Exhibit C-1

#13/a TTCH 01-21-98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Paul Freiberger et al.

Assignee: Interval Research Corporation

Title: Attention Manager for Occupying the Peripheral Attention of a Person in the Vicinity of a Display Device

Serial No.: 08/620,641 Filed: March 22, 1996

Examiner: Jeffery A. Brier Group Art Unit: 2775

Attorney Docket No.: IR-003

Milpitas, California
July 3, 1998

Assistant Commissioner for Patents
Washington, D. C. 20231

RESPONSE TO OFFICE ACTION

Sir:

Please enter the following response to the Office Action dated February 3, 1998, in the above-identified application.

IN THE SPECIFICATION

At page 1, line 4, delete "Golan Levin" and substitute --Philippe P. Piernot--;

line 5, delete "David P. Reed" and substitute --Giles N. Goodhead--;

line 6, delete "Marc E. Davis" and substitute --Neal A. Bhadkamkar--;

line 7, delete "Neal A. Bhadkamkar" and substitute --Todd A. Agulnick--;

line 8, delete "Philippe P. Piernot" and substitute --David P. Reed--;

line 9, delete "Todd A. Agulnick" and substitute --Golan Levin--;

line 10, delete "Sally N. Rosenthal" and substitute --Marc E. Davis--;

line 11, delete "Giles N. Goodhead" and substitute --Sally N. Rosenthal--;

line 25, after "does", insert --,--.

At page 8, line 25, after "content data" (second occurrence), insert --update--;

line 27, after "the" (first occurrence), insert --content data--.

At page 14, line 3, after "data", insert --that--;

line 17, after "segments,", insert --or--.

At page 33, line 29, after "instructions", insert --330--.

IN THE DRAWINGS

Applicants request permission to amend FIG. 3B as indicated in red on a copy of FIG. 3B as originally filed that is enclosed with this Response to Office Action.

IN THE CLAIMS

Please amend the claims as follows:

1. (Amended) A system for engaging the peripheral attention of a person in the vicinity of a display device of an apparatus, comprising:

a content display system associated with the display device, the content display system including means for receiving a set of content data and a set of instructions for enabling a display device to selectively display, in an unobtrusive manner that does not distract a user of the apparatus from a primary interaction with the apparatus, an image or images generated from a set of content data, the content display system further including means for using the display device to selectively display the image or images using the set of instructions;

a content providing system including means for providing a set of content data to the content display system;

means for providing to the content display system a set of instructions for enabling a display device to selectively display an image or images generated from a set of content data;

first communication means for enabling communication between the means for providing and the content display system; and

second communication means for enabling communication between the content providing system and the content display system.

~~66.~~ (Amended) A computer readable medium encoded with one or more computer programs for enabling a content display system to selectively display on a display device, in an unobtrusive

manner that does not distract a [person] user from a primary interaction with an apparatus associated with the display device, an image generated from a set of content data that is not integrated with the one or more computer programs, comprising:

operating instructions for beginning, managing and terminating the selective display of the image on the display device;

content display system scheduling instructions for scheduling the display of the image on the display device; and

installation instructions for installing the operating instructions and content display system scheduling instructions on a content display system.

IN THE ABSTRACT

Line 31, delete "users" and substitute --people--.

REMARKS

Objection to the Declaration

The Examiner stated that the declaration is defective because:

> The oath was altered after 5/9/96 by David P. Reed. MPEP 608.01 states "The wording of an oath or declaration cannot be amended altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required. However, in some cases, a deficiency in the oath or declaration can be corrected by a supplemental paper and a new oath or declaration is not necessary.

Applicants submit that the prohibition against amending a declaration after signing by an inventor, as stated in the above-quoted section of the Manual of Patent Examining Procedure (MPEP), is intended to prohibit changes in parts of the declaration to which a signing inventor is subscribing. An inventor is not required to affirm in a declaration that the residence, address and country of citizenship of each other inventor is as given in the declaration (see 35 U.S.C § 115 and 37 C.F.R. § 1.63). In fact, it would be expected that, typically, an inventor has no basis for knowing such other information concerning the other inventor(s). Therefore, Applicants submit that the above-indicated prohibition against amending a declaration after signing by an inventor is not intended to prohibit correction by an inventor of that inventor's address after the declaration has been signed by another inventor. There would seem to be no reason for such a prohibition. Nevertheless, with this Response, Applicants have submitted a new Declaration and Power of Attorney for Patent Application, signed by all of the inventors, thereby obviating the Examiner's finding that the originally submitted declaration was defective.

Rejection of Claims and Summary of Response

Claims 1-67 were filed and are pending. Claims 1-67 were rejected under 35 U.S.C. § 102. Claims 1 and 66 have been amended. Reconsideration and allowance of Claims 1-67 is requested.

Rejection of Claims under 35 U.S.C. § 102

The Examiner rejected Claims 19, 21, 22, 46, 48, 66 and 67 under 35 U.S.C. § 102(b) as being anticipated by Pirani et al.

Claim 19 recites:

> A system for engaging the peripheral attention of a person in the vicinity of a display device of an apparatus, comprising:
> means for acquiring a set of content data from a content providing system; and
> means for selectively displaying on the display device, in an unobtrusive manner that does not distract a user of the apparatus from a primary interaction with the apparatus, an image or images generated from the set of content data.

Pirani et al. teach "methods of displaying and integrating commercial advertisements with software programs" (column 1, lines 8-10). Though Pirani et al. do not describe how a method for producing such integration is implemented, the description given in Pirani et al. indicates that such integration is accomplished by appropriately modifying a software program to provide display of advertisements as part of the operation of the software program. For example, in Claim 1, Pirani et al. state that a "commercial advertisement is to be placed in the different parts of a computer software so that such commercial advertisement becomes an integral part of such software" (emphasis added).

In contrast, in a system as in Claim 19, content data is not integrated into means (e.g., software) for displaying images generated from content data, nor is content data integrated into means (e.g., software) for providing a primary interaction with an apparatus with which the system is used. In a system as in

Claim 19, content data is typically acquired from a content providing system that is different from the system of Claim 19 or the associated apparatus. Thus, the content data is not integrated into the means for selectively displaying (part of the system of Claim 19) or into means for providing a primary interaction with the associated apparatus (part of that apparatus). As will be appreciated from the discussion below, this lack of integration enables display of images generated from a wide variety of content data and also enables the content data to be selectively used to generate images for display.

Further, Pirani et al. teach that "[the invention described herein] does not require a telephone or a modem" (column 1, lines 58-59). Thus, Pirani et al. contemplate that advertisements are to be integrated into, and displayed during operation of, software that is installed on a computer via "conventional" means (e.g., by installing software stored on a floppy disk or CD-ROM), not software that is obtained via a computer network. Consequently, Pirani et al. do not teach a system for use with an apparatus in which the system includes "means for acquiring a set of content data from a content providing system," as recited in Claim 19. Rather, as indicated above, Pirani et al. teach that advertisements are integrated into software that is resident on a computer. Further, Pirani et al. do not suggest such means: since the advertisements are already present on the computer, there is no need to obtain advertisements from another system. In the system of Claim 19, on the other hand, content data can be obtained from a content

providing system with which the system of Claim 19 and/or the associated apparatus can communicate. Pirani et al. do not teach or suggest such a system, but, rather, teach the use of "enhanced" software (i.e., software including advertisements) that operates on a computer without need to communicate with another device.

As a result of the above-described differences, a system as in Claim 19 has important advantages over the enhanced software taught by Pirani et al. For example, a system as in Claim 19 allows a much larger variety and number of images to be displayed than is possible with the enhanced software taught by Pirani et al. A system as in Claim 19 can access many content providing systems, each of which may have a large capacity for storing content data. It can readily be appreciated, then, that the variety and number of images that can potentially be displayed by a system as in Claim 19 can be vast. The enhanced software taught by Pirani et al. is much more restricted: the variety and number of advertisements that can be displayed is limited by the capacity for storing such advertisements that is available on the computer with which the enhanced software is used.

Finally, Pirani et al. also do not teach or suggest a "means for selectively displaying ... an image or images generated from [a] set of content data," as recited in Claim 19. While Pirani et al. teach that advertisements can be displayed in different ways (see, e.g., column 6, lines 3-10), Pirani et al. do not teach or suggest that the manner in which advertisements are displayed during operation of particular software can be varied

once those advertisements have been integrated into the software. In a system as in Claim 19, on the other hand, variation in the display of images generated from content data that has been acquired by the system is possible and is provided by the "means for selectively displaying" (see, e.g., the description in Applicants' specification at page 19, line 27 to page 22, line 27 of scheduling sets of content data for display by a content display system, and the particular discussions of content display system scheduling instructions in Applicants' specification at page 54, line 11 to page 55, line 9 and content data scheduling instructions in Applicants' specification at page 34, line 2 to page 35, line 1). Thus, a system as in Claim 19 can provide a more flexible and varied display than is possible with a system based upon the teaching of Pirani et al.

For the foregoing reasons, Pirani et al. neither teach nor suggest a system as recited in Claim 19, and, therefore, Claim 19 is allowable over the teaching of Pirani et al. Further, Claims 21 and 22, which each depend upon Claim 19, are allowable for at least the reasons given with respect to Claim 19.

Claim 46 recites:

> A method for engaging the peripheral attention of a person in the vicinity of a display device of an apparatus, comprising:
>
> acquiring a set of content data from a content providing system; and
>
> selectively displaying on the display device, in an unobtrusive manner that does not distract a user of the apparatus from a primary interaction with the apparatus, an image or images generated from the set of content data.

Claim 46 recites a method having limitations similar to those of the system recited in Claim 19. Thus, for reasons similar to those given above with respect to Claim 19, Pirani et al. neither teach nor suggest a method as recited in Claim 46, and, therefore, Claim 46 is allowable over the teaching of Pirani et al. Further, Claim 48, which depends upon Claim 46, is allowable for at least the reasons given with respect to Claim 46.

As amended, Claim 66 recites:

> A computer readable medium encoded with one or more computer programs for enabling a content display system to selectively display on a display device, in an unobtrusive manner that does not distract a user from a primary interaction with an apparatus associated with the display device, an image generated from a set of content data that is not integrated with the one or more computer programs, comprising:
>
> operating instructions for beginning, managing and terminating the selective display of the image on the display device;
>
> content display system scheduling instructions for scheduling the display of the image on the display device; and
>
> installation instructions for installing the operating instructions and content display system scheduling instructions on a content display system.

The computer program(s) stored on the computer readable medium of Claim 66 are not integrated with the set of content data. As discussed above with respect to Claim 19, this is not taught or suggested by Pirani et al. Consequently, unlike the software programs taught by Pirani et al., the computer program(s) of Claim 66 enable images to be generated from a wide variety of content data and content data can be used to selectively generate images for display.

For example, the computer program(s) of Claim 66 enable images to be generated from content data obtained from devices other than the apparatus associated with the display device on which the images are selectively displayed. (In particular, content data can be obtained from other devices via a computer network.) This is not contemplated by Pirani et al., as discussed in more detail above. Thus, the variety and number of images that can be displayed by the computer program(s) of Claim 66 is much more vast than that enabled by the "enhanced" software taught by Pirani et al.

Additionally, as also discussed above with respect to Claim 19, Pirani et al. do not teach or suggest that the manner in which advertisements are displayed during operation of particular software can be varied once those advertisements have been integrated into the software. With the computer program(s) of Claim 66, on the other hand, variation in the display of images generated from content data is possible and is enabled by the content display system scheduling instructions. Thus, the computer program(s) of Claim 66 can provide a more flexible and varied display than is possible with the "enhanced" software taught by Pirani et al.

For the foregoing reasons, Pirani et al. neither teach nor suggest a computer readable medium encoded with one or more computer programs as recited in Claim 66, and, therefore, Claim 66 is allowable over the teaching of Pirani et al. Further, Claim 67, which depends upon Claim 66, is allowable for at least the reasons given with respect to Claim 66.

The Examiner rejected Claims 1-19, 21-31, 33-46 and 48-67 under 35 U.S.C. § 102(e) as being anticipated by Judson.

As amended, Claim 1 recites:

> A system for engaging the peripheral attention of a person in the vicinity of a display device of an apparatus, comprising:
>
> a content display system associated with the display device, the content display system including means for receiving a set of content data and a set of instructions for enabling a display device to selectively display, in an unobtrusive manner that does not distract a user of the apparatus from a primary interaction with the apparatus, an image or images generated from a set of content data, the content display system further including means for using the display device to selectively display the image or images using the set of instructions;
>
> a content providing system including means for providing a set of content data to the content display system;
>
> means for providing to the content display system a set of instructions for enabling a display device to selectively display an image or images generated from a set of content data;
>
> first communication means for enabling communication between the means for providing and the content display system; and
>
> second communication means for enabling communication between the content providing system and the content display system.

Judson teaches, at column 1, lines 59-63, that the invention "enhance[s] the operation of a web browser by causing the display of some useful information to [a] user during the period of user 'downtime' that otherwise occurs between linking and downloading of a hypertext document identified by [a] link." Though Judson is unclear on this point, it appears that the instructions for causing the display of the information are implemented as part of the browser, i.e., a browser is modified to perform the steps of the method described by Judson. Judson does not teach or suggest

that such instructions can be transferred from another device (e.g., from another computer via a computer network such as the Internet) to the computer used to display information to the user. Thus, Judson does not teach or suggest "a content display system ... including means for receiving ... a set of instructions for enabling a display device to selectively display ... an image or images generated from a set of content data," as recited in Claim 1.

Additionally, as indicated by the above-quoted section from the Judson patent, the method taught by Judson causes a computer to display information to the user during, and as part of, a primary interaction with the computer, i.e., during acquisition of information from other computers via a computer network (such as downloading web pages from other computers via the World Wide Web). In contrast, in the system recited in Claim 1, a content display system "selectively display[s], in an unobtrusive manner that does not distract a user of [an] apparatus from a primary interaction with the apparatus, an image or images generated from a set of content data" (emphasis added). This is neither taught nor suggested by Judson. The display of images in an unobtrusive manner in a system as recited in Claim 1 can be implemented by, for example, displaying images during an inactive period (e.g., when the user has not interacted with the apparatus for a predetermined period of time) of a primary interaction with the apparatus (the "screensaver embodiment"), as described, for example, at page 3, lines 16-20, page 5, lines 30-33, and page 12, lines 16-20 of Applicants' specification. The display of

images in an unobtrusive manner in a system as recited in Claim 1 can also be implemented by displaying images during an active period of a primary interaction with the apparatus, but in a manner that does not distract the user from the primary interaction (the "wallpaper embodiment"), as described, for example, at page 3, lines 20-27, page 6, lines 2-8, and page 12, lines 20-28 of Applicants' specification. This aspect of the invention makes use of "unused capacity" of a display device (see, e.g., page 12, lines 28-30 of Applicants' specification) and of the attention of a person in the vicinity of the display device (see, e.g., page 10, lines 11-14 of Applicants' specification). While a similar statement might be made of the method taught by Judson, it is important to note that the instant invention uses different unused capacity than that used by the method taught by Judson.

For the foregoing reasons, Judson neither teaches nor suggests a system as recited in Claim 1, and, therefore, Claim 1 is allowable over the teaching of Judson.

