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No. 19-291-LPS-JLH, DE[57]**

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**JUDGMENT OF THE UNITED STATES COURT
OF APPEALS FOR THE FEDERAL CIRCUIT
(JULY 7, 2022)**

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

COOLTVNETWORK.COM, INC.,

Plaintiff-Appellant,

v.

BLACKBOARD, INC., META PLATFORMS, INC.,
fka FACEBOOK, INC., INTERNATIONAL
BUSINESS MACHINES CORPORATION,
KALTURA, INC., EDGIO, INC., MICROSOFT
CORPORATION, OOOYALA, INC., SNAP INC.,
TRAPELO CORP.,

Defendants-Appellees.

2021-2191, 2021-2192, 2021-2193, 2021-2195, 2021-
2196, 2021-2197, 2021-2198, 2021-2199, 2021-2200

Appeals from the United States District Court for the
District of Delaware in Nos. 1:19-cv-00291-LPS-JLH,
1:19-cv-00292-LPS-JLH, 1:19-cv-00293-LPS-JLH,
1:19-cv-00294-LPS-JLH, 1:19-cv-00295-LPS-JLH,
1:19-cv-00296-LPS-JLH, 1:19-cv-00297-LPS-JLH,
1:19-cv-00534-LPS-JLH, 1:19-cv-00535-LPS-JLH,

Judge Leonard P. Stark.

Before: NEWMAN, LINN,
and CHEN, Circuit Judges.

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JUDGMENT

THIS CAUSE having been heard and considered,
it is ORDERED and ADJUDGED:

PER CURIAM

AFFIRMED. *See* Fed. Cir. R. 36.

ENTERED BY ORDER OF
THE COURT

/s/ Peter R. Marksteiner
Clerk of Court

July 7, 2022
Date

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**FINAL JUDGMENT OF THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE¹
(JULY 16, 2021)**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

BLACKBOARD INC.,
Defendant.

C.A. No. 19-291-LPS-JLH
Jury Trial Demanded

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

FACEBOOK, INC.,
Defendant.

C.A. No. 19-292-LPS-JLH
Jury Trial Demanded

¹ The original form of order was titled “[Proposed] Final Judgment” but this proposed order was adopted and signed.

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COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,
Defendant.

C.A. No. 19-293-LPS-JLH
Jury Trial Demanded

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

KALTURA, INC.,
Defendant.

C.A. No. 19-294-LPS-JLH
Jury Trial Demanded

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

LIMELIGHT NETWORKS, INC.,

App.5a

Defendant.

C.A. No. 19-295-LPS-JLH
Jury Trial Demanded

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

MICROSOFT CORPORATION,
Defendant.

C.A. No. 19-296-LPS-JLH
Jury Trial Demanded

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

OOYALA, INC.,
Defendant.

C.A. No. 19-297-LPS-JLH
Jury Trial Demanded

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

App.6a

SNAP, INC.,

Defendant.

C.A. No. 19-534-LPS-JLH
Jury Trial Demanded

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

TRAPELO CORP.,

Defendant.

C.A. No. 19-535-LPS-JLH
Jury Trial Demanded

FINAL JUDGMENT

For the reasons stated in Defendants' Unopposed Motion to Lift Stay and for Entry of Final Judgment of U.S. Patent No. 7,162,696, it is hereby ORDER AND ADJUDGED that:

1. The stay (*see* C.A. No. 19-292, D.I. 85) is hereby LIFTED;

2. Defendants' motion for entry of final judgment is hereby GRANTED;

3. Judgment of invalidity of all claims of U.S. Patent No. 7,162,696 ("the '696 patent") be and is hereby entered in favor of all Defendants and against Plaintiff CoolTVNetwork.Com, Inc.;

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4. The following counterclaims relating to invalidity of the '696 patent are hereby GRANTED:

- (a) Counterclaim I of Defendant Facebook's Answer, Defenses And Counterclaims To Plaintiff's Second Amended Complaint (C.A. No. 19-292, D.I. 36);
- (b) Counterclaim II of Defendant International Business Machines Corporation's Answer and Counterclaims To Plaintiff's Second Amended Complaint (C.A. No. 19-293, D.I. 46);
- (c) Counterclaim II of Defendant Ooyala, Inc.'s Answer To Amended Complaint And Counterclaims (C.A. No. 19-297, D.I. 27);
- (d) Counterclaim I of Defendant Snap Inc.'s Answer, Defenses, And Counterclaim To Plaintiff's First Amended Complaint (C.A. No. 19-534, D.I. 33) and
- (e) Counterclaim I of Trapelo Corp.'s Answer, Affirmative Defenses, And Counterclaims To CoolTVNetwork.Com, Inc.'s First Amended Complaint (C.A. No. 19-535, D.I. 16)

5. All claims and counterclaims relating to alleged infringement of the claims of the '696 patent are dismissed without prejudice as moot; and

6. Pursuant to Fed. R. Civ. P. 54 and 58, this is a final, appealable judgment.

SO ORDERED this 16th day of July, 2021.

/s/ Honorable Leonard P. Stark
United States District Judge

**MEMORANDUM ORDER OF THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE
(MAY 20, 2021)**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

BLACKBOARD INC.,
Defendant.

C.A. No. 19-291-LPS-JLH

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

FACEBOOK, INC.,
Defendant.

C.A. No. 19-292-LPS-JLH

COOLTVNETWORK.COM, INC.,
Plaintiff,

App.9a

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant.

C.A. No. 19-293-LPS-JLH

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

KALTURA, INC.,

Defendant.

C.A. No. 19-294-LPS-JLH

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

LIMELIGHT NETWORKS, INC.,

Defendant.

C.A. No. 19-295-LPS-JLH

COOLTVNETWORK.COM, INC.,

Plaintiff,

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v.

MICROSOFT CORP.,

Defendant.

C.A. No. 19-296-LPS-JLH

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

OOYALA, INC.,

Defendant.

C.A. No. 19-297-LPS-JLH

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

SNAP, INC.,

Defendant.

C.A. No. 19-534-LPS-JLH

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

TRAPELO CORP.,

Defendant.

C.A. No. 19-535-LPS-JLH

MEMORANDUM ORDER

WHEREAS, Magistrate Judge Hall issued a 27-page Report and Recommendation (“Report”) (D.I. 64)¹ on November 6, 2020, recommending that the Court adopt certain claim constructions for disputed terms in U.S. Patent No. 7,162,696 (the “696 patent”);

WHEREAS, on November 9, 2020, Plaintiff CoolTVNetwork.com, Inc. (“CoolTV” or “Plaintiff”) objected to the Report (“Objections”) (D.I. 65), asserting that it incorrectly found the two means-plus-function limitations were indefinite and incorrectly construed the terms “bid mode,” “interact mode,” “wherein the mode control comprises^[2] a plurality of modes,” and “hot spot” / “multifunctional hot spot;”

WHEREAS, on November 23, 2020, Defendants responded to the Objections (“Response”) (D.I. 70);

WHEREAS, the Court has considered the parties’ objections and responses *de novo*, see *St. Clair Intell. Prop. Consultants, Inc. v. Matsushita Elec. Indus. Co.*,

¹ All references to the docket index (D.I.) are to the *Blackboard* action, C.A. No. 19-291.

² The record includes uses of the transitional word “contains” (see, e.g., Report at 24), as well as “comprises” (see, e.g., Tr. at 70). The claim term uses “comprises.” ’696 patent at 9:51. No party appears to attach any significance to the distinction between “contains” and “comprises” for purposes of the disputes being addressed here.

Ltd., 691 F. Supp. 2d 538, 541-42 (D. Del. 2010); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3);

NOW THEREFORE, IT IS HEREBY ORDERED that CoolTV's Objections (D.I. 65) to Judge Hall's recommendations of indefiniteness and constructions of "bid mode," "interact mode," "wherein the mode control comprises a plurality of modes," and "hot spot" / "multifunctional hot spot" are OVERRULED and the constructions set forth in the Report are ADOPTED.

1. As an initial matter, Plaintiff has not shown good cause for raising new arguments in its Objections that it did not present to the Magistrate Judge. (See Standing Order for Objs. Filed under Fed. R. Civ. P. 72 ¶ 5; see also *Masimo Corp. v. Philips Elec. N Am. Corp.*, 62 F. Supp. 3d 368, 377 (D. Del. 2014) (explaining that new arguments are generally not permitted in objections to Magistrate Judge's report and recommendation)) Nor has Plaintiff shown any error or abuse of discretion in Judge Hall's determination that new arguments made for the first time at the claim construction hearing were untimely and waived. (See, e.g., Report at 16-17) (explaining, for example, that Plaintiff's position on which portions of patent provide corresponding structure for means-plus-function limitations has changed several times) Regardless of whether another Judge might have permitted untimely new arguments, there is no manifest injustice or any other unwarranted unfairness in enforcing Judge Hall's waiver decision. (See generally D.I. 70 at 3) ("The only potential injustice here would arise if Plaintiff were allowed to raise new arguments after months of briefing and even after receipt of Judge Hall's R&R, reflecting a continued attempt to expend judicial and party resources in furtherance of meritless positions.")

2. Plaintiff objects to Judge Hall's recommendation that the two means-plus-function limitations are indefinite, arguing that the specification adequately discloses an algorithm corresponding to the claimed functions. (See Report at 10) (citing *Aristocrat Techs. Austl. Ply Ltd. v. Intl Game Tech.*, 521 F.3d 1328, 1333 (Fed. Cir. 2008) (holding that in cases involving means-plus-function claims where structure is "a computer, or microprocessor, programmed to carry out an algorithm," specification must disclose corresponding algorithm to be sufficiently definite)) The Court agrees with the Report that the specification fails to adequately disclose an algorithm corresponding to the claimed functions, so the two means-plus-function limitations are indefinite. See *Noah Sys., Inc. v. Intuit Inc.*, 675 F.3d 1302, 1311-12 (Fed. Cir. 2012); *Aristocrat Techs.*, 521 F.3d at 1333.

3. With respect to "means for performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot," the Report notes that Plaintiff cited large swaths of the patent as its proposed corresponding structure, including roughly 50% of the patent's text and eight of its nine figures. (See Report at 11-13) The Report correctly concluded that nothing in the specification or figures discloses an algorithm for how to perform the function. (See *id.* at 12-13) (citing Plaintiff's use of functional language such as "activate" and failure to provide corresponding algorithm explaining how to achieve activation function) The new specification citations raised by Plaintiff for the first time in its Objections (see D.I. 65 at 3) do not change this conclusion, for reasons identified by Defendants (see D.I. 70 at 4-6).

4. As to the second means-plus-function limitation, “means, defined by said instructions, for selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot,” the specification similarly fails to disclose an algorithm corresponding to the claimed functions of “selecting” and “activating.” As the Report noted, Plaintiff cited as supporting structure the same large swath of the patent as for the “means for performing” limitation, plus a few more lines of text, but “never explain[ed] which of those portions describe the means for performing and which describe the means for selecting and activating.” (Report at 16)

5. CoolTV also objects to the recommended construction of “bid mode” as meaning “mode that allows the user to click a multifunctional hot spot to place a bid in an auction for products among multiple users in a multicast communication interface.” (D.I. 65 at 6-7) The parties’ dispute centers on whether bid mode requires an auction or a bid, which CoolTV contends it does not. Defendants assert, and Plaintiff does not dispute, that “bid mode” has no plain, ordinary, or customary meaning to a person of ordinary skill in the art (“POSA”). (See Report at 22) The Report rejected CoolTV’s view, reasoning that all references to bid mode in the specification require functionality that allows a user to place bids in an auction. (*Id.*) (citing *Indacon, Inc. v. Facebook, Inc.*, 824 F.3d 1352, 1357 (Fed. Cir. 2016)) CoolTV argues that bid mode permits — but does not require — the user to place a bid in an auction, citing bid mode’s additional functionality. (D.I. 65 at 7) But CoolTV confuses the requirement here. The relevant question is not whether bid mode requires the user to place a bid in an auction, but

whether bid mode requires functionality that allows a user to do so. CoolTV does not dispute the latter. (See Oct. 19, 2020 Hearing Transcript (“Tr.”) at 90-91) (conceding bid mode requires auction or bid) The Court, thus, agrees with the Report.

6. Plaintiff objects to the recommended construction of “interact mode” as meaning “mode that facilitates interaction between the user and live-streamed internet programs” because interact mode includes other features in addition to the feature enabling interaction between the user and live-streamed internet programs. (DJ. 65 at 8) Defendants assert, and Plaintiff does not dispute, that “interact mode” has no plain, ordinary, or customary meaning to a POSA. (See Report at 22) The Report noted that every mention of interact mode in the specification teaches that the mode “facilitates interaction between the user and live-streamed internet programs.” (*Id.* at 23) The Court agrees with Defendants that the additional features cited by Plaintiff are, indeed, additional to rather than alternative to the core feature of enabling interaction between the user and live-streamed internet programs. (See D.I. 70 at 8-9) Thus, the Court agrees with the Report that, consistent with *Indacon*, “interact mode” should not be construed more broadly (as CoolTV proposes) to encompass “communication between users and/or moderators.” (See Report at 22-23)

7. CoolTV objects to the recommended construction of “wherein the mode control comprises a plurality of modes” as meaning “wherein the mode control comprises a plurality of modes that the user can switch between.” (D.I. 65 at 8-10) The parties dispute whether the end user must have the ability to “switch” between

the modes, which requires ending one mode to start another. CoolTV argues for adoption of the word “select,” rather than “switch,” which would allow multiple modes to be active at the same time. (*See id.* at 9) The Report explains, however, that the specification and accompanying figures repeatedly describe the user “switching” between modes. (*See, e.g.*, Report at 25 (“Has the user switched Modes?”) (citing ’696 patent, Fig. 1B at 115, 118); *id.* (noting that “the software 100 monitors whether the user has switched modes”) (citing ’696 patent at 7:5-6)) Defendants also note that “the specification does not describe more than one mode being active at the same time,” suggesting that a construction using the word “select” would result in claim scope broader than what is truly claimed. (*See id.*) Finally, even if multiple modes could be active simultaneously, CoolTV fails to connect this to how the user interacts with these modes. In the end, the Court agrees with the Report that a POSA would understand the term consistent with Defendants’ proposed construction.

8. Finally, CoolTV objects to the recommended construction of “hot spot” / “multifunctional hot spot” as a “programmable hyperlink that performs one of multiple predetermined functions when selected by the user, depending on the current mode.” (D.I. 65 at 10) The parties agree that the two terms should be given the same meaning; their only disagreement is over the Report’s requirement that the selection be done “by the user, depending on the current mode.” (Report at 19) CoolTV argues that the construction improperly requires the user to select the hyperlink, wrongly excluding a scenario in which the user cannot change the mode. (*See, e.g.*, Tr. at 38-41) (providing

example of viewer or network user who cannot change mode) The Report's rejection of CoolTV's view rested on three grounds. (See Report at 19-20) First, the natural reading of the claim as a whole suggests that the user is the selecting entity. (*Id.*) Second, the specification contains multiple references to the user as the selecting entity. (*Id.*) Third, this understanding is supported by the opinions of Defendants' expert, although the dispute can be resolved without relying on extrinsic evidence. (*Id.*) The Court agrees with the Report's assessment and is not persuaded by CoolTV's argument that it should adopt a construction that encompasses two distinct types of user—the "programmer or developer" and the "viewing user." (See D.I. 65 at 10)

9. Given the detailed reasoning provided in the Report, the Court finds it unnecessary to address CoolTV's Objections any further. --

/s/ Honorable Leonard P. Stark
United States District Judge

May 20, 2021
Delaware

**REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE
(NOVEMBER 6, 2020)**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

BLACKBOARD INC.,
Defendant.

C.A. No. 19-291-LPS-JLH

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

FACEBOOK, INC.,
Defendant.

C.A. No. 19-292-LPS-JLH

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

App.19a

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant.

C.A. No. 19-293-LPS-JLH

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

KALTURA, INC.,

Defendant.

C.A. No. 19-294-LPS-JLH

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

LIMELIGHT NETWORKS, INC.,

Defendant.

C.A. No. 19-295-LPS-JLH

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

MICROSOFT CORP.,

App.20a

Defendant.

C.A. No. 19-296-LPS-JLH

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

OOYALA, INC.,
Defendant.

C.A. No. 19-297-LPS-JLH

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

SNAP, INC.,
Defendant.

C.A. No. 19-534-LPS-JLH

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

TRAPELO CORP.,
Defendant.

C.A. No. 19-535-LPS-JLH

Before: Magistrate Judge Jennifer HALL

Pending before the Court are the parties' claim construction disputes related to terms in United States Patent No. 7,162,696 (the "696 Patent"). I held a *Markman* hearing on October 19, 2020. I recommend that the Court adopt the constructions as set forth below.

I recommend that the claim terms with agreed-upon constructions be construed as follows:

	Term	Court
1	"tangible retaining medium" Claims 1, 15, 17, 18	"physical storage medium"
2	"entertainment mode" Claims 1, 15, 17, 18	"mode that allows the user to click a multifunctional hot spot that specifies a movie, video, or audio file related to the selected multifunctional hot spot"
3	"link mode" Claims 1, 15, 17, 18	"mode that allows the user to click a multifunctional hot spot that provides a hyperlink to a related or targeted web pages, object, or file"

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Further, as announced from the bench on October 23, 2020, I recommend that the following disputed claim terms be construed as follows:

	Term	Court
1	“multifunctional hot spot apparatus” Claims 1, 15, 17, 18	“physical device that allows the user to interact with multifunctional hot spots”
2	“hot spot”/ “Multifunctional Hot Spot” Claims 1, 5, 15, 16, 17, 18	“programmable hyperlink that performs one of multiple predetermined functions when selected by the user, depending on the current mode”
3	“means for performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot”/ “performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot” Claims 1, 15, 17, 18	Indefinite.

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4	<p>“expandable graphical user interface bar”</p> <p>Claims 1, 15, 17, 18</p>	<p>“graphical user interface menu bar, which permits modes to be added to the bar and permits the user to expand the bar to select a mode”</p>
5	<p>“wherein the mode control comprises a plurality of modes”</p> <p>Claims 1, 15, 17, 18</p>	<p>“wherein the mode control comprises a plurality of modes that the user can switch between”</p>
6	<p>“mode control”</p> <p>Claims 1, 15, 17, 18</p>	<p>“graphical user interface menu bar, which permits modes to be added to the bar and permits the user to expand the bar to select a mode”</p>
7	<p>“shop mode”</p> <p>Claims 1, 15, 17, 18</p>	<p>“mode that allows the user to click a multi-functional hot spot to add item(s) for purchase to the user’s shopping cart”</p>
8	<p>“bid mode”</p> <p>Claims 1, 15, 17, 18</p>	<p>“mode that allows the user to click a multifunctional hot spot to place a bid in an auction for products among multiple users in a multicast</p>

		communication interface”
9	“interact mode” Claims 1, 15, 17, 18	“mode that facilitates interaction between the user and live-streamed internet programs”
10	“means, defined by said instructions, for selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot”/ “selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot” Claims 1, 15, 17, 18	Indefinite.

I. Legal Standards

The purpose of the claim construction process is to “determin[e] the meaning and scope of the patent claims asserted to be infringed.” *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 976 (Fed. Cir. 1995) (en banc), *aff’d*, 517 U.S. 370 (1996). When the parties have an actual dispute regarding the proper scope of claim terms, their dispute must be resolved by the judge, not the jury. *Id.* at 979. The Court only needs

to construe a claim term if there is a dispute over its meaning, and it only needs to be construed to the extent necessary to resolve the dispute. *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999).

“[T]here is no magic formula or catechism for conducting claim construction.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1324 (Fed. Cir. 2005). But there are guiding principles. *Id.*

“The inquiry into how a person of ordinary skill in the art understands a claim term provides an objective baseline from which to begin claim interpretation.” *Id.* at 1313. In some cases, the ordinary meaning of a claim term, as understood by a person of ordinary skill in the art, is readily apparent even to a lay person and requires “little more than the application of the widely accepted meaning of commonly understood words.” *Id.* at 1314. Where the meaning is not readily apparent, however, the court may look to “those sources available to the public that show what a person of skill in the art would have understood disputed claim language to mean.” *Innova/Pure Water, Inc. v. Safari Water Filtration Sys., Inc.*, 381 F.3d 1111, 1116 (Fed. Cir. 2004). Those sources include “the words of the claims themselves, the remainder of the specification, the prosecution history, and extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art.” *Id.*

“The claims themselves provide substantial guidance as to the meaning of particular claim terms.” *Phillips*, 415 F.3d at 1314. For example, “the context in which a term is used in the asserted claim can be highly instructive.” *Id.* Considering other, unasserted claims can also be helpful. *Id.* “For example, the

presence of a dependent claim that adds a particular limitation gives rise to a presumption that the limitation in question is not present in the independent claim.” *Id.* at 1314-15.

