the users that the session has been paused (step 208).” 028 chart for Manber, at 6:25. <i>See also, e.g.</i>, 028 chart for Manber reference at 1:10, 1:27, 2:6, 2:10, 2:26, 2:27, 4:20, 4:29, 4:31, 5:11, 5:16, 5:20, 5:28, 6:10, 6:16, 6:21, 6:25, 7:18, 7:23, 9:1, 9:9, 9:16, 9:18, 10:4, 10:10, 10:19, Claims 23, 24, 27-32, Figs. 2, 3.</p> <p>The Munje reference also discloses a communications software module wherein the embeddable communications software module is further arranged to send a notification to a software application based on the incoming message behavior policy. The Munje reference states, for example, that “[i]f the processor identifies that the recording feature is enabled as tested in step 610, however, conventional PTT voice communication processing and recording of the voice data in memory are performed.” 028 chart for Munje at 0070. <i>See also, e.g.</i>, 028 chart for Munje reference at [0007-08], [0033-34], [0036-37], [0046], [0051], [0053-54], [0066-70], [0072], [0079], [0081], Claims 1, 10, 19, Figs. 2, 4, 6.</p> <p>The Pelttari reference also discloses a communications software module wherein the embeddable communications software module is further arranged to send a notification to a software application based on the incoming message behavior policy. The Pelttari reference states, for example, that an “alert” “may be produced informing the user of the arrival of new audio content.” 028 chart for Pelttari at 0079. <i>See</i> 028 chart for Pelttari at 0044, 0077, 0079.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>The Othmer reference also discloses a communications software module wherein the embeddable communications software module is further arranged to, in response to the received message, send a notification to a software application based on the incoming message behavior policy. The Othmer reference states, for example, that “[a]lternatively, jumping to real-time can occur if the listener begins to talk, or requests the floor.” 028 chart for Othmer at 10:28. <i>See also, e.g.</i>, 028 chart for Othmer reference at 2:25, 3:21, 3:38, 5:46, 6:51, 7:24, 8:51, 10:28, 10:38, Claims 1, 16, 18, Fig. 2.</p> <p>The Milgramm reference also discloses a communications software module wherein the embeddable communications software module is further arranged to, in response to the received message, send a notification to a software application based on the incoming message behavior policy. The Milgramm reference states, for example, that “This disclosure provides tools (in the form of apparatuses, methodologies and systems) for allowing users to receive stream notifications on their computers or mobile devices through a web-based live stream detection and notification service provided by a centralized server.” Milgramm reference at 0006. <i>See also, e.g.</i>, 028 chart for Milgramm reference at [0006-13], [0024], [0029], [0032], Fig. 5.</p> <p>The Jones reference also discloses a communications software module wherein the embeddable communications software module is further arranged to, in response to the received message, send a notification to a software application based on the incoming message behavior policy. The Jones reference states, for example, that “It should be appreciated that the conference record/ playback system 100 may be configured in an “always on” record mode or operation, in which an online conference is automatically recorded. The “always on” mode may be configured as a default setting of conferencing system 106 in which all online conferences are automatically recorded. The “always on” mode may be selectively activated/deactivated by a participant 104 or controlled by the conference system 106, conference interface 500, or client 114 according to, for example, user account/profile settings or any other user-configurable rules. In an embodiment, a participant 104 may customize the “always on” mode to be active/inactive based on parameters, such as, user account, conference type (e.g., intra-company, department, public/private, etc.), specific participant(s), number of participants, day, time of day, agenda, etc.” Jones reference at</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>0053. <i>See also, e.g.,</i> 028 chart for Jones reference at [0034], [0053-54].</p> <p>The Rand reference also discloses a communications software module wherein the embeddable communications software module is further arranged to, in response to the received message, send a notification to a software application based on the incoming message behavior policy. The Rand reference states, for example, that “Connect Screen: A connect screen consolidates a combination of the above features on a single screen for user convenience. The connect screen includes relevant information and options all in one place (normally multiple applications or multiple screens would be required). One aspect is the adjacent pairing of PTT and Duplex mode. Another aspect is the inclusion of indicator lights, showing whether PTT will go to Inbox or direct, and whether Duplex will be direct (e.g. unmuting a persistent connection) or require a traditional “phone call” dial and answer method.” Rand reference 9:26-36. <i>See also, e.g.,</i> 028 chart for Rand reference at 9:26-36, 10:42-49, 11:5-8, 25:1-2.</p> <p>A person of ordinary skill in the art would understand that a communications module can be arranged to, in response to the received message, send a notification to a software application based on the incoming message behavior policy. For example, the ‘028 patent itself references prior art to the patent that utilized communications module that can, in response to the received message, send a notification to a software application based on the incoming message behavior policy, such as Katis (2009/0327422) (“Katis 1”) at 0059-0060.</p> <p>To the extent a combination is required, it would have been obvious for one of ordinary skill to combine Bulthuis with any of the references described above. One of ordinary skill would have been motivated to do so, among other reasons, to achieve the benefit of providing a notification based on the incoming message behavior policy. Bulthuis and the references described above belong to the same field of endeavor (communication by means of streaming media), and all describe systems and methods for creating, transmitting, receiving, rendering, and storing streaming media. To the extent a combination is required, it would have been obvious person of ordinary skill in the art to combine Bulthuis with any of the references discussed above, and such a person would have been motivated to do so. Applying the teachings of such references would have involved nothing more than the application of known techniques to a known method</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>ready for improvement to yield predictable results. <i>See, e.g.</i>, Katis 1; Katis 2; Bluvband [0018]; Yannakopoulos Fig. 6; Uehara [0027]; Kono [0024]; Red 5; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura; Simens Open Space; Android-recorder.</p>
<p>1[f] selectively render the incoming message in a near real time mode, wherein the near real time mode involves progressively rendering the incoming message as it is received;</p>	<p>Bulthuis discloses the embeddable communications software module is arranged to selectively render the incoming message in a near real time mode, wherein the near real time mode involves progressively rendering the incoming message as it is received; <i>See, e.g.</i></p> <p>“A consumer electronics device, such as a cell phone, is designed to record real time communications occurring on it. Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button. Recordings are stored and organized for ease of retrieval. Recordings can be forwarded to a remote user.” Bulthuis, Abstract.</p> <p>“Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button.” Bulthuis, Abstract.</p> <p>“Advantageously this is achieved by automatically recording real-time communication in response to a user initiating or accepting the real-time communication. Advantageously, the stored communications can serve as a memory aid, or as an opportunity to forward copies of a conversation to additional individuals. For example, the user may want to store the communications at a home server, or the user may want to have the communications automatically transcribed and stored or forwarded as text files, etc.” Bulthuis, at 1:20.</p> <p>“The invention therefore records real time communications and stores them as data to enable people or data processing systems to retrieve them.” Bulthuis, at 1:29.</p> <p>“The invention, however, addresses the consumer functionality that preferably is integrated with the communication device such as a mobile phone, or with the communication service provided to consumers</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>by the service providers.” Bulthuis, 2:5.</p> <p>“The device has a first functionality adapted to enable real-time communication via the device; and a second functionality to enable recording of the real time communication.” Bulthuis, at 2:10.</p> <p>“Preferably, the first functionality comprises at least one user interface mechanism for providing real-time audio and/or visual information to a user and to receive real-time audio and/or visual information from the user. Preferably, the device comprises a user input to enable the user to select a portion of the real-time communication for the recording.” Bulthuis, at 2:11.</p> <p>“Preferably, the device comprises at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user. The organization is based on, e.g., time of the day at which the communication got recorded, caller-ID, or another criterion.” Bulthuis, at 2:21.</p> <p>“The device preferably has an onboard storage for storing the recorded communication. For example, the device has a solid state memory card/module or a HDD module with a small form factor that stores a copy of the communication or conversation conducted in real time.” Bulthuis, at 2:25.</p> <p>“In another embodiment of the invention, the device has an output for transmitting a signal to a storage, the signal being representative of the real time communication for being recorded at the storage. The device is connected via a wire or in a wireless fashion with the storage.” Bulthuis, 2:30.</p> <p>“The method comprises enabling automatic, or default, recording of at least part of a real-time communication between at least two subscribers. The method comprises enabling playback of subscriber-selected ones of the recorded real-time communications, responsive to at least one subscriber request.” Bulthuis, at 3:24.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 321 1843 386">“An implementation of the invention uses a module with a storage for coupling with the communication device for enabling recording of the real time communication.” Bulthuis, at 4:20.</p> <p data-bbox="514 464 1871 675">“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user-determined or selectable conditions. The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p data-bbox="514 753 1877 889">“At 301 it is tested whether a communication is started. Typically, communication is started when the user answers the phone or when the user makes a phone call. It may or may not be desirable to begin recording as soon as the user starts using the phone. A call can be detected in response to hearing tones transmitted from the phone.” Bulthuis at 6:8.</p> <p data-bbox="514 967 1871 1032">“For instance, if the user initiates the call, recording could start when a voice is detected on the other end.” Bulthuis at 6:14.</p> <p data-bbox="514 1110 1864 1247">“At 302 it is tested whether anyone has opted out of recording. Opting out may be in the form of pressing of the button 105 by the user. This button is, for example, of the sort that needs to be pushed for each call, or it may be of the sort that once pushed stays down until it is pushed again. Or, there may be a programmable opt out option in the local communication device or in the network.” Bulthuis at 6:21.</p> <p data-bbox="514 1325 1864 1390">“If opt out is not selected, the communication is recorded and stored in a usable form at 303.” Bulthuis, at 6:32.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 316 1885 459">“The organization of the communications may, advantageously, offer a number of features. For instance, a "last conversation rewind" feature may be implemented. Such a feature may be activatable, for instance, by button 106, and would allow a user to replay the conversation most recently recorded. Such replay would allow taking notes or clarifying points that the user did not understand.” Bulthuis, at 7:27.</p> <p data-bbox="514 532 1780 600">“The user of the device is preferably enabled to have a call recorded that s/he initiates as well as an incoming call.” Bulthuis, at 8:11.</p> <p data-bbox="514 673 1785 742">“It is therefore advantageous for the user to be able to replay the conversation if and when needed.” Bulthuis, at 8:29.</p> <p data-bbox="514 815 1759 849">“The recording components as a separate module can be an after-market add-on.” Bulthuis at 9:2.</p> <p data-bbox="514 922 1890 1023">“The recording can also be (part of) a service on a communication network. For example, the user can lease storage space on the network for buffering of the recordings, e.g., as is similarly done for voice mails.” Bulthuis at 9:7.</p> <p data-bbox="514 1096 1885 1239">“In case the recordings are stored on the network, the communication device may serve as a controller to have these recordings made and/or retrieved from the network. Alternatively, or in addition, the recordings, either as audio data or transcribed text data, are retrievable from the network from another device, e.g., laptop or desktop PC with the proper connection hardware and software.” Bulthuis at 9:18.</p> <p data-bbox="514 1312 1864 1380">“Caller-ID or other profiling information (e.g. time of the day, geographic location, day of the week, etc.) may be used to select for which communications to skip the recording or to explicitly carry out the</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>recording.” Bulthuis at 9:28.</p> <p>“Capturing can be continuous, event-triggered (e.g., heart-beat of the user, detection of a specific sound, coming within range of a specific object, etc.), user-controllable (voice activated, push-button) or controllable by another party.” Bulthuis at 11:2.</p> <p>“1. A consumer electronics communication device comprising: a first functionality adapted to enable real-time communication via the device; and a second functionality adapted to enable recording of at least part of the real time communication.” Bulthuis at 12:1.</p> <p>“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time communication.” Bulthuis at 12:6.</p> <p>“3. The device of claim 1, comprising a user input to enable the user to select a portion of the real-time communication for the recording.” Bulthuis at 12:11.</p> <p>“4. The device of claim 1, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 12:14.</p> <p>“5. The device of claim 1, comprising an onboard storage for storing at least part of the recorded communication.” Bulthuis at 12:17.</p> <p>“6. The device of claim I, comprising an opt-out mechanism adapted to exempt a particular communication from being recorded.” Bulthuis at 12:20.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 316 1873 423">“7. The device of claim 6, wherein the opt-out mechanism comprises a prompter that asks at least the user or another party involved in the real time communication to signal if there is a desire for omitting the recording.” Bulthuis at 12:23.</p> <p data-bbox="514 495 1894 565">“8. The device of claim 1, comprising a last-communication rewind mechanism for replay of at least part of the communication recorded most recently.” Bulthuis at 12:27.</p> <p data-bbox="514 636 1883 776">“10. A method comprising offering a service, the method comprising: enabling recording of at least part of a real-time communication between at least two subscribers; and responsive to at least one subscriber request, enabling playback of subscriber selected ones of recorded real-time communications.” Bulthuis at 13:4.</p> <p data-bbox="514 847 1787 917">“11. The method of claim 10, comprising organizing the recorded communications for retrieval and playback by at least one subscriber.” Bulthuis at 13:10.</p> <p data-bbox="514 989 1866 1058">“12. The method of claim 10, comprising offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” 13:13.</p> <p data-bbox="514 1130 1894 1200">“13. The method of claim 10, enabling the subscriber to select a portion of the real time communication for recording.” Bulthuis at 13:17.</p> <p data-bbox="514 1271 1894 1378">“14. The method of claim 10, comprising offering subscribers a last communication rewind feature for enabling to retrieve at least part of a copy of the real time communication recorded most recently.” Bulthuis at 13:20.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>“15. For use with a consumer electronics communication device that enables real-time communication via the device: a module with a storage for coupling with the device for enabling automatic recording of the real time communication.” Bulthuis at 13:24.</p> <p>“16. The module of claim 15, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 13:28.</p> <p>“17. The module of claim 15, comprising an opt out mechanism adapted to exempt a particular communication from recordation.” Bulthuis at 13:31.</p> <p>“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p> <p>To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results. <i>See, e.g.</i>, Katis 1; Katis 2; Nguyen [10:41]; Bluvband [0019]; Pacor [15:52]; Yannakopoulos [0029]; Freer p. 21; Uehara [0052]; Kono [0023]; Red 5; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura; Simens Open Space; Android-recorder.</p>
<p>1[g] selectively render the incoming message in a timeshifted mode, wherein the time shifted mode involves rendering</p>	<p>Bulthuis discloses the embeddable communications software module is arranged to selectively render the incoming message in a timeshifted mode, wherein the time shifted mode involves rendering the incoming message after the incoming message has been received and stored. <i>See, e.g.</i></p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
<p>the incoming message after the incoming message has been received and stored; and</p>	<p>“Recordings are stored and organized for ease of retrieval. Recordings can be forwarded to a remote user.” Bulthuis, Abstract.</p> <p>“Advantageously, the stored communications can serve as a memory aid, or as an opportunity to forward copies of a conversation to additional individuals. For example, the user may want to store the communications at a home server, or the user may want to have the communications automatically transcribed and stored or forwarded as text files, etc. As another example, such automatic recording provides an advantage to the user of a mobile phone. Instead of taking notes or taking action while communicating in real-time, e.g., while driving, the user can postpone these activities to a more convenient moment as the recording is going to be available.” Bulthuis at 1:22.</p> <p>“The invention therefore records real time communications and stores them as data to enable people or data processing systems to retrieve them.” Bulthuis, at 1:29.</p> <p>“The invention, however, addresses the consumer functionality that preferably is integrated with the communication device such as a mobile phone, or with the communication service provided to consumers by the service providers.” Bulthuis, at 2:5.</p> <p>“Preferably, the first functionality comprises at least one user interface mechanism for providing real-time audio and/or visual information to a user and to receive real-time audio and/or visual information from the user. Preferably, the device comprises a user input to enable the user to select a portion of the real-time communication for the recording.” Bulthuis, at 2:11.</p> <p>“Preferably, the device comprises at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user. The organization is based on, e.g., time of the day at which the communication got recorded, caller-ID, or another criterion.” Bulthuis, at 2:21.</p>