Claims 2-18 each depend either directly or indirectly on Claim 1, and are therefore allowable over the teaching of Judson for at least the reasons given above. Additionally, many of the limitations recited in Claims 2-18 are neither taught nor suggested by Judson. For example, Judson does not teach or suggest an application management system as recited in Claim 2 (see FIG. 2 of the instant application and accompanying description), or that such an application management system can provide the instructions for selectively displaying images

directly to a content display system (Claim 3) or indirectly via a content providing system (Claim 4). Judson also does not teach or suggest control instructions, including display instructions and content data scheduling instructions, as in Claim 5 (see, e.g., the description in Applicants' specification at page 31, line 8 to page 32, line 2 and page 34, line 2 to page 35, line 21). Further, Judson does not teach or suggest content data acquisition instructions as in Claim 6, or acquisition instructions and content data update instructions as in Claim 7 (see, e.g., the description in Applicants' specification at page 32, lines 3-11 and page 35, line 32 to page 36, line 28, and FIG. 4 and accompanying description). Additionally, Judson does not teach or suggest a plurality of sets of instructions for enabling a display device to selectively display an image or images generated from a set of content data, as in Claims 8, 10, 11 and 12, or that the sets of instructions can be tailored for use with particular content data (Claim 10) or display devices (Claim 12) and provided to a content display system as necessary to enable display of particular types of content data (Claim 11). Judson also does not teach or suggest auditing the display of content data, as recited in Claim 13 (see, e.g., the description in Applicants' specification at page 57, line 24 to page 59, line 26). The Examiner has not pointed out where Judson teaches any of these limitations.

Claim 19 recites "means for selectively displaying on [a] display device, in an unobtrusive manner that does not distract a user of [an] apparatus from a primary interaction with the apparatus, an image or images generated from [a] set of content data" (emphasis added). As discussed above with respect to Claim 1, Judson does not teach or suggest such means. Thus, Claim 19 is allowable over the teaching of Judson.

Claims 21-31 and 33-45 each depend either directly or indirectly on Claim 19, and are therefore allowable over the teaching of Judson for at least the reason given above. Additionally, many of the limitations recited in Claims 21-31 and 33-45 are neither taught nor suggested by Judson. For example, Judson does not teach or suggest displaying images in real time as the corresponding content data is acquired, as recited in Claim 23. Nor does Judson teach or suggest updating the content data, as recited in Claim 25, updating content data in the background while the user is engaged in other use of the apparatus (Claim 26), updating automatically (Claim 28) or specifying the location of updated content data and the time at which the updated content data is to be obtained (Claim 29). Judson also does not teach or suggest terminating the selective display of the images as a result of a predetermined user interaction, as recited in Claim 32. Judson does not teach or suggest providing control options during the selective display, as recited in Claim 33, and, more particularly, an "exit" option (Claim 34; see, also, the description in Applicants' specification at page 51, line 28 to page 52, line 2), a "next"

option (Claim 35; see, also, the description in Applicants' specification at page 52, lines 3-9), a "back" option (Claim 36; see, also, the description in Applicants' specification at page 52, lines 10-17), a "remove" option (Claim 37; see, also, the description in Applicants' specification at page 52, line 18 to page 53, line 2), a "no display until updated" option (Claim 38; see, also, the description in Applicants' specification at page 53, lines 3-32), a "satisfaction" option (Claim 39; see, also, the description in Applicants' specification at page 53, line 33 to page 55, line 9) and a link option (Claim 40; see, also, the description in Applicants' specification at page 55, line 10 to page 56, line 9). The Examiner has not pointed out where Judson teaches any of these limitations.

Claim 46 recites a method having limitations similar to those of the system recited in Claim 19; in particular, Claim 46 recites "selectively displaying on [a] display device, in an unobtrusive manner that does not distract a user of [an] apparatus from a primary interaction with the apparatus, an image or images generated from [a] set of content data" (emphasis added). As discussed above, this is not taught or suggested by Judson, and, therefore, Claim 46 is allowable over the teaching of Judson. Additionally, Claim 48, which depends on Claim 46, is allowable over the teaching of Judson for at least the reason given with respect to Claim 46.

Claim 49 recites:

> A computer readable medium encoded with one or more computer programs for enabling acquisition of a set of content data and display of an image or images generated from the set of content data on a display device during operation of an attention manager, comprising:
>
> acquisition instructions for enabling acquisition of a set of content data from a specified information source;
>
> user interface installation instructions for enabling provision of a user interface that allows a person to request the set of content data from the specified information source;
>
> content data scheduling instructions for providing temporal constraints on the display of the image or images generated from the set of content data; and
>
> display instructions for enabling display of the image or images generated from the set of content data.

Judson does not appear to teach or suggest "user interface installation instructions for enabling provision of a user interface that allows a person to request [a] set of content data from [a] specified information source," as recited in Claim 49. Such user interface installation instructions are described in Applicants' specification at, for example, page 32, lines 11-19, and allow content providers to provide an interface that enables sets of content data (and, perhaps, instructions for displaying an image or images generated from the content data) to be requested from the content provider.

Judson also does not appear to teach or suggest "content data scheduling instructions for providing temporal constraints on the display of [an] image or images generated from [a] set of content data," as also recited in Claim 49. Such content data scheduling instructions are described in Applicants'

specification at, for example, page 19, line 27 to page 22, line 27 and page 34, line 2 to page 35, line 1, and enable content providers to provide constraints on the manner in which the content data they provide is used for display. Such constraints may relate to, for example, the duration of the display of the image(s) generated from the content data, the sequence in which clips of a set of content data are displayed (as well as the duration of the display of each clip), times at which the content data can or cannot be used to generate image(s) for display, and limitations on the number of times that a set of content data can be used to generate image(s) for display.

For the foregoing reasons, Judson neither teaches nor suggests a computer readable medium encoded with one or more computer programs as recited in Claim 49, and, therefore, Claim 49 is allowable over the teaching of Judson.

Claims 50-65 each depend either directly or indirectly on Claim 49, and are therefore allowable over the teaching of Judson for at least the reasons given above. Additionally, many of the limitations recited in Claims 50-65 are neither taught nor suggested by Judson. For example, claims 50-58 recite particular types of content data scheduling instructions, as discussed briefly above, that are not taught or suggested by Judson. Claims 61-63 recite content data update instructions; Judson does not teach or suggest acquiring updates of the information that is to be displayed during linking and downloading of a hypertext document. Claims 64 and 65 recite "content display system scheduling instructions" and "audit instructions" that do not

appear to be taught or suggested by Judson.

Claim 66 recites "operating instructions for beginning, managing and terminating the selective display of [an] image on [a] display device," where the selective display is done "in an unobtrusive manner that does not distract a user from a primary interaction with an apparatus associated with the display device" (emphasis added). As discussed above, the method taught by Judson causes a computer to display information to the user during, and as part of, a primary interaction with the computer, e.g., during downloading of web pages from other computers via the World Wide Web. Thus, operating instructions as recited in Claim 66 are neither taught nor suggested by Judson.

Further, though Judson teaches some flexibility in the display of information (see, e.g., column 7, lines 6-17), Judson does not appear to teach or suggest "content display system scheduling instructions for scheduling the display of [an] image on [a] display device," as recited in Claim 66. (See, e.g., the description in Applicants' specification at page 19, line 27 to page 22, line 27 and page 54, line 11 to page 55, line 9.)

For the foregoing reasons, Judson neither teaches nor suggests a computer readable medium encoded with one or more computer programs as recited in Claim 66, and, therefore, Claim 66 is allowable over the teaching of Judson. Further, Claim 67, which depends on Claim 66, is allowable over the teaching of Judson for at least the reasons given with respect to Claim 66.

The application from which the Judson patent issued was filed on October 19, 1995. The instant application was filed on March 22, 1996. At least the subject matter recited in Claims 1, 6, 7, 9, 14, 15, 18-22, 24-29, 31, 32, 41, 42, 45-49, 53, 54 and 61-63 was conceived and reduced to practice prior to October 1995, thus making the Judson patent inapplicable as a reference that can be used to reject those claims, and obviating the rejection of Claims 1, 6, 7, 9, 14, 15, 18, 19, 21, 22, 24-29, 31, 41, 42, 45, 46, 48, 49, 53, 54 and 61-63 as being anticipated by Judson. Applicants can submit Declarations under 37 C.F.R. § 1.131 stating facts that show conception and reduction to practice of the instant invention as described above. For example, accompanying this Response is a copy of a Declaration of Paul A. Freiberger Under 37 C.F.R. § 1.131 stating such facts. However, some of the inventors of the subject matter of Claims 1, 6, 7, 9, 14, 15, 18-22, 24-29, 31, 32, 41, 42, 45-49, 53, 54 and 61-63 have been unavailable to execute such a Declaration prior to submitting this Response. As soon as those inventors have executed a Declaration under 37 C.F.R. § 1.131 as indicated above, Applicants will submit such executed Declaration(s) to the Patent Office. Applicants expect such submission to occur no later than about two weeks from the date of this Response.

The Examiner rejected Claims 19, 20, 25-28, 32 and 41-47 under 35 U.S.C. § 102(a) as being anticipated by PointCast as described in the 2-13-96 Wall Street Journal article by Joan E. Rigdon.

The Wall Street Journal article describing the PointCast software was published on February 13, 1996. As discussed above with respect to the rejection of claims as anticipated by Judson, at least the subject matter recited in Claims 1, 6, 7, 9, 14, 15, 18-22, 24-29, 31, 32, 41, 42, 45-49, 53, 54 and 61-63 was conceived and reduced to practice prior to October 1995, thus making the Wall Street Journal article inapplicable as a reference that can be used to reject those claims, and obviating the rejection of Claims 19, 20, 25-28, 32, 41, 42 and 45-47 as being anticipated by the description of the PointCast software in the Wall Street Journal article.

Additionally, the description of the PointCast software in the Wall Street Journal article does not teach or suggest the limitations recited in Claims 41-44 regarding the type of content data displayed. In particular, there is no teaching or suggestion that the content data can be data representing a moving visual image (Claim 43) or audio data (Claim 44).

The Examiner rejected Claims 1-20, 22-47 and 49-67 under 35 U.S.C. § 102(a) as being anticipated by PCT publication number WO 96/30864 to Schena et al.

The Schena et al. PCT publication was published on October 3, 1996. The instant application was filed on March 22, 1996. Thus, the rejection of Claims 1-20, 22-47

and 49-67 under 35 U.S.C. § 102(a) appears to be improper, since the Schena et al. PCT publication does not show that the instant invention was "known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent" (Applicants' invention necessarily being conceived and reduced to practice no later than March 22, 1996).

In view of the foregoing, it is requested that the rejection of Claims 1-67 under 35 U.S.C. § 102 be withdrawn.

CONCLUSION

Claims 1-67 were pending and were rejected. Claims 1 and 66 have been amended. In view of the foregoing, it is requested that Claims 1-67 be allowed. If the Examiner wishes to discuss any aspect of this application, the Examiner is invited to telephone Applicants' undersigned attorney at (408) 945-9912.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on July 3, 1998.

7-3-98 David R. Graham
Date Signature

Respectfully submitted,

David R. Graham

David R. Graham
Reg. No. 36,150
Attorney for Applicants

#13

proved 8-23-99 gB

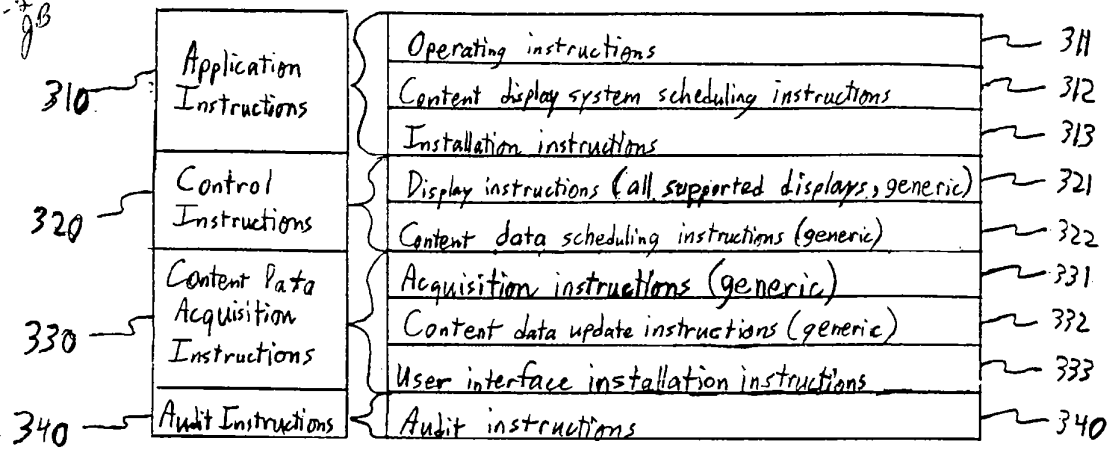

FIG. 3A

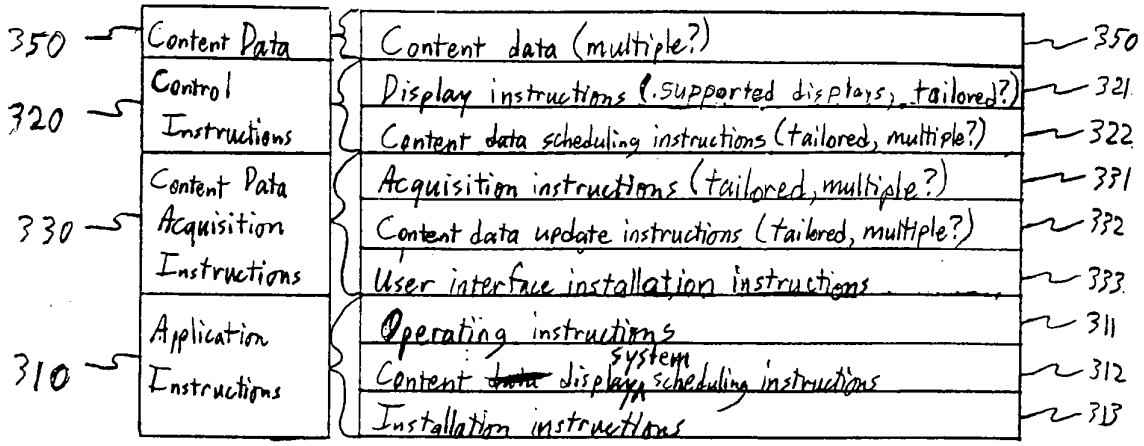

FIG. 3B

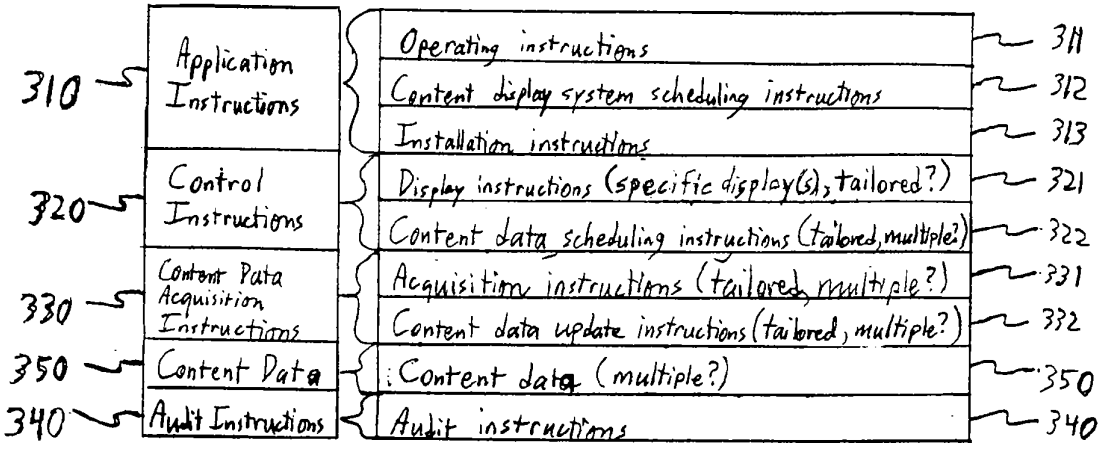

FIG. 3C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Paul Freiberger et al.