In addition, the “claims must be read in view of the specification, of which they are a part.” *Id.* at 1315 (quoting *Vitronics Corp. v. Conceptoronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996)). The specification “is always highly relevant to the claim construction analysis.” *Id.* (quoting *Vitronics*, 90 F.3d at 1582). The specification may contain a special definition given to a claim term by the patentee, in which case, the patentee’s lexicography governs. *Id.* at 1316. The specification may also reveal an intentional disclaimer or disavowal of claim scope. *Id.* However, “even when the specification describes only a single embodiment, the claims of the patent will not be read restrictively unless the patentee has demonstrated a clear intention to limit the claim scope using words or expressions of manifest exclusion or restriction.” *Hill-Rom Servs., Inc. v. Stryker Corp.*, 755 F.3d 1367, 1372 (Fed. Cir. 2014) (internal marks omitted).

Courts should also consider the patent’s prosecution history. *Phillips*, 415 F.3d at 1317. It may inform “the meaning of the claim language by demonstrating how the inventor understood the invention and whether the inventor limited the invention in the course of prosecution, making the claim scope narrower than it would otherwise be.” *Id.* Statements made by a patentee or patent owner during inter partes review may also be considered. *Aylus Networks, Inc. v. Apple Inc.*, 856 F.3d 1353, 1362 (Fed. Cir. 2017).

In appropriate cases, courts may also consider extrinsic evidence, which “consists of all evidence external to the patent and prosecution history, including expert and inventor testimony, dictionaries, and learned treatises.” *Markman*, 52 F.3d at 980. For example, dictionaries, especially technical dictionaries, can be helpful resources during claim construction by providing insight into commonly accepted meanings of a term to those of skill in the art. *Phillips*, 415 F.3d at 1318. Expert testimony can also be useful “to ensure that the court’s understanding of the technical aspects of the patent is consistent with that of a person of skill in the art, or to establish that a particular term in the patent or the prior art has a particular meaning in the pertinent field.” *Id.*; see also *Teva Pharm. USA, Inc. v. Sandoz, Inc.*, 574 U.S. 318, 331-32 (2015).

II. The Court’s Ruling

My Report and Recommendation regarding the disputed claim terms of the ’696 Patent was announced from the bench on October 23, 2020:

I am prepared to state my rulings on claim construction. . . . I will not be issuing a separate written Report and Recommendation, but I will issue a written Report and Recommendation that incorporates my oral rulings today. I want to emphasize before I announce my decisions that, while I’m not issuing a separate opinion, we have followed a full and thorough process before making the decisions I am about to state.

I have carefully reviewed the patent-in-suit. There was also full briefing on each of the disputed terms. The parties submitted their

claim construction brief in accordance with my procedures. Each side had the opportunity to submit two briefs, and they were combined into one joint claim construction brief incorporating all arguments. The parties' joint claim construction brief and joint claim chart also referenced numerous exhibits. Those exhibits included portions of the prosecution history relied on by the parties as well as certain extrinsic evidence.

Neither party elected to put on live expert testimony. Defendants submitted an expert declaration regarding claim construction. The appendix to the parties' joint claim construction brief also includes an expert declaration from one of Plaintiff's experts that appears to have been originally prepared in support of Plaintiff's opposition to Defendants' earlier motions to dismiss. The pertinent portions of those declarations have also been considered. The Court also heard nearly three hours of oral argument at the *Markman* hearing on October 19, 2020.

All of that has been carefully considered. And to be clear, while my oral ruling will cite to the intrinsic and extrinsic evidence that I conclude best supports my recommended constructions, my failure to cite to other evidence provided by the parties does not mean that I ignored or failed to consider it. As I stated, I have considered all of the arguments and evidence cited by the parties.

I am not going to read into the record my understanding of the general legal principles

of claim construction. I set forth the legal standards in my opinion in *3Shape v. Align*, No. 18-886, 2020 WL 2188857 (D. Del. May 6, 2020), and I incorporate that articulation by reference.

Of course, a claim term is supposed to be given the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention. And I note here that neither side has argued that any difference the parties may have in defining one of ordinary skill in the art is material to how I should resolve the disputes before me today. In other words, neither side is saying not to credit the other side's expert because they are not a person of ordinary skill in the art.

The disputed terms are found in the claims of U.S. Patent No. 7,162,696, entitled "Method and System for Creating, Using and Modifying Multifunctional Website Hot Spots." The independent claims are claims 1, 15, 17, and 18.¹

¹ Independent Claim 1 provides:

1. A Multifunctional Hot Spot apparatus comprising:

at least one hot spot defined by a communication with instructions stored on a tangible retaining medium;

at least one of the hot spots being accessible from a globally accessible network;

means for performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot;

The parties have agreed on the construction of a number of terms, and I recommend to Judge Stark that he adopt those agreed-upon constructions.

[Means-plus-function limitations]

I will first address the two means-plus-function disputes. The parties dispute whether the specification discloses corresponding

-
- wherein said hot spots reside on and are accessible from a digital video or audio file;
 - wherein said predetermined functions are selected from a mode control;
 - wherein the mode control comprises a plurality of modes;
 - wherein the plurality of modes comprise a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode;
 - wherein a specific mode is selected by a user through an expandable graphical user interface bar,
 - wherein said specific mode further toggles based on time stamps in said digital video or digital audio file;
 - wherein said hot spots are visualized by outlines, shading, or illumination or a combination of each, at a predetermined area on the display;
 - wherein said Multifunctional Hot Spot apparatus is made to reside on and is executing on a computing system;
- means, defined by said instructions, for selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot. Independent Claims 15, 17, and 18 are similar to Claim 1 but are directed to “[a] tangible computer readable storage medium” (Claims 15 and 18) and “[a] Multifunctional Hot Spot method” (Claim 17).

structure for the two means-plus-function limitations in claim 1.

The parties agree on a number of things. They agree that the two claim limitations at issue employ means-plus-function language and are therefore subject to the requirements of 35 U.S.C. § 112 ¶ 6.²

The parties also agree that, for purposes of construing these means-plus-function limitations, the patent must disclose an algorithm in the specification that corresponds to the claimed function. That is in accordance with Federal Circuit law, as set forth, for example, in *Aristocrat Techs. Australia Pty Ltd. v. Int'l Game Tech.*, 521 F.3d 1328, 1333 (Fed. Cir. 2008). That case states that “in a means-plus-function claim ‘in which the disclosed structure is a computer, or microprocessor, programmed to carry out an algorithm, the disclosed structure is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm.’”³ The specification can express the required algorithm in any understandable terms including as a mathematical formula, in prose, or as a flow chart, or in any other manner that provides sufficient structure. *Finisar Corp. v. DirectTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008).

² Currently codified at 35 U.S.C. § 112(f).

³ *Aristocrat Techs.*, 521 F.3d at 1333 (quoting *WMS Gaming, Inc. v. Int'l Game Tech.*, 184 F.3d 1339, 1349 (Fed. Cir. 1999)).

However, if the specification is not clear as to the structure that the patentee intends to correspond to the claimed function, then the patentee has not paid the price for invoking § 112 ¶ 6.⁴ If an applicant fails to set forth an adequate disclosure, the applicant has in effect failed to “particularly point out and distinctly claim the invention” as required by § 112 ¶ 2. Under 35 U.S.C. § 112 ¶ 2 and ¶ 6, therefore, “a means-plus-function clause is indefinite if a person of ordinary skill in the art would be unable to recognize the structure in the specification and associate it with the corresponding function in the claim.” *Noah Sys., Inc. v. Intuit Inc.*, 675 F.3d 1302, 1311-12 (Fed. Cir. 2012). A computer-implemented means-plus-function limitation is also indefinite if the specification does not disclose any corresponding algorithm. *Triton Tech of Texas, LLC v. Nintendo of Am., Inc.*, 753 F.3d 1375, 1378 (Fed. Cir. 2014).

[“means for performing . . .”/“performing . . .”]

The first means-plus-function limitation is “means for performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot.” That phrase is followed by a number of wherein clauses.

Plaintiff’s proposed construction is set forth in the latest version of the joint claim chart. Plaintiff asserts that the claimed function is

⁴ *Aristocrat Techs.*, 521 F.3d at 1333.

“performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot.” Although there are a number of wherein clauses that follow the means for performing phrase, Plaintiff argues that they should not be considered in construing the claimed function.

In the joint claim chart, Plaintiff sets forth the following as corresponding structure: “computer hardware and/or software operating according to the following disclosure” and then goes on to cite 20 lines of text from column 1, more than 40 lines from column 2, the entirety of column 3, almost all of the substance of column 4, 20 lines from column 5, all of column 6, 20 lines from columns 7 and 8, Figures 1A, 1B, 1C, 2A, 2B, 2C, two structures in Figure 3, and Figure 4.⁵ In sum, Plaintiff says that the corresponding structure is approximately 50% of the text of the patent and eight of the nine figures.

Defendants argue that the claimed function is “for each hot spot selected, performing at least one of a plurality of predetermined functions.” Defendants further argue that construction of the claimed function should include the limitations set forth in the wherein clauses that follow the means for performing clause.

Defendants assert that, under either Plaintiff’s or Defendants’ proposed construction of

⁵ (See C.A. No. 19-291, D.I. 57 (Second Amended Joint Claim Construction Chart) at 8-11.)

the claimed function, the specification does not disclose sufficient structure to perform the function, rendering the phrase indefinite.

I agree with Defendants. I will accept solely for purposes of the argument that Plaintiff's construction of the claimed function is correct, since it has less detail than Defendants' proposed function. My logic for doing the analysis this way is this: if the specification fails to disclose sufficient structure to support Plaintiff's less-detailed proposed function, then it also fails to support Defendants' proposed function. That logic has support in the case law, for example, in Judge Bryson's opinion in the *Aristocrat Techs.* case.⁶

That said, the claim goes on to say what predetermined functions are required, namely, a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode. And, during oral argument, Plaintiff appeared to acknowledge that the means for performing required means for performing each of those modes.⁷

So, assuming for purposes of the argument that the claimed function is performing at least one of a plurality of those predetermined functions executed with the selection of each particular hot spot, I agree with Defendants

⁶ 521 F.3d at 1332-1333.

⁷ (C.A. No. 19-291, D.I. 61 ("Hr'g Tr.") at 54:24-55:1; *see also id.* at 49:15-22, 51:4-55:4, 55:9-18.)

that the specification does not disclose an algorithm for how to perform the function.

For example, the flow charts set forth in the figures disclose that, depending on the mode, clicking on a hot spot will activate one of the predetermined functions. But the claim calls for a means for performing one of the predetermined functions, not a means for determining which predetermined function to perform out of a plurality of predetermined functions. And nothing in the figures or specification describes how the claimed predetermined functions are performed. Consequently, they don't support the means for performing limitation.⁸

While I only need to look to the patent itself to conclude that the means for performing language is indefinite, I note that my conclusion is consistent with the declaration of Defendants' expert.⁹

In short, I agree with Defendants because Defendants' argument is right. And my analysis could end there. To complete the record, however, I note that Plaintiff's argument and Plaintiff's counsel's approach to claim construction are wrong.

As I already mentioned, Plaintiff, in each of the three joint claim charts filed with the

⁸ See *ePlus, Inc. v. Lawson Software, Inc.*, 700 F.3d 509, 518-20 (Fed. Cir. 2012).

⁹ (See C.A. No. 19-291, D.I. 51 (Joint Appendix in Support of Claim Construction Brief ("J.A.")) at 061-69.)

court, proposed the corresponding structure as approximately 50% of the patent and eight of the nine figures. But much of the cited text and figures are unrelated to the claimed function, as counsel for Plaintiff acknowledged at the hearing.¹⁰ Moreover, at the hearing, counsel represented that he would describe for the Court the “portions of this citation that are relevant” in order to “bring . . . into focus” the corresponding structure.¹¹ In this district, a *Markman* hearing is not the time to raise a new claim construction argument. New arguments made at a *Markman* hearing are waived.¹²

Regardless, Plaintiff’s counsel didn’t bring anything into focus at the *Markman* hearing with respect to this limitation.

Nor did Plaintiff’s brief. The opening brief appeared to suggest that the corresponding structure for this limitation could be found in dependent claims 2, 3, and 13. Yet it cited no authority supporting [the] proposition [that dependent claims can supply the required structure]. The closest that Plaintiff ever came to identifying a corresponding algorithm was in its reply brief. There, it suggested that the corresponding structure is an “applet” as set

¹⁰ (Hr’g Tr. at 49:23-50:5.)

¹¹ (Hr’g Tr. at 48:9-14, 49:9-10.)

¹² See, e.g., *Watkins v. Int’l Union, Security, Police & Fire Professionals*, C.A. No. 15-444-LPS, 2016 WL 1166323, at *4 n.4 (D. Del. Mar. 23, 2016) (refusing to consider argument raised for the first time at a hearing and collecting cases).

forth in Figures 1A, 1B, 1C, 2A, 2B, and 2C. But Plaintiff's reply brief then went on to confuse the argument by citing to Figure 3, which is an illustration of a user interface, not an algorithm.¹³

Regardless, an "applet" is not a specific algorithm. An applet is a general word for an application, a computer program. As Defendants point out, and Plaintiff hasn't disputed, an applet is a class of algorithms. Where the patent uses the term applet, it is simply an abstraction that describes the function being performed. It does not constitute an algorithm supporting the means for performing limitation.¹⁴

Instead of identifying the specific structure that performs the claimed function, Plaintiff's briefing focused on its contention that a person of skill in the art would be able to code a program to perform the desired function. Plaintiff essentially argued that the specification was enabling.

While "enablement of a device requires only the disclosure of sufficient information so that a person of ordinary skill in the art could make and use the device," disclosure of

¹³ (See C.A. No. 19-291, D.I. 50 (Joint Claim Construction Brief) at 13-16, 25-29.)

¹⁴ See *Blackboard, Inc. v. Desire2Learn Inc.*, 574 F.3d 1371, 1382-83 (Fed. Cir. 2009); see also *Noah Sys.*, 675 F.3d at 1311-12. This point is reinforced by the teaching in the specification that "a downloadable custom plug-in(s) may be used . . . instead of a Java applet." ('696 patent, 8:7-9.)

the corresponding structure as required by § 112 ¶ 6 “serves the very different purpose of limiting the scope of the claim to the particular structure disclosed, together with equivalents.”¹⁵ Plaintiff’s argument that the function is enabled does not save the means-plus-function term from being indefinite.¹⁶

To sum up, Plaintiff does not point to any algorithm that clearly corresponds to the claimed function. And Plaintiff’s inability to point to a specific algorithm in its proposed construction supports Defendants’ argument that a person of skill in the art would be unable to recognize the corresponding algorithm from the specification and link it to the function in the claim.

Accordingly, I reject Plaintiff’s construction and I agree with

Defendants that the means for performing phrase is indefinite.

Independent claims 15, 17, and 18 do not use means-plus-function language. But they each have a limitation very similar to the “means for performing” phrase in claim 1. Specifically, they require “performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot.”

¹⁵ *Aristocrat Techs.*, 521 F.3d at 1336.

¹⁶ *Id.* at 1336-38; *Blackboard, Inc.*, 574 F.3d at 1385.

Defendants contend that those phrases should be interpreted the same way as the means for performing limitation in claim 1. In other words, Defendants argue that the performing limitations in the dependent claims should be treated as means-plus-function limitations and held indefinite.

Plaintiff's brief did not challenge Defendants' argument that the performing limitations in the other independent claims should rise and fall with the means for performing limitation in claim 1. Indeed, Plaintiff's brief suggested its agreement that those limitations be treated the same. Specifically, pages 28-29 of the joint brief sets forth Plaintiff's argument that the performing limitations are not indefinite "[f]or the same reasons" as the means for performing limitation.¹⁷

As I have concluded that "means for performing" in claim 1 is indefinite, I also therefore conclude that the "performing" phrases in claims 15, 17 and 18 are indefinite.

As those are all of the independent claims, I could stop there. To complete the record, however, I will set forth the remainder of the claim construction rulings and briefly set forth my rationale.

["means for selecting and activating . . ."]

The second means-plus-function limitation in claim 1 recites "means, defined by said instructions, for selecting and activating at

¹⁷ (See C.A. No. 19-291, D.I. 50 at 28-29.)

least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot.”

Plaintiff argues that the claimed function is “selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot.” In the joint claim chart, Plaintiff points to the corresponding structure as the same 50% of the text of the patent and eight of the nine figures that it cited for the “means for performing” limitation, along with a few more lines of text.¹⁸

Defendants argue that the function is “selecting and activating at least one predetermined function by the user clicking on each particular Multifunctional Hot Spot.” Defendants further contend that the specification does not disclose corresponding structure to perform the function, rendering the phrase indefinite.

I will assume that Plaintiff’s claimed function is correct for purposes of my analysis. Again, my logic here is that, if the specification does not disclose structure for Plaintiff’s proposed function, it would not disclose structure for Defendants’ proposal.

The parties again agree that the language is means-plus function language. And the specification must disclose an algorithm that

¹⁸ (See C.A. No. 19-291, D.I. 57 at 14-15.)

allows the computer to carry out the claimed functions of “selecting” and “activating.”¹⁹

In its briefing, Plaintiff argues that the cited portions of the specification, “when read together, accurately convey structure, both in algorithm and prose, that serves to perform the function of ‘selecting and activating.’”²⁰ But the cited portions of the specification [in the joint claim chart] are the same portions on which Plaintiff relied to show the ‘algorithm’ corresponding to the means for performing. Plaintiff never explains which of those portions describe the means for performing and which describe the means for selecting and activating. It is thus impossible . . . to determine [from Plaintiff’s papers] which portions correspond to which claimed function. Here, again, Plaintiff’s inability to point to corresponding structure in its proposed construction supports Defendants’ argument that a person of ordinary skill in the art would be unable to recognize the corresponding structure from the specification and link it to the function in the claim.

Plaintiff’s opening brief also points to certain dependent claims as providing the corresponding structure. Not only did Plaintiff provide no support for its position that a dependent claim can provide the required structure, none of the cited dependent claims contain an

¹⁹ *Aristocrat Techs.*, 521 F.3d at 1333.

²⁰ (See C.A. No. 19-291, D.I. 50 at 56.)

algorithm for selecting and activating. Plaintiff's reply brief said something different. There, Plaintiff suggested that the interface set forth in Figure 3 was the means for selecting and activating, including the buttons.

Then, at the *Markman* hearing, Plaintiff's counsel represented to the Court that "today we will show what the means for selecting and means for activating actually is. It is actually the cursor or click is the means for selecting, and the mode control is the means for activating."²¹ That argument was made for the first time at oral argument. It is waived.

Even were it not waived, I'm unpersuaded that a POSITA would understand a mode control and click to be the corresponding structure for the means for selecting and activating. Indeed, the claim separately requires a mode control.

Regardless, at the *Markman* hearing, counsel proceeded to confound his own argument regarding the proposed structures by referring to separate user and software sides, each of which can [independently] perform the claimed functions.²² Nevertheless, Plaintiff

²¹ (Hr'g Tr. at 108:12-16.) When asked by the Court "why today is the day where you are going to 'actually' show what it is," counsel responded, "That would create a conflict between me and my client." (*Id.* at 108:17-109:1.)

²² At the hearing, Plaintiff's counsel stated the following:

failed to point to an algorithm describing how the computer performs those functions.

In sum, Plaintiff's proposed construction does not identify the algorithm corresponding to the "means for selecting and activating" limitation of claim 1. Accordingly, I agree with Defendants that the limitation is indefinite.

Plaintiff has made no [separate] argument with respect to the corresponding "selecting and activating" limitations set forth in independent claims 15, 17, and 18. Indeed, in the briefing, the parties grouped the "means for selecting and activating" limitation in claim 1 and the "selecting and activating" limitations [in claims 15, 17, and 18]. Accordingly, I also conclude that the "selecting and activating" limitations in claims 15, 17, and 18 are indefinite.

["Multifunctional Hot Spot apparatus"]

The next term is "Multifunctional Hot Spot apparatus."

And so really selecting and activating, you could read it a number of different ways. Selecting, you can say, okay, from the user's perspective it selects a hot spot, it selects the mode or predetermined function. But then from the system side, it selects and activates in the software. And so which is it? We can cite to both. If we cite to the system side, then we need to cite to a number of different places in the specification to show the means for activating, which would be the modes and what they do.

(Hr'g Tr. at 116:8-18.)

Plaintiff seeks the construction “software and/or hardware device that allows interaction with multifunctional hot spots.”

Defendants seek the construction “physical device that allows the user to interact with multifunctional hot spots.”

The essence of this dispute is whether the term “apparatus” requires a physical device.

I agree with Defendants. Apparatus is a common word.²³

The ordinary and widely accepted meaning of an apparatus is that it is something physical.

The portions of the specification cited by Plaintiff are consistent with the ordinary meaning of an apparatus as being a physical device.²⁴ Plaintiff also cites to several portions of the specification that don’t appear to have anything to do with the term apparatus.²⁵ Those portions of the specification are unhelpful.

My conclusion relies solely on the intrinsic evidence. But I note that my conclusion is consistent with the declaration of Defendants’ expert, who opines that a person of skill in

²³ *Phillips*, 415 F.3d at 1314 (“In some cases, the ordinary meaning of claim language as understood by a person of skill in the art may be readily apparent even to lay judges, and claim construction in such cases involves little more than the application of the widely accepted meaning of commonly understood words.”).

²⁴ (See, e.g., ’696 Patent at 3:65-4:16, 4:38-46.)