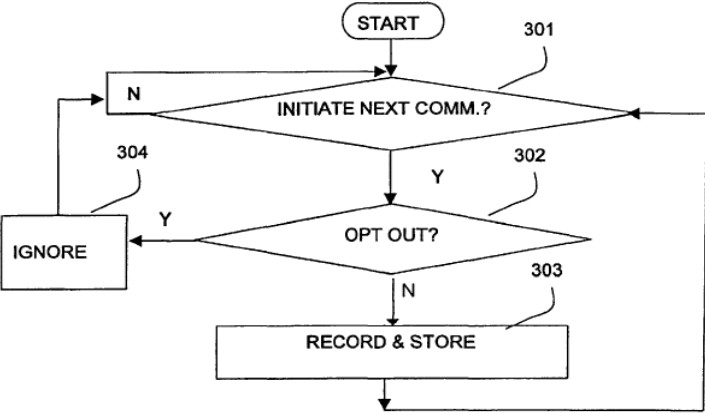
Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>“The device preferably has an onboard storage for storing the recorded communication. For example, the device has a solid state memory card/module or a HDD module with a small form factor that stores a copy of the communication or conversation conducted in real time.” Bulthuis, at 2:25.</p> <p>“In another embodiment of the invention, the device has an output for transmitting a signal to a storage, the signal being representative of the real time communication for being recorded at the storage. The device is connected via a wire or in a wireless fashion with the storage.” Bulthuis, at 2:30.</p> <p>“Preferably, the device comprises a last-communication rewind mechanism for replay of at least a part, e.g., the last 5 minutes, of the communication recorded most recently.” Bulthuis, at 3:10.</p> <p>“The method comprises enabling automatic, or default, recording of at least part of a real-time communication between at least two subscribers. The method comprises enabling playback of subscriber-selected ones of the recorded real-time communications, responsive to at least one subscriber request.” Bulthuis, at 3:24.</p> <p>“The network enables organizing the recorded communications for retrieval and playback by at least one subscriber.” Bulthuis, at 3:30.</p> <p>“The service preferably comprises offering subscribers a last-communication rewind feature for retrieval of a copy of at least part of the real time communication recorded most recently.” Bulthuis, at 4:17.</p> <p>“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>communication, preferably under user-determined or selectable conditions. The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p>“The retrievable form will typically involve some form of organization of the stored data.” Bulthuis, at 7:3.</p> <p>“The following are examples of organization strategies that might be employed by the designer: order of receipt, e.g. via sequential memory access; time and date of receipt, e.g. via direct memory access; some identification of the remote user who participated in the communication, such as phone number; or folders given user-selected names, with communications being further organized within the folders. The user may have communications first buffered in a cache from which the user can store the recording in the appropriate folder, e.g. manually or through another user input, in the appropriate folder.” Bulthuis, at 7:5.</p> <p>“The designer may choose to store a small portion of the communications, perhaps the most recent one or two, in the local memory 203, while storing the bulk of the communications in a memory 206 associated with a network server.” Bulthuis at 7:22.</p> <p>“The organization of the communications may, advantageously, offer a number of features. For instance, a "last conversation rewind" feature may be implemented. Such a feature may be activatable, for instance, by button 106, and would allow a user to replay the conversation most recently recorded.” Bulthuis at 7:27.</p> <p>“The system preferably offers the following additional capabilities: the communication may be stored in digital format, e.g. wav format; mp3; etc. playback controls such as: speed, volume, pause, rewind, fast forward, and so forth, forwarding conversations or transcoded versions thereof to other users, e.g., as voice mail or as an attachment to e-mail, etc.; 5 transferring recordings to some additional medium; and converting stored conversations to text via speech recognition, and forwarding such text via fax or e-mail to a remote user.” Bulthuis at 7:31.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 321 1785 386">“It is therefore advantageous for the user to be able to replay the conversation if and when needed.” Bulthuis, at 8:29.</p> <p data-bbox="514 464 1864 565">“The recording can, but need not, be made at the device itself. For example, a cell phone can be equipped with a recording component comprising, e.g., a flash memory card or a hard disk drive unit (HDD) with a small form-factor. The recording component can be accommodated in the cell phone...” Bulthuis at 8:31.</p> <p data-bbox="514 643 1852 743">“Alternatively to the "last conversation rewind button" described above, the communication device or recording component may have other dedicated buttons or user input interfaces to initiate the retrieval of one or more of the recordings from the network in a user-friendly manner.” Bulthuis at 9:13.</p> <p data-bbox="514 821 1885 954">“In case the recordings are stored on the network, the communication device may serve as a controller to have these recordings made and/or retrieved from the network. Alternatively, or in addition, the recordings, either as audio data or transcribed text data, are retrievable from the network from another device, e.g., laptop or desktop PC with the proper connection hardware and software.” Bulthuis at 9:18.</p> <p data-bbox="514 1032 1873 1166">“The data stored in storage 414 thus represents a conversation recorded. In a simple implementation of the invention, storage 414 comprises a FIFO and stores an amount of data equivalent to, e.g., one minute or a few minutes of conversation before a stored part gets overwritten. This enables for facilitates an instant rewind.” Bulthuis at 10:14.</p> <p data-bbox="514 1243 1881 1417">“This concept can be expanded to cover the functionality of a Personal Logbook. The user carries a capturing device (e.g., a microphone, a solid state camera) that captures audible and/or visual impressions and/or context information for being stored. The information is preferably stored with time stamps and/or location stamps. In the latter case, a GPS system or another location-finding technology (e.g., beacons) provides the data for the geographic location of the user at the time of the recording that particular piece of</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>information. The collection of recordings forms a personal log or diary/journal.” Bulthuis at 10:30.</p> <p>“Capturing can be continuous, event-triggered (e.g., heart-beat of the user, detection of a specific sound, coming within range of a specific object, etc.), user-controllable (voice activated, push-button) or controllable by another party.” Bulthuis at 11:2.</p> <p>“1. A consumer electronics communication device comprising: a first functionality adapted to enable real-time communication via the device; and a second functionality adapted to enable recording of at least part of the real time communication.” Bulthuis at 12:1.</p> <p>“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time communication.” Bulthuis at 12:6.</p> <p>“3. The device of claim 1, comprising a user input to enable the user to select a portion of the real-time communication for the recording.” Bulthuis at 12:11.</p> <p>“4. The device of claim 1, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 12:14.</p> <p>“5. The device of claim 1, comprising an onboard storage for storing at least part of the recorded communication.” Bulthuis at 12:17.</p> <p>“8. The device of claim 1, comprising a last-communication rewind mechanism for replay of at least part of the communication recorded most recently.” Bulthuis at 12:27.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 321 1879 457">“10. A method comprising offering a service, the method comprising: enabling recording of at least part of a real-time communication between at least two subscribers; and responsive to at least one subscriber request, enabling playback of subscriber selected ones of recorded real-time communications.” Bulthuis at 13:4.</p> <p data-bbox="514 532 1785 604">“11. The method of claim 10, comprising organizing the recorded communications for retrieval and playback by at least one subscriber.” Bulthuis at 13:10.</p> <p data-bbox="514 678 1890 750">“13. The method of claim 10, enabling the subscriber to select a portion of the real time communication for recording.” Bulthuis at 13:17.</p> <p data-bbox="514 824 1890 925">“14. The method of claim 10, comprising offering subscribers a last communication rewind feature for enabling to retrieve at least part of a copy of the real time communication recorded most recently.” Bulthuis at 13:20.</p> <p data-bbox="514 1000 1869 1104">“15. For use with a consumer electronics communication device that enables real-time communication via the device: a module with a storage for coupling with the device for enabling automatic recording of the real time communication.” Bulthuis at 13:24.</p> <p data-bbox="514 1179 1890 1247">“16. The module of claim 15, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 13:28.</p> <p data-bbox="514 1321 1858 1390">“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	 <pre> graph TD START([START]) --> 301{INITIATE NEXT COMM.?} 301 -- N --> 304[IGNORE] 301 -- Y --> 302{OPT OUT?} 302 -- Y --> 304 302 -- N --> 303[RECORD & STORE] 303 --> 301 </pre> <p style="text-align: center;">FIG.3</p> <p>Bulthuis, at 3/4.</p> <p>To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results. <i>See, e.g.,</i> Katis 1; Katis 2; Nguyen [7:47]; Bluvband [0024]; Pacor [10:29]; Yannakopoulos [0027]; Freer p. 24; Red 5; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura; Simens Open Space; Android-recorder.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
<p>1[h] determine whether to render the incoming message in the near real time mode or the time-shifted mode based at least in part on the incoming message behavior policy,</p>	<p>Bulthuis discloses the embeddable communications software module is arranged to determine whether to render the incoming message in the near real time mode or the time-shifted mode based at least in part on the incoming message behavior policy. <i>See, e.g.</i></p> <p>“A consumer electronics device, such as a cell phone, is designed to record real time communications occurring on it. Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button. Recordings are stored and organized for ease of retrieval. Recordings can be forwarded to a remote user.” Bulthuis, Abstract.</p> <p>“Recordings are stored and organized for ease of retrieval. Recordings can be forwarded to a remote user.” Bulthuis, Abstract.</p> <p>“Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button.” Bulthuis, Abstract.</p> <p>“Advantageously this is achieved by automatically recording real-time communication in response to a user initiating or accepting the real-time communication.” Bulthuis, at 1:20.</p> <p>“The invention therefore records real time communications and stores them as data to enable people or data processing systems to retrieve them.” Bulthuis, at 1:29.</p> <p>“The invention, however, addresses the consumer functionality that preferably is integrated with the communication device such as a mobile phone, or with the communication service provided to consumers by the service providers.” Bulthuis, 2:5.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="516 264 1808 334">“The device has a first functionality adapted to enable real-time communication via the device; and a second functionality to enable recording of the real time communication.” Bulthuis, at 2:10.</p> <p data-bbox="516 407 1871 548">“Preferably, the first functionality comprises at least one user interface mechanism for providing real-time audio and/or visual information to a user and to receive real-time audio and/or visual information from the user. Preferably, the device comprises a user input to enable the user to select a portion of the real-time communication for the recording.” Bulthuis, at 2:11.</p> <p data-bbox="516 621 1835 727">“Preferably, the device comprises at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user. The organization is based on, e.g., time of the day at which the communication got recorded, caller-ID, or another criterion.” Bulthuis, at 2:21.</p> <p data-bbox="516 800 1866 940">“The device preferably comprises an opt-out mechanism in order to exempt a particular communication from being recorded. For example, the opt out mechanism comprises a prompter that asks at least the user or another party involved in the real time communication to signal if there is a desire for omitting the recording.” Bulthuis, at 3:4.</p> <p data-bbox="516 1013 1892 1083">“Preferably, the device comprises a last-communication rewind mechanism for replay of at least a part, e.g., the last 5 minutes, of the communication recorded most recently.” Bulthuis, at 3:10.</p> <p data-bbox="516 1156 1864 1297">“The method comprises enabling automatic, or default, recording of at least part of a real-time communication between at least two subscribers. The method comprises enabling playback of subscriber-selected ones of the recorded real-time communications, responsive to at least one subscriber request.” Bulthuis, at 3:24.</p> <p data-bbox="516 1370 1850 1401">“The network enables organizing the recorded communications for retrieval and playback by at least one</p>