Assignee: Interval Research Corporation

Title: Attention Manager for Occupying the Peripheral Attention of a Person in the Vicinity of a Display Device

Serial No.: 08/620,641 Filed: March 22, 1996

Examiner: Jeffery A. Brier Group Art Unit: 2775

Attorney Docket No.: IR-003

Milpitas, California
June 10, 1999

Box AF
Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION

Sir:

Please enter the following response to the Office Action dated February 10, 1999, in the above-identified application.

IN THE SPECIFICATION

At page 1, lines 4-11, delete the entirety of each line and substitute the following lines therefor

"Philippe P. Piernot
Giles N. Goodhead
Neal A. Bhadkamkar
Todd A. Agulnick
David P. Reed
Golan Levin

Marc E. Davis

Sally N. Rosenthal".

At page 34, line 4, delete "within the set of";

line 5, delete "content data".

IN THE CLAIMS

Please amend the claims as follows:

49. (Amended) A computer readable medium encoded with one or more computer programs for enabling acquisition of a set of content data and display of an image or images generated from the set of content data on a display device during operation of an attention manager, comprising:

acquisition instructions for enabling acquisition of a set of content data from a specified information source;

[user interface installation instructions for enabling provision of a user interface that allows a person to request the set of content data from the specified information source;]

content data scheduling instructions for providing temporal constraints on the display of the image or images generated from the set of content data; and

display instructions for enabling display of the image or images generated from the set of content data.

53. (Amended) A computer readable medium as in Claim 49, wherein the content data scheduling instructions further comprise sequencing instructions that specify an order in which the images generated from a [plurality of sets] set of content data are displayed.

54. (Amended) A computer readable medium as in Claim 53, wherein the sequencing instructions further specify the duration of the display of each image [or images] generated from [each] the set of content data.

REMARKS

Amendments to the Specification

In the Office Action, the Examiner stated:

> The amendment to the list of inventors on page 1 has not been entered since the entry of these amendments into the specification would lead to confusion. Applicant is suggested to provide these amendments as a single deletion of those lines in there entirety and the single insertion of the list in its entirety. The remaining amendments to the specification and the new declaration and power of attorney has been entered.

The amendment to the list of inventors has been made in this Response as suggested by the Examiner. Entry of that amendment is requested.

Rejection of Claims and Summary of Response

Claims 1-67 were pending. Claims 1-67 were rejected under 35 U.S.C. § 102. Claims 49, 53 and 54 have been amended. Reconsideration and allowance of Claims 1-67 is requested.

Rejection under 35 U.S.C. § 102 in view of Schena et al.

The Examiner rejected Claims 1-20, 22-47 and 49-67 under 35 U.S.C. § 102(a) as being anticipated by Schena et al. (PCT publication number WO 96/30864). The Examiner stated:

> The only argument given for Schena is that the invention was conceived and reduced to practice before the publication of the Schena publication. This is not persuasive because claim 66 was rejected by Schena and claim 66 was not listed as a claim conceived and reduced to practice in the declarations. This argument is further not persuasive because the declarations are ineffective in overcoming the Schena reference.

As discussed in a telephonic interview between Examiner Brier and Applicants' attorney, David R. Graham, on February 25, 1999, in the Response to Office Action dated July 3, 1998 (hereinafter, the "previous Office Action response"), Applicants did not argue that the instant invention was conceived and reduced to practice before the effective date of the Schena et al. PCT publication, but, rather, that the Schena et al. PCT publication cannot be used as a reference to reject the claims of the instant application under 35 U.S.C. § 102(a) since the Schena et al. PCT publication was published on a date (October 3, 1996) after the filing the filing date (March 22, 1996) of the instant application. Subsequently, in an Interview Summary summarizing a further telephonic interview between Examiner Brier and Applicants' attorney, David R. Graham, on March 1, 1999, Examiner Brier stated that "Schena is not prior art since the publication date is after applicant's filing date." Applicants therefore request withdrawal of the rejection of Claims 1-20, 22-47 and 49-67 under 35 U.S.C. § 102(a) as being anticipated by the Schena et

al. PCT publication.

Rejection under 35 U.S.C. § 102 in view of Judson or PointCast

The Examiner rejected Claims 1-19, 21-31, 33-46 and 48-67 under 35 U.S.C. § 102(e) as being anticipated by Judson (U.S. Patent No. 5,572,643). The Examiner also rejected Claims 19, 20, 25-28, 32 and 41-47 under 35 U.S.C. § 102(a) as being anticipated by PointCast (as described in the 2-13-96 Wall Street Journal article by Joan E. Rigdon).

The application from which the Judson patent issued was filed on October 19, 1995. The Wall Street Journal article describing the PointCast software was published on February 13, 1996. The instant application was filed on March 22, 1996. In the previous Office Action response, Applicants contended that "[a]t least the subject matter recited in Claims 1, 6, 7, 9, 14, 15, 18-22, 24-29, 31, 32, 41, 42, 45-49, 53, 54 and 61-63 was conceived and reduced to practice prior to October 1995, thus making the Judson patent inapplicable as a reference that can be used to reject those claims, and obviating the rejection of Claims 1, 6, 7, 9, 14, 15, 18, 19, 21, 22, 24-29, 31, 41, 42, 45, 46, 48, 49, 53, 54 and 61-63 as being anticipated by Judson." Similarly, in the previous Office Action response, Applicants contended that "at least the subject matter recited in Claims 1, 6, 7, 9, 14, 15, 18-22, 24-29, 31, 32, 41, 42, 45-49, 53, 54 and 61-63 was conceived and reduced to practice prior to October 1995, thus making the Wall Street Journal article inapplicable as a reference that can be used to reject

those claims, and obviating the rejection of Claims 19, 20, 25-28, 32, 41, 42 and 45-47 as being anticipated by the description of the PointCast software in the Wall Street Journal article." With the previous Office Action response and a Supplemental Response to Office Action dated August 3, 1998, Applicants' submitted a Declaration of Paul A. Freiberger Under 37 C.F.R. § 1.131 (hereinafter, the "Freiberger Declaration"), a Declaration of Philippe P. Piernot Under 37 C.F.R. § 1.131 (hereinafter, the "first Piernot Declaration"), and a Declaration of Giles N. Goodhead Under 37 C.F.R. § 1.131 (hereinafter, the "Goodhead Declaration") in support of those contentions.

In the instant Office Action, the Examiner stated:

> The declarations filed on 7/9/98 and 8/7/98 under 37 CFR 1.131 has been considered but is ineffective to overcome the Judson, PointCast, and Schena references.
>
> The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Judson, PointCast, and Schena references. The declarations do not state FACTS and produce such documentary evidence and exhibits in support thereof as are available to show conception and completion of invention in this country or in a NAFTA or WTO member country. MPEP § 715.07. The declarations do not contain an allegation that the acts relied upon to establish the date prior to the reference were carried out in this country or in a NAFTA country or WTO member country. See 35 U.S.C. 104. MPEP § 715.07(c). The declarations do not produce such documentary evidence and exhibits in support of the alleged FACTS. 37 CFR 1.131(b) and MPEP § 715.07. The declarations fail to allege FACTS which allege the conception and the reduction to practice of having the retrieved content data displayed in an area which will not distract the user form the user's primary task. Independent claims 1, 19, and 46 claim this. Without this allegation and the supporting documentary evidence and exhibits, the rejection of these claims cannot be overcome by the declarations. The declarations fail to allege FACTS which allege the conception and the reduction to

practice of a computer program with acquisition instructions, user interface installation instructions for providing a user interface which allows the user to request a set of content data, content data scheduling instructions, and display instructions. Independent claim 49 claims this. Without this allegation and the supporting documentary evidence and exhibits, the rejection of these claims cannot be overcome by the declarations.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Judson, PointCast, and Schena references. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See Mergenthaler v. Scudder, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897) Documentary evidence and exhibits in support of the alleged FACTS was not provided.

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Judson, PointCast, and Schena references to either a constructive reduction to practice or an actual reduction to practice. Diligence is lacking because documentary evidence and exhibits in support of the alleged FACTS was not provided.

With this Response to Office Action, Applicants have submitted a second Declaration of Philippe P. Piernot Under 37 C.F.R. § 1.131 (hereinafter, the "second Piernot Declaration"). As discussed in more detail below, Applicants contend that the second Piernot Declaration addresses the Examiner's above-stated remarks regarding the deficiency of the Freiberger Declaration, the first Piernot Declaration and the Goodhead Declaration, and demonstrates the conception and reduction to practice, prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, of the invention claimed in various of the pending claims of the

application, as discussed further below.

A system as recited in Claim 1 was conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as demonstrated by paragraphs 2 and 3 of the second Piernot Declaration. For example, "instructions for enabling a display device to selectively display, in an unobtrusive manner that does not distract a user of the apparatus from a primary interaction with the apparatus, an image or images generated from a set of content data," as recited in Claim 1, were embodied by the computer program shown in Exhibit 1 accompanying the second Piernot Declaration (see, e.g., lines 6 and 23-34 of Exhibit 1 and the accompanying description in paragraph 2 of the second Piernot Declaration). The "set of content data" recited in Claim 1 was embodied by the content data representing an image displayed at a Web site (as also discussed in paragraph 2 of the second Piernot Declaration). The content display system (including the "means for using [a] display device to selectively display the image or images using the set of instructions"), and the apparatus and associated display device, as recited in Claim 1, were embodied by the content display computer (described in paragraphs 2 and 3 of the second Piernot Declaration). The content providing system recited in Claim 1 was embodied by the device or devices (e.g., computer) used to implement a Web site from which content data was obtained. The "means for providing to the content display system a set of instructions for enabling a display device to selectively display an image or images

generated from a set of content data," as recited in Claim 1, was embodied by the application management computer and the conventional hardware and software enabling communication between the content display computer and the application management computer (as discussed in paragraph 3 of the second Piernot Declaration). The "means for receiving" of the content display system, the "means for providing" of the content providing system, the "first communication means," and the "second communication means," as recited in Claim 1, were embodied by conventional hardware and software enabling communication between the content display computer and the application management computer, and conventional hardware and software enabling communication between the content display computer and a Web site (as discussed in paragraph 3 of the second Piernot Declaration).

Systems as further recited in Claims 2 and 3 were also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 3 of the second Piernot Declaration. The "application management system" (including the "means for providing one or more sets of instructions for enabling a display device to selectively display an image or images generated from a set of content data") and the "third communication means" recited in Claims 2 and 3 were embodied by the application management computer and the conventional hardware and software enabling communication between the application management computer and the content display computer (as discussed in paragraph 3 of the second Piernot

Declaration).

A system as further recited in Claim 5 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 2 of the second Piernot Declaration. "[O]perating instructions for beginning, managing and terminating the selective display of the image or images by the content display system," as recited in Claim 5, were embodied by the computer program shown in Exhibit 1 (see lines 6 and 23-34 of Exhibit 1 and the accompanying description in paragraph 2 of the second Piernot Declaration). "[C]ontent display system scheduling instructions for scheduling the display on the content display system of an image or images generated from a set of content data," as recited in Claim 5, were embodied by the computer program shown in Exhibit 1 (see lines 37, 39-41 and 50-54 of Exhibit 1 and the accompanying description in paragraph 2 of the second Piernot Declaration) and by the alphabetical file retrieval feature of Applescript computer programs (see paragraph 2 of the second Piernot Declaration). "[D]isplay instructions for enabling display on the display device of an image or images generated from a set of content data," as recited in Claim 5, were embodied by the computer program shown in Exhibit 1 (see lines 30, 63-78 and 134-161 of Exhibit 1 and the accompanying description in paragraph 2 of the second Piernot Declaration). "[C]ontent data scheduling instructions for providing temporal constraints on the display of an image or images generated from a particular set of content

data," as recited in Claim 5, were embodied by the capability of the DeskPicture computer program (which was executed as part of the execution of the computer program shown in Exhibit 1, see line 32 of Exhibit 1 and the accompanying description in paragraph 2 of the second Piernot Declaration) that enabled specification of how long each set of content data was to be used to generate a display of an image (see paragraph 2 of the second Piernot Declaration).

Systems as further recited in Claims 6 and 7 were also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as demonstrated by paragraph 2 of the second Piernot Declaration. "Acquisition instructions," as recited in Claim 7, were embodied by the computer program shown in Exhibit 1 together with capabilities of conventional Internet browser software (see lines 50-54 of Exhibit 1 - in particular, line 53 - and the accompanying description in paragraph 2 of the second Piernot Declaration). "Content data update instructions," as recited in Claim 7, were embodied by the computer program shown in Exhibit 1 (see, e.g., lines 10-22 of Exhibit 1 and the accompanying description in paragraph 2 of the second Piernot Declaration). The "content data acquisition instructions" recited in Claim 6 were embodied as described above for the "acquisition instructions" and "content data update instructions" recited in Claim 7.

A system as further recited in Claim 8 was also conceived and reduced to practice prior to the effective dates of the

Judson patent and the Wall Street Journal article describing the PointCast software, as demonstrated by paragraph 4 of the second Piernot Declaration. As there stated, multiple executable "sets of instructions for enabling a display device to selectively display an image or images generated from a set of content data," as recited in Claim 8, were provided on an application management computer for possible transfer to, and use by, a content display computer.

A system as further recited in Claim 9 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software. Claim 9 recites that "one or more content providing systems can provide a plurality of sets of content data to the content display system." As is well known, multiple Web sites that can provide one or more sets of content data that can be used with a system according to the invention were available prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software.

A system as further recited in Claim 10 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 4 of the second Piernot Declaration. The first and second clauses of Claim 10 are discussed above with respect to Claims 8 and 9, respectively. As stated in paragraph 4 of the second Piernot Declaration, "[t]he second computer program differed from the first computer program in that the types of format of a set of

content data that could be displayed were different from the types of format of a set of content data that could be displayed by the first computer program," i.e., as recited in the third clause of Claim 10, "at least one of the plurality of sets of instructions for enabling a display device to selectively display an image or images generated from a set of content data can be used to display an image or images generated from only some of the sets of content data." In particular, as seen in lines 134-161 of Exhibit 1 accompanying the second Piernot Declaration and discussed in paragraph 2 of that Declaration, the computer program shown in Exhibit 1 could display sets of content data arranged in either the JPEG or GIF format; the other computer program could not display sets of content data in both of those formats.

Systems as further recited in Claims 14 and 15 were also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 2 of the second Piernot Declaration. As there stated, the computer program shown in Exhibit 1 accompanying the second Piernot Declaration (see lines 30, 63-78 and 134-161 of Exhibit 1) enabled display of sets of content data in accordance with either the JPEG or GIF format. As known to those skilled in the art, these are formats for representing a visual image.

A system as further recited in Claim 16 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the

PointCast software, as further demonstrated by paragraph 2 of the second Piernot Declaration. As there stated, a set of content data corresponding to a Web site image previously selected by a user was periodically retrieved and displayed (see lines 10-22 of Exhibit 1). As shown in Exhibit 1 (see lines 12 and 19), this update of the display of a set of content data occurred every 5 minutes. However, as can readily be appreciated, by making the update interval relatively small, updated sets of content data could have been successively retrieved and used to generate a display so that the appearance of a moving image, as recited in Claim 16, was produced.

A system as further recited in Claim 18 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 2 of the second Piernot Declaration. As there stated, the display device recited in Claim 18 was embodied by a computer.