²⁵ (See, e.g., *id.* at 2:18-27, 5:19-22, 5:57-6:25.)

the art would have understood the term apparatus as requiring a physical apparatus.²⁶ Defendants' expert also referred to various dictionary definitions that are consistent with his opinion.²⁷

Accordingly, I recommend that the Court adopt Defendants' construction of "Multi-functional Hot Spot apparatus."

["hot spot"/"multifunctional hot spot"]

The next dispute is over two terms: "hot spot" and "multifunctional hot spot." The parties agree that the terms "hot spot" and "multifunctional hot spot" should be given the same meaning. They also agree that they should be construed, at least in part, to mean "a programmable hyperlink that performs one of multiple predetermined functions when selected."

Defendants request that the terms be construed to also require that the selection be done "by the user, depending on the current mode."

I agree with Defendants.

The essence of the dispute between the parties is Plaintiff's contention that the entity who selects the hot spot in claim 1 does not have to be the user who selects the specific mode. Plaintiff's disagreement with Defendants' construction is that it requires "the user" to

²⁶ (See J.A. at 058-59.)

²⁷ (*Id.*)

select the hyperlink. Another portion of the claim requires that “the user” have the ability to change the mode. According to Plaintiff, Defendants’ construction improperly excludes a situation where the end user has no ability to change the mode.

Plaintiff also argues that the additional language proposed by Defendants would be confusing for the jury. But Plaintiff doesn’t explain why a juror would be confused. Indeed, Plaintiff’s own arguments in the briefing and at oral argument demonstrate that there is a dispute here that needs resolution so that the jury is not confused. Plaintiff’s arguments suggest that it intends to argue to the jury that “the user” who selects the mode does not need to be the same individual who selects or clicks on the hyperlink.

I conclude that Defendants’ interpretation that the hyperlink is selected by “the user” is more consistent with the claims and the specification.

First, claim 1 indicates that the predetermined function is activated by selecting or clicking on the hot spot hyperlink. When the claim is read as a whole, the natural reading is that the hot spot hyperlink is selected by the user and that the function that is performed upon selecting the hyperlink depends on the mode the user has selected.

Second, the specification and figures explain that “the software monitors whether the user

has switched modes” and “if the user clicks the hot spot, then the software determines what mode the user has selected.”²⁸ Indeed, the specification is replete with references to the user as the entity doing the mode selection and the clicking.²⁹ All of this aligns with the patent’s description of “the instant invention” as “giving the end user the ability to . . . control and change the response of multifunctional hot spots and hyperlinks on a website.”³⁰ Plaintiff requests [that I] construe the term broadly to read on hot spots for which the end-user has no ability to change the mode, but that is inconsistent with the claims and the specification, including the patentee’s description of his own invention.

While this dispute can be resolved solely by reference to the intrinsic evidence, I also note my conclusion is consistent with the declaration of Defendants’ expert.³¹

Accordingly, I recommend that the Court adopt Defendants’ construction of “hot spot” and “multifunctional hot spot.”

[“shop mode”]

The next term I will discuss is “shop mode.”

²⁸ (’696 Patent at 7:5-65.)

²⁹ (See, e.g., *id.* at 3:30-32, 4:49-55, 5:12-50, 7:5-65, 8:44-46, Fig. 1C at 130, Fig. 2B at 238, Fig. 2C at 258, 262, 266, and 270.)

³⁰ (*Id.* at 1:53-58.)

³¹ (J.A. at 060-61.)

Plaintiff seeks the construction “mode that allows clicking a multifunctional hot spot to select items for purchase.” At the *Markman* hearing, Plaintiff also offered an alternate proposal: “mode that allows a user to select a multifunctional hot spot to facilitate shopping.”

Defendants seek the construction “mode that allows the user to click a multifunctional hot spot to add item(s) for purchase to the user’s shopping cart.”

The parties agree that “shop mode” must allow clicking a multifunctional hot spot. The crux of the dispute is whether the term “shop mode” must allow the user to be able to add items for purchase to the user’s shopping cart. Defendants say yes, because the term should not be construed broader than what the specification teaches. Defendants contend, and Plaintiff does not dispute, that the term “shop mode” is not a term of art, nor does it have a plain and ordinary meaning to one of ordinary skill.

According to the *Indacon, Inc. v. Facebook, Inc.* case, and related cases, a term that has no meaning to one of skill in the art “ordinarily cannot be construed broader than the disclosure in the specification.”³²

Here, as Defendants rightly point out, when the specification mentions “shop mode,” it

³² 824 F.3d 1352, 1357 (Fed. Cir. 2016).

always does so with reference to the ability to add an item to the user's shopping cart.³³

Plaintiff argues that nothing in the specification would require a user to add selected items to a shopping cart, but Defendants' construction doesn't require that [the user add the items]. It requires, consistent with the specification, functionality that allows the user to add the items to their cart.

Plaintiff also argued at the hearing that it would not make commercial sense for the invention to insert itself as the middleman in transactions by requiring users to add items to a shopping cart tied to the software of the invention. I'm aware of no principle of claim construction that requires the construction to make the most commercial sense. And Plaintiff points to nothing that would overcome the patentee's disclosure of the "shop mode" as permitting the user to add an item to the user's shopping cart.

Accordingly, I agree with Defendants.

["bid mode"]

I next turn to "bid mode."

Plaintiff seeks the construction "mode that allows communication among multiple users in a multicast communication interface." Plaintiff also proposed a new construction at the *Markman* hearing that permits bidding

³³ (See, e.g., '696 Patent at 3:12-15, 5:12-14, 6:4-10, 7:49-51, 8:46-48.)

and/or an auction but does not require bidding or an auction.

Defendants seek the construction “mode that allows the user to click a multifunctional hotspot to place a bid in an auction for products among multiple users in a multicast communication interface.”

The crux of the dispute is whether the “bid mode” requires an auction or a bid.

Here, again, Defendants argue, and Plaintiff does not dispute, that “bid mode” does not have a plain, ordinary, or customary meaning. Accordingly, under *Indacon*, it should not be construed broader than the disclosure in the specification.

Defendants correctly point out that all references to the “bid mode” in the specification require [functionality] allowing a user to place bids in an auction.³⁴ Plaintiff points to other portions of the specification that describe the bid mode having additional functions to bidding.³⁵ But all of those portions also refer to bidding or auction functionality.

Plaintiff’s construction does not require bidding or an auction. That is inappropriate.

³⁴ (*See, e.g.*, ’696 Patent at 3:20-25, 8:53-56, Fig. 1B at 113, 114, Fig. 2B at 250, Abstract.)

³⁵ (*See, id.* at 3:20-25, 5:22-32, 6:51-7:8, Fig. 1B at 113.)

Accordingly, I reject Plaintiff's construction and I recommend that the Court adopt Defendants' construction.

["interact mode"]

The next term is "interact mode."

Plaintiff seeks the construction "mode allowing for communication between users and/or moderators."

Defendants seek the construction "mode that facilitates interaction between the user and live-streamed internet programs."

Defendants contend, and Plaintiff does not dispute, that "interact mode" has no plain, ordinary, or customary meaning.

Accordingly, under *Indacon*, "interact mode" should be construed no more broadly than what is disclosed in the specification.

Every mention of interact mode in the specification, including the portion cited by Plaintiff, teaches that the interact mode facilitates interaction between the user and live-streamed internet programs.³⁶ While the specification discloses that the interact mode can also have additional functionality, it is always described as having the functionality of the user interacting with live-streamed programs.

³⁶ (See, e.g., '696 Patent at 3:24-25, 5:32-43.)

I also note that Plaintiff's construction refers to communications with "moderators," but the patent says nothing about moderators.

Accordingly, I reject Plaintiff's construction and recommend that the Court adopt Defendants' construction.

**["expandable graphical user interface bar"/
"mode control"]**

Next is another dispute over two terms: "expandable graphical user interface bar" and "mode control." The parties now agree that these terms should be given the same meaning.³⁷ As the specification and prosecution history use the terms interchangeably, I agree that it is appropriate to construe them the same way.

Plaintiff seeks the construction "graphical user interface bar configured to expand for the support of additional functions, relationships, actions, or links."

Defendants seek the construction "graphical user interface menu bar which permits modes to be added to the bar and the user to scroll through the bar to select a mode."

The parties dispute (1) whether the limitations must allow for the addition of "modes" or whether it is sufficient to allow the

³⁷ Plaintiff waived its separate argument about "mode control," which Plaintiff's counsel raised for the first time at the *Markman* hearing after conceding in the joint claim construction brief (C.A. No. 19-291, D.I. 50 at 37) and at oral argument (Hr'g Tr. at 77:6-15) that these two terms have the same meaning.

addition of “functions, relationships, actions, or links,” and (2) whether the requirement that the bar be “expandable” means that it has to have a scrolling capability.

As to the former, I don’t think the parties even dispute that additional “functions, relationships, actions, or links” can be added to the mode control by adding modes to the mode control. But it is clear from the specification—even the portion cited by Plaintiff—that the “expandable graphical user interface bar” and “mode control” must permit the addition of modes.³⁸

Plaintiff suggests that dependent claim 16 is relevant to resolving this dispute, but that claim says nothing about a mode control or a graphical user interface bar.

I accordingly agree with Defendants’ construction as it pertains to the capability for adding additional modes.

As to whether the “expandable graphical user interface bar” has to employ scrolling as proposed by Defendants or whether it can include some other way of expanding as argued by Plaintiff, I think it’s a close case. For this discrete portion of the dispute, I disagree with Defendants. I recognize that a scroll bar is the only way the patent teaches to have the claimed expandable functionality. However, saying that “expandable” requires

³⁸ (See ’696 Patent at 3:3-12, 3:33-47, 4:49-55, 5:8-11, 6:21-25, Fig. 3 at 93, 94.)

a particular scrolling, in my view, falls on the line of importing limitations from the specification into the claims.

Accordingly, I recommend that the Court construe the two terms the same, as agreed by the parties. I recommend that the Court construe the terms as a “graphical user interface menu bar, which permits modes to be added to the bar and permits the user to expand the bar to select a mode.”

[“wherein the mode control contains a plurality of modes”]

The last dispute is over the phrase “wherein the mode control contains a plurality of modes.”

In the joint claim chart, Plaintiff sought the construction

“wherein the mode control comprises a plurality of modes that the user can select.”³⁹

Plaintiff shifted course in its opening brief and argued that

“[t]here is no reason to construe this simple phrase.”⁴⁰ Then, at oral argument, Plaintiff reversed course again and reasserted the proposed construction set forth in the joint claim construction chart.⁴¹

³⁹ (C.A. No. 19-291, D.I. 57 at 11-12.)

⁴⁰ (C.A. No. 19-291, D.I. 50 at 39.)

⁴¹ (Hr’g Tr. at 70:6-13.)

Defendants seek the construction “wherein the mode control comprises a plurality of modes that the user can switch between.”

As far as I can tell, part of this dispute relates to the earlier dispute over the construction of multifunctional hotspot. Both sides’ proposed constructions refer to how a user interacts with the plurality of modes. Defendants seek a construction that makes clear that the end user must have the ability to switch between the plurality of modes in the mode control. Plaintiff seeks a construction that would cover a system in which the end user has no ability to switch between modes.

As between the two proposed constructions, I recommend Defendants’ construction. Defendants point to various parts of the specification and the figures that disclose that it is the user who switches between the modes. For example, Figure 1B at 115 and 118 asks, “Has the user switched Modes?” Similar functionality is revealed by Figure 2C, which asks at 256, “Did the user click in the control bar?” and subsequently asks whether the user clicked on the various modes.⁴² The specification also discloses that the mode control is displayed to and receives input from the user.

The detailed description of the invention further teaches that “[t]hroughout, the software 100 monitors whether the user has

⁴² (See also '696 Patent, Fig. 2C at 256, 258, 262, 266, 270.)

switched modes.”⁴³ Plaintiff contends that hot spots could be configured to perform multiple modes at a single time. Defendants do not dispute that a single mode could perform multiple functions. But Defendants point out that the specification does not describe more than one mode being active at the same time. Regardless, Plaintiff does not explain how his argument about multiple modes being active at the same time resolves the parties’ dispute, which is whether the end user must have the ability to switch between the modes. I agree with Defendants that it must.

Accordingly, I recommend that the Court reject Plaintiff’s construction and adopt Defendants’ construction.

* * *

I believe that takes care of all of the disputed terms, but before I conclude my Report and Recommendation, I want to state for the record that my rulings rejecting Plaintiff’s positions were based on my understanding of its positions. But Plaintiff’s counsel often made his positions difficult to figure out, and I want to give three examples.

First, one of the biggest challenges in this proceeding was cutting through the noise created by counsel’s citations to broad swaths of the specification in support of his proposed constructions. But his citations were often

⁴³ (*Id.* at 7:5-6; *see also id.* at 7:44-46, 8:26-28, 9:9-11.)

irrelevant to the terms under construction, as [he] admitted at the hearing.⁴⁴

Second, Plaintiff's positions often shifted between the joint claim chart, the briefing, and the hearing. This constant goalpost shifting made it difficult to pin down exactly what Plaintiff's arguments were. Counsel also waited until the hearing to raise several new arguments. It was evident that those positions had for the most part not been disclosed to Defendants before they were proffered in open court.

Third, counsel's briefing and argument were nowhere near models of clarity. Indeed, Plaintiff's brief cited a standard from a 2014 Federal Circuit case that was expressly overruled in 2015. Counsel proceeded to proffer that same overruled standard in open court during the *Markman* hearing, notwithstanding the fact that Defendants' brief pointed out his error.⁴⁵

That concludes my report and recommendation.

This Report and Recommendation is filed pursuant to 28 U.S.C. § 636(b)(1)(B),(C), Federal Rule of Civil Procedure 72(b)(1), and District of Delaware Local Rule 72.1. Any objections to the Report and Recommendation shall be filed within fourteen days and limited to ten pages. Any response shall be filed within fourteen days thereafter and limited to ten pages. The failure of a party to object to legal conclusions may

⁴⁴ (See, e.g., Hr'g Tr. at 49:23-50:5.)

⁴⁵ (C.A. No. 19-291, D.I. 50 at 26, 29 n.15; Hr'g Tr. at 63:19-64:20.)

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result in the loss of the right to *de novo* review in the district court.

The parties are directed to the Court's "Standing Order for Objections Filed Under Fed. R. Civ. P. 72," dated October 9, 2013, a copy of which can be found on the Court's website.

/s/ The Honorable Jennifer L. Hall
United States Magistrate Judge

Dated: November 6, 2020

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**ORDER OF THE UNITED STATES COURT OF
APPEALS FOR THE FEDERAL CIRCUIT
DENYING PETITION FOR REHEARING
(SEPTEMBER 30, 2022)**

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

FRANZ WAKEFIELD, DBA
COOLTVNETWORK.COM,

Plaintiff-Appellant,

v.

BLACKBOARD, INC., META PLATFORMS, INC.,
fka FACEBOOK, INC., INTERNATIONAL
BUSINESS MACHINES CORPORATION,
KALTURA, INC., EDGIO, INC., MICROSOFT
CORPORATION, OOYALA, INC., SNAP INC.,
TRAPELO CORP.,

Defendants-Appellees.

2021-2191, 2021-2192, 2021-2193, 2021-2195, 2021-
2196, 2021-2197, 2021-2198, 2021-2199, 2021-2200

Appeals from the United States District Court for the
District of Delaware in Nos. 1:19-cv-00291-LPS-JLH,
1:19-cv-00292-LPS-JLH, 1:19-cv-00293-LPS-JLH,
1:19-cv-00294-LPS-JLH, 1:19-cv-00295-LPS-JLH,
1:19-cv-00296-LPS-JLH, 1:19-cv-00297-LPS-JLH,
1:19-cv-00534-LPS-JLH, 1:19-cv-00535-LPS-JLH,
Judge Leonard P. Stark.

Before: NEWMAN, LOURIE, LINN,¹ DYK,
PROST, REYNA, TARANTO, CHEN, HUGHES,
and STOLL, Circuit Judges.²

PER CURIAM.

Franz Wakefield filed a combined petition for panel rehearing and rehearing en banc. The petition was referred to the panel that heard the appeal, and thereafter the petition for rehearing en banc was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue on October 7, 2022.

FOR THE COURT

/s/ Peter R. Marksteiner
Clerk of Court

September 30, 2022
Date

¹ Circuit Judge Linn participated on in the decision on the petition for panel rehearing.

² Chief Judge Moore and Circuit Judges Cunningham and Stark did not participate.

STATUTORY PROVISIONS INVOLVED

35 U.S.C. § 282—Presumption of Validity; Defenses

(a) In General

A patent shall be presumed valid. Each claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim. The burden of establishing invalidity of a patent or any claim thereof shall rest on the party asserting such invalidity.

(b) Defenses

The following shall be defenses in any action involving the validity or infringement of a patent and shall be pleaded:

- (1) Non-infringement, absence of liability for infringement or unenforceability.
- (2) Invalidity of the patent or any claim in suit on any ground specified in part II as a condition for patentability.
- (3) Invalidity of the patent or any claim in suit for failure to comply with—
 - (A) any requirement of section 112, except that the failure to disclose the best mode shall not be a basis on which any claim of a patent may be canceled or held invalid or otherwise unenforceable; or
 - (B) any requirement of section 251.

- (4) Any other fact or act made a defense by this title.

(c) Notice of Actions; Actions During Extension of Patent Term

In an action involving the validity or infringement of a patent the party asserting invalidity or non-infringement shall give notice in the pleadings or otherwise in writing to the adverse party at least thirty days before the trial, of the country, number, date, and name of the patentee of any patent, the title, date, and page numbers of any publication to be relied upon as anticipation of the patent in suit or, except in actions in the United States Court of Federal Claims, as showing the state of the art, and the name and address of any person who may be relied upon as the prior inventor or as having prior knowledge of or as having previously used or offered for sale the invention of the patent in suit. In the absence of such notice proof of the said matters may not be made at the trial except on such terms as the court requires. Invalidity of the extension of a patent term or any portion thereof under section 154(b) or 156 because of the material failure—

- (1) by the applicant for the extension, or
- (2) by the Director, to comply with the requirements of such section shall be a defense in any action involving the infringement of a patent during the period of the extension of its term and shall be pleaded. A due diligence determination under section 156(d)(2) is not subject to review in such an action.

35 U.S. Code § 112 - Specification

(a) In General

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

(b) Conclusion

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

(c) Form

A claim may be written in independent or, if the nature of the case admits, in dependent or multiple dependent form.

(d) Reference in Dependent Forms

Subject to subsection (e), a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

(e) Reference in Multiple Dependent Form

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A claim in multiple dependent form shall contain a reference, in the alternative only, to more than one claim previously set forth and then specify a further limitation of the subject matter claimed. A multiple dependent claim shall not serve as a basis for any other multiple dependent claim. A multiple dependent claim shall be construed to incorporate by reference all the limitations of the particular claim in relation to which it is being considered.

(f) Element in Claim for a Combination

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

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**EXPERT, PROJECTED INFRINGEMENT
DAMAGES (META PLATFORMS,
F|K|A FACEBOOK, INC.)
(OCTOBER 6, 2020)**



**Initial and Preliminary Review Letter – Patent
Infringement Damages**

Franz Wakefield
CoolTVNetwork, Inc.
17731 N.W. 14th CT
Miami, FL 33169

Via email to franzwakefield@cooltvnetwork.com

Dear Mr. Wakefield,

Pursuant to your request, Nevium LLC (“Nevium”) has prepared a preliminary review of potential patent infringement damages regarding alleged infringement of United States Patent 7,162,696 “Method and System for Creating, Using and Modifying Multifunctional Website Hot Spots” (the “’696 Patent”) by Facebook, Inc. (“Facebook”) as of October 6, 2020 (the “Analysis Date”). The ’696 Patent is dated January 9, 2007 and Nevium understands the ’696 Patent is assigned to CoolTVNetwork, Inc. (the “Client”).

The Second Amended Complaint filed May 15, 2019 (the “Complaint”) in the case *CoolTVNetwork.com, Inc. v. Facebook, Inc.*, civil action No 1:19-cv-00292-LPS (the “Case”) alleges Facebook “owns, uses, operates,

advertises, controls, sells and otherwise provides systems, methods and apparatus that infringes the '696 Patent." For this preliminary review, the Client has asked Nevium to estimate the amount of a potential patent infringement damages award assuming Facebook is found liable for infringement of the '696 Patent.

Nevium understands the Client intends to use this preliminary review, as presented in this letter and the accompanying schedules, to evaluate patent infringement litigation strategies regarding infringement claims against Facebook. This letter is not intended to serve as an expert opinion regarding economic damages, as further research, analysis, and fact discovery is required to provide such an expert opinion. Nevium has not been asked to provide an analysis or valuation for any business entities, nor has Nevium been asked to provide a valuation opinion regarding the '696 Patent, Facebook or any of its subsidiary companies, any other intellectual properties or intangible assets.

Analyses Performed

In preparing this Preliminary Review Letter, Nevium:

- Reviewed the '696 Patent and the Complaint;
- Reviewed additional Case documents provided by the Client;
- Obtained and reviewed publicly available business description information, financial data and Securities and Exchange Commission filings for Facebook;

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- Reviewed publicly available news and media regarding Facebook; and
- Researched benchmark patent and technology licensing transactions.