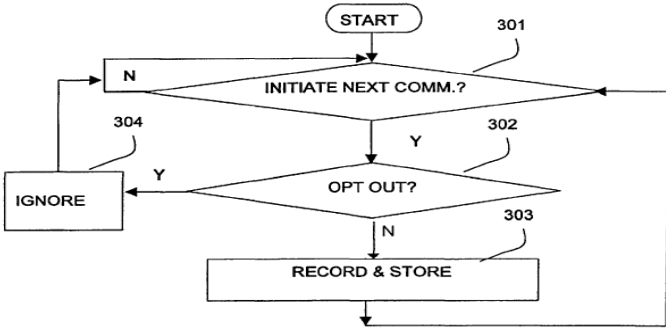
Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>subscriber.” Bulthuis, at 3:30.</p> <p>“The service preferably comprises offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” Bulthuis, at 4:11.</p> <p>“The service preferably enables the subscriber to select a portion of the real time communication for recording.” Bulthuis, at 4:13.</p> <p>“The service preferably comprises offering subscribers a last-communication rewind feature for retrieval of a copy of at least part of the real time communication recorded most recently.” Bulthuis, at 4:17.</p> <p>“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user-determined or selectable conditions. The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p>“At 302 it is tested whether anyone has opted out of recording. Opting out may be in the form of pressing of the button by the user. This button is, for example, of the sort that needs to be pushed for each call, or it may be of the sort that once pushed stays down until it is pushed again. Or, there may be a programmable opt out option in the local communication device or in the network.” Bulthuis at 6:21.</p> <p>“If opt out is not selected, the communication is recorded and stored in a usable form at 303.” Bulthuis, at 6:32.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 316 1829 383">“Fore [sic] example, caller-ID can be used to automatically allocate the recording to the proper folder.” Bulthuis at 7:14.</p> <p data-bbox="514 459 1864 561">“The designer may choose to store a small portion of the communications, perhaps the most recent one or two, in the local memory 203, while storing the bulk of the communications in a memory 206 associated with a network server.” Bulthuis at 7:22.</p> <p data-bbox="514 638 1778 704">“The user of the device is preferably enabled to have a call recorded that s/he initiates as well as an incoming call.” Bulthuis, at 8:11.</p> <p data-bbox="514 781 1892 883">“The recording can also be (part of) a service on a communication network. For example, the user can lease storage space on the network for buffering of the recordings, e.g., as is similarly done for voice mails.” Bulthuis at 9:7.</p> <p data-bbox="514 959 1850 1062">“Alternatively to the "last conversation rewind button" described above, the communication device or recording component may have other dedicated buttons or user input interfaces to initiate the retrieval of one or more of the recordings from the network in a user-friendly manner.” Bulthuis at 9:13.</p> <p data-bbox="514 1138 1885 1279">“In case the recordings are stored on the network, the communication device may serve as a controller to have these recordings made and/or retrieved from the network. Alternatively, or in addition, the recordings, either as audio data or transcribed text data, are retrievable from the network from another device, e.g., laptop or desktop PC with the proper connection hardware and software.” Bulthuis at 9:18.</p> <p data-bbox="514 1356 1860 1416">“Caller-ID or other profiling information (e.g. time of the day, geographic location, day of the week, etc.) may be used to select for which communications to skip the recording or to explicitly carry out the</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>recording.” Bulthuis at 9:28.</p> <p>“This concept can be expanded to cover the functionality of a Personal Logbook. The user carries a capturing device (e.g., a microphone, a solid state camera) that captures audible and/or visual impressions and/or context information for being stored. The information is preferably stored with time stamps and/or location stamps. In the latter case, a GPS system or another location-finding technology (e.g., beacons) provides the data for the geographic location of the user at the time of the recording that particular piece of information. The collection of recordings forms a personal log or diary/journal.” Bulthuis at 10:30.</p> <p>“Capturing can be continuous, event-triggered (e.g., heart-beat of the user, detection of a specific sound, coming within range of a specific object, etc.), user-controllable (voice activated, push-button) or controllable by another party.” Bulthuis at 11:2.</p> <p>“In the latter case, a child can be given such a capturing device, integrated within a piece of clothing or bicycle. The device can be remotely activated by the parent at any time. The device sends the captured data to a remote server or stores it locally for download and post-processing later on.” Bulthuis at 11:5.</p> <p>“1. A consumer electronics communication device comprising: a first functionality adapted to enable real-time communication via the device; and a second functionality adapted to enable recording of at least part of the real time communication.” Bulthuis at 12:1.</p> <p>“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time communication.” Bulthuis at 12:6.</p> <p>“3. The device of claim 1, comprising a user input to enable the user to select a portion of the real-time</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>communication for the recording.” Bulthuis at 12:11.</p> <p>“4. The device of claim 1, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 12:14.</p> <p>“7. The device of claim 6, wherein the opt-out mechanism comprises a prompter that asks at least the user or another party involved in the real time communication to signal if there is a desire for omitting the recording.” Bulthuis at 12:23.</p> <p>“8. The device of claim 1, comprising a last-communication rewind mechanism for replay of at least part of the communication recorded most recently.” Bulthuis at 12:27.</p> <p>“10. A method comprising offering a service, the method comprising: enabling recording of at least part of a real-time communication between at least two subscribers; and responsive to at least one subscriber request, enabling playback of subscriber selected ones of recorded real-time communications.” Bulthuis at 13:4.</p> <p>“11. The method of claim 10, comprising organizing the recorded communications for retrieval and playback by at least one subscriber.” Bulthuis at 13:10.</p> <p>“12. The method of claim 10, comprising offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” 13:13.</p> <p>“13. The method of claim 10, enabling the subscriber to select a portion of the real time communication for recording.” Bulthuis at 13:17.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 316 1892 422">“14. The method of claim 10, comprising offering subscribers a last communication rewind feature for enabling to retrieve at least part of a copy of the real time communication recorded most recently.” Bulthuis at 13:20.</p> <p data-bbox="514 495 1892 600">“15. For use with a consumer electronics communication device that enables real-time communication via the device: a module with a storage for coupling with the device for enabling automatic recording of the real time communication.” Bulthuis at 13:24.</p> <p data-bbox="514 673 1892 738">“16. The module of claim 15, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 13:28.</p> <p data-bbox="514 812 1892 876">“17. The module of claim 15, comprising an opt out mechanism adapted to exempt a particular communication from recordation.” Bulthuis at 13:31.</p> <p data-bbox="514 950 1892 1023">“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	 <p style="text-align: center;">FIG.3</p> <p>Bulthuis, at 3/4.</p> <p>To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results. <i>See, e.g.</i>, Katis 1; Katis 2; Nguyen [16:27]; Pacor [16:1]; Yannakopoulos Fig. 6; Uehara [0069]; Kono [0024]; Red 5; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura; Simens Open Space; Android-recorder.</p>
<p>1[i] wherein the software application is separate from the communication system that is accessed through the embeddable</p>	<p>Bulthuis discloses an embeddable communications software module wherein the software application is separate from the communication system that is accessed through the embeddable communications software module. <i>See, e.g.</i></p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
communications software module.	<p data-bbox="514 266 1871 375">“The invention, however, addresses the consumer functionality that preferably is integrated with the communication device such as a mobile phone, or with the communication service provided to consumers by the service providers.” Bulthuis, 2:5.</p> <p data-bbox="514 444 1885 553">“In another embodiment of the invention, the device has an output for transmitting a signal to a storage, the signal being representative of the real time communication for being recorded at the storage. The device is connected via a wire or in a wireless fashion with the storage.” Bulthuis, at 2:30.</p> <p data-bbox="514 623 1885 732">“For example, the device has a mobile telephone and the storage comprises a separate module that communicates with the mobile telephone using Bluetooth or another short-range communication protocol.” Bulthuis, at 2:33.</p> <p data-bbox="514 802 1776 878">“An embodiment of the invention is represented by a method for offering a service to subscribers.” Bulthuis, at 3:23.</p> <p data-bbox="514 948 1864 1089">“The method comprises enabling automatic, or default, recording of at least part of a real-time communication between at least two subscribers. The method comprises enabling playback of subscriber-selected ones of the recorded real-time communications, responsive to at least one subscriber request.” Bulthuis, at 3:24.</p> <p data-bbox="514 1159 1856 1268">“In this manner, the recording and storage can be delegated to a network, e.g., a dedicated server on a communication network. As a result, the communication device can be kept lean, and legacy devices can make use of the service.” Bulthuis, at 3:27.</p> <p data-bbox="514 1338 1856 1406">“The network enables organizing the recorded communications for retrieval and playback by at least one subscriber.” Bulthuis, at 3:30.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>“As the recording, processing and storage is delegated to a dedicated server, quality of the recording, processing and organizing can be optimized and/or customized. These activities need not be compromised either, as the dedicated server is professionally maintained by the service provider using state-of-the art software to implement the service.” Bulthuis, at 4:6.</p> <p>“An implementation of the invention uses a module with a storage for coupling with the communication device for enabling recording of the real time communication.” Bulthuis, at 4:20.</p> <p>“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user-determined or selectable conditions. The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p>“The term "communication" shall be used herein to include telephone calls, whether audio, video, or multimedia in nature, and whether or not occurring via conventional telephonic devices or via the Internet or another data network. The term "conversation" shall be synonymous with communication and shall not exclude non-audio media.” Bulthuis, at 5:15.</p> <p>“Fig. 1 is a schematic diagram of a consumer electronics device 101 in accordance with the invention. The particular consumer electronics device pictured is a mobile phone. However, the invention is equally applicable to other types of phones, including videophones, or other real-time communications devices, which might include personal computers connected to the Internet. Visible in the diagram are a display 102, a keypad 103 and additional functionality specification apparatus 104. The functionality specification apparatus 104 shown includes an opt- out-of-recording button 105, a last-conversation-rewind button 106, and a thumb wheel 107, which may be in accordance with U.S. Pat. App. Ser. No. 09/780,229 referred to</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>above. These functionality specification devices may be fixed function or may be programmable. Other options for specification of functionality, such as touch screens or pointer devices, are well known to those of ordinary skill in the art and may be readily substituted for the apparatus shown.” Bulthuis, at 5:19.</p> <p>“Fig. 2 shows a network embodiment of the invention. A plurality of consumer electronics devices 201 are networked to a central server 204. The server 204 includes a memory 206 and a processor 205. Each consumer electronics device 201 also includes a processor 202 and a memory 203. The consumer electronics devices 201 include real time communication devices, such as the cell phone of Fig. 1, any other type of phone, a personal computer, or a television with a set top box. The network may include a telephone network, a LAN, the Internet, or any other type of analog or digital network. The connections 207 may be wired or wireless.” Bulthuis, at 5:31.</p> <p>“If a central server 204 is used to store the communications, the organization may take any suitable form, including the use of a keyword-oriented database. The following are examples of organization strategies that might be employed by the designer: order of receipt, e.g. via sequential memory access; time and date of receipt, e.g. via direct memory access; some identification of the remote user who participated in the communication, such as phone number; or folders given user-selected names, with communications being further organized within the folders. The user may have communications first buffered in a cache from which the user can store the recording in the appropriate folder, e.g. manually or through another user input, in the appropriate folder.” Bulthuis, at 7:5.</p> <p>“Operation of the server 206 may be by a commercial service, for instance by the wireless service provider in the case of mobile phones. The service provider may charge fees for recording, storing and retrieving communications.” Bulthuis at 8:8.</p> <p>“The recording can, but need not, be made at the device itself. For example, a cell phone can be equipped with a recording component comprising, e.g., a flash memory card or a hard disk drive unit (HDD) with a small form-factor. The recording component can be accommodated in the cell phone...” Bulthuis at 8:31.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="516 318 1759 350">“The recording components as a separate module can be an after-market add-on.” Bulthuis at 9:2.</p> <p data-bbox="516 423 1896 526">“The recording can also be (part of) a service on a communication network. For example, the user can lease storage space on the network for buffering of the recordings, e.g., as is similarly done for voice mails.” Bulthuis at 9:7.</p> <p data-bbox="516 602 1896 743">“The recording can also be (part of) a service on a communication network. For example, the user can lease storage space on the network for buffering of the recordings, e.g., as is similarly being done for voice mails. An application server processes the communication information and converts it to a digital format suitable for a sound file within this context and for the expected quality, e.g., using the wav format.” Bulthuis at 9:7.</p> <p data-bbox="516 820 1896 961">“In case the recordings are stored on the network, the communication device may serve as a controller to have these recordings made and/or retrieved from the network. Alternatively, or in addition, the recordings, either as audio data or transcribed text data, are retrievable from the network from another device, e.g., laptop or desktop PC with the proper connection hardware and software.” Bulthuis at 9:18.</p> <p data-bbox="516 1037 1871 1140">“1. A consumer electronics communication device comprising: a first functionality adapted to enable real-time communication via the device; and a second functionality adapted to enable recording of at least part of the real time communication.” Bulthuis at 12:1.</p> <p data-bbox="516 1216 1871 1318">“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time communication.” Bulthuis at 12:6.</p> <p data-bbox="516 1395 1829 1421">“3. The device of claim 1, comprising a user input to enable the user to select a portion of the real-time</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>communication for the recording.” Bulthuis at 12:11.</p> <p>“4. The device of claim 1, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 12:14.</p> <p>“5. The device of claim 1, comprising an onboard storage for storing at least part of the recorded communication.” Bulthuis at 12:17.</p> <p>“10. A method comprising offering a service, the method comprising: enabling recording of at least part of a real-time communication between at least two subscribers; and responsive to at least one subscriber request, enabling playback of subscriber selected ones of recorded real-time communications.” Bulthuis at 13:4.</p> <p>“11. The method of claim 10, comprising organizing the recorded communications for retrieval and playback by at least one subscriber.” Bulthuis at 13:10.</p> <p>“12. The method of claim 10, comprising offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” 13:13.</p> <p>“13. The method of claim 10, enabling the subscriber to select a portion of the real time communication for recording.” Bulthuis at 13:17.</p> <p>“14. The method of claim 10, comprising offering subscribers a last communication rewind feature for enabling to retrieve at least part of a copy of the real time communication recorded most recently.” Bulthuis at 13:20.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 316 1864 386">“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p> <div data-bbox="569 488 1182 1052"> <p data-bbox="835 1084 907 1117">FIG.2</p> </div> <p data-bbox="514 1182 722 1214">Bulthuis, at 2/4.</p> <p data-bbox="514 1287 1892 1425">To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results. <i>See, e.g.,</i> Katis 1; Katis 2; Red 5; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	Unity; IBM SameTime; Avaya Aura; Simens Open Space; Android-recorder.
<p>5. An embeddable communications software module as recited in claim 1 wherein the embeddable communications software module is further arranged to:</p>	<p>To the extent the preamble is limiting, Bulthuis discloses an embeddable communications software module as recited in claim 1 <i>see</i> citations for claim 1[a]-[i], 5[a]-[d].</p>
<p>5[a] receive recipient identity information from the software application, the recipient identity information indicating an identity of a message recipient;</p>	<p>Bulthuis discloses an embeddable communications software module as recited in claim 1 wherein the embeddable communications software module is further arranged to: [a] receive recipient identity information from the software application, the recipient identity information indicating an identity of a message recipient. <i>See, e.g.</i></p> <p>“A consumer electronics device, such as a cell phone, is designed to record real time communications occurring on it. Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button. Recordings are stored and organized for ease of retrieval. Recordings can be forwarded to a remote user.” Bulthuis, Abstract.</p> <p>“Advantageously this is achieved by automatically recording real-time communication in response to a user initiating or accepting the real-time communication.” Bulthuis, at 1:20.</p> <p>“The invention, however, addresses the consumer functionality that preferably is integrated with the communication device such as a mobile phone, or with the communication service provided to consumers by the service providers.” Bulthuis, 2:5.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>“Preferably, the device comprises at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user. The organization is based on, e.g., time of the day at which the communication got recorded, caller-ID, or another criterion.” Bulthuis, at 2:21.</p> <p>“The device preferably comprises an opt-out mechanism in order to exempt a particular communication from being recorded. For example, the opt out mechanism comprises a prompter that asks at least the user or another party involved in the real time communication to signal if there is a desire for omitting the recording.” Bulthuis, at 3:4.</p> <p>“The service preferably comprises offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” Bulthuis, at 4:11.</p> <p>“The module preferably, comprises at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user. The module preferably comprises an opt-out mechanism adapted to exempt a particular communication from recording.” Bulthuis, at 4:27.</p> <p>“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user-determined or selectable conditions. The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p>“The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 5:1.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>“At 301 it is tested whether a communication is started. Typically, communication is started when the user answers the phone or when the user makes a phone call. It may or may not be desirable to begin recording as soon as the user starts using the phone. A call can be detected in response to hearing tones transmitted from the phone. It may be preferable to wait until an actual two-way communication is established, either when a remote user has picked up the phone or when the voice mail of the remote user has answered.” Bulthuis, at 6:8.</p> <p>“At 302 it is tested whether anyone has opted out of recording. Opting out may be in the form of pressing of the button by the user. This button is, for example, of the sort that needs to be pushed for each call, or it may be of the sort that once pushed stays down until it is pushed again. Or, there may be a programmable opt out option in the local communication device or in the network.” Bulthuis at 6:21.</p> <p>“The following are examples of organization strategies that might be employed by the designer: order of receipt, e.g. via sequential memory access; time and date of receipt, e.g. via direct memory access; some identification of the remote user who participated in the communication, such as phone number; or folders given user-selected names, with communications being further organized within the folders. The user may have communications first buffered in a cache from which the user can store the recording in the appropriate folder, e.g. manually or through another user input, in the appropriate folder.” Bulthuis, at 7:5.</p> <p>“Fore [sic] example, caller-ID can be used to automatically allocate the recording to the proper folder.” Bulthuis at 7:14.</p> <p>“The user of the device is preferably enabled to have a call recorded that s/he initiates as well as an incoming call.” Bulthuis, at 8:11.</p> <p>“For calls received, starting recording is not a major issue, since the recording can begin when the user</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>answers the phone. For calls initiated at the device, optionally, in a post-processing step (after completion of the call and therefore after recording), the dial tones get deleted under software control to compact the recording.” Bulthuis, at 8:15.</p> <p>“Caller-ID or other profiling information (e.g. time of the day, geographic location, day of the week, etc.) may be used to select for which communications to skip the recording or to explicitly carry out the recording.” Bulthuis at 9:28.</p> <p>“This concept can be expanded to cover the functionality of a Personal Logbook. The user carries a capturing device (e.g., a microphone, a solid state camera) that captures audible and/or visual impressions and/or context information for being stored. The information is preferably stored with time stamps and/or location stamps. In the latter case, a GPS system or another location-finding technology (e.g., beacons) provides the data for the geographic location of the user at the time of the recording that particular piece of information. The collection of recordings forms a personal log or diary/journal.” Bulthuis at 10:30.</p> <p>“Capturing can be continuous, event-triggered (e.g., heart-beat of the user, detection of a specific sound, coming within range of a specific object, etc.), user-controllable (voice activated, push-button) or controllable by another party.” Bulthuis at 11:2.</p> <p>“In the latter case, a child can be given such a capturing device, integrated within a piece of clothing or bicycle. The device can be remotely activated by the parent at any time. The device sends the captured data to a remote server or stores it locally for download and post-processing later on.” Bulthuis at 11:5.</p> <p>“1. A consumer electronics communication device comprising: a first functionality adapted to enable real-time communication via the device; and a second functionality adapted to enable recording of at least part of the real time communication.” Bulthuis at 12:1.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 316 1871 422">“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time communication.” Bulthuis at 12:6.</p> <p data-bbox="514 495 1829 560">“3. The device of claim 1, comprising a user input to enable the user to select a portion of the real-time communication for the recording.” Bulthuis at 12:11.</p> <p data-bbox="514 633 1850 698">“4. The device of claim 1, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 12:14.</p> <p data-bbox="514 771 1885 844">“6. The device of claim I, comprising an opt-out mechanism adapted to exempt a particular communication from being recorded.” Bulthuis at 12:20.</p> <p data-bbox="514 917 1881 1055">“10. A method comprising offering a service, the method comprising: enabling recording of at least part of a real-time communication between at least two subscribers; and responsive to at least one subscriber request, enabling playback of subscriber selected ones of recorded real-time communications.” Bulthuis at 13:4.</p> <p data-bbox="514 1128 1787 1201">“11. The method of claim 10, comprising organizing the recorded communications for retrieval and playback by at least one subscriber.” Bulthuis at 13:10.</p> <p data-bbox="514 1274 1864 1347">“12. The method of claim 10, comprising offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” 13:13.</p>