A system as recited in Claim 19 was conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as demonstrated by paragraph 2 of the second Piernot Declaration. A "means for acquiring a set of content data from a content providing system," as recited in Claim 19, was embodied by the content display computer operating in accordance with the computer program shown in Exhibit 1 and the Internet browser software (see lines 50-54 of Exhibit 1 - in particular, line 53 - and the accompanying description in paragraph 2 of the second

Piernot Declaration), together with conventional hardware and software enabling communication between the content display computer and a Web site. A "means for selectively displaying on [a] display device, in an unobtrusive manner that does not distract a user of the apparatus from a primary interaction with the apparatus, an image or images generated from the set of content data," as recited in Claim 19, was embodied by the content display computer operating in accordance with the computer program shown in Exhibit 1 (see, e.g., lines 6 and 23-34 of Exhibit 1 and the accompanying description in paragraph 2 of the second Piernot Declaration). The "set of content data" recited in Claim 19 was embodied by the content data representing an image displayed at a Web site. The apparatus and associated display device recited in Claim 19 were embodied by the content display computer. The content providing system recited in Claim 19 was embodied by the device or devices (e.g., computer) used to implement a Web site from which content data was obtained.

The conception and reduction to practice of a system as recited in Claim 19 prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software is also demonstrated by paragraph 5 of the second Piernot Declaration. A "means for acquiring a set of content data from a content providing system," as recited in Claim 19, was embodied by the content display computer operating in accordance with the computer program shown in Exhibit 2 accompanying the second Piernot Declaration and the Internet

browser software (see line 23 on page 6 of Exhibit 2 and the accompanying description in paragraph 5 of the second Piernot Declaration), together with conventional hardware and software enabling communication between the content display computer and a Web site. A "means for selectively displaying on [a] display device, in an unobtrusive manner that does not distract a user of the apparatus from a primary interaction with the apparatus, an image or images generated from the set of content data," as recited in Claim 19, was embodied by the content display computer operating in accordance with the computer program shown in Exhibit 2 (see, e.g., lines 5-32 on page 2 of Exhibit 2 and the accompanying description in paragraph 5 of the second Piernot Declaration). The "set of content data" recited in Claim 19 was embodied by the content data representing an image displayed at a Web site. The apparatus and associated display device recited in Claim 19 were embodied by the content display computer. The content providing system recited in Claim 19 was embodied by the device or devices (e.g., computer) used to implement a Web site from which content data was obtained.

The conception and reduction to practice of a system as recited in Claim 19 prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software is also demonstrated by paragraph 7 of the second Piernot Declaration. A "means for acquiring a set of content data from a content providing system," as recited in Claim 19, was embodied by the content display computer operating in accordance with the computer program shown in Exhibit 4

accompanying the second Piernot Declaration and the Internet browser software (see, e.g., lines 67-89 of Exhibit 4 - in particular, lines 77 and 79 - and the accompanying description in paragraph 7 of the second Piernot Declaration), together with conventional hardware and software enabling communication between the content display computer and a Web site. A "means for selectively displaying on [a] display device, in an unobtrusive manner that does not distract a user of the apparatus from a primary interaction with the apparatus, an image or images generated from the set of content data," as recited in Claim 19, was embodied by the content display computer operating in accordance with the computer program shown in Exhibit 4 accompanying the second Piernot Declaration (see, e.g., lines 4 and 21-28 of Exhibit 4 and the accompanying description in paragraph 7 of the second Piernot Declaration). The "set of content data" recited in Claim 19 was embodied by the content data representing an image displayed at a Web site. The apparatus and associated display device recited in Claim 19 were embodied by the content display computer. The content providing system recited in Claim 19 was embodied by the device or devices (e.g., computer) used to implement a Web site from which content data was obtained.

A system as further recited in Claim 20 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 5 of the second Piernot Declaration. Both the "means for detecting an

idle period of predetermined duration" (see the variable SleepDelay in line 45 on page 6 of Exhibit 2 and the accompanying description in paragraph 5 of the second Piernot Declaration, as well as control option 303 in the display shown in Exhibit 3 accompanying the second Piernot Declaration) recited in Claim 20, and the recitation in Claim 20 that "the means for selectively displaying displays the image or images automatically after detection of the idle period" (see line 4 on page 2 of Exhibit 2 and the following lines 5-32 on page 2 of Exhibit 2) were embodied by the content display computer operating in accordance with the computer program shown in Exhibit 2.

A system as further recited in Claim 21 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 2 of the second Piernot Declaration. The recitation in Claim 21 that "the means for selectively displaying displays the image or images while the user is engaged in a primary interaction with the apparatus, which primary interaction can result in the display of an image or images in addition to the image or images generated from the set of content data" was embodied by the content display computer operating in accordance with the computer program shown in Exhibit 1 (see line 32 of Exhibit 1 and the associated description in paragraph 2 of the second Piernot Declaration regarding the DeskPicture computer program).

A system as further recited in Claim 22 was also conceived and reduced to practice prior to the effective dates of the

Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraphs 2 and 5 of the second Piernot Declaration. In each of the embodiments of the invention described in paragraphs 2 and 5, respectively, the content display computer included a non-volatile data storage device on which content data was stored at user-designated locations upon transfer of the content data from a data storage device of a Web site after selection of an image at the Web site using the Internet browser software.

A system as further recited in Claim 23 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 7 of the second Piernot Declaration. A "means for indicating a time at which the means for selectively displaying is to begin display of the image or images" and a "means for activating the means for acquiring at the indicated time, such that the means for selectively displaying displays the image or images in real time as the set of content data is acquired by the means for acquiring" were embodied by the content display computer operating in accordance with the computer program shown in Exhibit 4. As stated in paragraph 7 of the second Piernot Declaration:

> Depending on the type of content data acquired, the image was displayed as "wallpaper" (see line 25 and lines 29-49) or in a display area dedicated to the browser software (see line 26 and lines 50-64). ... In the latter case (i.e., lines 26 and 50-64), the computer program shown in Exhibit 4 did not cause content data to be stored on the non-volatile data

> storage device of the content display computer, but only used the content data to generate an image display immediately upon acquisition.

This can be seen by comparing the argument lists in lines 63 and 67 of Exhibit 4. The arguments "folderpath" and "fileList" (which identify the user-designated location(s) of the non-volatile data storage device of the content display computer at which content data is stored) were not passed values from line 63. Rather, only a URL list (i.e., an identification of Web sites from which to acquire content data) was passed from line 63 to line 67. Thus, content data to be used in generating a display must be acquired at the time of using that content data to generate the display, as in Claim 23.

A system as further recited in Claim 24 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 5 of the second Piernot Declaration. A "means for scheduling the display of the image or images generated from a set of content data," as recited in Claim 24, was embodied by the content display computer operating in accordance with the computer program shown in Exhibit 2 accompanying the second Piernot Declaration. In particular, lines 5-12 of page 2 of Exhibit 2 enabled multiple sets of content data to be successively used to generate the display of corresponding image(s), each set of content data being used to generate a display for a specified amount of time (as indicated by the variable DisplayTime in line 5 of page 2 of Exhibit 2 and as specified by a user via control option 304 in

the display shown in Exhibit 3).

A system as further recited in Claim 25 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 5 of the second Piernot Declaration. A "means for updating the set of content data," as recited in Claim 25, was embodied by the content display computer operating in accordance with the computer program shown in Exhibit 2 accompanying the second Piernot Declaration (see lines 9-30 on page 6 of Exhibit 2 and the accompanying description in paragraph 5 of the second Piernot Declaration).

A system as further recited in Claim 26 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 5 of the second Piernot Declaration. The recitation in Claim 26 that "the means for updating operates without disrupting use of the apparatus by the user during the time that the means for updating is operating" was embodied by the content display computer operating in accordance with the computer program shown in Exhibit 2. Since, in the computer program shown in Exhibit 2, the update of content data occurred only when the screen saver was turned on (see lines 4-8 on page 6 of Exhibit 2, together with the above-mentioned lines 9-30 on page 6 of Exhibit 2 and the accompanying description in paragraph 5 of the second Piernot Declaration), i.e., when the user was not engaged in an intensive

(or focused) interaction with the content display computer, the means for updating did not disrupt use of the content display computer ("apparatus" in Claim 26) by the user.

A system as further recited in Claim 27 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 5 of the second Piernot Declaration. The recitation in Claim 27 that "the means for updating obtains the updated set of content data from the content providing system" was embodied by the content display computer operating in accordance with the computer program shown in Exhibit 2 (see lines 9-30 on page 6 of Exhibit 2 and the accompanying description in paragraph 5 of the second Piernot Declaration) and the Internet browser software, together with conventional hardware and software enabling communication between the content display computer and a Web site. In particular, as discussed in paragraph 5 of the second Piernot Declaration, a computer program called "fetchImages" identified the World Wide Web site(s) from which the content data was previously obtained, then caused the browser software to retrieve content data from those site(s).

A system as further recited in Claim 28 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 5 of the second Piernot Declaration. The recitation in Claim 28 that "the means for updating operates automatically, without intervention

by the user," was embodied by the content display computer operating in accordance with the computer program shown in Exhibit 2 (see lines 9-30 on page 6 of Exhibit 2 and the accompanying description in paragraph 5 of the second Piernot Declaration).

A system as further recited in Claim 29 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 5 of the second Piernot Declaration. A "means for specifying the location of the content providing system," as recited in Claim 29, was embodied by the content display computer operating in accordance with the computer program shown in Exhibit 2 and the Internet browser software (see the discussion above with respect to Claim 27 of the "fetchImages" computer program). A "means for specifying the time at which an updated set of content data is to be obtained from the content providing system," as recited in Claim 29, was embodied by the content display computer operating in accordance with the computer program shown in Exhibit 2 (see lines 10-17 on page 6 of Exhibit 2, control option 305 in the display shown in Exhibit 3 and the accompanying description in paragraphs 5 and 6 of the second Piernot Declaration).

A system as further recited in Claim 31 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 5 of the second Piernot Declaration. As there stated, the content display

computer was operated in accordance with version 7 of the MacIntosh™ operating system. As known by those skilled in the art, a computer operating in accordance with version 7 of the MacIntosh™ operating system embodies the means recited in Claim 31, i.e., "means for interrupting a process being implemented by [an] apparatus," "means for storing information representing the state of the process at the time of interruption," and "means for beginning operation of the process, using the stored state of the process, [at the end of the interruption]."

A system as further recited in Claim 32 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 5 of the second Piernot Declaration. A "means for detecting a predetermined user interaction with the apparatus subsequent to detection of the idle period, wherein occurrence of the predetermined user interaction causes the means for selectively displaying to stop displaying an image or images generated from a set of content data," as recited in Claim 32, was embodied by the content display computer operating in accordance with the computer program shown in Exhibit 2 (see lines 34-43 on page 6 of Exhibit 2 and the description of lines 33-49 on page 6 of Exhibit 2 in paragraph 5 of the second Piernot Declaration). If, during operation of the screen saver, an interaction (e.g., mouse movement) with the content display computer was detected (lines 34-43 on page 6 of Exhibit 2), then operation of the

screen saver was terminated (see line 43 on page 6 of Exhibit 2).

Systems as further recited in Claims 33 and 34 were also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraphs 5 and 6 of the second Piernot Declaration. A "means for displaying one or more control options with the display device while the means for selectively displaying is operating," as recited in Claim 33, was embodied by the content display computer operating in accordance with the computer program shown in Exhibit 2 (see lines 4, 33, and 37 - especially the last - on page 2 of Exhibit 2 and the accompanying description in paragraphs 5 and 6 of the second Piernot Declaration) and conventional software for controlling operation of a computer display device (as known to those skilled in the art) to produce a display as shown in Exhibit 3. A particular control option that enabled the user to request termination of operation of the system, as recited in Claim 34, is shown by the control option 302 of the display shown in Exhibit 3 (see also the description regarding control option 302 in paragraph 6 of the second Piernot Declaration). A "means for selecting a displayed control option," as recited in Claim 33, was embodied by the content display computer and a conventional computer mouse or keyboard operating in accordance with conventional software for controlling operation of such devices (as known to those skilled in the art). A "means for controlling aspects of the operation of the system in accordance with a selected control option," as recited in Claim 33, and,

more particularly, that "the means for controlling terminates operation of the system," as recited in Claim 34, was embodied by the content display computer operating in accordance with the computer program shown in Exhibit 2 (see, e.g., the condition "the hilite of cast "on/off"" in line 38 on page 6 of Exhibit 2).

Systems as further recited in Claims 41, 42, 43 and 45 were also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 2 of the second Piernot Declaration. The discussion above with respect to Claims 14, 15, 16 and 18 applies as well to Claims 41, 42, 43 and 45.

Methods as further recited in Claims 46-48 were also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraphs 2 and 5 of the second Piernot Declaration. The discussion above with respect to Claims 19-21 applies as well to Claims 46-48.

A computer readable medium as recited in amended Claim 49 was conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as demonstrated by paragraphs 5 and 6 of the second Piernot Declaration. "A computer readable medium encoded with one or more computer programs for enabling acquisition of a set of content data and display of an image or images generated from the set of content data on a display device during operation of an attention

manager," as recited in Claim 49, was embodied by a data storage device of the content display computer on which was stored the computer program shown in Exhibit 2 and the Internet browser software. In particular, "acquisition instructions for enabling acquisition of a set of content data from a specified information source," as recited in Claim 49, were embodied by the computer program shown in Exhibit 2 together with capabilities of the Internet browser software (see line 23 on page 6 of Exhibit 2 and the accompanying description in paragraph 5 of the second Piernot Declaration) and conventional software for enabling communication between the content display computer and a Web site. "[C]ontent data scheduling instructions for providing temporal constraints on the display of the image or images generated from the set of content data," as recited in Claim 49, were embodied by the computer program shown in Exhibit 2 (see, for example, lines 5-12 - in particular, the variable DisplayTime in line 5 - on page 2 of Exhibit 2, control option 304 of the display shown in Exhibit 3 and the accompanying description in the second Piernot Declaration). "[D]isplay instructions for enabling display of the image or images generated from the set of content data," as recited in Claim 49, were also embodied by the computer program shown in Exhibit 2 (see lines 13-30 on page 2 of Exhibit 2 and the accompanying description in the second Piernot Declaration).

The conception and reduction to practice of a computer readable medium as recited in amended Claim 49 prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software is also demonstrated by

paragraph 2 of the second Piernot Declaration. "A computer readable medium encoded with one or more computer programs for enabling acquisition of a set of content data and display of an image or images generated from the set of content data on a display device during operation of an attention manager," as recited in Claim 49, was embodied by a data storage device of the content display computer on which was stored the computer program shown in Exhibit 1 and the Internet browser software. "[A]cquisition instructions for enabling acquisition of a set of content data from a specified information source," as recited in Claim 49, were embodied by the computer program shown in Exhibit 1 together with capabilities of the Internet browser software (see line 50-54 of Exhibit 1 - in particular, line 53 - and the accompanying description in paragraph 2 of the second Piernot Declaration) and conventional software for enabling communication between the content display computer and a Web site. "[C]ontent data scheduling instructions for providing temporal constraints on the display of the image or images generated from the set of content data," as recited in Claim 49, were embodied by the capability of the DeskPicture computer program (which was executed as part of the execution of the computer program shown in Exhibit 1) that enabled specification of how long each set of content data was to be used to generate a display of an image (see paragraph 2 of the second Piernot Declaration). "[D]isplay instructions for enabling display of the image or images generated from the set of content data," as recited in Claim 49, were also embodied by the computer program

shown in Exhibit 1 (see lines 30, 63-78 and 134-161 of Exhibit 1 and the accompanying description in paragraph 2 of the second Piernot Declaration).