Potential damages remedies available to patent owners specific to utility patent infringement include lost profits or a reasonable royalty. These remedies are based on 35 U.S. Code § 284, which states:

Upon finding for the claimant the court shall award the claimant damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention by the infringer.

Based on our current understanding of the Client's business operations and the patent infringement claims in the Case, lost profits would not be a suitable approach to damages. Therefore, this preliminary review employs a reasonable royalty approach to estimate a potential damages award. A reasonable royalty is a payment, either in lump sum or a running royalty, which would have resulted between a willing licensor and licensee under a hypothetical negotiation as of the date of the first infringement.

Estimating damages using a reasonable royalty approach requires:

- Evaluation of an appropriate royalty base, or the financial performance achieved by the allegedly infringing party from sale of products or services alleged to have infringed on the claimed patent;

- Selection of a reasonable royalty rate to determine a lump sum or running royalty payment; and
- Application of the royalty rate to the royalty base to calculate potential economic damages.

Nevium employed these steps to develop a preliminary review of potential patent infringement damages in the Case. Nevium has not developed an estimate of potential damages based on the Client's actual losses.

Observations and Results

To determine a royalty base Nevium researched Facebook's financial performance for the fiscal periods ended December 31, 2014 through December 31, 2019 and the six-month period ended June 30, 2020. Facebook's 2019 Form 10-K indicates Facebook reports only one revenue generating activity: "selling advertising placements to marketers" also described as "selling advertising placements to marketers." Within this one reported revenue-generating activity are all mechanisms Facebook and its subsidiary companies use to provide advertising placements. Instagram and Facebook launched video-based Stories in late 2016 and early 2017. Based on review of the Complaint and the '696 Patent, we limited the royalty base to revenue reported for the United States and limited the analysis period for the potential damages calculation to the period from January 1, 2017 through June 30, 2020 (the "Analysis Period").

As advertising using video hot spots is not the entirety of Facebook's advertising mechanisms, Nevium estimated the portion of Facebook's reported revenues to account for advertising revenues that may not

infringe the '696 Patent. As video and hot-spot based advertising mechanisms appear to be an increasing driver of advertising activities and revenues for Facebook and Instagram the appropriate adjustment to Facebook's publicly-reported revenues may differ in each fiscal period. Therefore, Nevium calculated potential damages for component periods of the Analysis Period. Facebook's reported revenues and calculation of the royalty base is presented at Schedule 1.

As summarized at Schedule 2, benchmark royalty rate indications from Royalty Range and ktMINE yield a royalty rate range between 1% and 5%. Considering typical factors employed in royalty rate analysis to adjust observed rate indications for a hypothetical license transaction between the patent owner and alleged infringer,¹ a reasonable royalty rate for Facebook's alleged infringing use of the '696 Patent is between 1% and 2%.

Applying the reasonable royalty rate range to the calculated royalty base provides the preliminary estimate of economic damages. As presented at Schedule 1, possible patent infringement damages are between \$114 and \$874 million, with a median indication of \$337 million.

This preliminary estimate of potential damages does not include any possible damages that may occur after June 30, 2020 or the Analysis Date. Nevium recommends the following additional analyses and

¹ Based on the Georgia-Pacific Factors from *Georgia-Pacific Corp. v. United States Plywood Corp.*, 318 F.Supp 1116, 6 USPQ 235 (SD NY 1970).

discovery to refine the preliminary estimate of potential damages:

- Through discovery or additional research, obtain information indicating date or dates when Facebook and Instagram Ad Manager commenced use of “hotspots” in Stories and in video-based advertising placements;
- Investigate possibility of including revenues achieved outside the United States in the royalty base; and
- Through discovery, obtain a breakout of Facebook and Instagram revenues by advertising activity and function (revenue from impressions, clicks and other mechanisms).

Notifications

Our analysis of the '696 Patent is based on the information provided by the Client and our experience in the analysis of intellectual property and intangible assets. The analysis, opinions and conclusions presented in this letter will apply to this assignment only and may not be used outside of the context presented in this letter. Possession of this letter does not carry with it the right of publication. The letter should only be used in its entirety. The letter should not be distributed or reproduced for parties other than the Client and its legal counsel without written agreement from Nevium.

Nevium has relied on the documents listed above and conversations with the Client in preparation of our analysis and this letter. Statements of fact contained in this letter are to the best of our knowledge and belief, true and correct. Nevium has not

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verified the accuracy of information provided to us. Nevium has assumed that no hidden or unapparent conditions exist regarding the '696 Patent and that there is full compliance with all applicable federal, state, and local regulations and laws.

The preliminary review presented in this letter is current as of the Analysis Date. In the event the Analysis Date, facts or other representations relied upon are revised or otherwise changed, the review and analysis presented in this letter may require updating. However, Nevium has no obligation to update this letter based on information that comes to our attention after the Analysis Date. Nevium is not required to give or provide further analysis, expert opinions, testimony or attend any court or administrative proceeding regarding the contents of this letter or our preliminary analysis unless additional compensation has been agreed to and arrangements have been previously made.

No owner or employee of Nevium has any current or contemplated future interest in the Company, the '696 Patent or Facebook, or any other interest that might tend to prevent Nevium from deriving a fair and unbiased analysis and review. Compensation to Nevium is not contingent upon the analysis or conclusions reached in this letter.

Sincerely,

/s/ Brian Buss

Principal
Nevium, LLC

List of Schedules

1. Financial Results and Preliminary Damages Indication
2. Royalty Rate Research

Nevium Intellectual Property Consultants

**Financial Results and
Preliminary Damages Indication**

Financial Data from CapitalIQ.
Reported in US Dollars, Millions

Facebook Financial Performance

For Fiscal Period Ending	Revenue-generating Activities <i>Facebook reports only 1 revenue-generating activity</i>	
Reclassified 12 Month Revenue	Internet Information Provider Revenue	Total Revenues
Dec-31-2014	12,466	12,466
Dec-31-2015	17,928	17,928
Dec-31-2016	27,638	27,638
Dec-31-2017	40,653	40,653
Dec-31-2018	55,838	55,838
Dec-31-2019	70,697	70,697
6 Months Jun-30-2020	36,424	36,424

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For the Fiscal Period Ending	Revenues by Geographic Segment		
	United States	Canada	Europe
Dec-31-2014	5,649	-	-
Dec-31-2015	8,513	-	-
Dec-31-2016	12,580	852	6,792
Dec-31-2017	17,730	1,335	10,126
Dec-31-2018	24,100	1,627	13,631
Dec-31-2019	30,230	1,976	16,826
6 Months Jun-30-2020	15,380	924	8,399

For the Fiscal Period Ending	Revenues by Geographic Segment		
	Asia-Pacific	Others	Rest of The World
Dec-31-2014	-	-	6,817
Dec-31-2015	-	-	9,415
Dec-31-2016	5,037	2,377	-
Dec-31-2017	7,921	3,541	-
Dec-31-2018	11,733	4,747	-
Dec-31-2019	15,406	6,259	-
6 Months Jun-30-2020	8,582	3,139	-

App.74a

For the Fiscal Period Ending	Revenues by Geographic Segment	
	Total Revenues	% United States
Dec-31-2014	12,466	45%
Dec-31-2015	17,928	47%
Dec-31-2016	27,638	46%
Dec-31-2017	40,653	44%
Dec-31-2018	55,838	43%
Dec-31-2019	70,697	43%
6 Months Jun-30-2020	36,424	42%

Potential Economic Damages – Reasonable Royalty Approach

Damages Period		
Beginning	Ending	Years
1.5	2.5	3.5

Cumulative Facebook Revenues - USA only

Damages Period			
Beginning	1-Jan-19	1-Jan-18	1-Jan-17
Ending	30-Jun-20	30-Jun-20	30-Jun-20
Years	1.5	2.5	3.5
Cumulative FB Revenue	45,610	69,710	87,440
Royalty Base (Adj) 25%	11,403	17,428	21,860

App.75a

Royalty Base (Adj) 50%	22,805	34,855	43,720
Calculation: Royalty-based Damages 1%	114	174	219
Calculation: Royalty-based Damages 2%	456	697	874

Royalty-based Damages \$Millions	Min: 114 Median: 337 Max: 874
----------------------------------	-------------------------------------

**Royalty Rate Research
License Transaction Database Searches**

Royalty Range Search Results	E-Commerce
Search #	1
Source	<i>Royaltyrange.com</i>
Total Results	3
Royalty Base	Net Sales
Minimum	0.01%
Q1	0.03%
Median	0.53%
Q3	1.75%
Maximum	5.00%
Comment	*Licenses help companies increase

App.76a

	sales through increased exposure, marketing, or creating buyer/seller connections
Source	Doc 2c
Royalty Range Search Results	Website Links
Search #	2
Source	<i>Royaltyrange.com</i>
Total Results	1
Royalty Base	Net Commission
Minimum	50.00%
Q1	50.00%
Median	50.00%
Q3	50.00%
Maximum	50.00%
Comment	Licenses help third-party companies create retail websites
Source	Doc 2b
*License notes states 1% royalty and 0.05%, 0.025%, and 0.01% additional based on value of product sold. Therefore, minimum should be 1%	
BVR / ktMINE Royalty Rate Benchmarking Guide 2017/2018 Global Edition	Internet - Patent/Technology Intangibles
Rates based on 2006 -2016 data	
Royalty Base	Net Sales
Q1	5.00%

App.77a

Median	10.00%
Maximum	50.00%
Comment	Category includes search engines, internet-based companies, e-commerce companies, and software used by these companies, among others
Source	Doc 2a
BVR / ktMINE Royalty Rate Benchmarking Guide 2017/2018 Global Edition	Computers: Hardware and Software
Rates based on 2006 -2016 data	
Royalty Base	Net Sales
Q1	4.00%
Median	5.82%
Maximum	12.50%
Comment	Category includes mobile social media application for businesses and software, among others
Source	Doc 2a
BVR / ktMINE Royalty Rate Benchmarking	Retail Patent/Technology -

App.78a

Guide 2017/2018 Global Edition	
Rates based on 2006 -2016 data	
Royalty Base	Net Sales
Q1	3.25%
Median	7.83%
Maximum	14.00%
Comment	Category includes online retail, department stores, specialty stores, and software used by these stores, among others
Source	Doc 2a

Note: KtMINE data is specific to patents, processes, know-how and excludes trademarks, copyrights, and others

Observation and Conclusion		
	Low	High
Observed Range—reasonable royalties	1%	5%
Adjusted Range—royalty for hypothetical license transaction	1%	2%

App.79a

Royalty Range Search Process

Search 1:		Raw Search Results:
1. Search select key word: E-Commerce		152
2. Added filter to only include "Type In" categories of: Patent		49
3. Transactions were filtered to only include items related to using technology to develop or improve e-commerce on websites or social media. This excluded, but not limited to:		3
Payment platforms	Motor controller technology	
Messaging capabilities	Drilling equipment	
Pharmaceuticals and medical devices	Lamp technology	
Educational software	Glasses	
Search 2:		Raw Search Results:
1. Search select key word: Website Links		379
2. Only page 1 out of 8 was analyzed		50
50		
3. Transactions were filtered to only include items related to using technology to develop or improve e-commerce on websites or social media. This excluded, but not limited to:		3
Lottery or gambling websites	Sanitizing products	

App.80a

Video chat call centers	Billing systems	
Medical information	Hotel websites	
Online calendars	Magazines	

**DECLARATION OF STEPHEN A. BENEDICT
PROVING ENABLEMENT
(DECEMBER 3, 2004)**

AFFIDAVIT OF EVENTS AND RECOLLECTION

Patent Title: Method & System For Creating, Using,
& Modifying Multifunctional Website
Hotspots.

Application Number: 09/877,729

Filing Date(s): June 8, 2000 & June 8, 2001

Inventor: Franz A. Wakefield
Art Unit: 2174

Examiner Name: Boris M. Pesin

AFFIDAVIT OF MR. STEPHEN A. BENEDICT

I, Stephen A. Benedict, DECLARE UNDER
PENALTY OF PERJURY THAT:

1. On or after approximately October 20, 1999, I created a software prototype after a conversation with Franz A. Wakefield. This prototype was a proof of concept to illustrate the ideas expressed during the conversation with Mr. Wakefield.

2. The proof of concept was written in the Java programming language. The proof of concept conveyed the experience of illuminated "hot spots" by compositing pastel-colored polygons onto a video during playback at a specified time for a specified interval.

3. The proof of concept demonstrated that the interface could perform actions based on user interaction. For example, clicking a "hot spot" could launch a web browser with a predefined URL.

App.82a

4. The proof of concept demonstrated that this functionality could be extended to perform specific actions based on the invocation context. For example, different URLs or actions could be launched based on whether the "hot spot" was single clicked, double clicked, or right clicked. As a result, the "hot spot" could appear as "multifunctional" to the user.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENT IS TRUE AND CORRECT.

Signed

/s/ Mr. Stephen A. Benedict

Date: December 3, 2004

**NOTARIZED AFFIDAVIT OF
MR. STEPHEN A. BENEDICT**

State of Virginia
County of Fairfax

The foregoing instrument was acknowledged before me by Stephen A. Benedict who is personally know to me or has produced VA Drivers License as identification and who did or did not take an oath.

Witness my hand and Official Seal on December 3, 2004.

/s/ Robert J. Wilson

Notary Public

State of Virginia

My Commission Expires April 30, 2008

**AFFIDAVIT OF MR. STEPHEN A. BENEDICT
(JANUARY 4, 2005)**

I, Stephen A. Benedict, DECLARE UNDER PENALTY OF PERJURY THAT:

1. I am Stephen A. Benedict, and I have a BS in Electrical Engineering from Florida A&M University, a MSE in Computer Science and Engineering from the University of Michigan, and an MBA from Harvard Business School. I was employed by Apple Computer from 1998 to 2002, where I held a number of software engineering and technical leadership roles.

2. On or after approximately October 20, 1999, I created a software prototype after a conversation with Franz A. Wakefield. This prototype was a proof of concept to illustrate the ideas expressed during the conversation with Mr. Wakefield.

3. The proof of concept was written in the Java programming language. The proof of concept conveyed the experience of illuminated "hot spots" by compositing pastel-colored polygons onto a video during playback at a specified time for a specified interval, as shown below:

App.84a

```
public class HotSpot extends TimerTask
{
    Movie        movie;
    boolean      isActive = false;
    boolean      isVisible = false;
    Rectangle    rect;
    int          start = 0, duration = 0;
    java.util.Timer    startTimer = new java.
                        util.Timer();
    java.util.Timer    endTimer = new java.util.
                        Timer();
    TwoDSprite    hotSpot;
    Compositor    compositor;

    HotSpot (Movie m, Rectangle r, int s, int d,
Compositor c) throws Exception
    {
        super ();
        movie = m;
        rect = r;
        start = s;
        duration = d;
        compositor = c;

        File img = QTFactory.findAbsolutePath
("box.tif");

        GraphicsImporterDrawer gid = new
GraphicsImporterDrawer (new QTFile
(img));

        QDRect rect = new QDRect (
                        gid.getDescription().getWidth(),
                        gid.getDescription().getHeight());
    }
}
```

App.85a

```
ImageSpec imageSpec =
ImageUtil.makeTransparent (
    gid,
    QDColor.blue,
    new QDGraphics (QDGraphics.
        kDefaultPixelFormat, rect) );
Matrix matrix3 = new Matrix ();
matrix3.setTx(r.x);
matrix3.setTy(r.y);
hotSpot = new TwoDSprite (
    imageSpec,
    matrix3,
    true,
    8,
    new GraphicsMode (QDConstants.
        blend, QDColor.cyan) );
}
public void activate ()
{
    startTimer.schedule ( (TimerTask)this, start, 10 );
}
Public void rum ()
{
    try
    {
        TimeRecord    tr;
        float         currentTime = 0;
        isActive = true;
    }
}
```

App.86a

```
    if (!isVisible)
    {
        setVisible (true);
    }
    tr = movie.getTRTime ();
    currentTime = ( (float)movie.getTime( ) /
    (float)tr.getScale()) *1000;
    if ( (float)currentTime >= start + duration)
    {
        isActive = false;
        setVisible (false);
        startTimer.cancel ();
    }
}
catch (Exception e)
{
}
}
public void setVisible (boolean setVisible) throws
Exception
{
    if (setVisible)
        compositor.addMember (hotspot,1);
    else
        compositor.removeMember (hotSpot);
    isVisible = setVisible;
}
```

}
}

4. The proof of concept could perform actions based on the user's action. For example, clicking a "hot spot" could launch a web browser with a predefined URL.

5. The proof of concept demonstrated that this functionality could be extended to format the URL or perform another action based on the invocation context (single click, double click, right click, etc.). As a result, the "hot spot" appeared as "multifunctional" to the user.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENT IS TRUE AND CORRECT.

Signed

/s/ Mr. Stephen A. Benedict

Date: January 4, 2005

**NOTARIZED AFFIDAVIT OF
MR. STEPHEN A. BENEDICT**

State of Virginia
County of Fairfax

The foregoing instrument was acknowledged before me by Stephen A. Benedict who is personally known to me or has produced VA Drivers License as identification and who did take an oath.

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Witness my hand and Official Seal on January 4,
2005.

/s/ Robert J. Wilson
Notary Public
State of Virginia
My Commission Expires April 30, 2008

AGREEMENT

THIS AGREEMENT is entered into the effective this 6th day of Nov, 2000 by and between COOL TvNetwork.com, Inc., a business having an address of 17731 NW 14th Court, Miami, FL 33169 (hereinafter referred to as "OWNER"), and Stephen Benedict, an individual having an address of 7915 Sunkist Drive Oakland, California 94605 (hereinafter individually and collectively referred to as "PROGRAMMER").

WITNESSETH

WHEREAS, OWNER has undertaken the design, the coding, and the description (flowcharts, and written descriptions) of software (CLICKVideoShop™) related work (hereinafter "WORKS"); and

WHEREAS, PROGRAMMER has assisted in the preparation of source code, flowcharts, and written descriptions and is being contracted to prepare and/or continue assisting in the preparation of additional coding (source code & object code) and descriptions (flowcharts, diagrams, and written descriptions) related to said WORKS (hereinafter "SOFTWARE WORK") related to said WORKS and is willing to work on and prepare software based on and/or related to said WORKS under a "work made for hire" agreement as that term is defined by the United States copyright laws, under the full control of OWNER;

1. PROGRAMMER and OWNER acknowledge that the SOFTWARE WORK is being created under the direction and control of OWNER, and agree that the SOFTWARE WORK shall be deemed a work made for hire by an independent contractor under the United States copyright laws (17 U.S.C. 101) and, by virtue of this agreement, is the sole property of

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OWNER free and clear from all claims of any nature relating to PROGRAMMER's contributions and other efforts, including the right to copyright the work in the name of OWNER and proprietor thereof and any termination rights thereto. PROGRAMMER understands and agree that OWNER owns all right, title, and interest in the "SOFTWARE WORK," including but not limited to any part and/or parts thereof and derivative works arising therefrom, and has the right to register all copyrights and/or patents therein in its own name, as OWNER, in the United States of America and in all foreign countries.

2. PROGRAMMER agrees that OWNER shall have the unlimited right to supervise and control PROGRAMMER and to direct PROGRAMMER during the creation of the SOFTWARE WORK. OWNER shall have the right to use the whole SOFTWARE WORK, any part or parts thereof, or none of the SOFTWARE WORK, as sees fit. OWNER may alter the SOFTWARE WORK, add to it, or combine it with any other SOFTWARE WORK or SOFTWARE WORKS, at its sole direction. Notwithstanding the foregoing, all original material submitted by OWNER to PROGRAMMER as part of the SOFTWARE WORK or as part of the process of creating the SOFTWARE WORK, including but not limited to previously prepared documentation, verbal descriptions, notes and any material aiding in the preparation of the SOFTWARE WORK. shall be the property of OWNER whether or not OWNER uses such material. PROGRAMMER, after the performance of its services under this agreement, shall return all such original materials and copies thereof, and PROGRAMMER

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shall have no right to make any other use of this material and/or SOFTWARE WORK.

3. The parties to this agreement intend that OWNER shall have full ownership of the SOFTWARE WORK with no rights of ownership in PROGRAMMER. PROGRAMMER agrees that in the event this agreement is determined by a court of competent jurisdiction not to be a work for hire under the federal copyright laws, this agreement shall operate as an irrevocable assignment by PROGRAMMER to OWNER of the copyright and/or patent rights in the SOFTWARE WORK including all rights there under in perpetuity. Under this irrevocable assignment, PROGRAMMER hereby assigns, and/or shall assign to OWNER the sole and exclusive right, title, and interest in and to the SOFTWARE WORK, without further consideration, and agrees to cooperate with OWNER, if need be, in OWNER'S efforts in registering and from time to time enforcing all copyrights and/or patent rights and other rights and protections relating to the SOFTWARE WORK in any and all countries. It is PROGRAMMER'S specific intent to assign all rights, title, and interest whatsoever in any and all copyright right in the aforesaid SOFTWARE WORK, in any media, and for any purpose, to OWNER including all rights of renewal and extensions.