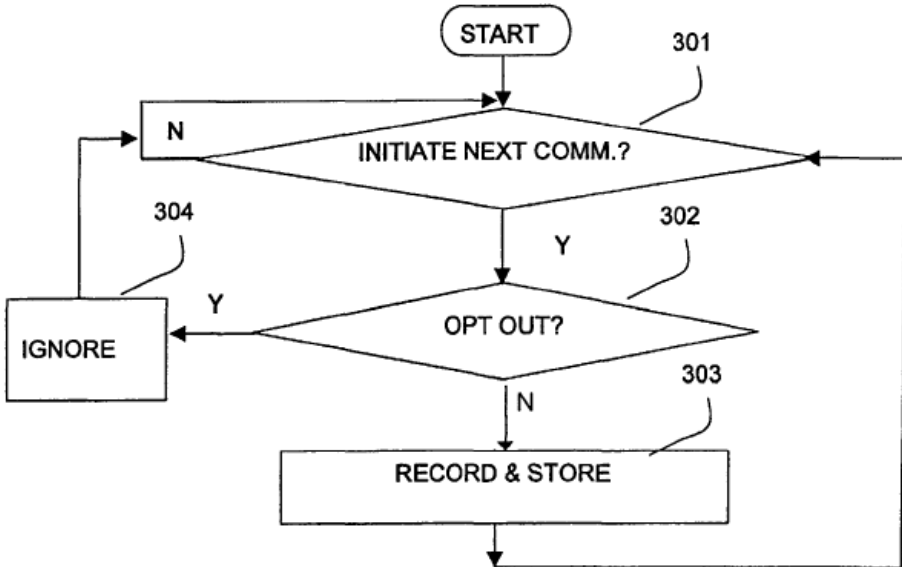
Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p> <p>To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results. <i>See, e.g.</i>, Katis 1; Katis 2; Bluvband [0017]; Belanger [0026]; Harwell [9:65]; Cropper [31:10]; Uehara [0098]; Eto [0065]; Red 5; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura; Simens Open Space; Android-recorder.</p> <p>Moreover, if a combination were required, Bulthuis renders this claim limitation obvious in view of numerous prior art references that disclose an embeddable communications software module as recited in claim 1 wherein the embeddable communications software module is further arranged to receive recipient identity information from the software application, the recipient identity information indicating an identity of a message recipient. Long before the alleged invention of the ‘028 patent, it was well known that a communications software module could be arranged to receive recipient identity information from the software application, the recipient identity information indicating an identity of a message recipient.</p> <p>The Pelttari reference, for instance, discloses an embeddable communications software module as recited in claim 1 arranged to receive recipient identity information from the software application, the recipient identity information indicating an identity of a message recipient. The Pelttari reference states, for example, that “[t]he request to send audio content also includes identification parameters for each recipient communication terminal for example, its phone number.” 028 chart for Pelttari at 053. <i>See also, e.g.</i>, 028 chart for Pelttari at [0016-17], [0020-22], [0049], [0053], [0055-59], [0078], [0081-82], [0085], [0093-96], [0099], [0102], [115], [0116], [125] Claims 24, 25, 28, 35, 42, 49, 57, 65, 66, Figs. 2, 5, 6.</p> <p>A person of ordinary skill in the art would understand that a communications software module can be arranged to receive recipient identity information from the software application, the recipient identity information indicating an identity of a message recipient. For example, the ‘028 patent itself references</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>prior art to the patent that discloses a communications software module arranged to receive recipient identity information from the software application, the recipient identity information indicating an identity of a message recipient, such as Katis 1 at 28-31, 55-56.</p> <p>To the extent a combination is required, it would have been obvious for one of ordinary skill to combine Bulthuis with any of the references described above. One of ordinary skill would have been motivated to do so, among other reasons, to achieve the benefit of arranging a communications software module to receive recipient identity information from the software application, the recipient identity information indicating an identity of a message recipient. Bulthuis and the references described above belong to the same field of endeavor (communication by means of streaming media), and all describe systems and methods for creating, transmitting, receiving, rendering, and storing streaming media. To the extent a combination is required, it would have been obvious person of ordinary skill in the art to combine Bulthuis with any of the references discussed above, and such a person would have been motivated to do so. Applying the teachings of such references would have involved nothing more than the application of known techniques to a known method ready for improvement to yield predictable results.</p>
<p>5[b] record outgoing media created by a user;</p>	<p>Bulthuis discloses an embeddable communications software module as recited in claim 1 wherein the embeddable communications software module is further arranged to [b] record outgoing media created by a user. <i>See, e.g.</i></p> <p>“A consumer electronics device, such as a cell phone, is designed to record real time communications occurring on it. Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button. Recordings are stored and organized for ease of retrieval. Recordings can be forwarded to a remote user.” Bulthuis, Abstract.</p> <p>“Advantageously this is achieved by automatically recording real-time communication in response to a user initiating or accepting the real-time communication.” Bulthuis, at 1:20.</p> <p>“The device has a first functionality adapted to enable real-time communication via the device; and a</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>second functionality to enable recording of the real time communication.” Bulthuis, at 2:10.</p> <p>“The method comprises enabling automatic, or default, recording of at least part of a real-time communication between at least two subscribers. The method comprises enabling playback of subscriber-selected ones of the recorded real-time communications, responsive to at least one subscriber request.” Bulthuis, at 3:24.</p> <p>“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user-determined or selectable conditions. The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p>“At 301 it is tested whether a communication is started. Typically, communication is started when the user answers the phone or when the user makes a phone call. It may or may not be desirable to begin recording as soon as the user starts using the phone. A call can be detected in response to hearing tones transmitted from the phone.” Bulthuis at 6:8.</p> <p>“For instance, if the user initiates the call, recording could start when a voice is detected on the other end.” Bulthuis at 6:14.</p> <p>“The user of the device is preferably enabled to have a call recorded that s/he initiates as well as an incoming call.” Bulthuis, at 8:11.</p> <p>“The recording components as a separate module can be an after-market add-on.” Bulthuis at 9:2.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>“This concept can be expanded to cover the functionality of a Personal Logbook. The user carries a capturing device (e.g., a microphone, a solid state camera) that captures audible and/or visual impressions and/or context information for being stored. The information is preferably stored with time stamps and/or location stamps. In the latter case, a GPS system or another location-finding technology (e.g., beacons) provides the data for the geographic location of the user at the time of the recording that particular piece of information. The collection of recordings forms a personal log or diary/journal.” Bulthuis at 10:30.</p> <p>“Capturing can be continuous, event-triggered (e.g., heart-beat of the user, detection of a specific sound, coming within range of a specific object, etc.), user-controllable (voice activated, push-button) or controllable by another party.” Bulthuis at 11:2.</p> <p>“In the latter case, a child can be given such a capturing device, integrated within a piece of clothing or bicycle. The device can be remotely activated by the parent at any time. The device sends the captured data to a remote server or stores it locally for download and post-processing later on.” Bulthuis at 11:5.</p> <p>“1. A consumer electronics communication device comprising: a first functionality adapted to enable real-time communication via the device; and a second functionality adapted to enable recording of at least part of the real time communication.” Bulthuis at 12:1.</p> <p>“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time communication.” Bulthuis at 12:6.</p> <p>“3. The device of claim 1, comprising a user input to enable the user to select a portion of the real-time communication for the recording.” Bulthuis at 12:11.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 316 1879 462">“10. A method comprising offering a service, the method comprising: enabling recording of at least part of a real-time communication between at least two subscribers; and responsive to at least one subscriber request, enabling playback of subscriber selected ones of recorded real-time communications.” Bulthuis at 13:4.</p> <p data-bbox="514 527 1879 609">“13. The method of claim 10, enabling the subscriber to select a portion of the real time communication for recording.” Bulthuis at 13:17.</p> <p data-bbox="514 673 1879 755">“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	 <pre> graph TD START([START]) --> 301{INITIATE NEXT COMM.?} 301 -- N --> 304[IGNORE] 301 -- Y --> 302{OPT OUT?} 302 -- Y --> 304 302 -- N --> 303[RECORD & STORE] 303 --> 301 </pre> <p style="text-align: center;">FIG.3</p> <p>Bulthuis, at 3/4.</p> <p>To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results. <i>See, e.g.</i>, Katis 1; Katis 2; Bluvband [0017]; Belanger [0014]; Harwell [9:65]; Cropper [30:3]; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura; Simens Open Space; Android-recorder.</p> <p>A person of ordinary skill in the art would understand that a communications software module can be arranged to record outgoing media created by a user. For example, the '028 patent itself references prior art to the patent that disclosed a communications software module arranged to record outgoing media created by a user, such as Katis 1 at paragraphs 38-40.</p>
<p>5[c] progressively transmit the outgoing media to remote device while the outgoing media is being created by the user wherein the message recipient of the outgoing media is identified by the recipient identity information received from the software application; and</p>	<p>Bulthuis discloses an embeddable communications software module as recited in claim 1 wherein the embeddable communications software module is further arranged to [c] progressively transmit the outgoing media to remote device while the outgoing media is being created by the user wherein the message recipient of the outgoing media is identified by the recipient identity information received from the software application. <i>See, e.g.</i></p> <p>“A consumer electronics device, such as a cell phone, is designed to record real time communications occurring on it. Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button. Recordings are stored and organized for ease of retrieval. Recordings can be forwarded to a remote user.” Bulthuis, Abstract.</p> <p>“Advantageously this is achieved by automatically recording real-time communication in response to a user initiating or accepting the real-time communication.” Bulthuis, at 1:20.</p> <p>“The invention, however, addresses the consumer functionality that preferably is integrated with the communication device such as a mobile phone, or with the communication service provided to consumers by the service providers.” Bulthuis, 2:5.</p>

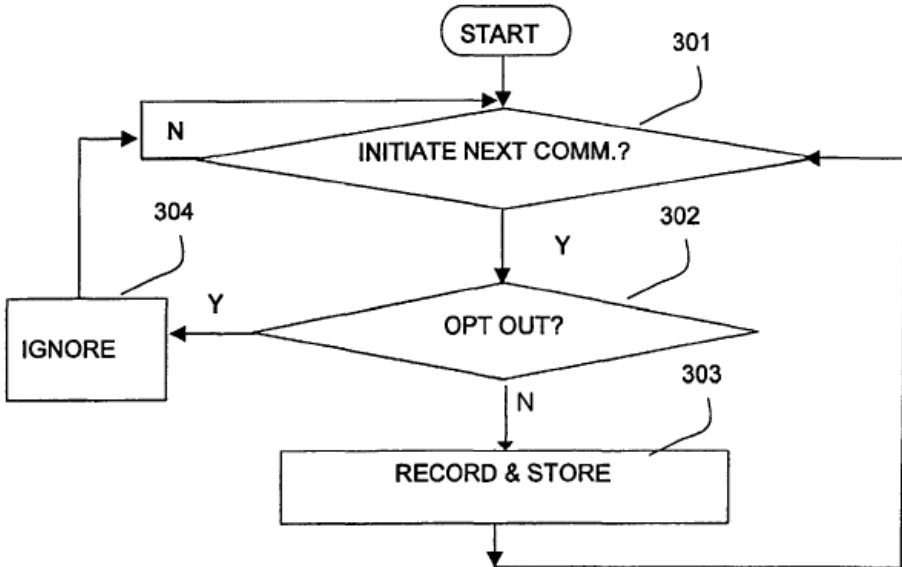
Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="516 318 1803 386">“The device has a first functionality adapted to enable real-time communication via the device; and a second functionality to enable recording of the real time communication.” Bulthuis, at 2:10.</p> <p data-bbox="516 461 1835 565">“Preferably, the device comprises at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user. The organization is based on, e.g., time of the day at which the communication got recorded, caller-ID, or another criterion.” Bulthuis, at 2:21.</p> <p data-bbox="516 639 1866 776">“The device preferably comprises an opt-out mechanism in order to exempt a particular communication from being recorded. For example, the opt out mechanism comprises a prompter that asks at least the user or another party involved in the real time communication to signal if there is a desire for omitting the recording.” Bulthuis, at 3:4.</p> <p data-bbox="516 850 1866 987">“The method comprises enabling automatic, or default, recording of at least part of a real-time communication between at least two subscribers. The method comprises enabling playback of subscriber-selected ones of the recorded real-time communications, responsive to at least one subscriber request.” Bulthuis, at 3:24.</p> <p data-bbox="516 1062 1871 1130">“The service preferably comprises offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” Bulthuis, at 4:11.</p> <p data-bbox="516 1205 1887 1308">“The module preferably, comprises at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user. The module preferably comprises an opt-out mechanism adapted to exempt a particular communication from recording.” Bulthuis, at 4:27.</p> <p data-bbox="516 1383 1871 1414">“The invention also relates to a storage medium readable by a data processing device. The medium carries</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user-determined or selectable conditions. The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p>“At 301 it is tested whether a communication is started. Typically, communication is started when the user answers the phone or when the user makes a phone call. It may or may not be desirable to begin recording as soon as the user starts using the phone. A call can be detected in response to hearing tones transmitted from the phone.” Bulthuis at 6:8.</p> <p>“For instance, if the user initiates the call, recording could start when a voice is detected on the other end.” Bulthuis at 6:14.</p> <p>“At 302 it is tested whether anyone has opted out of recording. Opting out may be in the form of pressing of the button by the user. This button is, for example, of the sort that needs to be pushed for each call, or it may be of the sort that once pushed stays down until it is pushed again. Or, there may be a programmable opt out option in the local communication device or in the network.” Bulthuis at 6:21.</p> <p>“The following are examples of organization strategies that might be employed by the designer: order of receipt, e.g. via sequential memory access; time and date of receipt, e.g. via direct memory access; some identification of the remote user who participated in the communication, such as phone number; or folders given user-selected names, with communications being further organized within the folders. The user may have communications first buffered in a cache from which the user can store the recording in the appropriate folder, e.g. manually or through another user input, in the appropriate folder.” Bulthuis, at 7:5.</p> <p>“Fore [sic] example, caller-ID can be used to automatically allocate the recording to the proper folder.”</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>Bulthuis at 7:14.</p> <p>“The user of the device is preferably enabled to have a call recorded that s/he initiates as well as an incoming call.” Bulthuis, at 8:11.</p> <p>“The recording components as a separate module can be an after-market add-on.” Bulthuis at 9:2.</p> <p>“Caller-ID or other profiling information (e.g. time of the day, geographic location, day of the week, etc.) may be used to select for which communications to skip the recording or to explicitly carry out the recording.” Bulthuis at 9:28.</p> <p>“This concept can be expanded to cover the functionality of a Personal Logbook. The user carries a capturing device (e.g., a microphone, a solid state camera) that captures audible and/or visual impressions and/or context information for being stored. The information is preferably stored with time stamps and/or location stamps. In the latter case, a GPS system or another location-finding technology (e.g., beacons) provides the data for the geographic location of the user at the time of the recording that particular piece of information. The collection of recordings forms a personal log or diary/journal.” Bulthuis at 10:30.</p> <p>“Capturing can be continuous, event-triggered (e.g., heart-beat of the user, detection of a specific sound, coming within range of a specific object, etc.), user-controllable (voice activated, push-button) or controllable by another party.” Bulthuis at 11:2.</p> <p>“In the latter case, a child can be given such a capturing device, integrated within a piece of clothing or bicycle. The device can be remotely activated by the parent at any time. The device sends the captured data to a remote server or stores it locally for download and post-processing later on.” Bulthuis at 11:5.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 321 1869 422">“1. A consumer electronics communication device comprising: a first functionality adapted to enable real-time communication via the device; and a second functionality adapted to enable recording of at least part of the real time communication.” Bulthuis at 12:1.</p> <p data-bbox="514 500 1869 600">“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time communication.” Bulthuis at 12:6.</p> <p data-bbox="514 678 1869 747">“3. The device of claim 1, comprising a user input to enable the user to select a portion of the real-time communication for the recording.” Bulthuis at 12:11.</p> <p data-bbox="514 824 1869 893">“4. The device of claim 1, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 12:14.</p> <p data-bbox="514 971 1869 1039">“6. The device of claim I, comprising an opt-out mechanism adapted to exempt a particular communication from being recorded.” Bulthuis at 12:20.</p> <p data-bbox="514 1117 1869 1250">“10. A method comprising offering a service, the method comprising: enabling recording of at least part of a real-time communication between at least two subscribers; and responsive to at least one subscriber request, enabling playback of subscriber selected ones of recorded real-time communications.” Bulthuis at 13:4.</p> <p data-bbox="514 1328 1869 1380">“11. The method of claim 10, comprising organizing the recorded communications for retrieval and playback by at least one subscriber.” Bulthuis at 13:10.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 316 1864 386">“12. The method of claim 10, comprising offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” 13:13.</p> <p data-bbox="514 459 1885 529">“13. The method of claim 10, enabling the subscriber to select a portion of the real time communication for recording.” Bulthuis at 13:17.</p> <p data-bbox="514 602 1864 672">“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	 <p style="text-align: center;">FIG.3</p> <p>Bulthuis, at 3/4.</p> <p>To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results. <i>See, e.g.</i>, Katis 1; Katis 2; Bluvband [0017]; Belanger [0026]; Harwell [9:65]; Cropper [29:23]; Kono [0016]; Minamide [0040]; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura; Simens Open Space; Android-recorder.</p> <p>Moreover, if a combination were required, Bulthuis renders this claim limitation obvious in view of numerous prior art references that disclose a communications software module arranged to progressively transmit the outgoing media to remote device while the outgoing media is being created by the user wherein the message recipient of the outgoing media is identified by the recipient identity information received from the software application. Long before the alleged invention of the '028 patent, it was well known that a communications software module could be arranged to progressively transmit the outgoing media to remote device while the outgoing media is being created by the user wherein the message recipient of the outgoing media is identified by the recipient identity information received from the software application.</p> <p>The Pelttari reference, for instance, discloses an embeddable communications software module as recited in claim 1 arranged to progressively transmit the outgoing media to remote device while the outgoing media is being created by the user wherein the message recipient of the outgoing media is identified by the recipient identity information received from the software application. The Pelttari reference states, for example, that “[t]he contact parameters of at least one communication station capable of providing an audio communication service are accessed (601) and said communication station is automatically contacted (602). The category to which the audio content being transmitted belongs to is selected or specified. (603). Audio content of an audio call and its category is then transmitted to said communication station for the one or more recipients (604).” 028 chart for Pelttari at 0093. <i>See</i> 028 chart for Pelttari at [0016-18], [0020-22], [0049], [0053], [0055-59], [0081-82], [0085], [0093-96], [0099], [0102], [0126], Claims 21, 24, 25, 28, 35, 49, 57, 65, 66, Figs. 2, 5.</p> <p>A person of ordinary skill in the art would understand that a communications module can be arranged to progressively transmit the outgoing media to remote device while the outgoing media is being created by the user wherein the message recipient of the outgoing media is identified by the recipient identity</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>information received from the software application. For example, the '028 patent itself references prior art to the patent that utilized communications module that can, in response to the received message, send a notification to a software application based on the incoming message behavior policy, such as Katis 1 at 0028-0031, 0055-0056.</p> <p>To the extent a combination is required, it would have been obvious for one of ordinary skill to combine Bulthuis with any of the references described above. One of ordinary skill would have been motivated to do so, among other reasons, to achieve the benefit of providing a means for the embeddable communication software module to progressively transmit the outgoing media to remote device while the outgoing media is being created by the user wherein the message recipient of the outgoing media is identified by the recipient identity information received from the software application. Bulthuis and the references described above belong to the same field of endeavor (communication by means of streaming media), and all describe systems and methods for creating, transmitting, receiving, rendering, and storing streaming media. To the extent a combination is required, it would have been obvious person of ordinary skill in the art to combine Bulthuis with any of the references discussed above, and such a person would have been motivated to do so. Applying the teachings of such references would have involved nothing more than the application of known techniques to a known method ready for improvement to yield predictable results.</p>
<p>5[d] progressively store the outgoing media while the outgoing media is being created and transmitted.</p>	<p>Bulthuis discloses an embeddable communications software module as recited in claim 1 wherein the embeddable communications software module is further arranged to [d] progressively store the outgoing media while the outgoing media is being created and transmitted. <i>See, e.g.</i>.</p> <p>“A consumer electronics device, such as a cell phone, is designed to record real time communications occurring on it. Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button. Recordings are stored and organized for ease of retrieval. Recordings can be forwarded to a remote user.” Bulthuis, Abstract.</p> <p>“Advantageously this is achieved by automatically recording real-time communication in response to a user</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>initiating or accepting the real-time communication.” Bulthuis, at 1:20.</p> <p>“The invention therefore records real time communications and stores them as data to enable people or data processing systems to retrieve them.” Bulthuis, at 1:29.</p> <p>“The invention, however, addresses the consumer functionality that preferably is integrated with the communication device such as a mobile phone, or with the communication service provided to consumers by the service providers.” Bulthuis, 2:5.</p> <p>“The device has a first functionality adapted to enable real-time communication via the device; and a second functionality to enable recording of the real time communication.” Bulthuis, at 2:10.</p> <p>“The device preferably has an onboard storage for storing the recorded communication. For example, the device has a solid state memory card/module or a HDD module with a small form factor that stores a copy of the communication or conversation conducted in real time.” Bulthuis, at 2:25.</p> <p>“In another embodiment of the invention, the device has an output for transmitting a signal to a storage, the signal being representative of the real time communication for being recorded at the storage. The device is connected via a wire or in a wireless fashion with the storage.” Bulthuis, at 2:30.</p> <p>“Preferably, the device comprises a last-communication rewind mechanism for replay of at least a part, e.g., the last 5 minutes, of the communication recorded most recently.” Bulthuis, at 3:10.</p> <p>“The method comprises enabling automatic, or default, recording of at least part of a real-time communication between at least two subscribers. The method comprises enabling playback of subscriber-</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>selected ones of the recorded real-time communications, responsive to at least one subscriber request.” Bulthuis, at 3:24.</p> <p>“In this manner, the recording and storage can be delegated to a network, e.g., a dedicated server on a communication network. As a result, the communication device can be kept lean, and legacy devices can make use of the service.” Bulthuis, at 3:27.</p> <p>“As the recording, processing and storage is delegated to a dedicated server, quality of the recording, processing and organizing can be optimized and/or customized. These activities need not be compromised either, as the dedicated server is professionally maintained by the service provider using state-of-the art software to implement the service.” Bulthuis, at 4:6.</p> <p>“The service preferably enables the subscriber to select a portion of the real time communication for recording.” Bulthuis, at 4:13.</p> <p>“The service preferably comprises offering subscribers a last-communication rewind feature for retrieval of a copy of at least part of the real time communication recorded most recently.” Bulthuis, at 4:17.</p> <p>“An implementation of the invention uses a module with a storage for coupling with the communication device for enabling recording of the real time communication. The module is coupled galvanically, electrically or in a wireless manner with the device.” Bulthuis, at 4:20.</p> <p>“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user-determined or selectable conditions. The software may also enable</p>