A computer readable medium as further recited in Claim 50 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraphs 5 and 6 of the second Piernot Declaration. "[D]uration instructions for enabling specification of the duration of time that the image or images generated from a set of content data can be displayed," as recited in Claim 50, were embodied by the computer program shown in Exhibit 2 (see line 5 - in particular, the variable DisplayTime - on page 2 of Exhibit 2, control option 304 of the display shown in Exhibit 3 and the accompanying description in the second Piernot Declaration).

A computer readable medium as further recited in Claim 60 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 2 of the second Piernot Declaration. "[D]isplay instructions ... for enabling display of an image or images generated from a set of content data of a particular type," as recited in Claim 60, were embodied by the computer program shown in Exhibit 1, which enabled display of sets of content data in accordance with either the JPEG or GIF format (see lines 63-78 and 134-161 of Exhibit 1 and the accompanying description in paragraph 2 of the second Piernot Declaration).

A computer readable medium as further recited in Claim 61 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 2 of the second Piernot Declaration. "[C]ontent data update instructions for enabling acquisition of an updated set of content data from an information source that corresponds to a previously acquired set of content data," as recited in Claim 61, were embodied by the computer program shown in Exhibit 1 (see lines 10-22 of Exhibit 1 and the accompanying description in paragraph 2 of the second Piernot Declaration).

A computer readable medium as further recited in Claim 62 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 2 of the second Piernot Declaration and Exhibit 1 accompanying that Declaration. "[C]ontent data update instructions ... indicating the location of the information source from which to obtain the updated set of content data," as recited in Claim 62, were embodied by the computer program shown in Exhibit 1 (see the combination of lines 5, 10-22, 29 and 35-62 of Exhibit 1, which caused the user-designated location(s) of the non-volatile data storage device of the content display computer at which content data was stored to be accessed to identify URL(s) of World Wide Web site(s) which were stored together with the corresponding content data, then caused the browser software to retrieve content data from those site(s)).

A computer readable medium as further recited in Claim 63 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraph 2 of the second Piernot Declaration and Exhibit 1 accompanying that Declaration. "[C]ontent data update instructions ... indicating a time or times at which to obtain the updated set of content data," as recited in Claim 63, were embodied by the computer program shown in Exhibit 1 (see line 12 of Exhibit 1).

A computer readable medium as further recited in Claim 64 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as also demonstrated by paragraphs 2 and 3 of the second Piernot Declaration. "[O]perating instructions for beginning, managing and terminating the display on the display device of an image generated from a set of content data," as recited in Claim 64, were embodied by the computer program shown in Exhibit 1 (see lines 6 and 23-34 of Exhibit 1 and the accompanying description in paragraph 2 of the second Piernot Declaration). "[C]ontent display system scheduling instructions for scheduling the display of the image or images on the display device," as recited in Claim 64, were embodied by the computer program shown in Exhibit 1 (see lines 37, 39-41 and 50-54 Exhibit 1 and the accompanying description in paragraph 2 of the second Piernot Declaration) and by the alphabetical file retrieval feature of Applescript computer

programs (see paragraph 2 of the second Piernot Declaration). "[I]nstallation instructions for installing the operating instructions and content display system scheduling instructions on the content display system," as recited in Claim 64, were embodied by conventional software present on the content display computer (see paragraph 3 of the second Piernot Declaration).

A computer readable medium as further recited in Claim 66 was also conceived and reduced to practice prior to the effective dates of the Judson patent and the Wall Street Journal article describing the PointCast software, as further demonstrated by paragraphs 2 and 3 of the second Piernot Declaration. "A computer readable medium encoded with one or more computer programs for enabling a content display system to selectively display on a display device, in an unobtrusive manner that does not distract a person from a primary interaction with an apparatus associated with the display device, an image generated from a set of content data," as recited in Claim 66, was embodied by a data storage device of the content display computer on which was stored the computer program shown in Exhibit 1. "[O]perating instructions for beginning, managing and terminating the selective display of the image on the display device," as recited in Claim 66, were embodied by the computer program shown in Exhibit 1 (see lines 6 and 23-34 of Exhibit 1 and the accompanying description in paragraph 2 of the second Piernot Declaration). "[C]ontent display system scheduling instructions for scheduling the display of the image on the display device," as recited in Claim 66, were embodied by the computer program

shown in Exhibit 1 (see lines 37, 39-41 and 50-54 Exhibit 1 and the accompanying description in paragraph 2 of the second Piernot Declaration) and by the alphabetical file retrieval feature of Applescript computer programs (see paragraph 2 of the second Piernot Declaration). "[I]nstallation instructions for installing the operating instructions and content display system scheduling instructions on a content display system," as recited in Claim 66, were embodied by conventional software present on the content display computer (see paragraph 3 of the second Piernot Declaration).

Thus, as shown above, the subject matter recited in Claims 1-3, 5-10, 14-16, 18-29, 31-34, 41-43, 45-50, 60-64 and 66 of the present application was conceived and reduced to practice prior to October 19, 1995. Therefore, the Judson patent is inapplicable as a reference that can be used to reject those claims and the rejection of Claims 1-3, 5-10, 14-16, 18, 19, 21-29, 31, 33, 34, 41-43, 45, 46, 48-50, 60-64 and 66 as being anticipated by Judson is thereby obviated. Further, the Wall Street Journal article is also inapplicable as a reference that can be used to reject those claims and the rejection of Claims 19, 20, 25-28, 32, 41-43 and 45-47 as being anticipated by the description of the PointCast software in the Wall Street Journal article is thereby obviated as well.

Judson also does not teach or suggest a system as recited in Claims 4, 11-13, 17, 30, 35-40, 44 or a computer readable medium as recited in Claims 51-59 and 65. In rejecting Claims 1-19, 21-31, 33-46 and 48-67 under 35 U.S.C. § 102(e) as being anticipated

by Judson, the Examiner stated:

> The arguments concerning Judson have been considered, but, since Judson displays to the user in way which will not distract the user from a primary interaction, the arguments are not persuasive. At column 6 lines 35-38 Judson describes displaying the additional information as a line along with the downloaded primary information or as described in the preferred embodiment while awaiting receipt of a selected page an informational message is displayed to the user during this period when the user is normally inactive. Clearly Judson teaches the claimed invention.

Claims 4, 11-13, 17, 30, 35-40, 44, 51-59 and 65 are dependent claims which recite myriad limitations that have not been addressed at all by the Examiner, either in the above-quoted section of the present Office Action or in any previous Office Action. In particular, Applicants have previously identified that the aspects of the invention recited specifically in Claims 4, 11-13, 35-40 and 51-58 and 65 are neither taught nor suggested by Judson (see pages 15, 17 and 18-19 of the previous Office Action response). It is incumbent upon the Examiner to particularly address where Judson either teaches or suggests such limitations. A conclusory statement that "Judson teaches the claimed invention" is inadequate to support a rejection of these claims.

Further, Claims 4, 11-13 and 17 each depend upon Claim 1, either directly or indirectly,. and so are allowable for the reasons given for the allowability of Claim 1 over Judson (see pages 12-14 of the previous Office Action response). In particular, the Examiner has not addressed at all Applicants' contention that Judson does not teach or suggest "a content display system ... including means for receiving ... a set of

instructions [e.g., a computer program] for enabling a display device to selectively display ... an image or images generated from a set of content data" (emphasis added), as recited in Claim 1.

Additionally, Claims 51-59 and 65 each depend upon Claim 49, either directly or indirectly, and so are allowable for the reasons given for the allowability of Claim 49 over Judson (see pages 18-19 of the previous Office Action response). In particular, the Examiner has not addressed at all Applicants' contention that Judson does not teach or suggest "content data scheduling instructions for providing temporal constraints on the display of [an] image or images generated from [a] set of content data," as recited in Claim 49.

The Wall Street Journal article describing the PointCast software also does not teach or suggest a system as recited in Claim 44. In rejecting Claims 19, 20, 25-28, 32 and 41-47 under 35 U.S.C. § 102(a) as being anticipated by the Wall Street Journal article describing the PointCast software, the Examiner stated:

> The argument concerning the Point Cast article at page 22 of applicants amendment failed to consider that the other information listed in the list of types of information which Point Cast software retrieves from the Internet in May of 1996 would include moving video clips (claim 43) and audio (claim 44) since these types of information was present on the Internet prior to May 1996.

The Wall Street Journal article describing the PointCast software does not include any statement about "other information listed in [a] list of types of information which PointCast

software retrieves from the Internet," as contended by the Examiner. More particularly, the Wall Street Journal article describing the PointCast software simply does not teach or suggest that the content data can be audio data, as recited in Claim 44.

In view of the foregoing, Applicants request withdrawal of the rejection of Claims 1-19, 21-31, 33-46 and 48-67 under 35 U.S.C. § 102(e) as being anticipated by Judson (U.S. Patent No. 5,572,643) and withdrawal of the rejection of Claims 19, 20, 25-28, 32 and 41-47 under 35 U.S.C. § 102(a) as being anticipated by PointCast (as described in the 2-13-96 Wall Street Journal article by Joan E. Rigdon).

Rejection under 35 U.S.C. § 102 in view of Pirani et al.

The Examiner rejected Claims 19, 21, 22, 46 and 48 under 35 U.S.C. § 102(b) as being anticipated by Pirani et al. U.S. Patent No. 5,105,184.

The Examiner stated that "[t]he arguments concerning Pirani have been considered, but, since Pirani displays to the user in way which will not distract the user from a primary interaction, the arguments are not persuasive." Since none of Applicants' arguments in the previous Office Action response were directed to whether "Pirani displays to the user in way which will not distract the user from a primary interaction," this part of the Examiner's rationale for continuing to reject Claims 19, 21, 22, 46 and 48 as being anticipated by Pirani et al. is inapposite.

To summarize, in the previous Office Action response, Applicants argued that, unlike Pirani et al., in a system as in Claim 19, content data is not integrated into means (e.g., software) for displaying images generated from content data, nor is content data integrated into means (e.g., software) for providing a primary interaction with an apparatus with which the system is used. Applicants further argued that Pirani et al. do not teach "means for acquiring a set of content data from a content providing system," as recited in Claim 19, but, rather, that advertisements (content data) are integrated into software that is resident on a computer. Finally, Applicants argued that Pirani et al. do not teach or suggest "means for selectively displaying ... an image or images generated from [a] set of content data," as recited in Claim 19, since Pirani et al. do not teach or suggest that the manner in which advertisements (content data) are displayed during operation of particular software can be varied once those advertisements have been integrated into the software.

In the instant Office Action, the Examiner has not addressed these particular arguments made by Applicants in the previous Office Action response. For example, the Examiner states that "Pirani teaches ... means for selectively displaying [i]nformation ...." However, the Examiner has not pointed out any support for this assertion. In fact, as pointed out in the previous Office Action response, Pirani et al. do not teach "means for selectively displaying ... an image or images generated from [a] set of content data," as recited in Claim 19.

Applicants request that the Examiner reconsider the arguments made in the previous Office Action response concerning the teaching of Pirani et al., since it appears that there has been some confusion regarding the nature of those arguments.

In view of the foregoing, Applicants request withdrawal of the rejection of Claims 19, 21, 22, 46 and 48 under 35 U.S.C. § 102(b) as being anticipated by Pirani et al. U.S. Patent No. 5,105,184.

CONCLUSION

Claims 1-67 were pending. Claims 1-67 were rejected. Claims 49, 53 and 54 have been amended. In view of the foregoing, it is requested that Claims 1-67 be allowed. If the Examiner wishes to discuss any aspect of this application, the Examiner is invited to telephone Applicants' undersigned attorney at (408) 945-9912.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on June 10, 1999.

6-10-99 David R. Graham
Date Signature

Respectfully submitted,

David R. Graham

David R. Graham
Reg. No. 36,150
Attorney for Applicants

#23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Paul Freiberger et al.

Assignee: Interval Research Corporation

Title: Attention Manager for Occupying the Peripheral Attention of a Person in the Vicinity of a Display Device

Serial No.: 08/620,641 Filed: March 22, 1996

Examiner: Jeffery A. Brier Group Art Unit: 2775

Attorney Docket No.: IR-003

Assistant Commissioner for Patents
Washington, D. C. 20231

DECLARATION OF PHILIPPE P. PIERNOT
UNDER 37 C.F.R. § 1.131

I, Philippe P. Piernot, hereby declare that:

1. I am an inventor of the invention of the above-referenced patent application.

2. Prior to October 19, 1995, I developed a computer program, an Applescript source code listing of which is attached hereto as Exhibit 1, that, together with the capabilities of conventional Internet browser software, acquired content data from a World Wide Web site and displayed an image generated from the content data as "wallpaper" on a display device of the computer ("content display computer") on which the computer program was executing. The browser software included a capability that allowed a user to select an image displayed at a Web site so as to cause the content data representing the image to be transferred from a data storage device of the Web site to the content display computer and stored at a user-designated

location of a non-volatile data storage device of the content display computer. In Exhibit 1, the user-designated location at which content data was stored is indicated at line 5. Line 6 caused execution of a set of instructions (see lines 23-34) that display an image or images generated from the content data. Line 29, together with lines 35-62, caused content data to be retrieved by the content display computer from an appropriate World Wide Web site. In particular, lines 39-41 identified multiple sets of content data to be retrieved (and displayed). Lines 50-54, together with lines 79-120, caused the sets of content data to be successively retrieved and stored (see, in particular, line 87). Sets of content data were retrieved in alphabetical order of the name of the file containing the content data, in accordance with the manner in which an Applescript computer program orders a list of files within a folder defined on a data storage device (see line 37). Line 30, together with lines 63-78 and lines 134-161, caused identification of the format of a set of content data and display of the set of content data in accordance with the identified format. In the computer program shown in Exhibit 1, sets of content data in either the JPEG format (see lines 140-148) or the GIF format (see lines 150-159) could be used to generate an image display. Lines 31-33 caused the retrieved content data to be used to generate a display of the corresponding image or images: in particular, line 32 caused execution of a computer program called DeskPicture (a commercially available shareware computer program, produced by Peirce Software, that generated a display of an image as

"wallpaper" on a computer display screen) that accessed a set of content data from the appropriate (previously identified; see line 5, discussed above) location on the non-volatile data storage device and produced the corresponding image display. A set of content data was used to generate a display until a new set of content data was to be used to generate a display (the DeskPicture computer program included capabilities for displaying images generated from multiple sets of content data and specifying how long each set of content data was to be used to generate a display of an image), an updated version of the set of content data was to be used to generate a display, or operation of the computer program shown in Exhibit 1 terminated. Lines 10-22 caused the browser software to periodically retrieve (in Exhibit 1, every 5 minutes) and display an updated set of content data corresponding to a set of content data previously retrieved from a Web site. (An updated set of content data could be the same as the corresponding previously retrieved set of content data.)

3. Prior to October 19, 1995, I caused a computer-executable form of the computer program shown in Exhibit 1 to be stored on a first computer ("application management computer"). The application management computer was connected, using conventional hardware and software adapted for such purpose, to a second computer ("content display computer") such that instructions and/or data could be transferred from the application management computer to the content display computer. The presence of the computer-executable version of the computer

program on the application management computer was displayed on a display device of the content display computer. The content display computer was operated in accordance with conventional software that enabled a user of the content display computer to request transfer of the computer program from the application management computer to the content display computer and installation of the computer program on the content display computer. The content display computer was additionally connected, using conventional hardware and software adapted for such purpose, to the Internet computer network, such that the content display computer could be operated in accordance with conventional browser software to enable a user of the content display computer to select an image displayed at a Web site accessible via the Internet computer network so as to cause the content data representing the image to be transferred from a data storage device of the Web site to the content display computer and stored at a user-designated location of a non-volatile data storage device of the content display computer.