4. In the event OWNER shall bring an infringement suit against any third parties or shall be sued by any third parties as a result of PROGRAMMER'S ownership of the SOFTWARE WORK, PROGRAMMER agrees to reasonably cooperate with OWNER in defending against or prosecuting any such suit. This right shall be cumulative to any

other rights of OWNER hereunder. PROGRAMMER shall keep all trade secrets (i.e. any known business information related to said SOFTWARE WORK) of OWNER confidential and shall not knowingly disclose, relate or describe the SOFTWARE WORK or trade secrets related thereto to any third party, individual, corporation or other business entity or market, sell or commercially use in any way the SOFTWARE WORK. PROGRAMMER shall have reasonable efforts to protect the confidential nature of said SOFTWARE WORK. PROGRAMMER shall have no obligation with respect to any disclosure which (1) is independently developed by PROGRAMMER without the benefit of OWNER's WORKS, SOFTWARE WORK and materials related thereto or regarding SOFTWARE WORK which has been unintentionally disclosed prior to negotiating the Agreement, (2) is publicly known or becomes publicly known not through the wrongful act or breach of this Agreement by PROGRAMMER or (3) is rightfully received by PROGRAMMER from a third party on a nonconfidential basis prior to this Agreement.

5. PROGRAMMER agrees that it shall not, at any time hereafter, dispute or contest, either directly or indirectly, OWNER's exclusive right, title, and interest in the SOFTWARE WORK.

6. PROGRAMMER warrants that the material in the SOFTWARE WORK prepared or provided by PROGRAMMER is original and does not infringe the rights of any other work.

7. The terms and provisions of this agreement shall be binding upon the parties and their heirs, legal representatives, successors, and assigns.

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8. This agreement shall be governed by the laws of the state of Florida and the parties hereby agree that jurisdiction and venue over any dispute arising under this agreement shall be in the Southern District of Florida.

9. This agreement constitutes the entire understanding between the parties hereto. This agreement, including this paragraph, may be amended or modified only by an instrument in writing signed by both of the parties hereto or their authorized representatives.

This agreement is executed by the parties hereto.

PROGRAMMER

/s/ Mr. Stephen Benedict

Date:10/6/00

OWNER

/s/ Mr. Franz A. Wakefield

Date:10/6/00

**OFFICE ACTION SUMMARY [FH0000085-86]
(MARCH 20, 2006)**

Application No. 09/877,729
Applicant(s) WAKEFIELD, FRANZ
Examiner Boris Pesin
Art Unit 2174

Period for Reply

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

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

Status

1) Responsive to communication(s) filed on 20 March 2006.

2a) This action is FINAL.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

6) Claim(s) 1-20 is/are rejected.

Attachment(s)

1) Notice of References Cited (PTO-892)

DETAILED ACTION

Response to Amendment

This communication is responsive to an amendment filed 03/20/2006.

Claims 1-20 are pending in this application. Claims 1, 8, and 20 are independent claims. In the amendment filed 03/20/2006, Claims 1-9, 11-18, and 20 were amended. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

For the record, the pro se Applicant and the Examiner have had numerous phone interviews where the Examiner has attempted to assist the pro se Applicant in constructing one allowable claim. On March 9, 2006, the Examiner emailed the pro se Applicant with a proposed claim that he felt would be allowable if the pro se Applicant were to propose it as an amendment in a reply to the Office action dated 12/28/2005.

The claim read:

1. (Amended) A multifunctional hot spot apparatus comprising:

A set of processed or readable instructions storable on a retaining medium;

At least one hot spot defined by any communication with said instructions;

At least one of the hot spots being accessible from a globally accessible network; Means for performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot;

Wherein said hotspots reside on and are accessible from a digital video or audio file;

Wherein said predetermined functions are selected from a mode control;

Wherein the mode control comprises a plurality of modes;

Wherein the plurality of modes comprise of a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode;

Wherein a specific mode is selected through an expandable graphical user interface bar;

Wherein said specific mode further toggles based on time stamps in said digital video or digital audio file;

Wherein said multifunctional hot spots are delineated by outlines, shading, or illumination at a predetermined area on the display;

Means, defined by said instructions, for selecting and activating at least one of said predetermined functions by clicking one each particular hotspot.

Claim Objections

Claim 2, 13, and 17 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 2 does not further limit because claim 1 already has a means for identifying by outlining.

Claim 13 does not further limit because claim 1 already recites that the hot spots are accessible from a digital media file.

Claim 17 does not further limit because claim 1 already recites reaching a predetermined segment of a digital media file.

Claim 18 is objected to because of the following informalities:

**DECLARATION OF FRANZ WAKEFIELD IN
SUPPORT OF PLAINTIFF'S RESPONSE TO
DEFENDANT'S MOTION TO DISMISS FOR
FAILURE TO STATE A CLAIM
[19-CV-535; DE[20]]
(JUNE 27, 2019)**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

TRAPELO CORP.,

Defendant.

Civil Action No. 1:19-cv-535

Jury Trial Demanded

**DECLARATION OF FRANZ WAKEFIELD IN
SUPPORT OF PLAINTIFF'S RESPONSE TO
DEFENDANT'S MOTION TO DISMISS FOR
FAILURE TO STATE A CLAIM**

I, Franz Wakefield, declare and state as follows:

1. My name is Franz Wakefield and I am of sound mind and over the age of 18, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

2. The '696 Patent addresses the challenge of “static hyperlinks” as they pertain to video, audio, and digital media on a globally accessible network like the Internet. Common hyperlinks are “static” because when they are clicked by a user they ONLY activate the link and displays the link’s target; they are usually a link from a hypertext file or document to another location or file, typically activated by clicking on a highlighted word or image on the screen. Hyperlinks, as hotspots in video, and audio, up until now, have not been widely commercialized, and at the time of The ClickVideoShop™ Invention coined by The '696 Patent, was very uncommon; especially as they pertain to video and audio files. A hotspot, in general, is an interactive, trackable content element embedded within a video that you can click on which links to other areas of a website, a downloadable document, or any other website or database. A hyperlink as a video hotspot is internally static and only directs the viewer to the link’s target; this causes a high bounce rate because the viewer may not be interested in the action or target designated by the video hotspot or hyperlink.¹ The challenge of retaining control over the attention of the viewer/

¹ Bounce rate is an Internet marketing term used in web traffic analysis. It represents the percentage of visitors who enter the site and then leave (‘bounce’) rather than continuing to view other pages within the same site. Bounce rate is calculated by counting the number of single page visits and dividing that by the total visits. It is then represented as a percentage of total visits. Bounce rate is a measure of ‘stickiness.’ The thinking being that an effective website will engage visitors deeper into the website. Encouraging visitors to continue with their visit. It is expressed as a percentage and represents the proportion of single page visits to total visits. Bounce rate (%) = Visits that access only a single page (#) Total visits (#) to the website. See https://en.wikipedia.org/wiki/Bounce_rate.

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customer in the context of the Internet, and the ability to provide instantaneous gratification by allowing the viewer/customer to be able to Shop Now, place a Bid and/or place a vote in a Poll, Interact Now with other viewers/customers via a live streamed digital media, be Entertained Now, and finally, allowing the viewer/customer to be able to Link to other relevant webpages Now, while still watching the host video on a particular website or using a particular Application (App); is paramount in retaining the attention of viewers/customers who usually navigate away from, the host site or application (App), after viewing just one webpage, or watching a short part of a particular video, in search of a desired product(s) or other desired information and/or services.

3. Thus, The '696 Patent overcomes this challenge by creating a program and software based tool for an advertiser and/or a viewer/customer that creates, uses, and/or modifies "Multifunctional Hotspots" and creates programmable hyperlinks in websites and/or applications that run over a globally accessible network and a corresponding and communicating function expanding menu bar that is used to entice consumers to purchase video objects Now, link to other websites Now, make bids and/or take a poll Now, interact with other viewers/customers via a live streamed digital media file Now, and be entertained by other videos or information Now, without navigating away from the host website and/or application.²

² "In the link mode, hot spots in the main audio and video file are initiated and open web pages, websites or other URL addresses in an adjacent browser or window or in a main playback browser/window." See '696 patent Col. 5 l. 44-47.

4. The Examiner's reasons for allowance of the '696 patent were that "the prior art found does not teach a multifunctional hotspot apparatus comprising all of the following specific modes: a shop mode, a bid mode, an interact mode; an entertainment mode, and a link mode; wherein a specific mode is selected by a user through an expandable graphical user interface bar; wherein said specific mode further toggles based on time stamps in said digital video or audio file; and wherein with the selection of a particular hot spot, a predetermined function is executed based on the mode currently active; in combination with all of the other claim limitations." See '696 File History, Examiner's Notice of Allowance, mailed 9/7/2006.

5. There are cases that are analogous to the '696 Patent and were found to be Patent Eligible Subject Matter:

6. In *DDR Holdings*, the court evaluated the eligibility of claims "address[ing] the problem of retaining website visitors that, if adhering to the routine, conventional functioning of Internet hyperlink protocol, would be instantly transported away from a host's website after 'clicking' on an advertisement and activating a hyperlink." *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1257 (Fed. Cir. 2014). There, the court found that the claims were patent eligible because they transformed the manner in which a hyperlink typically functions to resolve a problem that had no "pre-Internet analog." *Id.* at 1258.

7. Each of the DDR Patents is directed to systems and methods of generating a composite web page that combines certain visual elements of a "host" website with content of a third-party merchant. For example, the generated composite web page may combine the

logo, background color, and fonts of the host website with product information from the merchant. *See, DDR Holdings U.S. Patent No. 6,629,135, 12:46-50.*

8. In *DDR Holdings*, the common specification of the patents-in-suit explains that prior art systems allowed third-party merchants to “lure the [host website’s] visitor traffic away” from the host website because visitors would be taken to the third-party merchant’s website when they clicked on the merchant’s advertisement on the host site. *Id.* at 2:26-30, the patents-in-suit disclose a system that provides a solution to this problem (for the host) by creating a new web page that permits a website visitor, in a sense, to be in two places at the same time. On activation of a hyperlink on a host website—such as an advertisement for a third-party merchant—instead of taking the visitor to the merchant’s website, the system generates and directs the visitor to a composite web page that displays product information from the third-party merchant but retains the host website’s “look and feel.” *Id.* at 3:9-21. Thus, the host website can display a third-party merchant’s products, but retain its visitor traffic by displaying this product information from within a generated web page that “gives the viewer of the page the impression that she is viewing pages served by the host” website. *Id.* at 2:56-63,3:20-22.

9. In 1999 I wrote a business plan for CoolTV Network.com, Inc. which reinforces and documents the importance and nature of the '696 Patent. The business plan states: “The site’s diverse and comprehensive archive of entertainment options, from music to sports, will create the ‘stickiest’ virtual entertain-

ment site on the Internet. Just a click away, [Multi-functional] Hotspots attached to objects in the video files will encapsulate users in the euphoria of the video moment. ClickVideo Shopping will create the long sought after Buchanan Moment on the Internet. This seducible moment will entice consumers to purchase video objects, link to other videos, or connect to the manufacturer's website." "CoolTvNetwork.com will harness the element of video entertainment to tap into this lucrative embryonic Internet retail market [...] Surfers will be able to purchase clothing, hardware, footwear, CD's, cosmetics, sporting goods ... etc., while being emotionally enthralled in the video moment. CoolTvNetwork.com fully understands the ramifications of it being 'The Year 2000,' and that trips to the local department store, grocery store, or neighborhood music outlet are frankly, becoming more passe.

10. The 2012, and 2019 CoolTVNetwork.com, Inc. website further states about the '696 Technology: The Software Technology Click VideoShop will be used to increase revenues exponentially by providing spontaneous purchases and immersive entertainment. The ClickVideoShop Software (CVSSW) uses an audio/video (digital audio, animation, video game, or digital video) source as a conduit to provide on demand access to secondary and related information. It is designed so that it can be experienced on any computing or mobile platform. The Software Invention and Technology uses a mode control bar in conjunction with Multi-functional Hot Spots; Regions or time-frames in the audio, video, animation, or game playback area delineated by audible cues, visual outlines, shading and/or illumination as visual or

audible cues to alert the user that clicking (initiating) within the Multi-functional Hotspot™ or time interval gives them access to additional information or functionalities like shopping, bidding, and multicast conferencing and communication in a secure and private transmission and session.”

11. Defense Counsel refers to the '696 Patent as an abstract idea “directing a person to additional content or activities that the person may find relevant based on the content he or she has chosen[;]” and further states that the '696 Patent “does not claim a technical improvement.” On the contrary, The '696 Patent is at the forefront of The Visual Communication Era, and various technology and social media companies and the consumer in general are utilizing Stories, and Story Ads, that utilize and employ programmable hyperlinks (Multifunctional Hotspots) in video and digital media to sell products, entertain, conduct auctions and polls, interact, and provide efficient and effective access to user specific, and relevant information without losing the attention of the viewer and without them navigating away from the host website and/or application. There have been many important phases in history were a single proliferation of an invention, like steel, the combination of iron and carbon, lead to the possibility of great improvements, like skyscrapers, warships, and space rockets in the Industrial Age, which revolutionized life as we know it. The Visual Communication Era, a subset of The Information Age, is important because it further defines the area of human computer interaction, and how humans process and retain information. Designing the visual and functional composition and temporal behavior of a GUI (Graphical User Interface) is an

important part of software application programming. It's goal is to enhance the efficiency and ease of use for the underlying logical design of a stored program, a design discipline known as usability.

12. The '696 Patent and The ClickVideoShop™ Technology was invented in 1996, approximately one year before Tomislav Uzelac of Advanced Multimedia Products invented the AMP MP3 Playback Engine, the first successful MP3 player, approximately three years before Napster rocked the world with it's pioneering peer-to-peer (P2P) file sharing Internet service that emphasized sharing digital audio files, typically audio songs, encoded in MP3 format, approximately eight years before Facebook was founded, and approximately fourteen years before Instagram was created. The '696 Patented Technology was invented at a time when it was almost impossible to watch any kind of video via The Internet, and streaming media was not available until the early 2000s when users had access to increased network bandwidth, The '696 Patented Technology was invented before digital TV's were introduced and before all U.S. full-power analog TV broadcasts were required by law to end on June 12, 2009; surely the '696 Patent is a technical improvement over the technology available during the time of its filing, and certainly it is comprised of patent eligible subject matter, which is claimed by the Inventor.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Franz Wakefield

6/27/2019

**PLAINTIFF'S OBJECTIONS TO
JUDGE'S REPORT & RECOMMENDATION
REGARDING MARKMAN HEARING
(NOVEMBER 9, 2020)**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

BLACKBOARD INC.,
Defendant.

C.A. No. 19-291-LPS-JLH
Jury Trial Demanded

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

FACEBOOK, INC.,
Defendant.

C.A. No. 19-292-LPS-JLH
Jury Trial Demanded

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

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INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant.

C.A. No. 19-293-LPS-JLH
Jury Trial Demanded

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

KALTURA, INC.,

Defendant.

C.A. No. 19-294-LPS-JLH
Jury Trial Demanded

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

LIMELIGHT NETWORKS, INC.,

Defendant.

C.A. No. 19-295-LPS-JLH
Jury Trial Demanded

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

App.108a

MICROSOFT CORPORATION,
Defendant.

C.A. No. 19-296-LPS-JLH
Jury Trial Demanded

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

OOYALA, INC.,
Defendant.

C.A. No. 19-297-LPS-JLH
Jury Trial Demanded

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

SNAP, INC.,
Defendant.

C.A. No. 19-534-LPS-JLH
Jury Trial Demanded

COOLTVNETWORK.COM, INC.,
Plaintiff,

v.

TRAPELO CORP.,

Defendant.

C.A. No. 19-535-LPS-JLH
Jury Trial Demanded

DEVLIN LAW FIRM LLC
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1526 Gilpin Avenue
Wilmington, DE 19806
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Attorneys for Plaintiff

[TOC, TOA, Omitted]

**PLAINTIFF'S OBJECTIONS TO
JUDGE'S REPORT & RECOMMENDATION
REGARDING MARKMAN HEARING**

1. Introduction

Plaintiff objects to portions of the Judge's Report and Recommendations regarding Markman Hearing (RR), regarding indefiniteness and claim construction. Plaintiff respectfully requests the Court's reconsideration of the construction of the claim terms in view of the arguments presented. Plaintiff reserves its right to raise these and other issues on any appeal.¹

¹ For example, whether the construction of independent claims 15, 17 and 18 should have been considered similarly to the means-plus-function limitations in Claim 1. *See*, Transcript of Claim Construction Hearing, October 19, 2020 at 50:20-23 (hereinafter "CCH").

2. Legal Standards – Waiver / Forfeiture

As an initial matter, the Court held Plaintiff waived a certain claim construction argument, directed to the “means . . . for selecting and activating”, because it was raised for the first time during oral argument. Consideration of untimely-raised issues is left to the court’s discretion. *Singleton v. Wulff*, 428 U.S. 106, 121 (1976). This discretion is exercised on the facts of individual cases. *Id.* at 120-121; *Harris Corp. v. Ericsson Inc.*, 417 F.3d 1241, 1251 (Fed. Cir. 2005). The Third Circuit will not reach a forfeited issue in civil cases absent “exceptional circumstances”, including when a manifest injustice would result from failure to consider the new issue. *Barna v. Bd. of Sch. Directors of Panther Valley Sch. Dist.*, 877 F.3d 136, 146-147 (3d Cir. 2017) (collecting cases).

Plaintiff respectfully asks the Court to withdraw its waiver holding, and seeks permission to raise and support, in these Objections, the claim construction arguments presented at oral argument for the “means . . . for selecting and activating” limitation. The Court heard oral testimony from Defendants in response to Plaintiff’s oral arguments, so Defendants would not be prejudiced by withdrawing the waiver. While it may have been error on the part of Plaintiff to not raise this argument during briefing between the parties, Plaintiff would suffer a manifest injustice if not permitted to raise its Objections, because the patent would be considered invalid, expunging Plaintiff’s intellectual property rights, which patent issued in January 2007.

3. Legal Standards – Claim Construction and Indefiniteness

A patent is presumed valid, 35 U.S.C. § 282(a), and Defendants have the burden of proving indefiniteness by clear and convincing evidence. *BASF Corp. v. Johnson Matthey Inc.*, 875 F.3d 1360, 1365 (Fed. Cir. 2017). For means-plus function claims, where the disclosed structure is a computer, or micro-processor, programmed to carry out an algorithm, the disclosed structure is a special purpose computer programmed to perform the disclosed algorithm. *Aristocrat Techs. Australia Pty Ltd. v. Int’l Game Tech.*, 521 F.3d 1328, 1333 (Fed. Cir. 2008). The specification can describe the algorithm in any understandable terms including as a mathematical formula, prose, a flow chart, or in any other manner providing sufficient structure. *Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008).

A computer-implemented means-plus-function limitation is indefinite if the specification does not disclose any corresponding algorithm. *Triton Tech. of Tex., LLC v. Nintendo of Am., Inc.*, 753 F.3d 1375, 1378 (Fed. Cir. 2014); *Noah Sys., Inc. v. Intuit Inc.*, 675 F.3d 1302, 1317 (Fed. Cir. 2012) (claim is indefinite if one of ordinary skill in the art would not recognize the structure in the specification and associate it with the corresponding function in the claim).

4. Argument

A. The Magistrate Erred in Holding the Means-Plus-Function Limitations Indefinite

The Magistrate erred by discounting clear disclosure in the specification, and in some cases the claim

language itself, of the algorithmic steps for performing the respective functions of the two means-plus-functions limitations, which satisfy the disclosure requirements for such means-plus-function claims. *See*, RR, 19:2-25; RR, 20:1-8; & FH0000085 – 86, where the Examiner drafted independent claim 1, with presumed *enabled* means-plus-function limitations.

- (i) The term “means for performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot” is definite.**

Plaintiff provided sufficient disclosure for a person of ordinary skill in the art to recognize the algorithmic structure in the specification, and associate it with the corresponding “means for performing” function in the claim. The Table below provides a concise, pinpoint summary of the supporting disclosure in the specification of each of the “predetermined functions” and how they are performed. Each will be described in turn.

As a preface to the discussion of each of the modes, and referring to FIG. 1C, Step 130, after the user clicks the hot spot, the first step for each mode is the software determines which mode the user has selected. 7:44-46. This determining step is also described with reference to FIG. 213, Step 238. 8:44-46. Then, depending on the time-stamped region and the Hot Spot Data File (HSDF), the software will activate the action corresponding to the mode. 7:46-49. The subsequent algorithmic steps for each individual mode are described below:

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Predetermined Function	“Means for Performing” Supporting Disclosure²
Shop Mode	6:4-5 6:8-10 7:49-51 8:46-48
Bid Mode	6:4-5 6:11-14 8:52-56
Interact Mode	6:4-5 7:59-63 9:15-16 9:19-20
Entertainment Mode	5:47-50 6:4-5 6:10-11 7:55-59 8:48-52
Link Mode	5:44-47 6:4-5 6:7-8 7:51-54 8:56-59

Shop Mode: In shop mode, after the hot spot is activated, the data file is accessed (6:4 5), which contains an electronic signature that uniquely identifies a user and items for adding to the shopping cart (6:8-10). The software then *adds* the products referenced by the hot spot to a user’s shopping cart. 7:49-51, 8:46-48, FIG. 1C, Step 131, FIG. 213, Step 240.