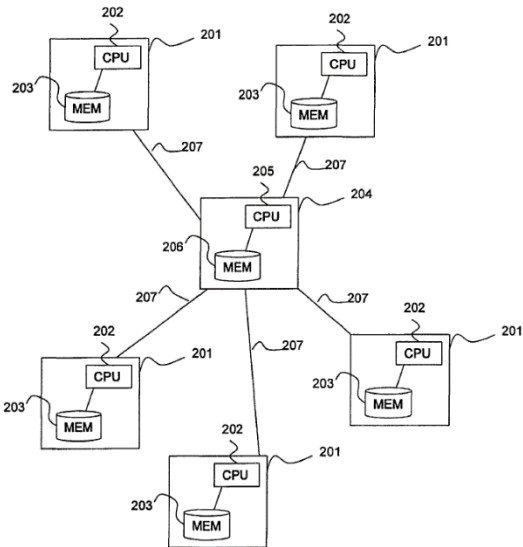
Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p>Fig. 2 shows a network embodiment of the invention. A plurality of consumer electronics devices 201 are networked to a central server 204. The server 204 includes a memory 206 and a processor 205. Each consumer electronics device 201 also includes a processor 202 and a memory 203. The consumer electronics devices 201 include real time communication devices, such as the cell phone of Fig. 1, any other type of phone, a personal computer, or a television with a set top box. The network may include a telephone network, a LAN, the Internet, or any other type of analog or digital network. The connections 207 may be wired or wireless.” Bulthuis, at 5:31.</p> <p>“For instance, if the user initiates the call, recording could start when a voice is detected on the other end.” Bulthuis at 6:14.</p> <p>“The following are examples of organization strategies that might be employed by the designer: order of receipt, e.g. via sequential memory access; time and date of receipt, e.g. via direct memory access; some identification of the remote user who participated in the communication, such as phone number; or folders given user-selected names, with communications being further organized within the folders. The user may have communications first buffered in a cache from which the user can store the recording in the appropriate folder, e.g. manually or through another user input, in the appropriate folder.” Bulthuis, at 7:5.</p> <p>“The designer may choose to store a small portion of the communications, perhaps the most recent one or two, in the local memory 203, while storing the bulk of the communications in a memory 206 associated with a network server.” Bulthuis at 7:22.</p> <p>“The organization of the communications may, advantageously, offer a number of features. For instance, a "last conversation rewind" feature may be implemented. Such a feature may be activatable, for instance, by</p>

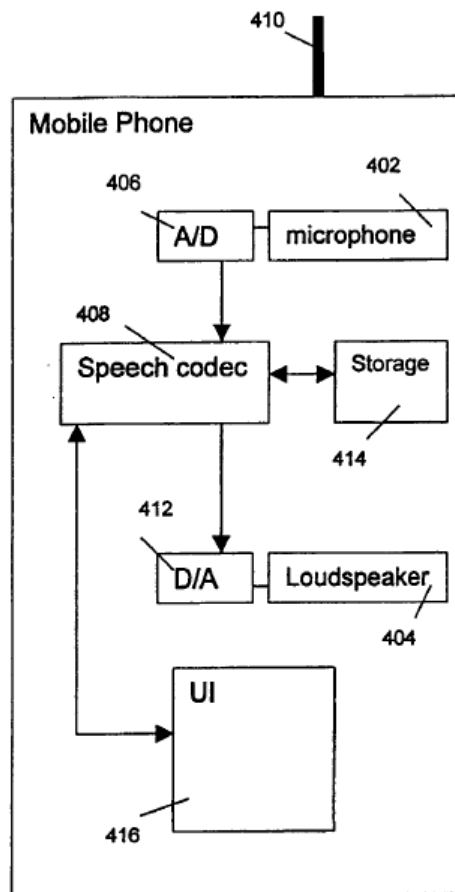
Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>button 106, and would allow a user to replay the conversation most recently recorded.” Bulthuis at 7:27.</p> <p>“The system preferably offers the following additional capabilities: the communication may be stored in digital format, e.g. wav format; mp3; etc. playback controls such as: speed, volume, pause, rewind, fast forward, and so forth, forwarding conversations or transcoded versions thereof to other users, e.g., as voice mail or as an attachment to e-mail, etc.; transferring recordings to some additional medium; and converting stored conversations to text via speech recognition, and forwarding such text via fax or e-mail to a remote user.” Bulthuis at 7:31.</p> <p>“The user of the device is preferably enabled to have a call recorded that s/he initiates as well as an incoming call.” Bulthuis, at 8:11.</p> <p>“The recording can, but need not, be made at the device itself. For example, a cell phone can be equipped with a recording component comprising, e.g., a flash memory card or a hard disk drive unit (HDD) with a small form-factor. The recording component can be accommodated in the cell phone...” Bulthuis at 8:31.</p> <p>“The recording components as a separate module can be an after-market add-on.” Bulthuis at 9:2.</p> <p>“The recording can also be (part of) a service on a communication network. For example, the user can lease storage space on the network for buffering of the recordings, e.g., as is similarly done for voice mails.” Bulthuis at 9:7.</p> <p>“Alternatively to the "last conversation rewind button" described above, the communication device or recording component may have other dedicated buttons or user input interfaces to initiate the retrieval of one or more of the recordings from the network in a user-friendly manner.” Bulthuis at 9:13.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 321 1885 459">“In case the recordings are stored on the network, the communication device may serve as a controller to have these recordings made and/or retrieved from the network. Alternatively, or in addition, the recordings, either as audio data or transcribed text data, are retrievable from the network from another device, e.g., laptop or desktop PC with the proper connection hardware and software.” Bulthuis at 9:18.</p> <p data-bbox="514 532 1873 670">“The data stored in storage 414 thus represents a conversation recorded. In a simple implementation of the invention, storage 414 comprises a FIFO and stores an amount of data equivalent to, e.g., one minute or a few minutes of conversation before a stored part gets overwritten. This enables for facilitates an instant rewind.” Bulthuis at 10:14.</p> <p data-bbox="514 743 1873 849">“1. A consumer electronics communication device comprising: a first functionality adapted to enable real-time communication via the device; and a second functionality adapted to enable recording of at least part of the real time communication.” Bulthuis at 12:1.</p> <p data-bbox="514 922 1873 1027">“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time communication.” Bulthuis at 12:6.</p> <p data-bbox="514 1101 1852 1174">“4. The device of claim 1, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 12:14.</p> <p data-bbox="514 1247 1747 1312">“5. The device of claim 1, comprising an onboard storage for storing at least part of the recorded communication.” Bulthuis at 12:17.</p> <p data-bbox="514 1385 1885 1417">“13. The method of claim 10, enabling the subscriber to select a portion of the real time communication for</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>recording.” Bulthuis at 13:17.</p> <p>“14. The method of claim 10, comprising offering subscribers a last communication rewind feature for enabling to retrieve at least part of a copy of the real time communication recorded most recently.” Bulthuis at 13:20.</p> <p>“15. For use with a consumer electronics communication device that enables real-time communication via the device: a module with a storage for coupling with the device for enabling automatic recording of the real time communication.” Bulthuis at 13:24.</p> <p>“16. The module of claim 15, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 13:28.</p> <p>“8. The device of claim 1, comprising a last-communication rewind mechanism for replay of at least part of the communication recorded most recently.” Bulthuis at 12:27.</p> <p>“10. A method comprising offering a service, the method comprising: enabling recording of at least part of a real-time communication between at least two subscribers; and responsive to at least one subscriber request, enabling playback of subscriber selected ones of recorded real-time communications.” Bulthuis at 13:4.</p> <p>“11. The method of claim 10, comprising organizing the recorded communications for retrieval and playback by at least one subscriber.” Bulthuis at 13:10.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 266 1864 337">“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p> <div data-bbox="548 435 1125 800"> <pre> graph TD START([START]) --> 301{INITIATE NEXT COMM.?} 301 --> 302{OPT OUT?} 302 -- Y --> 304[IGNORE] 302 -- N --> 303[RECORD & STORE] 304 --> 301 303 --> 301 </pre> </div> <p data-bbox="806 850 877 883">FIG.3</p> <p data-bbox="514 1045 722 1078">Bulthuis, at 3/4.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	 <p data-bbox="785 867 848 899">FIG. 2</p> <p data-bbox="516 967 722 1000">Bulthuis, at 2/4.</p>



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FIG.4

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>Bulthuis, at 4/4.</p> <p>To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results. <i>See, e.g.</i>, Katis 1; Katis 2; Bluvband [0017]; Harwell [10:6]; Cropper [29:19]; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura; Simens Open Space; Android-recorder.</p>
<p>12. An embeddable communications software module that allows a software application to access a communications system providing both time delayed and near real time communication, the embeddable communications software module stored in a non transitory tangible computer readable storage medium wherein the embeddable communications software module is arranged to:</p>	<p>To the extent the preamble is limiting, Bulthuis discloses an embeddable communications software module that allows a software application to access a communications system providing both time delayed and near real time communication, the embeddable communications software module stored in a non-transitory tangible computer readable storage medium. <i>See</i> citations for claim 1[a]-[i], 5[a]-[d].</p>
<p>12[a] provide an application programming</p>	<p>Bulthuis discloses an embeddable communications software module as described in Claim 12 arranged to provide an application programming interface (API) that allows the embeddable communications software</p>

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<p>interface (API) that allows the embeddable communications software module to receive API inputs from the software application, the embeddable communication module and the software application communicate through the API;</p>	<p>module to receive API inputs from the software application, the embeddable communication software module and the software application communicating through the API. <i>See, e.g.</i></p> <p>“Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button.” Bulthuis, Abstract.</p> <p>“U.S. Pat. App. Ser. No. 09/780,229 FILED 2/9/01 (Attorney docket no. US018001, inventor Rik Sagar, "RAPID RETRIEVAL USER INTERFACE DESIGNED AROUND SMALL DISPLAYS AND FEW BUTTONS FOR SEARCHING LONG SORTED LISTS"" Bulthuis, at 1:5.</p> <p>“More specifically, the invention relates to a consumer electronics communication device. The device has a first functionality adapted to enable real-time communication via the device; and a second functionality to enable recording of the real time communication. Preferably, the first functionality comprises at least one user interface mechanism for providing real-time audio and/or visual information to a user and to receive real-time audio and/or visual information from the user. Preferably, the device comprises a user input to enable the user to select a portion of the real-time communication for the recording. For example, while the user is discussing an issue via the device with another party, the user wants to store, for use later on, a specific piece of information being brought up in the discussion, e.g., a telephone number being mentioned, navigation directions, a street address, etc. The user then asks the other party to repeat that piece of information. While the user holds down a "record" key on the device, the repeated piece of information gets recorded.” Bulthuis, at 2:8.</p> <p>“Advantageously this is achieved by automatically recording real-time communication in response to a user initiating or accepting the real-time communication.” Bulthuis, at 2:20.</p> <p>“The invention, however, addresses the consumer functionality that preferably is integrated with the</p>

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	<p>communication device such as a mobile phone, or with the communication service provided to consumers by the service providers.” Bulthuis, at 2:5.</p> <p>“In another embodiment of the invention, the device has an output for transmitting a signal to a storage, the signal being representative of the real time communication for being recorded at the storage. The device is connected via a wire or in a wireless fashion with the storage.” Bulthuis, at 2:30.</p> <p>“The method comprises enabling automatic, or default, recording of at least part of a real-time communication between at least two subscribers. The method comprises enabling playback of subscriber-selected ones of the recorded real-time communications, responsive to at least one subscriber request. In this manner, the recording and storage can be delegated to a network, e.g., a dedicated server on a communication network. As a result, the communication device can be kept lean, and legacy devices can make use of the service.” Bulthuis, at 3:24.</p> <p>“A proper user interface (e.g., graphical or voice controlled) then enables the subscriber to select the mode of organization or representation.” Bulthuis, at 4:4.</p> <p>“The service preferably comprises offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” Bulthuis, at 4:11.</p> <p>“The service preferably comprises offering subscribers a last-communication rewind feature for retrieval of a copy of at least part of the real time communication recorded most recently.” Bulthuis, at 4:17.</p> <p>“An implementation of the invention uses a module with a storage for coupling with the communication device for enabling recording of the real time communication. The module is coupled galvanically, electrically or in a wireless manner with the device. Preferably, the module is controllable via a user-</p>

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	<p>interface of the device.” Bulthuis, at 4:20.</p> <p>“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user determined or selectable conditions. The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p>“At 302 it is tested whether anyone has opted out of recording. Opting out may be in the form of pressing of the button 105 by the user. This button is, for example, of the sort that needs to be pushed for each call, or it may be of the sort that once pushed stays down until it is pushed again. Or, there may be a programmable opt out option in the local communication device or in the network.” Bulthuis at 6:21.</p> <p>“Operation of the server 206 may be by a commercial service, for instance by the wireless service provider in the case of mobile phones. The service provider may charge fees for recording, storing and retrieving communications.” Bulthuis at 8:8.</p> <p>“The recording can, but need not, be made at the device itself. For example, a cell phone can be equipped with a recording component comprising, e.g., a flash memory card or a hard disk drive unit (HDD) with a small form-factor. The recording component can be accommodated in the cell phone...” Bulthuis at 8:31.</p> <p>“The recording components as a separate module can be an after-market add-on.” Bulthuis at 9:2.</p> <p>“The recording can also be (part of) a service on a communication network. For example, the user can lease storage space on the network for buffering of the recordings, e.g., as is similarly being done for voice mails.</p>

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	<p>An application server processes the communication information and converts it to a digital format suitable for a sound file within this context and for the expected quality, e.g., using the wav format.” Bulthuis at 9:7.</p> <p>“In case the recordings are stored on the network, the communication device may serve as a controller to have these recordings made and/or retrieved from the network. Alternatively, or in addition, the recordings, either as audio data or transcribed text data, are retrievable from the network from another device, e.g., laptop or desktop PC with the proper connection hardware and software.” Bulthuis at 9:18.</p> <p>“Caller-ID or other profiling information (e.g. time of the day, geographic location, day of the week, etc.) may be used to select for which communications to skip the recording or to explicitly carry out the recording.” Bulthuis at 9:28.</p> <p>“Now, for a rewind of the conversation recorded, the parameters stored in storage 414 get supplied to codec 408. Codec 408 then reconstructs the digitized conversation and has it rendered by loudspeaker 404. A user interface (UI) 416 is provided for user control of the rewind.” Bulthuis, at 10:10.</p> <p>“In the latter case, a child can be given such a capturing device, integrated within a piece of clothing or bicycle. The device can be remotely activated by the parent at any time. The device sends the captured data to a remote server or stores it locally for download and post-processing later on.” Bulthuis at 11:5.</p> <p>“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p> <p>To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve</p>