4. Prior to October 19, 1995, I caused a computer-executable form of a second computer program, similar to the computer program shown in Exhibit 1 (the "first computer program") and having capabilities similar to those described above in paragraph 2 of this Declaration, to be stored on the application management computer discussed above in paragraph 3 of this Declaration. The presence of the computer-executable version of the second computer program on the application management computer was displayed on a display device of the

content display computer. The content display computer discussed above in paragraph 3 of this Declaration was operated in accordance with conventional software that enabled a user of the content display computer to request transfer of the first or second computer program from the application management computer to the content display computer and installation of the first or second computer program on the content display computer. The second computer program differed from the first computer program in that the types of format of a set of content data that could be displayed were different from the types of format of a set of content data that could be displayed by the first computer program.

5. Prior to October 19, 1995, I developed a computer program, a MacroMedia Director source code listing of which is attached hereto as Exhibit 2, that, together with the capabilities of an Applescript program that I developed (described further below) and conventional Internet browser software, acquired content data from a World Wide Web site and displayed an image generated from the content data as a "screen saver" on a display device of the computer ("content display computer") on which the computer program was executing. The content display computer was operated in accordance with version 7 of the MacIntosh™ operating system. The browser software included a capability that allowed a user to select an image displayed at a Web site so as to cause the content data representing the image to be transferred from a data storage device of the Web site to the content display computer and stored

at a user-designated location of a non-volatile data storage device of the content display computer. In Exhibit 2, the user-designated location at which content data was stored is indicated at page 2, line 7. Lines 33-49 on page 6 of Exhibit 2 are a set of instructions that determined whether the screen saver was to be displayed or not. In particular, lines 38-43 prevented the screen saver from being displayed, while lines 45-46 caused the screen saver to be displayed if greater than a specified duration of time (which was user-specified in the computer program shown in Exhibit 2; see line 45 on page 6 of Exhibit 2 and control option 303 in Exhibit 3, discussed below) without interaction with the content display computer (an "idle period") had occurred. Lines 5-32 on page 2 of Exhibit 2 caused the display of one or more images generated from one or more sets of content data. More particularly, lines 5-12 on page 2 of Exhibit 2 determined which set of content data was to be used to generate image(s): each set of content data was used to generate images for a specified amount of time (which was user-specified in the computer program shown in Exhibit 2; see line 5 on page 2 of Exhibit 2 and control option 304 in Exhibit 3, discussed below). Lines 13-30 on page 2 of Exhibit 2 produced an image display from the set of content data identified in lines 5-12. Lines 33-38 on page 2 of Exhibit 2 caused, if appropriate, the screen saver to be turned off again. When the screen saver was turned off, the display shown in Exhibit 3 (discussed below) was produced on the display device of the content display computer using a display screen image definition file as defined using MacroMedia Director

constructs adapted for that purpose (see line 37 on page 2 of Exhibit 2). Lines 9-30 on page 6 of Exhibit 2 caused the computer program to periodically retrieve (in the computer program shown in Exhibit 2, within a daily ten minute window beginning at a user-specified time; see lines 10-17 on page 6 of Exhibit 2 and control option 305 in Exhibit 3, discussed below) a set of content data corresponding to Web site image(s) previously selected by a user (see lines 19-23 on page 6 of Exhibit 2). This periodic retrieval of content data occurred only when the screen saver was turned on (see lines 4-8 on page 6 of Exhibit 2, together with the above-mentioned lines 9-30 on page 6 of Exhibit 2). The actual retrieval of content data was accomplished at line 23 using an Applescript computer program called "fetchImages" (which is not shown as part of Exhibit 2) that accessed the user-designated location(s) of the non-volatile data storage device of the content display computer at which content data was stored to identify the World Wide Web site(s) (identification(s), e.g., URL(s), of which were stored together with the corresponding content data) from which the content data was obtained, then caused the browser software to retrieve content data from those site(s). I developed "fetchImages," which embodied the functionality of lines 29, 30, 35-62, 63-78, 79-120 and 134-161 of the computer program shown in Exhibit 1, to enable the Macromedia Director computer program shown in Exhibit 2 to make use of the browser software to transfer set(s) of content data from Web site(s) to the content display computer. (The Macromedia Director computer program

shown in Exhibit 2 could not communicate directly with the browser software, but could communicate with an Applescript computer program.)

6. Exhibit 3 depicts a display produced on the display device of the content display computer referred to above in paragraph 5 by the computer program shown in Exhibit 2 (see line 37 on page 2 of Exhibit 2, discussed above) when the screen saver was turned off. The display provided a graphical mechanism for enabling a user of the content display computer to control aspects of the operation of the computer program shown in Exhibit 2. A dialog box (designated by the numeral 301 in Exhibit 3) within the display included four control options that each enabled control of a corresponding aspect of the operation of the computer program shown in Exhibit 2. The first control option (designated by the numeral 302 in Exhibit 3) enabled the user to specify whether the screen saver would be displayed after detection of an idle period. The second control option (designated by the numeral 303 in Exhibit 3) enabled the user to specify the duration of time without interaction with the content display computer which had to pass before the screen saver would be displayed. The third control option (designated by the numeral 304 in Exhibit 3) enabled the user to specify the duration of time for which each set of content data would be used to generate an image display during operation of the screen saver. The fourth control option (designated by the numeral 305 in Exhibit 3) enabled the user to specify the time at which to begin retrieval each day of set(s) of content data corresponding

to Web site image(s) previously selected by a user.

7. Prior to October 19, 1995, I developed a computer program, an Applescript source code listing of which is attached hereto as Exhibit 4, that, together with the capabilities of conventional Internet browser software, acquired content data from a World Wide Web site and displayed an image generated from the content data on a display device of the computer ("content display computer") on which the computer program was executing. The browser software included a capability that allowed a user to select an image displayed at a Web site so as to cause the content data representing the image to be transferred from a data storage device of the Web site to the content display computer. In Exhibit 4, line 4 caused execution of a set of instructions (see lines 21-28) that, in turn, caused the execution of still other sets of instructions to display an image or images generated from the content data. Depending on the type of content data acquired, the image was displayed as "wallpaper" (see line 25 and lines 29-49) or in a display area dedicated to the browser software (see line 26 and lines 50-64). In the former case (i.e., lines 25 and 29-49), lines 44 and 67-89 caused content data to be retrieved by the content display computer for use in generating an image display. After acquisition of the content data, the content data was stored at a user-designated location of a non-volatile data storage device of the content display computer. Lines 46-48 caused the retrieved content data to be used to generate a display of the corresponding image or images: in particular, line 47 caused execution of the computer

program called DeskPicture, as described above in paragraph 2, that produced the image display. In the latter case (i.e., lines 26 and 50-64), the computer program shown in Exhibit 4 did not cause content data to be stored on the non-volatile data storage device of the content display computer, but only used the content data to generate an image display immediately upon acquisition.

8. The acts described above in numbered paragraphs 2 through 7 were carried out in the United States.

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

Date: 6/4, 1999

Philippe P. Piernot

Exhibit 1

```
property justLoaded : false
property folderPath : ""
property triggerMin : 0


on run
    set folderPath to ((path to (the preferences folder)) as string) & "WebPictures:"
    doIt()
    set triggerMin to ((time of (current date)) / minutes) + 5
    set justLoaded to true
end run


on idle
    set mins to (time of (current date)) / minutes
    if mins > triggerMin + 5 then
        if justLoaded then
            set justLoaded to false
        end if
    else
        if not justLoaded and mins ≥ triggerMin then
            doIt()
            set triggerMin to ((time of (current date)) / minutes) + 5
            --set justLoaded to true
        end if
    end if
end idle


on doIt()
    set wasDeskPictureRunning to isProcessRunning("CLY7")
    if wasDeskPictureRunning then
        tell application "DeskPicture"                    to quit
    end if

    set fileList to (list folder folderPath)
    fetchAllPicturesIn(folderPath)
    convertToPictAllPicturesIn(folderPath, fileList)

    if wasDeskPictureRunning then
        tell application "DeskPicture"                    to run
    end if
end doIt


on fetchAllPicturesIn(folderPath)
    set wasFrontierRunning to isProcessRunning("LAND")

    set fileList to (list folder of folderPath)
    set urlList to {}
    repeat with fileName in fileList
        set urlList to urlList & getFileComment(alias (folderPath & fileName))
```

Exhibit 1

```
41      end repeat
42      if not wasFrontierRunning then
43          tell application "Frontier" to quit
44      end if

45      set wasNetscapeRunning to isProcessRunning("MOSS")
        -- Asks Netscape not to display alert boxes
46      tell application "Netscape Navigator™ 3.0"
47          set netscapeAlertApp to the alert application
48          set alert application to "zzzz"
49      end tell

50      repeat with i from 1 to (length of fileList)
51          set fileName to item i of fileList
52          set myURL to item i of urlList
53          netscapeGetURL(myURL, (folderPath & fileName & "1"), 5, 300)
54      end repeat

55      if wasNetscapeRunning then
            -- Resume Netscape alert boxes display handling
56          tell application "Netscape Navigator™ 3.0"
57              set alert application to netscapeAlertApp
58          end tell
59      else
60          tell application "Netscape Navigator™ 3.0" to quit
61      end if
62  end fetchAllPicturesIn


63  on convertToPictAllPicturesIn(folderPath, fileList)
64      set wasClip2GifRunning to isProcessRunning("c2gf")
65      set wasJPegViewRunning to isProcessRunning("JVWR")

66      repeat with fileName in fileList
67          set fileAlias to (alias (folderPath & fileName))
68          convertToPict(folderPath & fileName & "1", fileName & "1")
69          «event ScTIExch» (alias (folderPath & fileName & "1")) given «class with»:(fileAlias)
70          «event ScTIdele» (alias (folderPath & fileName & "1"))
71      end repeat

72      if not wasClip2GifRunning then
73          tell application "Clip2Gif" to quit
74      end if
75      if not wasJPegViewRunning then
76          tell application "JPegView" to quit
77      end if
78  end convertToPictAllPicturesIn


    ----------NETSCAPE RELATED ROUTINES----------


79  on netscapeGetURL(myLoc, destFile, nbOfTries, myTimeOut)
80      set errCounter to 0
81      repeat while errCounter < nbOfTries
```

Page 2

Exhibit 1

```
        tell application "Netscape Navigator™ 3.0"
            with timeout of myTimeOut seconds
                repeat while the busy of window 1 ≠ 0
                end repeat
                set isLoaded to true
                GetURL myLoc to (file destFile)
                set isLoaded to false
                repeat while not isLoaded
                    try
                        the busy of window 1
                        set isLoaded to true
                    on error
                    end try
                end repeat
            end timeout
            try
                if the file type of (info for (file destFile)) = "TEXT" then
                    set errCounter to errCounter + 1
                    «event ScTIdele» destFile
                else
                    return false -- no error
                end if
            on error
                set errCounter to errCounter + 1
            end try
        end tell
    end repeat
    return true -- error
end netscapeGetURL


on «event WWW?PRBG»
    return 1
end «event WWW?PRBG»

on «event WWW?PRMK»
    return 0
end «event WWW?PRMK»

on «event WWW?PREN»
    set finished to true
    return 0
end «event WWW?PREN»


----------FINDER RELATED ROUTINES----------


on isProcessRunning(procString)
    repeat with processName in (list processes)
        if signature of (get process processName) = procString then
            return true
        end if
    end repeat
    return false
end isProcessRunning
```

Page 3

Exhibit 1

```
on getFileComment(fileAlias)
    tell application "Frontier"
        lfile.getCommentl(fileAlias)
    end tell
end getFileComment

----------PICTURE CONVERSION ROUTINE----------

on convertToPict(filePath, fileName)
    try --We check whether the file exits
        set fileType to the file type of (info for (file filePath))
    on error
        return
    end try
    if fileType = "JPEG" then
        tell application "JPegView"
            try
                open {alias filePath}
                save document 1 in (alias filePath) as picture
                close document 1
            on error
            end try
        end tell
    else
        if fileType = "GIFf" then
            tell application "Clip2Gif
                try
                    open (file filePath) given «class fltp»:picture, «class kfil»:(file (filePath & "2"))
                    «event ScTIdele» (alias filePath)
                    «event ScTIRena» (alias (filePath & "2")) given «class name»:fileName
                on error
                end try
            end tell
        end if
    end if
end convertToPict
```

Exhibit 2

```
on exitFrame
  global gRunning, gLastScreenUpdate

  if desiredScreenSaverState() then
    set gLastScreenUpdate to 0
    initRearWindow()
    savePreferences()
    installMenu              -- removes the menubar
    convertPicturesIfNeeded()
    activate()
    set gRunning to TRUE
    go to frame "SlideShow"
  else
    go to the frame
  end if
end exitFrame
```

Exhibit 2

```
on exitFrame
  global gScreenNumber, gScreenCastNum, gRunning, gLastActivity, gFolderPath,
gLastScreenUpdate

  if desiredScreenSaverState() then
    if (the ticks - gLastScreenUpdate > 60 * value(the text of cast "DisplayTime")) then
      set gScreenNumber to gScreenNumber + 1
      set folderPath to gFolderPath & "Screen Saver Files:"
      set fileName to getNthFileNameInFolder(folderPath, gScreenNumber)
      if fileName = EMPTY then
        set gScreenNumber to 1
        set fileName to getNthFileNameInFolder(folderPath, gScreenNumber)
      end if

      if fileName <> EMPTY then
        if(getFileType(folderPath & fileName) starts "PICT") then
          if the castNum of sprite 2 = 5 then
            set gScreenCastNum to 6
          else
            set gScreenCastNum to 5
          end if
          puppetSprite 2, TRUE
          set the fileName of cast gScreenCastNum to folderPath & fileName
          set pict to the picture of cast gScreenCastNum -- so that the castRect is
updated
          set pict to 0                                          -- just in case :-)
          set the castNum of sprite 2 to gScreenCastNum

          set the locH of sprite 2 to (the stageRight - the stageLeft - the width of cast
gScreenCastNum) / 2
          set the locV of sprite 2 to (the stageBottom - the stageTop - the height of
cast gScreenCastNum) / 2
          puppetTransition random(49), 4, 10, FALSE
          set gLastScreenUpdate to the ticks
        end if
      end if
    end if
    go to the frame
  else
    set gRunning to FALSE
    releaseRearWindow()
    installMenu cast "Menubar"
    go to frame "UI"
  end if
end exitFrame
```

Page 2

Exhibit 2

```
------------------UTILITY FUNCTIONS-------------------------------------

on filesIn folderPath
  put [] into fileList
  repeat with i = 1 to the maxInteger
    set fileName to getNthFileNameInFolder(folderPath, i)
    if fileName = EMPTY then exit repeat
    append(fileList, fileName)
  end repeat
  return fileList
end filesIn

-------------------------------------------------------------------------

on deleteFile filePath
  set fileIOXObj to FileIO(mNew, "read", filePath)
  return fileIOXObj(mDelete)
end deleteFile

-------------------------------------------------------------------------

on deleteContentOfFolder folderPath
  set fileList to filesIn(folderPath)
  repeat with fileName in fileList
    deleteFile(folderPath & fileName)
  end repeat
end deleteContentOfFolder

-------------------------------------------------------------------------

on newUniqueFileNameIn folderPath
  set counter to -1
  set done to false
  set fileList to filesIn(folderPath)
  repeat while not done
    set counter to counter + 1
    if not getOne(fileList, "" & counter) then
      set done to true
    end if
  end repeat
  return "" & counter
end newUniqueFileNameIn

-------------------------------------------------------------------------

on replaceFilesKeepingComments srcFolderPath, dstFolderPath
  set srcFileList to filesIn(srcFolderPath)
  set dstFileList to filesIn(dstFolderPath)
  repeat with fileName in srcFileList
    if getOne(dstFileList, fileName) then
      set comment to getFileComment(dstFolderPath & fileName)
      deleteFile(dstFolderPath & fileName)
      moveFile(srcFolderPath & fileName, dstFolderPath)
      setFileComment(dstFolderPath & fileName, comment)
    else
      moveFile(srcFolderPath & fileName, dstFolderPath)
    end if
  end repeat
end moveFiles
```