Bid Mode: In bid mode, after the hot spot is activated, the data file is accessed (6:4-5), and the software then *enters bids* in a multicast bidding or purchasing system (6:11-14), after correlating the bids to electronic signatures that identify purchased or auctioned items. 6:11-14, 8:52-56, FIG. 113, Step 112, FIG. 213, Step 248.

² Notably, the bolded font corresponds to Defendants’ own citations to supporting structure (some provided in the alternative), in the Amended Joint Claim Construction Chart, page 8. *See also*, Plaintiff’s Markman Deck, (“MD”) MD-Slide 48, including Defendants’ Expert Depo. at 97-104; and 108-111.

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Interact Mode: In interact mode, after the hot spot is activated, the data file is accessed (6:4-5) and the software *plays* a live audio/video stream that contains hot spots, as well as *opening* a multicast communications window. 7:59-63. The multicast windows that are generated (Area 1 and Area 2) are shown in FIG. 3, 9:15-16, 9:19-20 & FIG. 1C, Step 137.

Entertainment Mode: In entertainment mode, after the hot spot is activated, the data file is accessed (6:4-5) thereby identifying the URL of a video or audio file. 6:10-11. The software *launches* the audio and video files in an auxiliary browser/window (5:47-50), whose content is related to the item referenced by the hot spot object. 7:55-59 & FIG.1C, Step 135, 8:48-52 & FIG. 213, Step 244.

Link Mode: In link mode, after the hot spot is activated, the data file is accessed (6:4-5) thereby identifying the URL of the webpage or website to open. 6:7-8. The software then *launches* web pages, websites or other URL addresses either in an adjacent window or a main playback browser window (5:44-47), and presents the web link as a web page, jpeg, mpeg or other multimedia format. 7:51-54 & FIG. 1C, Step 133, 8:56-59 & FIG. 213, Step 252.

Note that in *all* the predetermined functions *supra*, the audio / video files, web pages, websites or other URL addresses are *launched* in adjacent browsers, the main playback window, or multicast communications windows (*i.e.*, Areas 1-2 of FIG. 3). 5:44-47, 9:15-20; MM-19-20.

In sum, Plaintiff contends the various steps for *how* the predetermined functions are performed are clearly described in the specification and flow diagrams

(*i.e.* drawings), including the various steps of: loading, opening, accessing, hyperlinking, adding, entering, transmitting and launching, that are cited in the Table and corresponding discussion, *supra*. Therefore, Plaintiff respectfully requests the Court's reconsideration on indefiniteness for this limitation.

(ii) The term “means, defined by said instructions, for selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot” is definite.

As discussed *supra* in the Waiver section, in the event the Court withdraws the waiver of the testimony presented at oral argument, Plaintiff respectfully submits the following for the Court's reconsideration.

Plaintiff contends that it provided sufficient disclosure for a person of ordinary skill in the art to recognize the structure in the specification, and associate it with the corresponding “means . . . for selecting and activating” function in the claim. In addition, the claim language itself provides support and direction for the corresponding structure in the specification.

We begin with the claim language itself, which provides some guidance for the structure for performing the selecting and activating function, in this case, “by clicking on each particular Multifunctional Hot Spot”. This clicking on the hot spot language is confirmed by the Court's own comments in the Report and Recommendations, where the Court stated:

[T]he specification and figures explain that “the software monitors whether the user has

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switched modes” and “*if the user clicks the hot spot, then the software determines what mode the user has selected.*” *Indeed, the specification is replete with references to the user as an entity doing the mode selection and the clicking.*

RR, page 27, lines 19-25 (emphasis added). These “selecting” and “activating” functions would be readily understood by any user who interfaces with web-based or phone-based applications, namely, the user would move a cursor over the item of interest to activate the function “by clicking on” the item of interest. More specifically, the specification discloses in numerous instances that the “selecting” occurs when the user moves a cursor over the multifunction hot spot, to highlight or select the underlying function. *See, e.g., 7:35-38 (user placing a cursor over a hot spot during a movie/video/audio file). See also, 3:50-54, 7:32-34 and 8:29-31.*

By clicking on the hot spot, the “software determines what mode the user has selected” (7:44-46, FIG. 1C, Step 130), and then the multifunction hot spot is activated. *See also, 8:44-46 (“[i]f the user activates the hot spot (i.e. clicks it), then the program determines the mode of the applet” as shown in FIG. 2B, Steps 240, 244, 248, 252).* Depending on the specific hot spot selected and activated, the remaining steps of that hot spot function are performed as described *supra*, Section 4.A.(i). *See MD-Slide 93, including Defendants’ Expert Depo. at 95-96; 111-119.*

B. The Magistrate Erred in its Construction of the Terms “bid mode”, “interact mode” “wherein the mode control contains a plurality of modes”, and “hot spot/multi function hot spot”

(i) “bid mode”

The respective constructions are below: (The Court *didn't consider* Plaintiff's Alternate Proposals)

Amended Joint Claim Construction Chart, page 13	
Plaintiff's Construction	Defendants' Construction
mode that allows communication among multiple users in a multicast communication interface <u>Alternate Compromise Proposal:</u> ³ Mode that allows a user and/or software system to conduct an auction and/or receive and process bids and/or mode	mode that allows the user to click a multi-functional hotspot to place a bid in an auction for products among multiple users in a multicast communication interface

³ Contrary to Defendants' position at the oral hearing (and the Court's statement at RR, 37:12-15), the oral hearing was *not* the first time Plaintiff offered its alternate compromise constructions. Plaintiff and Defendants communicated by email and the proposed alternate constructions were *reviewed, but rejected* by Defendants. See, Exhibit 1, Plaintiff's Counsel Declaration.

that allows communication among multiple users in a multicast communication interface	
---	--

The Court stated “[t]he crux of the dispute is “whether the ‘bid mode’ requires an auction or a bid.” RR, 30:21-22. As the Court noted, Plaintiff’s construction permits bidding and/or an auction but does not require bidding or an auction. RR, 30: 13-16. The Court held bid mode requires an auction or bid (RR, 31:12-16), relying on Defendants’ contention that all references to the “bid [mode]” in the specification require allowing a user to place bids in an auction. RR, 31:3-5.

This was error, and is *contrary* to the specification. For example, in one embodiment of the invention, the software determines whether a user has selected bid mode. 6:51-65, FIG. 1B, Steps 112-114, MD-Slide 26. If so, the software opens ClickVideoBay, which is a multicast communication interface to facilitate audio /visual communications between multiple clients. ClickVideoBay has a list of features and/or *sections* that a user can elect to utilize. Notably, the user is not required to use any of the features. The features include, for example: (i) a section for sharing a white board; (ii) a section for texting via a chat feature; (iii) a section for instant messaging; (iv) a section for email notifications; (v) a section for facilitating auctions; and (vi) a section for displaying contents of a digital locker for the user. *See* 6:51-65; 5:26-32; MD-Slide 84. The features are permissive for the user, not required. This is analogous to using Microsoft Outlook for *only* sending emails, when the program or mode allows for

calendar functions, notes, group chats, to-do-lists and the like, without the use of the email function of the program. *See*, Defendants’ Expert Depo. page 79:4-18. The specification also discloses embodiments that allow bidding, by *automatic routine* and by *a user* via a bid submission form (as shown in the MD-Slides 26, & 84-87), and/or auctions while employing the multicast communications features; but also allows the use of the multicast communications features without employing any bid/auction functions, similar to the versatile functioning of Microsoft Outlook. Plaintiff’s proposed constructions are consistent with the specification, and with *Indacon, Inc. v. Facebook, Inc.*, 824 F.3d 1352 (Fed. Cir. 2016) (defined term not construed broader than disclosed in the specification).

(ii) “interact mode”

The respective claim constructions are presented below:

Amended Joint Claim Construction Chart, pages 13-14	
Plaintiff’s Construction	Defendants’ Construction
mode allowing for communication between users and/or moderators	mode that facilitates interaction between the user and live-streamed internet programs

The Court rejected Plaintiff’s construction, stating: “[w]hile the specification discloses that the interact mode can also have additional functionality, it is always described as having the functionality of the user interacting with live-streamed programs.” RR, 32:8-15. The Court’s construction is overly narrow,

and contrary to the specification. As described in the specification:

The interact mode facilitates interaction between the user and live-streamed Internet programs. . . . *In the interactive mode, the user can also interact or communicate by using multi-task communication windows and the teleconference functions of the software such as that provided by the digital call mode.*

5:32-40 (emphasis added). The emphasized portion clearly states that after the interact mode is selected, *as an alternative to interacting with a live stream*, the user can also employ the teleconference functions of the software (*i.e.* digital call features of the digital call mode), and/or multicast communication windows *to interact or communicate. Id.* This is analogous to using a sub-feature, such as spell-check, across all iterations of Microsoft Office (Word, Excel, PowerPoint), or using Calendar in Outlook to set meetings, instead of writing detailed emails to notify participants.

(iii) “wherein the mode control contains a plurality of modes”

The respective claim constructions are presented below:

Amended Joint Claim Construction Chart, pages 11-12	
Plaintiff’s Construction	Defendants’ Construction
Wherein the mode control comprises a	Wherein the expandable graphical user interface

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plurality of modes that the user can select	menu bar comprises a plurality of modes that the user can switch between
---	--

The Court phrased the differences between the constructions as follows:

Defendants seek a construction that makes clear that the end user must have the ability to switch between the plurality of modes in the mode control. Plaintiff seeks a construction that would cover a system in which the end user has no ability to switch between modes.

RR, 35:12-16. The Court's construction is overly narrow. The specification states the "software makes all modes available simultaneously for selection and continues to monitor user activity for determining what actions to take when a hotspot is activated as shown in FIGS. 1A-1C." 7:63-67 (emphasis added). Also, the hot spots "support at least one of the modes provided by the function expandable menu bar and can support all modes if desired." 3:32-38. *See also*, 6:21-25 & MD-Slides 24 and 72-74 (emphasis added).

So, the specification describes supporting multiple modes that can indeed be active at the same time. All modes must in a sense be active, if a user can select or even alternate between modes. *See*, Defendants' Expert Depo. page 79:4-18. For example, in operation (and referring to MD-Slide 24), the ClickVideoShop software is in Shop Mode and Digital Locker Mode, while a user is watching the Avatar movie. The invention recognizes that a user has clicked or activated the Digital Locker Mode while watching the movie,

clicked or activated the Buy Now Button (*i.e.* Shop Mode), and automatically pauses the movie so the user can complete the purchase by allowing the user to drag the movie tile to their visual depiction of their digital locker (*i.e.* their shopping cart). *See* CCH, 21:10-25; 22:1-12; MD-Slide 14. Defendants' construction would require the user to download the movie to the hard drive of the device, and waste storage capacity and bandwidth (*see* MD-Slides 21 and 25). It would not allow the user to have the ability or option to add the movie to their cloud based Digital Locker, because modes would have to be *switched between*, (*i.e.* ending one mode to start another mode) and could not be layered to have multiple modes active at the same time.

The specification, and the construction of this claim term proposed by Plaintiff reflects this versatility in the software. A real-world analogy is a person having Microsoft Word, Excel, and PowerPoint all open on their computer *simultaneously*, enabling that person to seamlessly *select between* the application windows, without having to close one application to open another.

(iv) "hot spot/multi function hot spot"

The respective claim constructions are presented below:

Amended Joint Claim Construction Chart, pages 7	
Plaintiff's Construction	Defendants' Construction
a programmable hyperlink that performs one	programmable hyperlink that performs one of multiple

of multiple predetermined functions when selected	predetermined functions when selected by the user, depending on the current mode
---	--

The Court stated the difference between the parties' construction was that "Defendants request that this term be construed to also require that the selection be done "by the user, depending on the current mode:, and the Court agreed. RR, 26:6-12. Plaintiff agrees with the Court that the crux of the dispute is plaintiff's contention that the entity who selects the hot spot in Claim 1 does not have to be the "user" who selects the "specific mode." RR, 26:13-16.

Again, the Court's construction is overly narrow and limiting. The Court discounts and fails to consider all those portions of the specification that describe the programming of the hot spots by another user, which is the *programmer or developer*, for later use by a *viewing user*. 2:22-27; 3:65-4:12; 4:49-55; 4:59-63; 6:18-25; MD-Slides 11-12 & 71-73. *See*, claim 1 stating that *a mode* is selected by "*a user*" (9:55-56) (emphasis added), which means one or more in open-ended claiming. *See also*, claim 8, and Defendants' Expert Depo. page 79:4-18.

CONCLUSION

For the reasons set forth above, Plaintiff respectfully requests that the Court reconsider its finding of indefiniteness and its construction of the claim terms discussed *supra*.

Dated: November 9, 2020

App.124a

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- Founder, President & Chief Product Design Engineer of COOLTVNETWORK.COM, INC., & The COOL Tv™ family of products and Brand.
- Coded all touch-screen software interfaces that runs an entire industrial production plant - Methoxy Cellulose Plant, located at DOW Chemical Company in Louisiana.



US007162696B2

(12) United States Patent
Wakefield

(10) Patent No.: **US 7,162,696 B2**
(45) Date of Patent: **Jan. 9, 2007**

(54) **METHOD AND SYSTEM FOR CREATING, USING AND MODIFYING MULTIFUNCTIONAL WEBSITE HOT SPOTS**

(76) Inventor: **Franz Wakefield, 17731 NW, 14th Ct., Miami, FL (US) 33169**

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 409 days.

(21) Appl. No.: **09/877,729**

(22) Filed: **Jun. 8, 2001**

(65) **Prior Publication Data**
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Related U.S. Application Data

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(51) Int. Cl.
G06F 3/00 (2006.01)
G06F 9/00 (2006.01)
G06F 17/00 (2006.01)

(52) U.S. Cl. 715/716; 715/733; 715/722; 715/719

(58) **Field of Classification Search** 345/723, 345/726, 853; 370/401; 379/90.01, 93.07, 379/93.12, 93.14, 93.17; 704/240, 275; 705/26, 705/37; 707/3, 4, 5, 10, 104.1; 709/206, 709/218; 715/513

See application file for complete search history.

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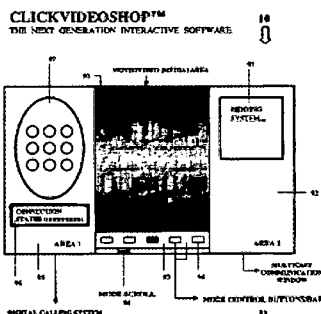
* cited by examiner

Primary Examiner—Krisine Kinenid
Assistant Examiner—Boris Pesin
(74) *Attorney, Agent, or Firm*—Franz Antonio Wakefield, Pro. Se.

(57) **ABSTRACT**

A method, apparatus and system for creating, using and modifying multifunctional website hot spots including software that identifies, programs and activates hot spots with a plurality of functions wherein the functions include a shopping mode for selecting and purchasing items on a website or in a video, a digital call mode for facilitating videoconferencing and telephone calls over a globally accessible network, a digital storage area for selecting, retrieving and playing selected digital media files, a bid mode that facilitates audio and video communication during multi-task communication interface for conducting an auction and/or accepting bids, an internet mode for communicating a user with a live streamed digital media file, a link mode for directly linking to pre-identified URI, addresses and an entertain mode for retrieving and activating digital media files, wherein the functions are selected based on user inputs or predetermined parameters and are activated by clicking a predetermined hot spot.

18 Claims, 9 Drawing Sheets





US009292158B2

(12) **United States Patent**
Wakefield

(10) Patent No.: **US 9,292,158 B2**
(45) Date of Patent: **Mar. 22, 2016**

(54) **METHOD, SYSTEM, APPARATUS, AND TANGIBLE PORTABLE INTERACTIVE ELECTRONIC DEVICE STORAGE MEDIUM THAT PROCESSES CUSTOM PROGRAMS AND DATA FOR A USER BY CREATING, DISPLAYING, STORING, MODIFYING, PERFORMING ADAPTIVE LEARNING ROUTINES, AND MULTITASKING; UTILIZING CASCADE WINDOWS ON AN ELECTRONIC SCREEN DISPLAY IN A MOBILE ELECTRONIC INTERACTIVE DEVICE GUI (GRAPHICAL USER INTERFACE) SYSTEM**

(71) Applicant: **Franz Antonio Wakefield, Miami, FL (US)**

(72) Inventor: **Franz Antonio Wakefield, Miami, FL (US)**

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 373 days.

(21) Appl. No.: **13/665,197**

(22) Filed: **Apr. 18, 2013**

(65) **Prior Publication Data**
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Related U.S. Application Data
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(51) **Int. Cl.**
G06F 17/10 (2006.01)
G06F 3/0481 (2013.01)
G06F 1/16 (2006.01)
G06F 3/0488 (2013.01)
H04N 21/422 (2011.01)

(52) **U.S. Cl.**
CPC G06F 3/0481 (2013.01); G06F 1/1626 (2013.01); G06F 3/04886 (2013.01); G06F 1203/04803 (2013.01); H04N 21/42204 (2013.01)

(58) **Field of Classification Search**
CPC G06F 3/0481
See application file for complete search history.

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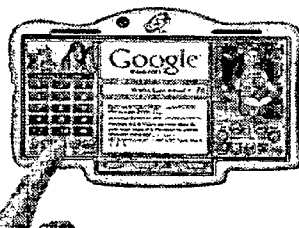
(57) **ABSTRACT**

The instant invention comprises an apparatus, system, method, and tangible interactive mobile device storage medium, for creating, displaying, storing, modifying, performing adaptive learning routines, and multitasking; utilizing Cascade Windows™ on a display in an interactive mobile device GUI (Graphical User Interface) system; where the Cascade Windows created and displayed by The Cascade Software™ Technology invention arranges the active interface of various mobile smartphone/device systems into adjustable dimension windows opened on the mobile device screen simultaneously so that multitasking is more efficient and effortless. This process and option of cascading various system and/or application windows simultaneously, creates a powerful tool for the user and a culminating technical effect that allows the user to go back in time, and view on the display various screen configurations ranked high in importance by the user and the machine, which occurred over a specific time interval in the past.

39 Claims, 89 Drawing Sheets
(17 of 89 Drawing Sheet(s) Filed in Color)

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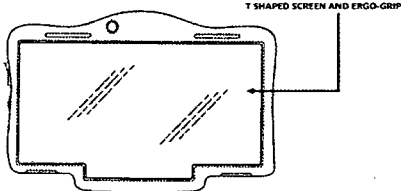




INTERNATIONAL REGISTRATION CERTIFICATE

The International Bureau of the World Intellectual Property Organization (WIPO) hereby certifies that the particulars given below correspond to the recording made in the International Register of Industrial Designs, at the date of the international registration, under the Hague Agreement Concerning the International Registration of Industrial Designs.

Registration number **DM/082 488**
 Date of the International registration **27.05.2013**
 Filing date **27.05.2013**
 Name and address of holder **FRANZ ANTONIO WAKEFIELD
 COOLTVNETWORK.COM, INC.
 17731 North West 14th Court,
 Miami, FL 33169 (United States of America)**
 Contracting Party of which the holder is a national **n/a**
 Contracting Party of which the holder has a domicile **European Union**
 Contracting Party of which the holder has an industrial or commercial establishment **n/a**
 Contracting Party in which the holder has a habitual residence **—**
 Applicant's Contracting Party **European Union**
 Name and address of creator of designs **Franz Antonio Wakefield, Cooltvnetwork.com, inc. 17731
 NorthWest 14th Court Miami, Florida 33169**
 Number of designs included in the international registration **2**
 Locarno Classification **Cl. 14-03**
 Indication of products **1.-2. Mobile smartphones.**
 Contracting Parties designated under the 1999 Act **African Intellectual property Organization (OAPI), Albania,
 Armenia, Azerbaijan, Bosnia and Herzegovina, Botswana, Egypt,
 European Union, Georgia, Germany, Iceland, Liechtenstein,
 Monaco, Mongolia, Montenegro, Namibia, Norway, Serbia,
 Singapore, Switzerland, Tunisia, Turkey, Ukraine**
 Date relating to priority under the Paris Convention **06.12.2012; 29/439,095; United States of America**





US00D831024S

(12) **United States Design Patent** (10) Patent No.: **US D831,024 S**
 Wakefield (45) Date of Patent: ** **Oct. 16, 2018**

(54) **ELECTRONIC DEVICE**

(71) Applicant: **Franz Antonio Wakefield, Miami, FL (US)**

(72) Inventor: **Franz Antonio Wakefield, Miami, FL (US)**

(***) Term: **14 Years**

(21) Appl. No.: **29/474,163**

(22) Filed: **Jun. 21, 2014**

(51) LOC (11) CL **14-02**

(52) U.S. CL **D14/341**

(58) Field of Classification Search

USPC **D14/341, 496, 138 AA, 138 R, 138 C,**

D14/383, 250, 218, 440; 345/173;

455/575.1

CPC **G06F 1/16**

See application file for complete search history.