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	<p>predictable results. <i>See, e.g.</i>, Felt; Freer p. 31; Minamide [0055]; Belanger; Red 5; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura; Simens Open Space.</p> <p>Moreover, if a combination were required, Bulthuis renders this claim limitation obvious in view of numerous prior art references that disclose an application programming interface (API) that allows the embeddable communications software module to receive API inputs from the software application, the embeddable communication software module and the software application communicating through the API. Long before the alleged invention of the '028 patent, it was well known that an application programming interface could allow a software module to receive API inputs from the software application, with the software module and the software application communicating through the API.</p> <p>The Pelttari reference, for instance, discloses a communications software module and a software application communicating through an API. The Pelttari reference states, for example, that “[a]s an example, the category of the audio content is identified from the identification parameters using an API.” 028 chart for Pelttari at 0045. <i>See</i> 028 chart for Pelttari at Figs. 2-5, 45-46, 49, 61, 62, 65, 67, 75-77, 81, 102-3, 106-9, 155, 122.</p> <p>The Rand reference also discloses a communications software module and a software application communicating through an API. The Rand reference states, for example, that “FIG. 9a illustrates an embodiment of the invention including a possible relationship between a device, operating system, and a software application serving as the software 40 component of the invention (“The Application”). The Application could integrate with third party VoIP and Audio Apps through an Application Programming Interface (API), Software Development Kit (SDK), or other means.” Rand reference 21:38-44. <i>See also, e.g.</i>, 028 chart for Rand reference at 16:17-28.</p> <p>The Rensin reference also discloses a communications software module and a software application communicating through an API. The Rensin reference states, for example, that “[a]ccording to one embodiment of the present invention, the server software 14 includes its own application programming interface to allow for integration with a variety of third-party products and systems, such as existing third-party imagery databases, video surveillance tools and infrastructures, third-party alerting and messaging</p>

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	<p>systems, and artificial intelligence solutions, such as facial and object recognition applications.” 028 chart for Rensin at 0383. <i>See also, e.g.</i>, 028 chart for Rensin reference at [0022], [0032-35], [0086], [0110], [0164], [0383], Claims 1-2, 4-10.</p> <p>The Milgramm reference also discloses a communications software module and a software application communicating through an API. The Milgramm reference states, for example, that “For example, when signing up for the live stream detection and notification service provided by the centralized server 101, the user provides user registration information to the centralized server 101. Such user registration information can include basic information about the user such as name, user ID, e-mail address and phone number. The user registration information can later be used to determine the method of notifying the user (e.g., via e-mail or via SMS sent to the phone number).” Milgramm reference at 0028. <i>See also, e.g.</i>, 028 chart for Milgramm reference at [0006-13], [0027], [0056], [0059], Figs. 1-3, 5.</p> <p>The Jones reference also discloses a communications software module and a software application communicating through an API. The Jones reference states, for example, that “As described below in detail with reference to one or more of the embodiments illustrated in the drawings (as well as the above-referenced international patent application), the conference interface may be configured to provide any desirable content and/or functionality and may support various user interface and/or conferencing features, including conference record/playback features, an "always on" record mode, and various methods for enabling a participant to join a conference already in progress. ” Jones reference at 0026. <i>See also, e.g.</i>, 028 chart for Jones reference at [0053], [0059].</p> <p>The Jang reference also discloses a communications software module and a software application communicating through an API. The Jang reference states, for example, that “[t]he control unit 220 receives a selection signal entered via the keypad input unit 240 by using the interface program and recognizes the selection signal as a broadcasting control selection signal.” Jang 0017. <i>See also, e.g.</i>, 028 chart for Jang reference at Abstract, [0009-10], [0016-25], [0027], Claims 1-4, Figs. 2-3.</p>

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	<p>A person of ordinary skill in the art would understand that an API is a commonly used mechanism through which software programs and modules communicate. For example, the '028 patent itself references prior art to the patent that utilized an API to enable a software module to receive API inputs from a software application, such as Riemann (2006/0095332) at Figs. 1-2, Abstract, 2, 4-5, 13, 21-23.42-45.</p> <p>To the extent a combination is required, it would have been obvious for one of ordinary skill to combine Bulthuis with any of the references described above. One of ordinary skill would have been motivated to do so, among other reasons, to achieve the benefit of providing a means for the embeddable communication software module and the software application to communicate. Bulthuis and the references described above belong to the same field of endeavor (communication by means of streaming media), and all describe systems and methods for creating, transmitting, receiving, rendering, and/or storing streaming media. To the extent a combination is required, it would have been obvious person of ordinary skill in the art to combine Bulthuis with any of the references discussed above, and such a person would have been motivated to do so. Applying the teachings of such references would have involved nothing more than the application of known techniques to a known method ready for improvement to yield predictable results.</p>
<p>12[b] receive recipient identity information from the software application, the recipient identity information indicating an identity of a message recipient;</p>	<p>Bulthuis discloses an embeddable communications software module as recited in claim 12 wherein the embeddable communications software module is further arranged to receive recipient identity information from the software application, the recipient identity information indicating an identity of a message recipient. <i>See, e.g.</i></p> <p>“A consumer electronics device, such as a cell phone, is designed to record real time communications occurring on it. Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button. Recordings are stored and organized for ease of retrieval. Recordings can be forwarded to a remote user.” Bulthuis, Abstract.</p> <p>“Advantageously this is achieved by automatically recording real-time communication in response to a user initiating or accepting the real-time communication.” Bulthuis, at 1:20.</p>

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	<p data-bbox="514 264 1873 370">“The invention, however, addresses the consumer functionality that preferably is integrated with the communication device such as a mobile phone, or with the communication service provided to consumers by the service providers.” Bulthuis, 2:5.</p> <p data-bbox="514 443 1835 548">“Preferably, the device comprises at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user. The organization is based on, e.g., time of the day at which the communication got recorded, caller-ID, or another criterion.” Bulthuis, at 2:21.</p> <p data-bbox="514 621 1869 760">“The device preferably comprises an opt-out mechanism in order to exempt a particular communication from being recorded. For example, the opt out mechanism comprises a prompter that asks at least the user or another party involved in the real time communication to signal if there is a desire for omitting the recording.” Bulthuis, at 3:4.</p> <p data-bbox="514 833 1873 906">“The service preferably comprises offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” Bulthuis, at 4:11.</p> <p data-bbox="514 979 1885 1084">“The module preferably, comprises at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user. The module preferably comprises an opt-out mechanism adapted to exempt a particular communication from recording.” Bulthuis, at 4:27.</p> <p data-bbox="514 1157 1873 1369">“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user-determined or selectable conditions. The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p>

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	<p data-bbox="514 321 1887 386">“The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 5:1.</p> <p data-bbox="514 462 1887 673">“At 301 it is tested whether a communication is started. Typically, communication is started when the user answers the phone or when the user makes a phone call. It may or may not be desirable to begin recording as soon as the user starts using the phone. A call can be detected in response to hearing tones transmitted from the phone. It may be preferable to wait until an actual two-way communication is established, either when a remote user has picked up the phone or when the voice mail of the remote user has answered.” Bulthuis, at 6:8.</p> <p data-bbox="514 750 1887 889">“At 302 it is tested whether anyone has opted out of recording. Opting out may be in the form of pressing of the button by the user. This button is, for example, of the sort that needs to be pushed for each call, or it may be of the sort that once pushed stays down until it is pushed again. Or, there may be a programmable opt out option in the local communication device or in the network.” Bulthuis at 6:21.</p> <p data-bbox="514 966 1887 1177">“The following are examples of organization strategies that might be employed by the designer: order of receipt, e.g. via sequential memory access; time and date of receipt, e.g. via direct memory access; some identification of the remote user who participated in the communication, such as phone number; or folders given user-selected names, with communications being further organized within the folders. The user may have communications first buffered in a cache from which the user can store the recording in the appropriate folder, e.g. manually or through another user input, in the appropriate folder.” Bulthuis, at 7:5.</p> <p data-bbox="514 1253 1887 1318">“Fore [sic] example, caller-ID can be used to automatically allocate the recording to the proper folder.” Bulthuis at 7:14.</p> <p data-bbox="514 1395 1887 1417">“The user of the device is preferably enabled to have a call recorded that s/he initiates as well as an</p>

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	<p>incoming call.” Bulthuis, at 8:11.</p> <p>“For calls received, starting recording is not a major issue, since the recording can begin when the user answers the phone. For calls initiated at the device, optionally, in a post-processing step (after completion of the call and therefore after recording), the dial tones get deleted under software control to compact the recording.” Bulthuis, at 8:15.</p> <p>“Caller-ID or other profiling information (e.g. time of the day, geographic location, day of the week, etc.) may be used to select for which communications to skip the recording or to explicitly carry out the recording.” Bulthuis at 9:28.</p> <p>“This concept can be expanded to cover the functionality of a Personal Logbook. The user carries a capturing device (e.g., a microphone, a solid state camera) that captures audible and/or visual impressions and/or context information for being stored. The information is preferably stored with time stamps and/or location stamps. In the latter case, a GPS system or another location-finding technology (e.g., beacons) provides the data for the geographic location of the user at the time of the recording that particular piece of information. The collection of recordings forms a personal log or diary/journal.” Bulthuis at 10:30.</p> <p>“Capturing can be continuous, event-triggered (e.g., heart-beat of the user, detection of a specific sound, coming within range of a specific object, etc.), user-controllable (voice activated, push-button) or controllable by another party.” Bulthuis at 11:2.</p> <p>“In the latter case, a child can be given such a capturing device, integrated within a piece of clothing or bicycle. The device can be remotely activated by the parent at any time. The device sends the captured data to a remote server or stores it locally for download and post-processing later on.” Bulthuis at 11:5.</p>

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	<p data-bbox="514 266 1871 370">“1. A consumer electronics communication device comprising: a first functionality adapted to enable real-time communication via the device; and a second functionality adapted to enable recording of at least part of the real time communication.” Bulthuis at 12:1.</p> <p data-bbox="514 444 1871 548">“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time communication.” Bulthuis at 12:6.</p> <p data-bbox="514 623 1829 691">“3. The device of claim 1, comprising a user input to enable the user to select a portion of the real-time communication for the recording.” Bulthuis at 12:11.</p> <p data-bbox="514 766 1850 834">“4. The device of claim 1, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 12:14.</p> <p data-bbox="514 909 1885 977">“6. The device of claim I, comprising an opt-out mechanism adapted to exempt a particular communication from being recorded.” Bulthuis at 12:20.</p> <p data-bbox="514 1052 1881 1192">“10. A method comprising offering a service, the method comprising: enabling recording of at least part of a real-time communication between at least two subscribers; and responsive to at least one subscriber request, enabling playback of subscriber selected ones of recorded real-time communications.” Bulthuis at 13:4.</p> <p data-bbox="514 1266 1787 1334">“11. The method of claim 10, comprising organizing the recorded communications for retrieval and playback by at least one subscriber.” Bulthuis at 13:10.</p>

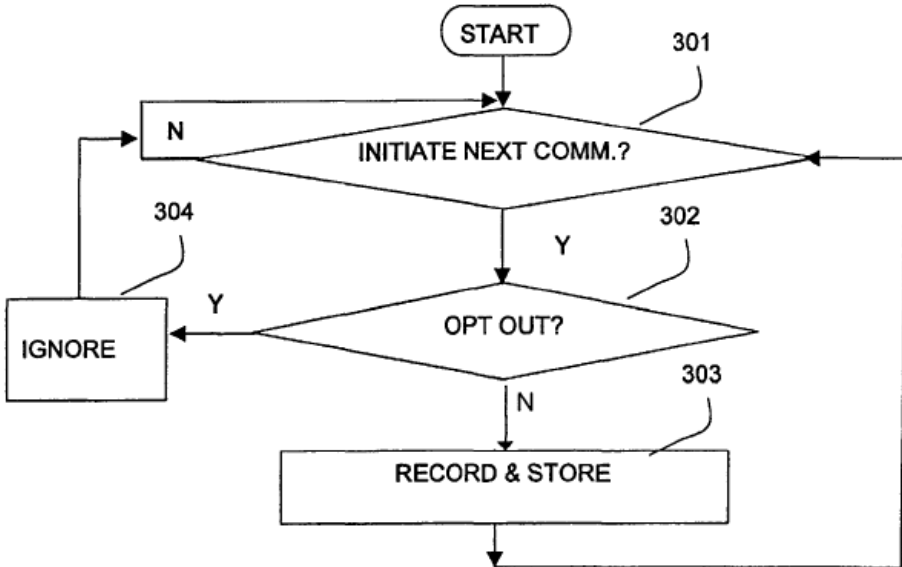
Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 264 1875 337">“12. The method of claim 10, comprising offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” 13:13.</p> <p data-bbox="514 407 1875 480">“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p> <p data-bbox="514 550 1896 776">To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results. <i>See, e.g.</i>, Katis 1; Katis 2; Bluvband [0017]; Belanger [0026]; Harwell [9:65]; Cropper [31:10]; Uehara [0098]; Eto [0065]; Red 5; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura; Simens Open Space; Android-recorder.</p> <p data-bbox="514 857 1896 1109">Moreover, if a combination were required, Bulthuis renders this claim limitation obvious in view of numerous prior art references that disclose an embeddable communications software module as recited in claim 1 wherein the embeddable communications software module is further arranged to receive recipient identity information from the software application, the recipient identity information indicating an identity of a message recipient. Long before the alleged invention of the ‘028 patent, it was well known that a communications software module could be arranged to receive recipient identity information from the software application, the recipient identity information indicating an identity of a message recipient.</p> <p data-bbox="514 1149 1896 1401">The Pelttari reference, for instance, discloses an embeddable communications software module as recited in claim 1 arranged to receive recipient identity information from the software application, the recipient identity information indicating an identity of a message recipient. The Pelttari reference states, for example, that “[t]he request to send audio content also includes identification parameters for each recipient communication terminal for example, its phone number.” 028 chart for Pelttari at 053. <i>See also, e.g.</i>, 028 chart for Pelttari at [0016-17], [0020-22], [0049], [0053], [0055-59], [0078], [0081-82], [0085], [0093-96], [0099], [0102], [115], [0116], [125] Claims 24, 25, 28, 35, 42, 49, 57, 65, 66, Figs. 2, 5, 6.</p>

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	<p>A person of ordinary skill in the art would understand that a communications software module can be arranged to receive recipient identity information from the software application, the recipient identity information indicating an identity of a message recipient. For example, the '028 patent itself references prior art to the patent that discloses a communications software module arranged to receive recipient identity information from the software application, the recipient identity information indicating an identity of a message recipient, such as Katis 1 at 28-31, 55-56.</p> <p>To the extent a combination is required, it would have been obvious for one of ordinary skill to combine Bulthuis with any of the references described above. One of ordinary skill would have been motivated to do so, among other reasons, to achieve the benefit of arranging a communications software module to receive recipient identity information from the software application, the recipient identity information indicating an identity of a message recipient. Bulthuis and the references described above belong to the same field of endeavor (communication by means of streaming media), and all describe systems and methods for creating, transmitting, receiving, rendering, and storing streaming media. To the extent a combination is required, it would have been obvious person of ordinary skill in the art to combine Bulthuis with any of the references discussed above, and such a person would have been motivated to do so. Applying the teachings of such references would have involved nothing more than the application of known techniques to a known method ready for improvement to yield predictable results.</p>
<p>12[c] record outgoing media created by a user;</p>	<p>Bulthuis discloses an embeddable communications software module as recited in claim 12 wherein the embeddable communications software module is further arranged to record outgoing media created by a user. <i>See, e.g.</i></p> <p>“A consumer electronics device, such as a cell phone, is designed to record real time communications occurring on it. Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button. Recordings are stored and organized for ease of retrieval. Recordings can be forwarded to a remote user.” Bulthuis, Abstract.</p>

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	<p>“Advantageously this is achieved by automatically recording real-time communication in response to a user initiating or accepting the real-time communication.” Bulthuis, at 1:20.</p> <p>“The device has a first functionality adapted to enable real-time communication via the device; and a second functionality to enable recording of the real time communication.” Bulthuis, at 2:10.</p> <p>“The method comprises enabling automatic, or default, recording of at least part of a real-time communication between at least two subscribers. The method comprises enabling playback of subscriber-selected ones of the recorded real-time communications, responsive to at least one subscriber request.” Bulthuis, at 3:24.</p> <p>“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user-determined or selectable conditions. The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p>“At 301 it is tested whether a communication is started. Typically, communication is started when the user answers the phone or when the user makes a phone call. It may or may not be desirable to begin recording as soon as the user starts using the phone. A call can be detected in response to hearing tones transmitted from the phone.” Bulthuis at 6:8.</p> <p>“For instance, if the user initiates the call, recording could start when a voice is detected on the other end.” Bulthuis at 6:14.</p>