Page 3

Exhibit 2

```
-----------------------------------------------------------------------------

on getFileComment filePath
  set comment to GetComment(filePath)
  set zeroChar to numToChar(0)
  set theLength to the length of comment
  set done to false
  set i to 1
  repeat while not done
    if (i = theLength) or ((char i of comment) = zeroChar) then
      set done to true
    else
      set i to i + 1
    end if
  end repeat
  if i <= 1 then
    return ""
  else
    return char 1 to i - 1 of comment
  end if
end getFileComment

-----------------------------------------------------------------------------

on setFileComment filePath, name
  SetComment(filePath, name)
end setFileComment

-----------------------------------------------------------------------------

on renameFile filePath, newName
  set oldDelim to the itemDelimiter
  set the itemDelimiter to ":"
  set fileName to the last item of filePath
  set the itemDelimiter to oldDelim
  set folderPathEnd to (the length of filePath) - (the length of fileName)
  set foldPath to (char 1 to folderPathEnd of filePath)

  FSRename(filePath, foldPath & newName)
end renameFile

-----------------------------------------------------------------------------

on moveFile filePath, dstFolderPath
  FSCatMove(filePath, dstFolderPath)
end moveFile

-----------------------------------------------------------------------------

on getFileType filePath
  set fileIOXObj to FileIO(mNew, "read", filePath)
  set type to fileIOXObj(mGetFinderInfo)
  fileIOXObj(mDispose)
  return type
end getFileType

-----------------------------------------------------------------------------
```

Page 4

Exhibit 2

```
on isProcessRunning procString
  thePrograms "", procString
  return charToNum(char 1 of the result) <> 0
end isProcessRunning

--------------------------------------------------------------------------------

on activate
  open the moviePath & the movieName
end activate

--------------------------------------------------------------------------------

on getSecondsSinceMidnight
  global gTimeObj

  return gTimeObj(mGetSecsSinceMidnight)
end getSecondsSinceMidnight
```

Exhibit 2

```
on idle
  global gRunning, gMode, gFolderPath, gFetched

  if gRunning then
    if not(desiredScreenSaverState()) then
      set gRunning to FALSE
      releaseRearWindow()
      installMenu cast "Menubar"
      go to frame "UI"
    else
      set hours to value(the text of cast "hours")
      if the text of cast "am/pm" = "PM" then
        if hours < 12 then
          set hours to hours + 12
        end if
      end if
      set downloadTime to (3600 * hours) + (60 * value(the text of cast "minutes"))
      if gFetched = 0 and gMode = "Done" and getSecondsSinceMidnight() > downloadTime and
¬
getSecondsSinceMidnight() < (downloadTime + 600) then
        set gFetched to the ticks
        deleteContentOfFolder(gFolderPath & "Temporary Files:downloaded:")
        deleteContentOfFolder(gFolderPath & "Temporary Files:temp:")
        deleteContentOfFolder(gFolderPath & "Temporary Files:converted:")
        set gMode to "FetchAndConvert"
        open the moviePath & "Helper Apps:fetchImages"
      else
        if gFetched <> 0 and the ticks - gFetched > 36000 then -- we should be done
downloading
          set gFetched to 0
        end if
      end if
    end if
  end if
  pass
end idle


on desiredScreenSaverState
  global gLastActivity, gLastMouseH, gLastMouseV, gLastKeyCode, gKeyDetectorXObj

  set mH to the mouseH
  set mV to the mouseV
  set kc to the keyCode
  if not (the hilite of cast "on/off") or the mouseDown or mH <> gLastMouseH or mV <>
gLastMouseV ¬ or gLastKeyCode <> kc or gKeyDetectorXObj(mCheckKey) <> 0 then
    set gLastMouseH to mH
    set gLastMouseV to mV
    set gLastKeyCode to kc
    set gLastActivity to the ticks
    return FALSE
  else
    if the ticks - gLastActivity > 3600 * value(the text of cast "SleepDelay") then
      return TRUE
    end if
  end if
end desiredScreenSaverState
```

Page 6

Exhibit 2

```
on startMovie
  global gMode, gTimeObj, gKeyDetectorXObj, gMiscXObj, gLastScreenUpdate,
gScreenDisplayTime, ¬
gScreenNumber, gRunning, gFolderPath, gFetched

  set gScreenNumber to 0
  set gFetched to 0
  set gRunning to FALSE
  set gMode to "Done"
  set the hilite of cast "on/off" to TRUE
  set gLastScreenUpdate to 0
  set gScreenDisplayTime to 600

  set gTimeObj to TimeSinceMidnight( mNew )
  set gKeyDetectorXObj to KeyDetector(mNew)
  set gMiscXObj to misc_x(mNew)

  set gFolderPath to gMiscXObj(mPrefsFolder) & "NetScreen:"
  installMenu cast "Menubar"
  loadPreferences()

  --put callBackFactory(mNew) into callbackObject
  --setCallBack RunOSAScript, callbackObject
  --RunOSAScript("open")
end startMovie


on stopMovie
  global gTimeObj, gKeyDetectorXObj, gMiscXObj

  savePreferences()
  if objectP(gTimeObj) then
    gTimeObj(mDispose)
  end if
  if objectP(gKeyDetectorXObj) then
    gKeyDetectorXObj(mDispose)
  end if
  if objectP(gMiscXObj) then
    gMiscXObj(mDispose)
  end if
  releaseRearWindow()

  --RunOSAScript("close")
  --callBackFactory(mDispose)
end stopMovie


on convertPicturesIfNeeded
  global gMode, gFolderPath

  if gMode = "Done" then
    set files to filesToConvert()
    if files <> EMPTY then
      deleteContentOfFolder(gFolderPath & "Temporary Files:downloaded:")
      deleteContentOfFolder(gFolderPath & "Temporary Files:temp:")
      deleteContentOfFolder(gFolderPath & "Temporary Files:converted:")
      repeat with fileName in files
        moveFile(gFolderPath & "Screen Saver Files:" & fileName, ¬
gFolderPath & "Temporary Files:downloaded:")
```

Page 7

Exhibit 2

```
        end repeat
        set gMode to "Convert"
        open the moviePath & "Helper Apps:fetchImages"
      end if
    end if
  end convertPicturesIfNeeded

  on filesToConvert
    global gFolderPath

    set folderPath to gFolderPath & "Screen Saver Files:"
    set fileList to filesIn(folderPath)
    set files to []
    repeat with fileName in fileList
      set type to getFileType(folderPath & fileName)
      if not (type starts "PICT") then
        append files, fileName
      end if
    end repeat
    return files
  end filesToConvert

  on quitNetScreen
    stopMovie()
    quit
  end quitNetScreen

  ------------------------------------------------------------------------

  on getStatus
    global gFolderPath, gMode

    if voidP(gMode) then
      set gMode to "Done"
    end if
    set folderPath to gFolderPath & "Screen Saver Files:"
    set status to gMode & " " & ¬
    isProcessRunning("MOSS") & " " & ¬
    isProcessRunning("c2gf")
    if gMode = "FetchAndConvert" then
      set fileList to filesIn(folderPath)
      repeat with fileName in fileList
        set status to status & RETURN & fileName & RETURN & ¬
  getFileComment(folderPath & fileName)
      end repeat
    end if
    return status
  end getStatus

  ------------------------------------------------------------------------

  on ScriptDone
    global gFolderPath, gMode

    if gMode = "FetchAndConvert" then
      replaceFilesKeepingComments(gFolderPath & "Temporary Files:converted:", ¬
    gFolderPath & "Screen Saver Files:")
    else
      if gMode = "Convert" then
```

Page 8

Exhibit 2

```
        set files to filesIn(gFolderPath & "Temporary Files:downloaded:")
        repeat with fileName in files
          set comment to getFileComment(gFolderPath & "Temporary Files:downloaded:" &
fileName)
          setFileComment(gFolderPath & "Temporary Files:converted:" & fileName, comment)
        end repeat
        replaceFilesKeepingComments(gFolderPath & "Temporary Files:converted:", ¬
gFolderPath & "Screen Saver Files:")
      end if
    end if
    deleteContentOfFolder(gFolderPath & "Temporary Files:downloaded:")
    deleteContentOfFolder(gFolderPath & "Temporary Files:temp:")
    deleteContentOfFolder(gFolderPath & "Temporary Files:converted:")
    set gMode to "Done"
    activate()
end ScriptDone

on loadPreferences
    global gFolderPath

    set prefPath to gFolderPath & "NetScreen.prefs"
    set fileXObj to FileIO(mNew, "read", prefPath)
    set l to fileXObj(mReadLine)
    set the hilite of cast "on/off" to value(word 2 of l)
    set l to fileXObj(mReadLine)
    set the text of cast "SleepDelay" to word 2 of l
    set l to fileXObj(mReadLine)
    set the text of cast "DisplayTime" to word 2 of l
    set l to fileXObj(mReadLine)
    set the text of cast "hours" to word 2 of l
    set the text of cast "minutes" to word 3 of l
    set the text of cast "am/pm" to word 4 of l
    fileXObj(mDispose)
end loadPreferences


on savePreferences
    global gFolderPath

    set prefPath to gFolderPath & "NetScreen.prefs"
    set fileXObj to FileIO(mNew, "write", prefPath)
    fileXObj(mWriteString, "on/off " & the hilite of cast "on/off" & RETURN)
    fileXObj(mWriteString, "SleepDelay " & the text of cast "SleepDelay" & RETURN)
    fileXObj(mWriteString, "DisplayTime " & the text of cast "DisplayTime" & RETURN)
    fileXObj(mWriteString, "DownloadTime " & the text of cast "hours" & " " & ¬
the text of cast "minutes" & " " & the text of cast "am/pm" & RETURN)
    fileXObj(mDispose)
end savePreferences

    -- Factory: MISC_X ID:10001
    -- Misc_X, Misc Utils XObject, v1.1.3
    --I    mNew
    --S    mBootName
    --S    mSystemFolder
    --S    mPrefsFolder
    --IS   mFileExists, fP
    --ISS  mCopyFile, sP, dP
    --IS   mFolderExists, fP
    --IS   mInsureFolder, fP
```

Page 9

Exhibit 2

```
95   --XS    mDeleteFolder, fP.
96   --SS    mFolderList, fP
97   --SSSSS mAsk, q, dR, bOk, bCan
98   --SSSSS mAnswer, q, bL, bM, bR
99   --IS    mSpaceOnVol, vN
100  --X     mFlushActions
```

Page 10

Exhibit 2

```
global gRwObj

on initRearWindow
  if objectP(gRwObj) then
    gRwObj(mDispose)
  end if

  if createRwObject() >= 0 then
    gRwObj(mPatToWindow, -5)                    -- Paint in back
  end if
end initRearWindow

on releaseRearWindow
  if objectP(gRwObj) then
    gRwObj(mDispose)
  end if
end releaseRearWindow

on createRwObject
  if not objectP(gRwObj) then
    -- "M" indicates multiple monitors, "S" is for single monitor configuration.
    -- ONLY use "S" if there is not enough room for multiple monitors.
    -- So first...let's try it with multiple-monitor configuration:
    set gRwObj = RearWindow(mNew, "M")
    set error to value(gRwObj)
    if error < 0 then
      gRwObj(mDispose)
      return error
    end if
    if the freeBlock < gRwObj(mGetMemoryNeeded) then
      -- delete the object and create it again with a single-monitor config...
      if objectP(gRwObj) then
        gRwObj(mDispose)
        set gRwObj = RearWindow(mNew, "S")
      end if
      set error to value(gRwObj)
      if error < 0 then
        gRwObj(mDispose)
        return error
      end if
    end if
  end if
  return value(gRwObj)
end createRwObject
```

Page 11

Exhibit 2

```
global gRwObj

on initRearWindow
  if objectP(gRwObj) then
    gRwObj(mDispose)
  end if

  if createRwObject() >= 0 then
    gRwObj(mPatToWindow, -5)                    -- Paint in back
  end if
end initRearWindow

on releaseRearWindow
  if objectP(gRwObj) then
    gRwObj(mDispose)
  end if
end releaseRearWindow

on createRwObject
  if not objectP(gRwObj) then
    -- "M" indicates multiple monitors, "S" is for single monitor configuration.
    -- ONLY use "S" if there is not enough room for multiple monitors.
    -- So first...let's try it with multiple-monitor configuration:
    set gRwObj = RearWindow(mNew, "M")
    set error to value(gRwObj)
    if error < 0 then
      gRwObj(mDispose)
      return error
    end if
    if the freeBlock < gRwObj(mGetMemoryNeeded) then
      -- delete the object and create it again with a single-monitor config...
      if objectP(gRwObj) then
        gRwObj(mDispose)
        set gRwObj = RearWindow(mNew, "S")
      end if
      set error to value(gRwObj)
      if error < 0 then
        gRwObj(mDispose)
        return error
      end if
    end if
  end if
  return value(gRwObj)
end createRwObject
```

Page 12

Exhibit 2

```
--factory callBackFactory
--method mNew
--   me(mPut, 1, "SendCardMessage")
--   me(mPut, 2, "EvalExpr")
--   me(mPut, 3, "StringLength")
--   me(mPut, 4, "StringMatch")
--   me(mPut, 5, "SendHCMessage")
--   me(mPut, 6, "ZeroBytes")
--   me(mPut, 7, "PasToZero")
--   me(mPut, 8, "ZeroToPas")
--   me(mPut, 9, "StrToLong")
--   me(mPut, 10, "StrToNum")
--   me(mPut, 11, "StrToBool")
--   me(mPut, 12, "StrToExt")
--   me(mPut, 13, "LongToStr")
--   me(mPut, 14, "NumToStr")
--   me(mPut, 15, "NumToHex")
--   me(mPut, 16, "BoolToStr")
--   me(mPut, 17, "ExtToStr")
--   me(mPut, 18, "GetGlobal")
--   me(mPut, 19, "SetGlobal")
--   me(mPut, 20, "GetFieldByName")
--   me(mPut, 21, "GetFieldByNum")
--   me(mPut, 22, "GetFieldByID")
--   me(mPut, 23, "SetFieldByName")
--   me(mPut, 24, "SetFieldByNum")
--   me(mPut, 25, "SetFieldById")
--   me(mPut, 26, "StringEqual")
--   me(mPut, 27, "ReturnToPas")
--   me(mPut, 28, "ScanToReturn")
--   me(mPut, 31, "FormatScript")
--   me(mPut, 32, "ZeroTermHandle")
--   me(mPut, 33, "PrintTEHandle")
--   me(mPut, 34, "SendHCEvent")
--   me(mPut, 35, "HCWordBreakProc")
--   me(mPut, 36, "BeginXSound")
--   me(mPut, 37, "EndXSound")
--   me(mPut, 38, "RunHandler")
--   me(mPut, 39, "ScanToZero")
--   me(mPut, 40, "GetXResInfo")
--   me(mPut, 41, "GetFilePath")
--   me(mPut, 42, "FrontDocWindow")
--   me(mPut, 43, "PointToStr")
--   me(mPut, 44, "RectToStr")
--   me(mPut, 45, "StrToPoint")
--   me(mPut, 46, "StrToPoint")
--   me(mPut, 47, "GetFieldTE")
--   me(mPut, 48, "SetFieldTE")
--   me(mPut, 49, "GetObjectName")
--   me(mPut, 50, "GetObjectScript")
--   me(mPut, 51, "SetObjectScript")
--   me(mPut, 52, "StackNameToNum")
--   me(mPut, 53, "Notify")
--   me(mPut, 54, "SowHCAlert")
--   me(mPut, 100, "NewXWindow/GetNewXWindow")
--   me(mPut, 101, "CloseXWindow")
--   me(mPut, 102, "SetXWIdleTime")
--   me(mPut, 103, "XWHasInterruptCode")
--   me(mPut, 104, "RegisterXWMenu")
```