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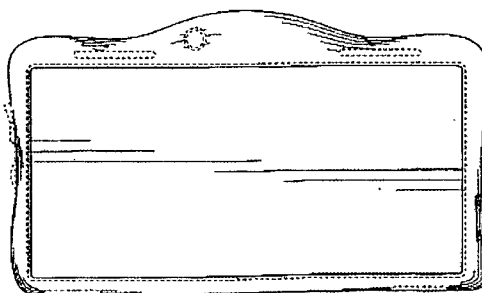
(57) **CLAIM**

The ornamental design for an electronic device, as shown and described.

DESCRIPTION

FIG. 1 is a front view of an electronic device showing my new design;
 FIG. 2 is a rear view thereof;
 FIG. 3 is a top view thereof;
 FIG. 4 is a bottom view thereof;
 FIG. 5 is a left side view thereof;
 FIG. 6 is another left side view thereof shown with the kickstand, in an open position;
 FIG. 7 is a right side view shown with the kickstand, in a closed position; and,
 FIG. 8 is another right side view thereof shown with the kickstand, in an open position.
 The broken lines shown in the drawings depict portions of the electronic device that form no part of the claimed design. The innermost solid line rectangular feature in FIG. 1 is coplanar with the protruding broken line rectangular feature surrounding it.

1 Claim, 4 Drawing Sheets



知識產權署外觀設計註冊處
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Intellectual Property Department



香港特別行政區政府
The Government of the Hong Kong
Special Administrative Region

外觀設計註冊證明書

《註冊外觀設計條例》(第 522 章)

CERTIFICATE OF REGISTRATION OF DESIGN

Registered Designs Ordinance (Chapter 522)

茲證明下述外觀設計之詳情於今日記入註冊紀錄冊:

I hereby certify that the design with the following particulars has been entered in the register today:

- [11] 註冊編號 Registration No.: 1300965.1M001
- [15] 註冊日期 Date of Registration: 08.06.2013
- [30] 聲稱享有的優先權 (提交日期 / 巴黎公約國或世界貿易組織成員 / 申請編號)
Priority Claimed (Filing Date / Paris Convention Country or WTO Member /
Application No.):
27.05.2013 / AL, AM, AZ, BA, BW, CH, EG, EM, GE, IS, LI, MC, ME, MN, NA, NO,
RS, SG, TN, TR, UA / 740100301
- [51] 洛迦諾分類號 Locarno Classification No.: Cl. 14 - 03
- [54] 物品 Article (s):
智能手機 Smartphone
- [55] 外觀設計的表述 Representation of the Design:
見後附表 See attached representation(s)
- [57] 新穎性陳述 Statement of Novelty:
表述以實線所顯示的物品的式樣、裝飾、形狀或構形是聲稱具有新穎性的外觀設計特色。
The features of the design for which novelty is claimed are the pattern, ornament,
shape or configuration of the article as shown in solid lines in the representations.
- [73] 註冊擁有人姓名/名稱及地址 Name and Address of Registered Owner:
WAKEFIELD, Franz Antonio
COOLTVNETWORK.COM, INC., 17731 Northwest 14th Court, Miami, Florida,
33169, UNITED STATES



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发明创造名称: 智能手机

办理登记手续通知书

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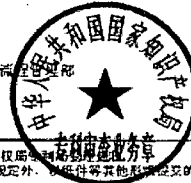
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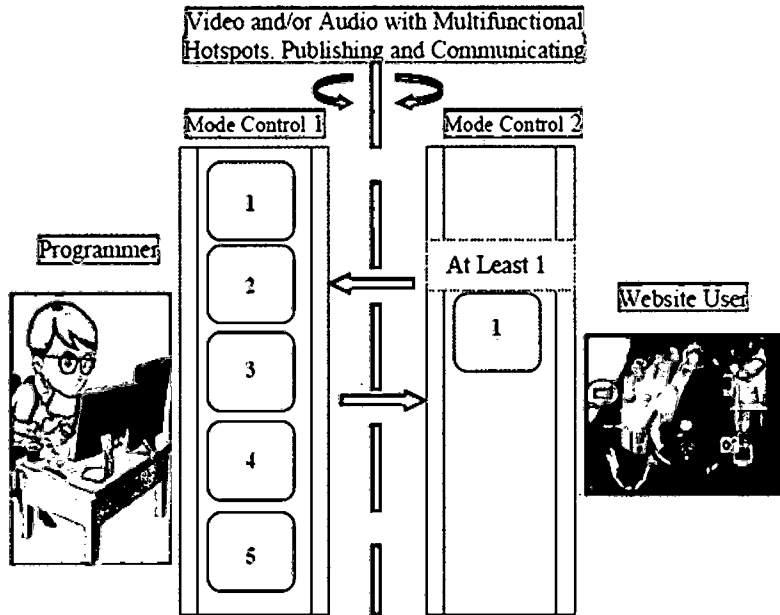
联系电话: 62358655



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The ClickVideoShop™ Patent Describes Web Based Software & An All Touchscreen Smartphone Device



The instant invention requires, but is not limited to, at least one tag in the data file, and at least one of the above noted steps should be specified for defining the “hot spot’s” functionality, as defined through the mode control bar 93. In accordance with the teachings of the instant invention, a “hot spot” can be programmed with more than one definition or functionality, and the mode control bar can be expanded to an indefinite number of mode control features and buttons. See. '696 Patent 6:18-25

- ❖ **WEB BASED:** Advertisers Program Multifunctional Hotspots on a Desktop PC with The Hotspot Engine™

Pioneering Nature of The ClickVideoShop™ Technology – The “Hot Spot Editor”

- ❖ One Design Embodiment used by Advertisers to Program the Hot spots for a Viewer User:

Programming The Hot spot area in the Video Frame

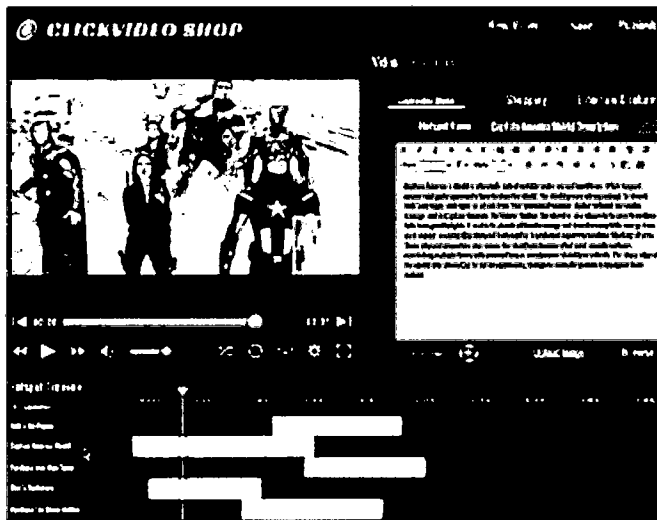
See. '696 Patent 1:48-52;
2:22-27; 3:66-67; 4:1-12;
4:49-55; 4:59-63; 6:18-25;
and 9:15-36



Mode Control

Programming The Hot Spots Toggle Time

Pioneering Nature of The ClickVideoShop™ Technology and The '696 Patent



Published with "Shop Now" Hotspot/Mode Button in the Video Frame

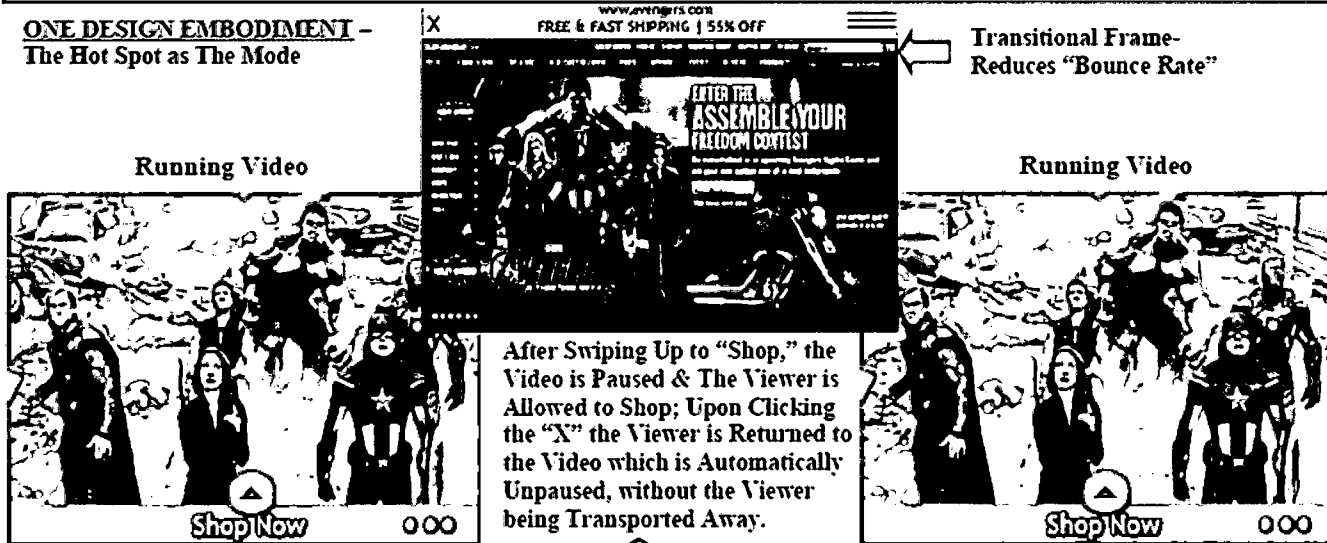


Shop Mode Hot spot i.e., Call-to-Action

The '696 Patent applies "in-frame" technology that reduces viewer bounce-rate. See, '696 Patent 3:2-3; 5:2-7; 5:44-47; 6:18-25; 7:23-31; and 8:14-17

Pioneering Nature of The ClickVideoShop™ Technology & The '696 Patent

**ONE DESIGN EMBODIMENT -
The Hot Spot as The Mode**



Transitional Frame-
Reduces "Bounce Rate"

Running Video

Running Video

After Swiping Up to "Shop," the Video is Paused & The Viewer is Allowed to Shop; Upon Clicking the "X" the Viewer is Returned to the Video which is Automatically Unpaused, without the Viewer being Transported Away.

"In-frame" Hot spot Technology

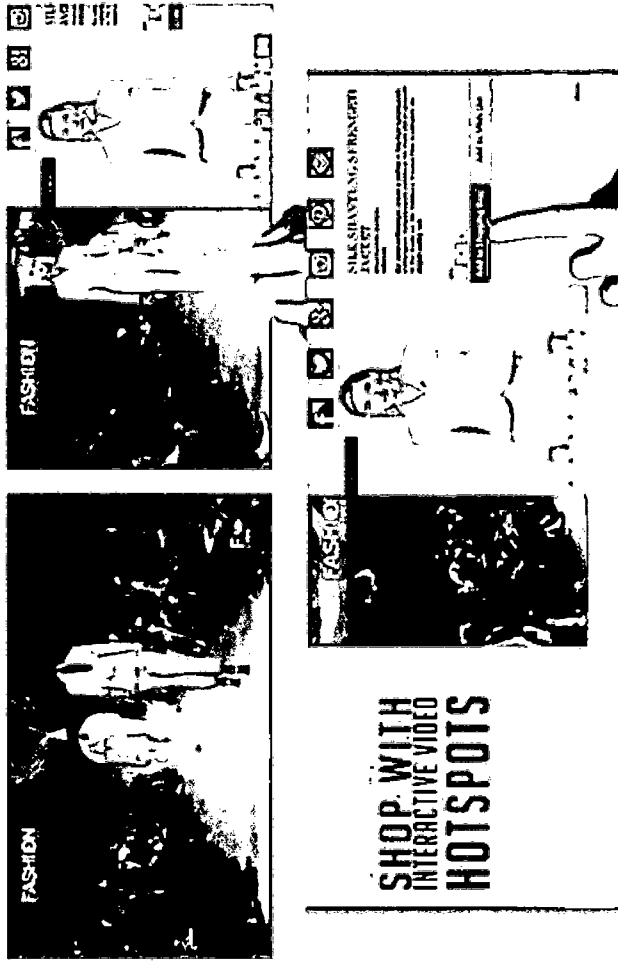
"In-frame" Hot spot Technology

The '696 Patent applies "in-frame" technology that reduces viewer bounce-rate. See. '696 Patent 3:2-3; 5:2-7; 5:44-47; 6:18-25; 7:23-31; and 8:14-17

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Pioneering Nature of The ClickVideoShop™ Technology & The '696 Patent

ALTERNATIVE DESIGN EMBODIMENT – The Hot Spot as an Object



See.
<https://www.youtube.com/watch?v=ApPQ-k8hYu4>

Pioneering Nature of The ClickVideoShop™ Technology & The '696 Patent

ALTERNATIVE DESIGN EMBODIMENT - The Hot Spot as an Object



**In This Embodiment
The Mode Control Is
Distinct from The Hot
spot Object**

**REDUCTION TO PRACTICE, COOLTV,
FRANZ WAKEFIELD AFFIDAVIT TO USPTO,
EXCERPTS**

. . . establishes invention of the claimed subject matter prior to the effective date of the Horowitz reference (U.S. Patent 6,122,647 issued on September 19, 2000 and filed May 19, 1998) and prior to the Efrat Patent 6,570,587 B1 with provisional application filed on July 26, 1996 (issued on May 27, 2003 and filed June 25, 1997). *SEE* Tab 4 (APP3 & REC1-2 pgs. 1-2) Claims (1-20) are pending in this application. Claims 1 and 20 are independent claims. In the amendment filed 6/21/2004, claims 8 and 9 were amended.

That:

I am Franz A. Wakefield, INVENTOR, AND I HAVE a Bachelor of Science Degree in CHEMICAL ENGINEERING from THE UNIVERSITY OF FLORIDA, a Minor in BUSINESS ADMINISTRATION, and I am The Winner of The 1989 CONGRESSIONAL ART COMPETITION. *SEE* Tab 7 (APP6 & REC2 pgs. 1-3), *SEE* Tab 6 (APP6 & REC1 pg. 1)

That:

I am the President & Chief Product Design Engineer of COOLTVNETWORK.COM™ INC. a software and broadcasting company founded on September 22, 1999 focused on Internet Commerce, Audio, and Video Entertainment. *SEE* Tab 9 (APP6 & REC3 pgs. 1-2)

I. ClickVideoShop™ INVENTION HISTORY

That:

- **Conception and Reduction to Practice is Simultaneous:**

See Tab 1(APP0 & REC1 pgs.1-2); *SEE* Tab 2 (APP1 & Rec 1—Rec6); *SEE* Tab 3(APP2 & Rec 1— Rec6); *SEE* TDC3000x Tab (APP5 & REC1); *SEE* Tab 6(APP6 & REC1); *SEE* Tab 7(APP6 & REC2); *SEE* Tab 9(APP7 & REC1); *SEE* Tab 10(APP8 & REC1—REC3); *SEE* Tab 11 (APP9 & REC1); *SEE* Tab 12 (APP10 & REC1); AND *SEE* Tab 13(APP12 & REC1)

Because of the ease of interfacing the properties of The Custom-Code written onto The Internet—“The Invention”; (“The Invention”—The Custom-Code written, that translates into (1.) color cued “video objects” which utilizes a data stream which is a part of animations within graphical schematics, that act as links to information or functionalities i.e. “Hotspots,” (2.) that the animated objects i.e. “video objects” actually worked as touch-screen links for accessing additional information and functionalities in a networked system.) It is apparent to someone skilled in the art that JAVA can be effectively used to make the transition of “The Invention” onto The Internet, a Globally Accessible Network. *SEE Kendall v. Searles*, 173 F.2d 986, 993, 81 USPQ 363, 369 (CCPA 1949) This Custom-Code was not and is not in public Dow use.

- See Tab 12(APP10 & REC1 pg.2); “Not in Public Dow Use”

“The Dow Chemical Company is a global science and technology based company that develops and manufactures a portfolio of chemical, plastic, and agricultural products and services for customers in 168 countries around the world . . . The company

Reduction to Practice—Internet Prototype Utilizing JAVA

On or about October 20, 1999, Stephen A. Benedict, an independent contractor & future CTO of COOLTVNETWORK.COM™, Inc. created a JAVA Proof of Concept (i.e. Prototype) and verified INTERNET feasibility of The ClickVideoShop™ software (CVSSW™). SEE Tab3(APP2 & REC1 pgs. 1-5); SEE Tab3(APP2 & REC2 pgs. 1-2) On February 18, 2000 I, Inventor, filed a “Disclosure Document Deposit. . .” of the title of the software invention (CLICKVIDEOSHOP™) and paid the fee pursuant to (37 CFR 1.21(c)). SEE Tab 5 (APP13 & REC1 pgs. 1-2) I decided not to send a detailed description (written description and drawings) of the invention with the “Disclosure Document Deposit Request,” so that I could maintain the highest confidentiality.

Reduction to Practice—Constructive/Filing Applications

Consequently on June 8, 2000 the provisional patent application was filed with the USPTO, followed by the filing of the Utility Patent Application,

and the PCT (International) Application on June 8, 2001 with the USPTO and the PCT office respectively.

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See "DILIGENCE" Tab & Tab18 (APP16 & REC4 pg. 12)

o COOLTVNETWORK.COM™ business Plan

"Video

COOLTVNetwork.com™ realizes that the bandwidth bottleneck will be opened, and there will be a convergence of television and computer. "I don't think a lot of people on the consumer level know how much change is about to hit them, especially when it comes to Tv viewing."—David Ostmo, director of operations for KABB-TV (Warner Bros. Affiliate.) By 2006, television as we know it will change forever. That year is the deadline set by the U.S. Federal Communications Commission (FCC) for all television stations nationwide to switch over to a new digital broadcasting technology. COOLTVNetwork.com™ is strategically entering the audio/video and e-tailing market, focusing on music, sports, cartoons, and commercials to build a stable of brand capital and a Royal consumer following. COOLTVNetwork.com™ will actively build a consumer base within the bandwidth limitations, to effectively position itself for the evolution of Internet technology, and the eminent movie on demand market. COOLTVNetwork.com™ at every stage will perpetuate the quintessence of 'eCOOL!™' combining interactivity, technology, e-tailing, and entertainment to provide the Net's most reliable audio/video with retail experience.

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COOLTVNetwork.com™ will use the convergence of audio, video, and retailing to engage consumers psychologically on a more profound level than most websites. The company will create, for the consumer, an 'eCOOL!™' Internet City, which will be a virtual entertainment & retailing toy-box filled with an exhaustive repertoire of audio and interactive video. With 'Post It Corners™,' 'Forum Lounges,' 'CLICK VideoShopping™,' And 'Video Time Capsules™' of favorite artists and athletes, COOLTVNetwork™ will embody the essence of eCOOL!™"

See "CT v Tech." Tab & Tab22 (APP18 & REC3 pg. 8), "Converging Technology, Forecast Correct"

"Samsung Puts Hard Drive in a Mobile [Phone]

September 07, 2004, 09:35 BST

The 'world's first' mobile phone with a built-in hard drive has been unveiled. Would it push the iPod out of your pocket?

The convergence of mobile phones and other portable Devices shuffled another step forward on Monday when Samsung launched a handset that contained a 1.5 GB hard drive with a one-inch diameter.

Samsung has claimed that the SPH-V5400, which was launched in Japan, is the first mobile phone to include a hard drive. Users will be able to store a wide range of different media types on it, including digital music files and photos . . . etc"

See "CTv Tech." Tab & Tab22(APP18 & REC3 pg. 2),

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“Video Coming to Mobile Phones 6/28/04
12:15 PM PT

In the United States, video messaging got started in March 2003 with T-Mobile. The company now offers Two phones capable of shooting 10-second video clips . . .

‘In the future, everybody will be famous for 15 minutes,’ goes the legendary quote from 1960s artist and self-promoter Andy Warhol . . .

and See “CTv Tech.” Tab & Tab22 (APP18 & REC4 pg. 2, para. 2)

“Vodafone introduces Vodafone live!TM enhanced with 3G in Europe

[May 4,2004]

. . . Vodafone live!TM, the industry-leading, multi-media consumer service, will be enhanced by 3G technology in a series of phases. This will bring consumers improved quality, sound, pictures and videos, as well as increased speed when downloading games and ringtones. They will also be able to access a select range of new services such as video calling, video downloads (sports, news, music and general entertainment) and the streaming of live events to their handset, as well as existing services such as video messaging . . .

See “CTv Tech.” Tab & Tab22(APP & REC # pg.)

“A mini cinema in your pocket: more video clip fun from Vodafone

[January 9, 2004]

The popularity of the mobile phone as a 'pocket cinema' is growing by leaps and bounds, with more and more people using their handsets to find out the latest soccer scores, to keep up to date with news from all over the world, or simply to enjoy a cartoon film . . . ”

See “CTv Tech” Tab & Tab20 (APP18 & REC1 pgs. 1-6)
“CTv Presentation Text 1999-2001”

That:

I understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon. All statements made in this declaration are of my own knowledge and are true and believed to be true. Pursuant to the facts that accompany and form a part of this AFFIDAVIT, The 1999 American Inventors Protection Act, 37 CFR 1.131, 1.132, and MPEP 2136.05, Applicant/Inventor respectfully requests the approval of swearing behind the relevant prior art referenced in the Detailed Office Action and the traversing of the rejections/objections (102(e) and 103(a)) of the claims in the 09/877,729 application; in order that the undersigned can place this application in allowable . . .