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	<p data-bbox="514 264 1780 334">“The user of the device is preferably enabled to have a call recorded that s/he initiates as well as an incoming call.” Bulthuis, at 8:11.</p> <p data-bbox="514 407 1759 440">“The recording components as a separate module can be an after-market add-on.” Bulthuis at 9:2.</p> <p data-bbox="514 513 1881 727">“This concept can be expanded to cover the functionality of a Personal Logbook. The user carries a capturing device (e.g., a microphone, a solid state camera) that captures audible and/or visual impressions and/or context information for being stored. The information is preferably stored with time stamps and/or location stamps. In the latter case, a GPS system or another location-finding technology (e.g., beacons) provides the data for the geographic location of the user at the time of the recording that particular piece of information. The collection of recordings forms a personal log or diary/journal.” Bulthuis at 10:30.</p> <p data-bbox="514 800 1843 906">“Capturing can be continuous, event-triggered (e.g., heart-beat of the user, detection of a specific sound, coming within range of a specific object, etc.), user-controllable (voice activated, push-button) or controllable by another party.” Bulthuis at 11:2.</p> <p data-bbox="514 979 1885 1084">“In the latter case, a child can be given such a capturing device, integrated within a piece of clothing or bicycle. The device can be remotely activated by the parent at any time. The device sends the captured data to a remote server or stores it locally for download and post-processing later on.” Bulthuis at 11:5.</p> <p data-bbox="514 1157 1871 1263">“1. A consumer electronics communication device comprising: a first functionality adapted to enable real-time communication via the device; and a second functionality adapted to enable recording of at least part of the real time communication.” Bulthuis at 12:1.</p> <p data-bbox="514 1336 1864 1401">“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>communication.” Bulthuis at 12:6.</p> <p>“3. The device of claim 1, comprising a user input to enable the user to select a portion of the real-time communication for the recording.” Bulthuis at 12:11.</p> <p>“10. A method comprising offering a service, the method comprising: enabling recording of at least part of a real-time communication between at least two subscribers; and responsive to at least one subscriber request, enabling playback of subscriber selected ones of recorded real-time communications.” Bulthuis at 13:4.</p> <p>“13. The method of claim 10, enabling the subscriber to select a portion of the real time communication for recording.” Bulthuis at 13:17.</p> <p>“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	 <pre> graph TD START([START]) --> 301{INITIATE NEXT COMM.?} 301 -- N --> 304[IGNORE] 301 -- Y --> 302{OPT OUT?} 302 -- Y --> 304 302 -- N --> 303[RECORD & STORE] 303 --> 301 </pre> <p style="text-align: center;">FIG.3</p> <p>Bulthuis, at 3/4.</p> <p>To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results. <i>See, e.g.</i>, Katis 1; Katis 2; Bluvband [0017]; Belanger [0014]; Harwell [9:65]; Cropper [30:3]; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura; Simens Open Space; Android-recorder.</p> <p>A person of ordinary skill in the art would understand that a communications software module can be arranged to record outgoing media created by a user. For example, the '028 patent itself references prior art to the patent that disclosed a communications software module arranged to record outgoing media created by a user, such as Katis 1 at paragraphs 38-40.</p>
<p>12[d] progressively transmit the outgoing media to a remote communications device associated with the message recipient, wherein the message recipient is identified by the recipient identity information received from the software application</p>	<p>Bulthuis discloses an embeddable communications software module as recited in claim 12 wherein the embeddable communications software module is further arranged progressively transmit the outgoing media to a remote communications device associated with the message. <i>See, e.g.</i></p> <p>“A consumer electronics device, such as a cell phone, is designed to record real time communications occurring on it. Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button. Recordings are stored and organized for ease of retrieval. Recordings can be forwarded to a remote user.” Bulthuis, Abstract.</p> <p>“Advantageously this is achieved by automatically recording real-time communication in response to a user initiating or accepting the real-time communication.” Bulthuis, at 1:20.</p> <p>“The invention, however, addresses the consumer functionality that preferably is integrated with the communication device such as a mobile phone, or with the communication service provided to consumers by the service providers.” Bulthuis, 2:5.</p>

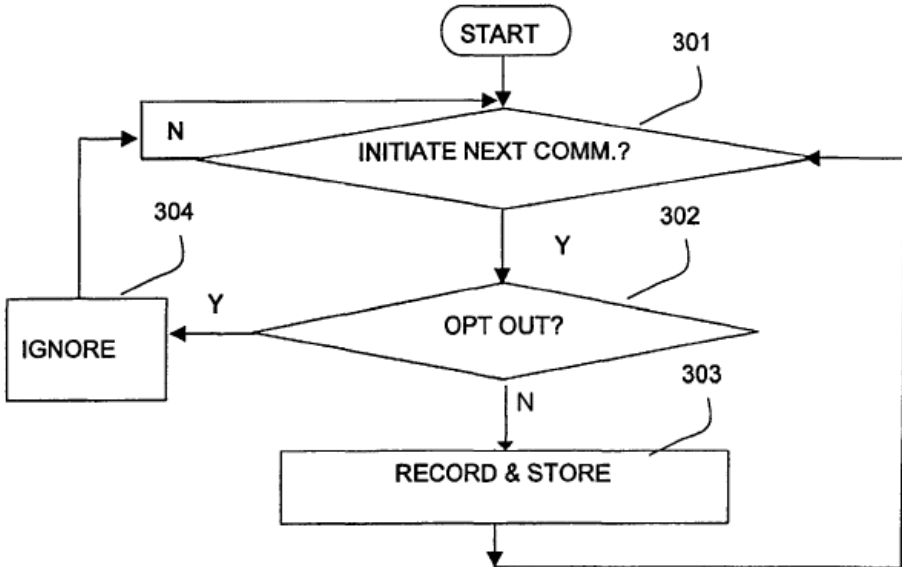
Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 264 1806 332">“The device has a first functionality adapted to enable real-time communication via the device; and a second functionality to enable recording of the real time communication.” Bulthuis, at 2:10.</p> <p data-bbox="514 406 1837 511">“Preferably, the device comprises at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user. The organization is based on, e.g., time of the day at which the communication got recorded, caller-ID, or another criterion.” Bulthuis, at 2:21.</p> <p data-bbox="514 584 1869 722">“The device preferably comprises an opt-out mechanism in order to exempt a particular communication from being recorded. For example, the opt out mechanism comprises a prompter that asks at least the user or another party involved in the real time communication to signal if there is a desire for omitting the recording.” Bulthuis, at 3:4.</p> <p data-bbox="514 795 1858 933">“The method comprises enabling automatic, or default, recording of at least part of a real-time communication between at least two subscribers. The method comprises enabling playback of subscriber-selected ones of the recorded real-time communications, responsive to at least one subscriber request.” Bulthuis, at 3:24.</p> <p data-bbox="514 1006 1869 1079">“The service preferably comprises offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” Bulthuis, at 4:11.</p> <p data-bbox="514 1153 1879 1258">“The module preferably, comprises at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user. The module preferably comprises an opt-out mechanism adapted to exempt a particular communication from recording.” Bulthuis, at 4:27.</p> <p data-bbox="514 1331 1869 1396">“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user-determined or selectable conditions. The software may also enable to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p>“At 301 it is tested whether a communication is started. Typically, communication is started when the user answers the phone or when the user makes a phone call. It may or may not be desirable to begin recording as soon as the user starts using the phone. A call can be detected in response to hearing tones transmitted from the phone.” Bulthuis at 6:8.</p> <p>“For instance, if the user initiates the call, recording could start when a voice is detected on the other end.” Bulthuis at 6:14.</p> <p>“At 302 it is tested whether anyone has opted out of recording. Opting out may be in the form of pressing of the button by the user. This button is, for example, of the sort that needs to be pushed for each call, or it may be of the sort that once pushed stays down until it is pushed again. Or, there may be a programmable opt out option in the local communication device or in the network.” Bulthuis at 6:21.</p> <p>“The following are examples of organization strategies that might be employed by the designer: order of receipt, e.g. via sequential memory access; time and date of receipt, e.g. via direct memory access; some identification of the remote user who participated in the communication, such as phone number; or folders given user-selected names, with communications being further organized within the folders. The user may have communications first buffered in a cache from which the user can store the recording in the appropriate folder, e.g. manually or through another user input, in the appropriate folder.” Bulthuis, at 7:5.</p> <p>“Fore [sic] example, caller-ID can be used to automatically allocate the recording to the proper folder.” Bulthuis at 7:14.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 316 1780 386">“The user of the device is preferably enabled to have a call recorded that s/he initiates as well as an incoming call.” Bulthuis, at 8:11.</p> <p data-bbox="514 459 1759 492">“The recording components as a separate module can be an after-market add-on.” Bulthuis at 9:2.</p> <p data-bbox="514 565 1864 670">“Caller-ID or other profiling information (e.g. time of the day, geographic location, day of the week, etc.) may be used to select for which communications to skip the recording or to explicitly carry out the recording.” Bulthuis at 9:28.</p> <p data-bbox="514 743 1885 959">“This concept can be expanded to cover the functionality of a Personal Logbook. The user carries a capturing device (e.g., a microphone, a solid state camera) that captures audible and/or visual impressions and/or context information for being stored. The information is preferably stored with time stamps and/or location stamps. In the latter case, a GPS system or another location-finding technology (e.g., beacons) provides the data for the geographic location of the user at the time of the recording that particular piece of information. The collection of recordings forms a personal log or diary/journal.” Bulthuis at 10:30.</p> <p data-bbox="514 1032 1843 1138">“Capturing can be continuous, event-triggered (e.g., heart-beat of the user, detection of a specific sound, coming within range of a specific object, etc.), user-controllable (voice activated, push-button) or controllable by another party.” Bulthuis at 11:2.</p> <p data-bbox="514 1211 1885 1317">“In the latter case, a child can be given such a capturing device, integrated within a piece of clothing or bicycle. The device can be remotely activated by the parent at any time. The device sends the captured data to a remote server or stores it locally for download and post-processing later on.” Bulthuis at 11:5.</p> <p data-bbox="514 1390 1871 1422">“1. A consumer electronics communication device comprising: a first functionality adapted to enable real-</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>time communication via the device; and a second functionality adapted to enable recording of at least part of the real time communication.” Bulthuis at 12:1.</p> <p>“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time communication.” Bulthuis at 12:6.</p> <p>“3. The device of claim 1, comprising a user input to enable the user to select a portion of the real-time communication for the recording.” Bulthuis at 12:11.</p> <p>“4. The device of claim 1, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 12:14.</p> <p>“6. The device of claim I, comprising an opt-out mechanism adapted to exempt a particular communication from being recorded.” Bulthuis at 12:20.</p> <p>“10. A method comprising offering a service, the method comprising: enabling recording of at least part of a real-time communication between at least two subscribers; and responsive to at least one subscriber request, enabling playback of subscriber selected ones of recorded real-time communications.” Bulthuis at 13:4.</p> <p>“11. The method of claim 10, comprising organizing the recorded communications for retrieval and playback by at least one subscriber.” Bulthuis at 13:10.</p> <p>“12. The method of claim 10, comprising offering subscribers and/or their interlocutors an opt-out feature</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>so that given ones of their communications will not be recorded.” 13:13.</p> <p>“13. The method of claim 10, enabling the subscriber to select a portion of the real time communication for recording.” Bulthuis at 13:17.</p> <p>“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	 <pre> graph TD START([START]) --> 301{INITIATE NEXT COMM.?} 301 -- N --> 304[IGNORE] 301 -- Y --> 302{OPT OUT?} 302 -- Y --> 304 302 -- N --> 303[RECORD & STORE] 303 --> 301 </pre> <p data-bbox="968 964 1079 1013">FIG.3</p> <p data-bbox="516 1252 722 1284">Bulthuis, at 3/4.</p> <p data-bbox="516 1357 1892 1424">To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results. <i>See, e.g.</i>, Katis 1; Katis 2; Bluvband [0017]; Belanger [0026]; Harwell [9:65]; Cropper [29:23]; Kono [0016]; Minamide [0040]; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura; Simens Open Space; Android-recorder.</p> <p>Moreover, if a combination were required, Bulthuis renders this claim limitation obvious in view of numerous prior art references that disclose a communications software module arranged to progressively transmit the outgoing media to remote device while the outgoing media is being created by the user wherein the message recipient of the outgoing media is identified by the recipient identity information received from the software application. Long before the alleged invention of the '028 patent, it was well known that a communications software module could be arranged to progressively transmit the outgoing media to remote device while the outgoing media is being created by the user wherein the message recipient of the outgoing media is identified by the recipient identity information received from the software application.</p> <p>The Pelttari reference, for instance, discloses an embeddable communications software module as recited in claim 1 arranged to progressively transmit the outgoing media to remote device while the outgoing media is being created by the user wherein the message recipient of the outgoing media is identified by the recipient identity information received from the software application. The Pelttari reference states, for example, that “[t]he contact parameters of at least one communication station capable of providing an audio communication service are accessed (601) and said communication station is automatically contacted (602). The category to which the audio content being transmitted belongs to is selected or specified. (603). Audio content of an audio call and its category is then transmitted to said communication station for the one or more recipients (604).” 028 chart for Pelttari at 0093. <i>See</i> 028 chart for Pelttari at [0016-18], [0020-22], [0049], [0053], [0055-59], [0081-82], [0085], [0093-96], [0099], [0102], [0126], Claims 21, 24, 25, 28, 35, 49, 57, 65, 66, Figs. 2, 5.</p> <p>A person of ordinary skill in the art would understand that a communications module can be arranged to progressively transmit the outgoing media to remote device while the outgoing media is being created by the user wherein the message recipient of the outgoing media is identified by the recipient identity</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>information received from the software application. For example, the '028 patent itself references prior art to the patent that utilized communications module that can, in response to the received message, send a notification to a software application based on the incoming message behavior policy, such as Katis 1 at 0028-0031, 0055-0056.</p> <p>To the extent a combination is required, it would have been obvious for one of ordinary skill to combine Bulthuis with any of the references described above. One of ordinary skill would have been motivated to do so, among other reasons, to achieve the benefit of providing a means for the embeddable communication software module to progressively transmit the outgoing media to remote device while the outgoing media is being created by the user wherein the message recipient of the outgoing media is identified by the recipient identity information received from the software application. Bulthuis and the references described above belong to the same field of endeavor (communication by means of streaming media), and all describe systems and methods for creating, transmitting, receiving, rendering, and storing streaming media. To the extent a combination is required, it would have been obvious person of ordinary skill in the art to combine Bulthuis with any of the references discussed above, and such a person would have been motivated to do so. Applying the teachings of such references would have involved nothing more than the application of known techniques to a known method ready for improvement to yield predictable results.</p>
<p>12[e] progressively store the outgoing media while the outgoing media is being created and transmitted,</p>	<p>Bulthuis discloses an embeddable communications software module as recited in claim 12 wherein the embeddable communications software module is further arranged to progressively store the outgoing media while the outgoing media is being created and transmitted. <i>See, e.g.</i></p> <p>“A consumer electronics device, such as a cell phone, is designed to record real time communications occurring on it. Recording is started when a communication is initiated, either by the user making or accepting a call, or when a user presses a button. Recordings are stored and organized for ease of retrieval. Recordings can be forwarded to a remote user.” Bulthuis, Abstract.</p> <p>“Advantageously this is achieved by automatically recording real-time communication in response to a user</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>initiating or accepting the real-time communication.” Bulthuis, at 1:20.</p> <p>“The invention therefore records real time communications and stores them as data to enable people or data processing systems to retrieve them.” Bulthuis, at 1:29.</p> <p>“The invention, however, addresses the consumer functionality that preferably is integrated with the communication device such as a mobile phone, or with the communication service provided to consumers by the service providers.” Bulthuis, 2:5.</p> <p>“The device has a first functionality adapted to enable real-time communication via the device; and a second functionality to enable recording of the real time communication.” Bulthuis, at 2:10.</p> <p>“The device preferably has an onboard storage for storing the recorded communication. For example, the device has a solid state memory card/module or a HDD module with a small form factor that stores a copy of the communication or conversation conducted in real time.” Bulthuis, at 2:25.</p> <p>“In another embodiment of the invention, the device has an output for transmitting a signal to a storage, the signal being representative of the real time communication for being recorded at the storage. The device is connected via a wire or in a wireless fashion with the storage.” Bulthuis, at 2:30.</p> <p>“Preferably, the device comprises a last-communication rewind mechanism for replay of at least a part, e.g., the last 5 minutes, of the communication recorded most recently.” Bulthuis, at 3:10.</p> <p>“The method comprises enabling automatic, or default, recording of at least part of a real-time communication between at least two subscribers. The method comprises enabling playback of subscriber-</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>selected ones of the recorded real-time communications, responsive to at least one subscriber request.” Bulthuis, at 3:24.</p> <p>“In this manner, the recording and storage can be delegated to a network, e.g., a dedicated server on a communication network. As a result, the communication device can be kept lean, and legacy devices can make use of the service.” Bulthuis, at 3:27.</p> <p>“As the recording, processing and storage is delegated to a dedicated server, quality of the recording, processing and organizing can be optimized and/or customized. These activities need not be compromised either, as the dedicated server is professionally maintained by the service provider using state-of-the art software to implement the service.” Bulthuis, at 4:6.</p> <p>“The service preferably enables the subscriber to select a portion of the real time communication for recording.” Bulthuis, at 4:13.</p> <p>“The service preferably comprises offering subscribers a last-communication rewind feature for retrieval of a copy of at least part of the real time communication recorded most recently.” Bulthuis, at 4:17.</p> <p>“An implementation of the invention uses a module with a storage for coupling with the communication device for enabling recording of the real time communication. The module is coupled galvanically, electrically or in a wireless manner with the device.” Bulthuis, at 4:20.</p> <p>“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user-determined or selectable conditions. The software may also enable</p>