Page 13

Exhibit 2

```
--  me(mPut, 105, "BeginXWEdit/EndXWedit")
--  me(mPut, 106, "SaveXWScript")
--  me(mPut, 107, "GetCheckPoints")
--  me(mPut, 108, "SetCheckPoint")
--  me(mPut, 109, "XWAllowReEntrancy")
--  me(mPut, 110, "SendWindowMessage")
--  me(mPut, 111, "HideHCPalettes")
--  me(mPut, 112, "ShowHCPalettes")
--  me(mPut, 113, "XWAlwaysMoveHigh")
--  me(mPut, 200, "GoScript")
--  me(mPut, 201, "StepScript")
--  me(mPut, 202, "AbortScript")
--  me(mPut, 203, "CountHandlerInfo")
--  me(mPut, 204, "GetHandlerInfo")
--  me(mPut, 205, "GetVarInfo")
--  me(mPut, 206, "SetVarValue")
--  me(mPut, 207, "GetStackCrawl")
--  me(mPut, 208, "TraceScript")
--
--method mEvalExpr x
--  --  put "mEvalExpr" && x
--  --  if x = "cd fld " & QUOTE & "urlField" & QUOTE then
--  --    return "tell application " & QUOTE & "Netscape" & QUOTE & " to make new window"
--  --  else
--  --    if x = "the name of cd fld " & QUOTE & "urlField" & QUOTE then
--  --      put "beep"
--  --      return "urlField"
--  --    else
--  --      if x = "the id of cd fld " & QUOTE & "urlField" & QUOTE then
--  --        put "beep beep"
--  --        --return 100
--  --      end if
--  --    end if
--  --  end if
--  if word 1 of x = "----" then
--    return "tell me to activate"
--  end if
--end mEvalExpr
--
--method mEvalExpr x
--  put "mEvalExpr" && x
--  if the length of x >= 10 then
--    set s to char 1 to 10 of x
--    if (s <> "the id of ") and (s <> "the name o") then
--      return x
--    end if
--  end if
--end mEvalExpr
--
--method mSendHCMessage x
--put "mSendHCMessage" && x
--
--method mSendCardMessage x
--put "mSendCardMessage" && x
--
--method mGetFieldByName card, name
--put "mGetFieldByName" && card && name
--
--method mGetFieldByNum card, Num
```

Page 14

Exhibit 2

```
--put "mGetFieldByNum" && card && num
--
--method mGetFieldByID card, id
--put "mGetFieldByID" && card && id
--
--method mSetFieldByName card, name, value
--put "mSetFieldByName" && card && name && value
--
--method mSetFieldByNum card, num, value
--put "mSetFieldByNum" && card && num && value
--
--method mSetFieldByID card, id, value
--put "mSetFieldByID" &7 card && id && value
--
--method mGetFieldTE
--put "mGetFieldTE" --&& arg1 && arg2 && arg3
--
--method mUnknown which
--put me(mGet, value(which)) into callBackName
--put "mUnknown:" && which && "(" & ¬
--  callBackName & ")"
--
--
```

Page 15

Exhibit 3

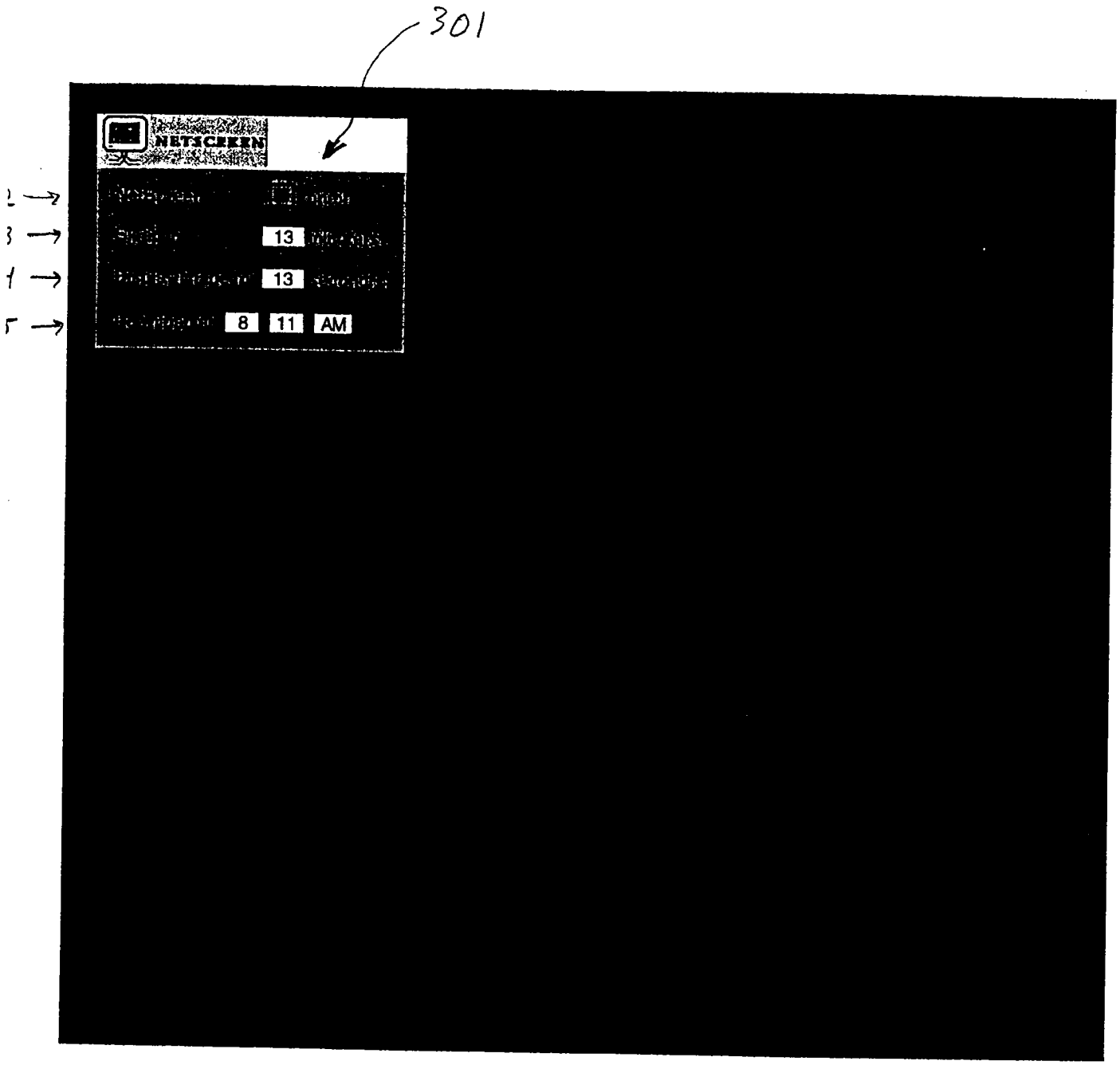

Exhibit 4

```
property justLoaded : false
property folderPath : ""


on run
    doIt()
    set justLoaded to true
end run


on idle
    set mins to (time of (current date)) / minutes
    set triggerMin to 0
    if mins > triggerMin + 30 then
        if justLoaded then
            set justLoaded to false
        end if
    else
        if not justLoaded and mins ≥ triggerMin then
            doIt()
            set justLoaded to true
        end if
    end if
end idle


on doIt()
    if folderPath = "" then
        set folderPath to ((path to (the preferences folder)) as string) & "WebTrio Documents:"
    end if

    doDesktopDisplay()
    doNetscapeDisplay()
    doScreenSaverDisplay()
end doIt


on doDesktopDisplay()
    set wasDeskPictureRunning to isProcessRunning("CLY7")
    if wasDeskPictureRunning then
        tell application "DeskPicture" to quit
    end if

    set wasFrontierRunning to isProcessRunning("LAND")

    set fileList to (list folder of (folderPath & "For the Desktop:"))
    set urlList to {}
    repeat with fileName in fileList
        set urlList to getFileComment(alias (folderPath & "For the Desktop:" & fileName)) & urlList
    end repeat

    if not wasFrontierRunning then
```

Exhibit 4

```
41          tell application "Frontier"    to quit
42      end if

43      set fileList to (list folder (folderPath & "For the Desktop:"))
44      fetchAllPictures(urlList, folderPath & "For the Desktop:", fileList)
45      convertToPictAllPicturesIn(folderPath & "For the Desktop:", fileList)

46      if wasDeskPictureRunning then
47          tell application "DeskPicture" to run
48      end if
49  end doDesktopDisplay


50  on doNetsacapeDisplay()
51      set wasFrontierRunning to isProcessRunning("LAND")

52      set fileList to (list folder of (folderPath & "For Netscape"))
53      set urlList to {}
54      repeat with fileName in fileList
55          set urlList to urlList & getFileComment(alias (folderPath & "For Netscape:" & fileName))
56      end repeat

57      if not wasFrontierRunning then
58          tell application "Frontier"    to quit
59      end if

60      tell application "Netscape Navigator™ 3.0"
61          make new document
62      end tell

63      fetchAllPictures(folderPath & "For Netscape:", "", false)
64  end doNetsacapeDisplay


65  on doScreenSaverDisplay()
66  end doScreenSaverDisplay


67  on fetchAllPictures(urlList, folderPath, fileList)
68      set wasNetscapeRunning to isProcessRunning("MOSS")
69      tell application "Netscape Navigator™ 3.0"
70          set netscapeAlertApp to the alert application
71          set alert application to "zzzz" -- Asks Netscape not to display alert boxes
72      end tell

73      repeat with i from 1 to (length of urlList)
74          set myURL to item i of urlList
75          if folderPath ≠ "" then
76              set fileName to item i of fileList
77              netscapeGetURL(myURL, (folderPath & fileName & "1"), 5, 300)
78          else
79              netscapeGetURL(myURL, "", 5, 300)
80          end if
81      end repeat

82      if wasNetscapeRunning then
```

Page 2

EXHIBIT 1

```
83          tell application "Netscape Navigator™ 3.0"
84              set alert application to netscapeAlertApp -- Resume Netscape alert boxes display handling
85          end tell
86      else
87          tell application "Netscape Navigator™ 3.0" to quit
88      end if
89  end fetchAllPictures


90  on convertToPictAllPicturesIn(folderPath, fileList)
91      set wasClip2GifRunning to isProcessRunning("c2gf")
92      set wasJPegViewRunning to isProcessRunning("JVWR")

93      repeat with fileName in fileList
94          set fileAlias to (alias (folderPath & fileName))
95          convertToPict(folderPath & fileName & "1", fileName & "1")
96          «event ScTIExch» (alias (folderPath & fileName & "1")) given «class with»:(fileAlias)
97          «event ScTIdele» (alias (folderPath & fileName & "1"))
98      end repeat

99      if not wasClip2GifRunning then
100         tell application "clip2gif" to quit
101     end if
102     if not wasJPegViewRunning then
103         tell application "JPegView"  to quit
104     end if
105 end convertToPictAllPicturesIn


    ----------NETSCAPE  RELATED  ROUTINES----------


96  on netscapeGetURL(myLoc, destFile, nbOfTries, myTimeOut)
97      set errCounter to 0
98      repeat while errCounter < nbOfTries
99          tell application "Netscape Navigator™ 3.0"
100             with timeout of myTimeOut seconds
101                 repeat while the busy of window 1 ≠ 0
102                 end repeat
103                 set isLoaded to true
104                 GetURL myLoc to (file destFile)
105                 set isLoaded to false
106                 repeat while not isLoaded
107                     try
108                         the busy of window 1
109                         set isLoaded to true
110                     on error
111                     end try
112                 end repeat
113             end timeout
114             try
115                 if the file type of (info for (file destFile)) = "TEXT" then
116                     set errCounter to errCounter + 1
117                     «event ScTIdele» destFile
118                 else
119                     return false -- no error
```

Page 3

Exhibit 4

```
130
131                 end if
132             on error
133                 set errCounter to errCounter + 1
134             end try
135         end tell
136     end repeat
137     return true -- error
end netscapeGetURL


138 on «event WWW?PRBG»
139     return 1
140 end «event WWW?PRBG»

141 on «event WWW?PRMK»
142     return 0
143 end «event WWW?PRMK»

144 on «event WWW?PREN»
145     set finished to true
146     return 0
47  end «event WWW?PREN»


    ----------FINDER RELATED ROUTINES----------


148 on isProcessRunning(procString)
149     repeat with processName in (list processes)
150         if signature of (get process processName) = procString then
151             return true
152         end if
153     end repeat
 54     return false
 55 end isProcessRunning


56  on getFileComment(fileAlias)
 57     tell application "Frontier"
158         |file.getComment|(fileAlias)
159     end tell
 60 end getFileComment


    ----------PICTURE CONVERSION ROUTINE----------


 1  on convertToPict(filePath, fileName)
 2     try --We check whether the file exits
 3         set fileType to the file type of (info for (file filePath))
 4     on error
 5         return
 6     end try
 7     if fileType = "JPEG" then
 8         tell application "JPegView"
 9             try
```

Page 4

Exhibit 4

```
170                 open {alias filePath}
171                 save document 1 in (alias filePath) as picture
172                 close document 1
173             on error
174             end try
175         end tell
176     else
177         if fileType = "GIFf" then
178             tell application "clip2gif"
179                 try
180                     open (file filePath) given «class fltp»:picture, «class kfil»:(file (filePath & "2"))
181                     «event ScTIdele» (alias filePath)
182                     «event ScTIRena» (alias (filePath & "2")) given «class name»:fileName
183                 on error
184                 end try
185             end tell
186         end if
187     end if
188 end convertToPict
```

Page 5

Notice of Allowability	Application No. 08/620,641	Applicant(s) Frieberger et al
	Examiner Jeffery A. Brier	Group Art Unit 2775

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to *the after final amendment filed on 8/12/99*.

☒ The allowed claim(s) is/are *13, 20, 32-40, 47, 51-54, 58, and 65*.

☐ The drawings filed on _____ are acceptable.

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

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. *11*.

☒ including changes required by the proposed drawing correction filed on *Jul 9, 1998*, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal lettter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☐ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: In claim 33 at lines 14 and 15 "the system" is --the system for engaging the peripheral attention of a person in the vicinity of a display device of an apparatus--. In claim 53 at lines 15-19 the sequencing instructions can select the order of the images to be other than an original order.

2. Claims 13, 20, 32-40, 47, 51-54, 58, and 65 have been renumbered as claims 1-18 respectively.

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

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on Mondays through Fridays from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras, can be reached on (703) 305-9720. The fax number is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

August 23, 1999

Jeffery A. Brier
JEFFERY BRIER
PRIMARY EXAMINER