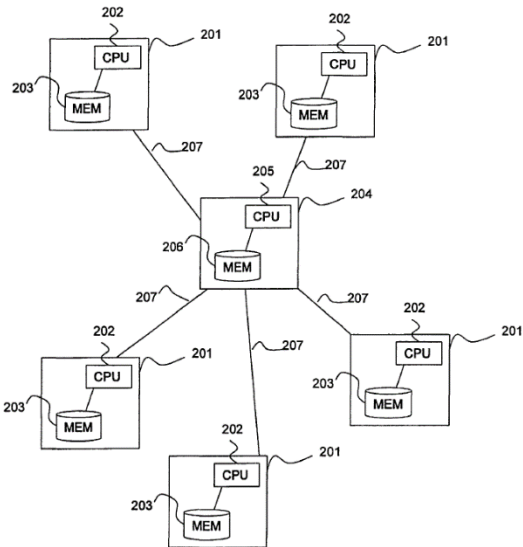
Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p>Fig. 2 shows a network embodiment of the invention. A plurality of consumer electronics devices 201 are networked to a central server 204. The server 204 includes a memory 206 and a processor 205. Each consumer electronics device 201 also includes a processor 202 and a memory 203. The consumer electronics devices 201 include real time communication devices, such as the cell phone of Fig. 1, any other type of phone, a personal computer, or a television with a set top box. The network may include a telephone network, a LAN, the Internet, or any other type of analog or digital network. The connections 207 may be wired or wireless.” Bulthuis, at 5:31.</p> <p>“For instance, if the user initiates the call, recording could start when a voice is detected on the other end.” Bulthuis at 6:14.</p> <p>“The following are examples of organization strategies that might be employed by the designer: order of receipt, e.g. via sequential memory access; time and date of receipt, e.g. via direct memory access; some identification of the remote user who participated in the communication, such as phone number; or folders given user-selected names, with communications being further organized within the folders. The user may have communications first buffered in a cache from which the user can store the recording in the appropriate folder, e.g. manually or through another user input, in the appropriate folder.” Bulthuis, at 7:5.</p> <p>“The designer may choose to store a small portion of the communications, perhaps the most recent one or two, in the local memory 203, while storing the bulk of the communications in a memory 206 associated with a network server.” Bulthuis at 7:22.</p> <p>“The organization of the communications may, advantageously, offer a number of features. For instance, a "last conversation rewind" feature may be implemented. Such a feature may be activatable, for instance, by</p>

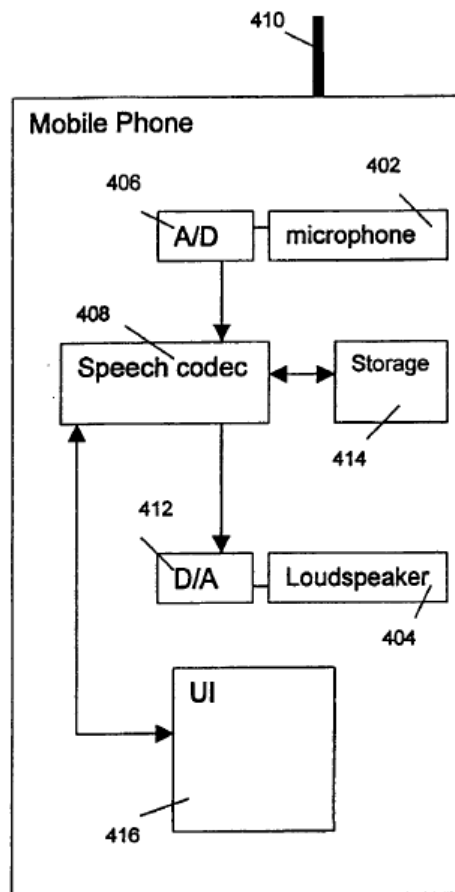
Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>button 106, and would allow a user to replay the conversation most recently recorded.” Bulthuis at 7:27.</p> <p>“The system preferably offers the following additional capabilities: the communication may be stored in digital format, e.g. wav format; mp3; etc. playback controls such as: speed, volume, pause, rewind, fast forward, and so forth, forwarding conversations or transcoded versions thereof to other users, e.g., as voice mail or as an attachment to e-mail, etc.; transferring recordings to some additional medium; and converting stored conversations to text via speech recognition, and forwarding such text via fax or e-mail to a remote user.” Bulthuis at 7:31.</p> <p>“The user of the device is preferably enabled to have a call recorded that s/he initiates as well as an incoming call.” Bulthuis, at 8:11.</p> <p>“The recording can, but need not, be made at the device itself. For example, a cell phone can be equipped with a recording component comprising, e.g., a flash memory card or a hard disk drive unit (HDD) with a small form-factor. The recording component can be accommodated in the cell phone...” Bulthuis at 8:31.</p> <p>“The recording components as a separate module can be an after-market add-on.” Bulthuis at 9:2.</p> <p>“The recording can also be (part of) a service on a communication network. For example, the user can lease storage space on the network for buffering of the recordings, e.g., as is similarly done for voice mails.” Bulthuis at 9:7.</p> <p>“Alternatively to the "last conversation rewind button" described above, the communication device or recording component may have other dedicated buttons or user input interfaces to initiate the retrieval of one or more of the recordings from the network in a user-friendly manner.” Bulthuis at 9:13.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>“In case the recordings are stored on the network, the communication device may serve as a controller to have these recordings made and/or retrieved from the network. Alternatively, or in addition, the recordings, either as audio data or transcribed text data, are retrievable from the network from another device, e.g., laptop or desktop PC with the proper connection hardware and software.” Bulthuis at 9:18.</p> <p>“The data stored in storage 414 thus represents a conversation recorded. In a simple implementation of the invention, storage 414 comprises a FIFO and stores an amount of data equivalent to, e.g., one minute or a few minutes of conversation before a stored part gets overwritten. This enables for facilitates an instant rewind.” Bulthuis at 10:14.</p> <p>“1. A consumer electronics communication device comprising: a first functionality adapted to enable real-time communication via the device; and a second functionality adapted to enable recording of at least part of the real time communication.” Bulthuis at 12:1.</p> <p>“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time communication.” Bulthuis at 12:6.</p> <p>“4. The device of claim 1, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 12:14.</p> <p>“5. The device of claim 1, comprising an onboard storage for storing at least part of the recorded communication.” Bulthuis at 12:17.</p> <p>“13. The method of claim 10, enabling the subscriber to select a portion of the real time communication for</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>recording.” Bulthuis at 13:17.</p> <p>“14. The method of claim 10, comprising offering subscribers a last communication rewind feature for enabling to retrieve at least part of a copy of the real time communication recorded most recently.” Bulthuis at 13:20.</p> <p>“15. For use with a consumer electronics communication device that enables real-time communication via the device: a module with a storage for coupling with the device for enabling automatic recording of the real time communication.” Bulthuis at 13:24.</p> <p>“16. The module of claim 15, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 13:28.</p> <p>“8. The device of claim 1, comprising a last-communication rewind mechanism for replay of at least part of the communication recorded most recently.” Bulthuis at 12:27.</p> <p>“10. A method comprising offering a service, the method comprising: enabling recording of at least part of a real-time communication between at least two subscribers; and responsive to at least one subscriber request, enabling playback of subscriber selected ones of recorded real-time communications.” Bulthuis at 13:4.</p> <p>“11. The method of claim 10, comprising organizing the recorded communications for retrieval and playback by at least one subscriber.” Bulthuis at 13:10.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 264 1864 337">“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p> <div data-bbox="548 435 1125 800"> <pre> graph TD START([START]) --> 301{INITIATE NEXT COMM.?} 301 -- N --> 304[IGNORE] 301 -- Y --> 302{OPT OUT?} 302 -- Y --> 304 302 -- N --> 303[RECORD & STORE] 303 --> 301 </pre> </div> <p data-bbox="806 849 877 889">FIG.3</p> <p data-bbox="514 1044 720 1084">Bulthuis, at 3/4.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	 <p data-bbox="785 867 848 899">FIG. 2</p> <p data-bbox="516 967 722 1000">Bulthuis, at 2/4.</p>



400

FIG.4

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>Bulthuis, at 4/4.</p> <p>To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results. <i>See, e.g.</i>, Katis 1; Katis 2; Bluvband [0017]; Harwell [10:6]; Cropper [29:19]; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco Unity; IBM SameTime; Avaya Aura; Simens Open Space; Android-recorder.</p>
<p>12[f] wherein the software application is separate from the communication system that is accessed through the embeddable communications software module.</p>	<p>Bulthuis discloses an embeddable communications software module as described in claim 12 wherein the software application is separate from the communication system that is accessed through the embeddable communications software module. <i>See, e.g.</i></p> <p>“The invention, however, addresses the consumer functionality that preferably is integrated with the communication device such as a mobile phone, or with the communication service provided to consumers by the service providers.” Bulthuis, 2:5.</p> <p>“In another embodiment of the invention, the device has an output for transmitting a signal to a storage, the signal being representative of the real time communication for being recorded at the storage. The device is connected via a wire or in a wireless fashion with the storage.” Bulthuis, at 2:30.</p> <p>“For example, the device has a mobile telephone and the storage comprises a separate module that communicates with the mobile telephone using Bluetooth or another short-range communication protocol.” Bulthuis, at 2:33.</p> <p>“An embodiment of the invention is represented by a method for offering a service to subscribers.”</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>Bulthuis, at 3:23.</p> <p>“The method comprises enabling automatic, or default, recording of at least part of a real-time communication between at least two subscribers. The method comprises enabling playback of subscriber-selected ones of the recorded real-time communications, responsive to at least one subscriber request.” Bulthuis, at 3:24.</p> <p>“In this manner, the recording and storage can be delegated to a network, e.g., a dedicated server on a communication network. As a result, the communication device can be kept lean, and legacy devices can make use of the service.” Bulthuis, at 3:27.</p> <p>“The network enables organizing the recorded communications for retrieval and playback by at least one subscriber.” Bulthuis, at 3:30.</p> <p>“As the recording, processing and storage is delegated to a dedicated server, quality of the recording, processing and organizing can be optimized and/or customized. These activities need not be compromised either, as the dedicated server is professionally maintained by the service provider using state-of-the art software to implement the service.” Bulthuis, at 4:6.</p> <p>“An implementation of the invention uses a module with a storage for coupling with the communication device for enabling recording of the real time communication.” Bulthuis, at 4:20.</p> <p>“The invention also relates to a storage medium readable by a data processing device. The medium carries software adapted to perform operations comprising: detecting initiation or acceptance of a live communication by a user of a consumer electronics communication device; and recording the live communication, preferably under user-determined or selectable conditions. The software may also enable</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>to forward the recording to a remote destination, e.g., determined by default or specified by the user or the communication system.” Bulthuis, at 4:31.</p> <p>“Fig. 2 shows a network embodiment of the invention. A plurality of consumer electronics devices 201 are networked to a central server 204. The server 204 includes a memory 206 and a processor 205. Each consumer electronics device 201 also includes a processor 202 and a memory 203. The consumer electronics devices 201 include real time communication devices, such as the cell phone of Fig. 1, any other type of phone, a personal computer, or a television with a set top box. The network may include a telephone network, a LAN, the Internet, or any other type of analog or digital network. The connections 207 may be wired or wireless.” Bulthuis, at 5:31.</p> <p>“If a central server 204 is used to store the communications, the organization may take any suitable form, including the use of a keyword-oriented database. The following are examples of organization strategies that might be employed by the designer: order of receipt, e.g. via sequential memory access; time and date of receipt, e.g. via direct memory access; some identification of the remote user who participated in the communication, such as phone number; or folders given user-selected names, with communications being further organized within the folders. The user may have communications first buffered in a cache from which the user can store the recording in the appropriate folder, e.g. manually or through another user input, in the appropriate folder.” Bulthuis, at 7:5.</p> <p>“Operation of the server 206 may be by a commercial service, for instance by the wireless service provider in the case of mobile phones. The service provider may charge fees for recording, storing and retrieving communications.” Bulthuis at 8:8.</p> <p>“The recording can, but need not, be made at the device itself. For example, a cell phone can be equipped with a recording component comprising, e.g., a flash memory card or a hard disk drive unit (HDD) with a small form-factor. The recording component can be accommodated in the cell phone...” Bulthuis at 8:31.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="516 318 1759 350">“The recording components as a separate module can be an after-market add-on.” Bulthuis at 9:2.</p> <p data-bbox="516 423 1896 526">“The recording can also be (part of) a service on a communication network. For example, the user can lease storage space on the network for buffering of the recordings, e.g., as is similarly done for voice mails.” Bulthuis at 9:7.</p> <p data-bbox="516 602 1896 743">“The recording can also be (part of) a service on a communication network. For example, the user can lease storage space on the network for buffering of the recordings, e.g., as is similarly being done for voice mails. An application server processes the communication information and converts it to a digital format suitable for a sound file within this context and for the expected quality, e.g., using the wav format.” Bulthuis at 9:7.</p> <p data-bbox="516 820 1896 961">“In case the recordings are stored on the network, the communication device may serve as a controller to have these recordings made and/or retrieved from the network. Alternatively, or in addition, the recordings, either as audio data or transcribed text data, are retrievable from the network from another device, e.g., laptop or desktop PC with the proper connection hardware and software.” Bulthuis at 9:18.</p> <p data-bbox="516 1037 1871 1140">“1. A consumer electronics communication device comprising: a first functionality adapted to enable real-time communication via the device; and a second functionality adapted to enable recording of at least part of the real time communication.” Bulthuis at 12:1.</p> <p data-bbox="516 1216 1871 1318">“2. The device of claim 1, wherein the second functionality enables automatic recording of at least part of the real time communication in response to a user of the device initiating or accepting the real time communication.” Bulthuis at 12:6.</p> <p data-bbox="516 1395 1829 1421">“3. The device of claim 1, comprising a user input to enable the user to select a portion of the real-time</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p>communication for the recording.” Bulthuis at 12:11.</p> <p>“4. The device of claim 1, comprising at least one organizational mechanism for organizing the recorded communications in a retrievable form for the user.” Bulthuis at 12:14.</p> <p>“5. The device of claim 1, comprising an onboard storage for storing at least part of the recorded communication.” Bulthuis at 12:17.</p> <p>“10. A method comprising offering a service, the method comprising: enabling recording of at least part of a real-time communication between at least two subscribers; and responsive to at least one subscriber request, enabling playback of subscriber selected ones of recorded real-time communications.” Bulthuis at 13:4.</p> <p>“11. The method of claim 10, comprising organizing the recorded communications for retrieval and playback by at least one subscriber.” Bulthuis at 13:10.</p> <p>“12. The method of claim 10, comprising offering subscribers and/or their interlocutors an opt-out feature so that given ones of their communications will not be recorded.” 13:13.</p> <p>“13. The method of claim 10, enabling the subscriber to select a portion of the real time communication for recording.” Bulthuis at 13:17.</p> <p>“14. The method of claim 10, comprising offering subscribers a last communication rewind feature for enabling to retrieve at least part of a copy of the real time communication recorded most recently.” Bulthuis at 13:20.</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	<p data-bbox="514 316 1858 386">“18. A software application enabling a programmable device when executing said software application to function as a device as defined in any one of the claims 1-9.” Bulthuis at 14:1.</p> <div data-bbox="569 488 1182 1052"> <p data-bbox="835 1084 907 1117">FIG. 2</p> </div> <p data-bbox="514 1182 724 1214">Bulthuis, at 2/4.</p> <p data-bbox="514 1287 1890 1425">To the extent this limitation is not expressly and/or inherently disclosed, such limitation is obvious, even without resorting to the disclosures of any other reference, because it was within the common knowledge of persons of ordinary skill in the art, and was used in the claims according to known methods, to achieve predictable results. <i>See, e.g.,</i> Katis 1; Katis 2; Red 5; LibStreaming; Cisco CUCM; Cisco CUPS; Cisco</p>

Claim	Exemplary Evidence of Anticipation and/or Obviousness
	Unity; IBM SameTime; Avaya Aura; Simens Open Space; Android-recorder.