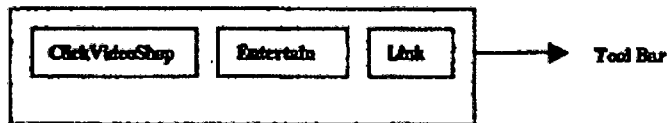
**WAKEFIELD LETTER DESCRIBING
COOLTV BUSINESS CONCEPT,
EXCERPTS
(JANUARY 31, 2000)**

Saliwanchik, Lloyd, & Saliwanchik
2421 N.W. 41st Street Suite A-1
Gainesville, Florida 32606-6669

Christine,

The information included in this package should bring you up to speed on my business concept and the cutting edge technology, I believe will revolutionize today's Internet culture. Although there may be other entities that may have approached the concept, I believe the idea of placing the video in various modes while simultaneously using the video objects as hyperlinks is our differentiating factor.

Ex: (Running Video)



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The technology will be made to work on different platforms (Linux, Windows, Macintosh, etc . . .) to maximize the site's user population and interaction. Christine, I believe that the idea is a gold mine, and We should take all the necessary steps to move fast while being thorough. Please let me know what I can do to make your job easier.

Best Regards

/s/ Franz A. Wakefield
President & CEO
COOLTVNetwork.com
Internet Audio & Video
Entertainment

1.2 Mission

COOLTVNetwork.com will aggregate entertainment sources (music, sports, cartoons and commercials) to offer a variety of self-contained, yet complementary entertainment portals. COOLTVNetwork.com will appeal to a diverse cross-section of potential users. With its proprietary viewing software, users will "ClickVideoShop" @ COOLTVNetwork.com and experience revolutionary interactive entertainment and a unique kind of virtual shopping.

The overall positioning of the site is embodied in the appeal of being 'eCOOL!' Whether it's youths or adults, users will associate COOLTVNetwork.com with being involved in the most cutting-edge entertainment experience available; sports, music, cartoons, commercials, and ultimately movies and other audio/video options win position our site as the most complete, convenient and customizable source for entertainment. The balance between the old and the new will create both nostalgia and excitement for site visitors. The past, present and future of 'eCOOL!' will be available at the click of a button. And, it can be viewed using the latest in video browser technology, highlighting the experience for the consumer and offering marketing opportunities for the retailer.

The sites' diverse and comprehensive archive of entertainment options, from music to sports, will create the 'stickiest' virtual entertainment site on the Internet. Just a click away, "Hot Spots" attached to objects in the video files will incapsulate users in the euphoria of the video moment. CLICKVideoShopping will create the long sought after Buchanan moment on the Internet. This 'seducible' moment, will entice consumers to purchase video objects, link to other

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videos, or connect to the manufacturer's website. With the attraction of superior proprietary technology, traditional local marketing, customized consumer specific target marketing, and expanding/promoting according to the particular tastes of our users, COOLTV Network.com will develop a trusted, quality, and personalized entertainment source, for a worldwide audience.

COOLTVNetwork.com will evolve into the Internet's first ClickVideoBay filled with fully interactive entertainment ClickVideoShops. The network will become a personalized kaleidoscope of its customers favorite blend of the old with the new. An archive of video content will hark of the days when your favorite athlete captured your imagination, when your favorite performer inspired your creativity, or when you first heard the catchy slogan that became the buzz of your generation. Interaction with cutting-edge artists, memorable live entertainment events, and local involvement such as music videos and homemade commercials will also populate COOLTVNetwork.com. COOLTVNetwork.com will be a site the whole family can enjoy. While adults enjoy music and sports and other video entertainment, the next generation of Cool kids will begin with cartoons on the COOL Cartoons network. Customers will enjoy the value-added aspects of technology appeal, input recognition and personalized attention. They will experience a proverbial cyberspace playground, featuring provocative and eclectic content in a friendly environment.

COOLTVNetwork.com will utilize its competitive advantages to become one of the most respected names in the entertainment industry and will effectively appeal to many different Internet user segments.

Besides the audience of consumers, COOLTVNetwork.com will offer significant benefits to corporate clients. Capturing this important segment of users will allow COOLTVNetwork to evolve into a centralized resource for entertainment, marketing, retailing, research, and artist interaction. COOLTVNetwork.com will emerge as the materialization of an industry leader which embodies the future of the video production, delivery and distribution industry.

With a never-ending enthusiasm for their global audio and video community, artists, promoters and users alike will fuel the creative Mecca known as COOLTVNetwork.com. The content and environment of COOLTVNetwork.com will be shaped by the creativity of all of the participators. In this respect, traditional corporate policies will not be applicable; the power will remain in the hands of all of the creators. The vibrancy and excitement of the entertainment industry will create a culture that engages and entertains. The network will be an extension of the richness of each portal. It will be a canvas for a global community of users to decorate.

3.0 Products and Services

COOLTVNetwork.com's longterm vision will be encapsulated in being pioneers of net-interactivity, entertainment, CLICKVideoShopping, & becoming the industry leader for audio- and video-entertainment needs. Our company has positioned itself to transcend these basic corporate strategies across various entertainment categories (Sports, Music, Entertaining Commercials, & Cartoons/VideoGames).

Our corporate formula is equal to four entertainment sites under the COOLTVNetwork. Each

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exemplifying cutting-edge technology, net-interactivity, customizable entertainment, & CLICKVideoShopping.

**Products (COOLPlaysoftheDay.com/
Sports Center)**

- Sports Equipment
- Sports Wear
- Footwear
- Memrobilia
- “iBOONKA!” the web accessible “iToy”
- BOONKA! Wear

Products (COOLMusicVideos.com)

- CD's
- Urban & Contemporary clothing
- Cosmetics
- Footwear
- “iBOONKA!” the web accessible “iToy”
- BOONKA! Wear

Products (COOLCommercials.com)

- Consumables
- “iBOONKA!” the web accessible “iToy”
- BOONKA! Wear
- Memrobilia

Products (COOLCartoons.com)

- Toys
- “iBOONKA!” the web accessible “iToy”
- BOONKA! Wear
- Video Games
- Educational Tools
- Memrobilia

Services Related to Site Genre

- Interactive Entertainment Video Archive (with CLICKVideoShopping)
- Membership (“Digital Lockers”) with customized entertainment
- Live & Looped interviews with local, national, & international artists, athletes, and celebrities
- Home Talent contests @ in the “Post-It-Corner”
- Entertaining Video Biographies (video footage of career growth) of artists, athletes, celebrities, company or product lines
- “Now-&-Then” entertainment news
- “Video Time Capsules” of our favorite moments with athletes, performers, and commentators of our time
- Interactive Games
- “ClickVideoAuctions” in Fan-club arenas
- Talk Back! in the “Critique Corner”
- Consumer & Market Research

3.1 Product and Service Description

Products

Through our patented CLICKVideoShopping technology, COOLTVNetwork.com will sell a collage of brand name products like Nike, FUBU, Polo, Spalding, Lorel, Karl Kani, Nautica, Arista Records, Pro Player, eToys, Wilson, and eBay. Delivering to a long waited digital community, the Net’s 1st, customizable entertainment, with e-tailing experience.

Services

- Digital Lockers—allows members to search the interactive entertainment database for their favorite selections and save them in their own personalized and private digital space. Users can chose to store & organize video entertainment, entertainment news past & present, and personal notes.
- Video Time Capsules—offers users special video compilations of their favorite era in time.
- Video Biographies—offers users special video compilations of their favorite athletes, artists, and entertainers.
- Post-It-Corners—gives users, with aspirations to be in the entertainment industry, the creative outlet to “Post-It!” (music singles, video scenes from aspiring Big Screen movie makers, & Video Biographies from hopeful supermodels). This service will provide the global community with a grab-bag of quality, filtered, and a vivid source for entertainment.
- Now-&-Then Entertainment News—gives users a searchable database of video footage, and text information that documents entertainment news of the past and present. This service will span a variety of entertainment categories under the COOLTVNetwork, focusing on the event and the relevant artist, athletes, and entertainers.
- CLICKVideoShopping—presents proprietary CLICKVideo technology to net-surfers and allows them to place the actual video files in Entertain, CLICKVideoShop, or Link mode.

These particular modes will allow the user to click on video objects, open other relative videos (Video Biographies, Prospective athlete footage, Video Tune Capsules, etc.), add objects to a digital shopping cart, or link to the object's manufacturer website.

- Talk Back!—gives consumers the opportunity to voice their opinion in the “critique Corner.” This service will be a useful resource to many fronts; whether it be utilizing the authentic criticism to effectively tailor our site to our consumers, or allocating the comments as a resource for market research & consumer analysis. This service will provide the necessary feedback for a consumer conscious evolving website.

3.2 Competitive Comparison

COOLTVNetwork has laid its' foundation on a unique set of entertainment services that offers consumers purchasing power in three distinct markets e-tailing, audio and customizable video, and artist representation. While there are other Internet entertainment companies, none produces or presents products and services in a centralized network of versatile and engaging content. With our proprietary software we make CLICKVideoShopping possible, net-interactivity, and “Pop-up Video.” We create a digital backbone of audio & video entertainment that facilitates local, national, and international users to create their own customized entertainment content in ‘Digital Lockers.’

COOLTVNetwork will appeal to all users regardless of geography, age, gender, or race. The idea of

being 'eCOOL' is limitless and appealing to all! COOL TvNetwork will signify more than just audio/video streaming; instead, it will be the very essence of entertainment! Individuals will respond to both the completeness and familiarity of the site, the evolution of which they contribute to on a continuing basis.

The nature of encouraging the digital community to participate in the evolution of COOLTvNetwork lies in the recognition that the possibilities are limitless, bounded only by the imagination of the global community. We cannot hope to foresee all of the wonderful and exciting opportunities that will arise as a matter of course in developing the COOL-TvNetwork, but our Network will flourish from creating a canvas for the world to paint.

3.4 Sourcing

COOLTvNetwork has made key contacts to acquire the video files, which will be securely housed in our database farm. These contacts penetrate local and national arenas in sports, music, commercials, and cartoons.

CLICKVideoShopping will be available to surfers engaging in the sites' archive of video entertainment. The products sold through ClickVideo Shopping will be obtained directly from each products respective manufacturer. This pioneering technology will enhance manufacturers sales exponentially by adding the element of spontaneity to Internet purchases. COOL TvNetwork will benefit by receiving a margin for generating the sale.

Picture surfing @ COOLPlaysoftheDay.com, and reminiscing on game 6 of the Chicago Bulls vs. Utah

Jazz play-off. With Chicago trailing by three points, Michael Jordan scores on a drive, strips the ball from Kart Malone, and buries the game-winning shot with 5.2 seconds to go. What if you had the opportunity to click on the Nike or Chicago Bulls logo, pause the video, and link to their respective websites, or click on Michael Jordan's sneakers, and add it to your digital shopping cart, while caught in the awe of The Legend himself. COOLTVNetwork.com will give corporate clients this interactive advertising and marketing edge; an edge that will provide deeper consumer psychological tagging, and more profound product recognition. It will provide the long sought after Buchanan moment, a seducible moment, for consumers with Internet.

3.5 Technology

COOLTVNetwork has dedicated its efforts and resources to creatively pushing the envelope of technology. Our team has partnered with Exodus Communications, a premier Managed Monitoring Service provider, to obtain cutting edge bandwidth capabilities, hardware, and real-time monitoring.

Our progressive company has meshed innovative ideas with products, services, and marketing phrases that will distinguish COOLTVNetwork.com from its competition. We are in the process of acquiring trademarks on our products along with the corresponding patents.

Our products & services will make entertainment interactive, centralized, customizable, and on demand. The COOLTVNetwork team is continually generating ideas that will keep us ahead of any spin-off companies that may try to imitate us.

3.6 Future Products and Services

Our team is constantly re-inventing itself. By remembering at every stage that the power belongs to the consumer, we plan on developing a trusted, quality, and personalized entertainment source.

Our team is poised and positioned to bring “iBOONKA!” the web accessible companion and BOONKA! Wear (Children’s Sports & Apparel) to children (infants - 10yrs) nationwide, by September 2000.

“iBOONKA!” the information companion (“iCompanion”) will usher children into the digital revolution, providing the capacity to download cartoons, games, and interactive educational tools to a mobile “iToy,” the next generation in children’s entertainment.

In October 2000 COOLTVNetwork will use a unique way of multicasting video with conference rooms, and one-of-a-kind purchase and categorical templates, to tap the lucrative B2B market using interactive video files. It will be the birth of the Internet’s first “ClickVideoBay,” the next generation in Internet auctions.

With the president of the United States of America, addressing the nation about “The Digital Divide,” and his firm commission of implementing new policies to increase the exposure of all schools, consumers, and citizens to the Internet,—CNN Headline News (Dec. 9, 1999)—it is eminent that we will be entrenched in & digital society. What we are seeing is the beginning of an explosive exponential growth of an era of global inter-connectivity and technology that will usher us (humans) into the sci-fi millennium we envisioned years before.

4.0 Market Analysis Summary

e-tailing

With the Internet population at 110 million, and 41% of Americans having Internet access from home or office, it will be important for e-businesses to grasp the opportunity of retail via the Internet. Ernst & Young estimates that 9 million households in the U.S. will shop on-line this year, up from 4.5 million in 1997. Forrester Research Inc. of Cambridge, Mass., reported that by 2003, 40 million U.S. households will buy online, growing web revenues to 108 billion. COOLTVNetwork.com will harness the element of video entertainment to tap into this lucrative embryonic Internet retail market. Gen-X surfers will ClickVideoShop @ COOLMusicVideos.com, while Baby Boom surfers ClickVideoShop @ COOLCommercials.com and CoolSportsCenter.com. Surfers will be able to purchase clothing, hardware, footwear, Cd's, cosmetics, sporting goods... etc, while being emotionally enthralled in the video moment. COOLTVNetwork.com fully understands the ramifications of it being "The Year 2000," and that trips to the local department store, grocery store, or neighborhood music outlet are frankly, becoming more passe'. With the changes in business and technology it will be important for businesses to "Get eCOOL!" With the average household receiving 3 to 4 monthly bills online, by the end of 1999, and 15 million U.S. households receiving their bills online by 2002, COOLTVNetwork.com will be poised @ entering Internet e-Commerce through the varying facets of entertainment. Every business decision will oscillate around engendering change, thinking "eCOOL!" and continually evolving.

Audio

COOLTVNetwork.com will enter the audio market through its sub affiliate COOLMusicVideos.com. The site will showcase a collage of local and national talent in every genre of music. From CLICKVideoShopping, to music video archives, to live streamed performances, and relative entertainment news, COOLMusicVideos.com will be @ the pulse of the digital revolution. With alternative Internet music stations, like 3WK, boasting 500,000 listeners a month, with more tuning in daily and on-line music sales increasing to \$1.6 billion by 2002 (7.5% of the overall music market), COOLTVNetwork will position itself as the 'Coolest' alternative to the 'Brick and Mortar' establishments of the old. The company will merge old ways of business with cutting edge technology, becoming one of the Internet's 1st 'Clicks & Mortar' establishment. Surfers will have the opportunity to purchase Cd's, Urban and Contemporary clothing, cosmetics, and footwear while being entertained by secured streamed music and music videos from local and national talent. Just as MP3.com's website saw 9 million downloads of more than 56,000 songs—an astounding number, given that the vast majority are from unsigned acts, so shall COOLMusicVideos.com position itself as the liaison between local and national talent and music lovers worldwide. Our team pledges to nullify corporate barriers of old business ways, and provide a bridge for genuine talent to effectively enter the marketplace.

Video

Video is undoubtedly the last phase in the evolution of multimedia entertainment via the Internet.

Although the limiting factor is the available bandwidth, codecs are astutely deciphering the bandwidth puzzle. "As cable modems and DSL connections become common place, fiber crosses the last mile, and codecs get more advanced, downloading music videos, Tv Shows, and even feature films will be apart of our everyday Net experience. We'll use the word 'download' as readily as we say 'catch' a movie or 'pop' in a Cd. MP3 is merely the opening act."—Wired Aug. 1999. COOLTVNetwork.com realizes that the bandwidth bottleneck will be opened, and there will be a convergence of television and computer. "I don't think a lot of people on the consumer level know how much change is about to hit them, especially when it comes to Tv viewing."—David Ostmo, director of operations for KABB-TV (Warner Bros. Affiliate.) By 2006, television as we know it will change forever. That year is the deadline set by the U.S. Federal Communications Commission (FCC) for all television stations nationwide to switch over to a new digital broadcasting technology. COOLTVNetwork.com is strategically entering the audio/video and e-tailing market, focusing on music, sports, cartoons, and commercials to build a stable of brand capital and a loyal consumer following. COOLTVNetwork.com will actively build a consumer base within the bandwidth limitations, to effectively position itself for the evolution of Internet technology, and the eminent movie on demand market. COOLTVNetwork.com at every stage will perpetuate the quintessence of 'eCOOL!' combining interactivity, technology, e-tailing, and entertainment to provide the Net's most reliable audio/video with retail experience.

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COOLTVNetwork.com will use the convergence of audio, video, and retailing to engage consumers psychologically on a more profound level than most websites. The company will create, for the consumer, an 'eCOOL!' Internet City, which will be a virtual entertainment & retailing toy-box filled with an exhaustive repertoire of audio and interactive video. With "Post It Corners," "Forum Lounges," "CLICK VideoShopping," And "Video Tune Capsules" of favorite artists and athletes, COOLTVNetwork will embody the essence of 'eCOOL!'

Corporate Clients

COOLTVNetwork.com will generate revenue from three lucrative streams of users corporate clients, consumers, and artists. Corporate clients will benefit from a wealth of critical consumer information like consumer analysis databases, target market evaluation, demographics, consumer feedback, and positive corporate imaging. The COOLTVNetwork will offer an interactive marketing/advertising tool through Click-Video technology, that gives corporations a standardized and effective method for tracking "click-through" rates (an effective alternative to banner advertisements).

Users/Artists

COOLTVNetwork.com will serve its users by offering a worldwide site that will inform and entertain consumers in a real-time interactive environment, twenty-four hours a day, seven days a week. It will provide customers with a primary, centralized location to view all facets of entertainment. COOLTVNetwork.com will present all relevant content in a fully

personalized and further customizable manner. Ultimately, a personalized entertainment environment and numerous customizable products will evolve to increase the value of the entertainment purchase. The COOL-TvNetwork will be an alliance or virtual symbiotic network between management, users/consumers, and corporate clients. As a team, we will strive to perpetuate the aura of community and effective customer service; incorporating permission-based value added services as email notices & updates, 'Digital Lockers,' tangibles-magazines/newsletters, and people based customer service lines.

"While many companies are just starting to understand the power and potential of the Internet for marketing and advertising. Trans Continental is entering 'their' fourth year of online promotions of its artists." Pearlman (CEO) says "Our websites have provided us with a powerful way to broaden awareness for all of our artists on a cost-effective basis."—Orlando Business Journal. Trans Continental does media, public relations and promotions for recording artists via the Internet. COOLTVNetwork.com will also assist local, national, and international artists in gaining exposure in the recording industry and amateur movie production market. The COOLTVNetwork will be the liaison between amateur talent and the global market place, finding aspiring talent in the music and video production arenas through filtered "Post It Corners," and Video & Audio contests. The company will provide amateur artists, like those who created the Blair Witch Project, with marketing (streamed headline video spots, & artist of the week sponsorship. . .), track sales, and merchandising. Users will be able to sample the creative melting-pot of local,

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national, and international talent through 'Video Biographies,' 'Video Time Capsules of favorite artist, streamed artist interviews, sound samples, and the net-purchase of new releases. With the digital revolution on the rise, COOLtvNetwork.com will give users the opportunity to carve out their own customized and personal digital playground. Through 'Digital Lockers,' 'CLICKVideoShopping.' and 'Thinking eCOOL!', users will have the opportunity to "Get Digi!" @ COOLtvNetwork.com, The Internet's Audio /Video Solution; "Just a Click Away."

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**INVENTION SUMMARY,
EXCERPTS
(APRIL 11, 2000)**

April 11, 2000

COOLTVNetwork.com
17731 N.W. 14th CT
Miami, Florida 33169

INVENTION SUMMARY

With The Internet Generation on the rise, and the explosion of the bandwidth bottleneck in a microwave society, it will be essential for the entertainment industry to add breadth and width to tomorrow's entertainment venues. In this "New Wave" where digital information superhighways are paved directly into consumers homes, offices, and everyday lives, it becomes crucial to map an entertainment network that gives control to the consumer by adding interactivity to the scope of "The Old Way of Doing Things." COOLTVNetwork.com has pushed the envelope in this arena to become the first entertainment network to provide CLICKVideoShopping™ and the Internet's first CLICKVideoBay™.

What we propose, is a new method of doing business across networks (Intranets & Internets) which will be founded on the concept of using the location of digital symbols, and objects as hyperlinks in an audio/video source in collaboration with a mode control bar, and multicast windows to perpetuate business to business, business to consumer, and consumer to consumer markets.

The invention uses an audio/video source as a conduit to provide on demand access to secondary and

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related information. It is designed so it can be experienced on any computing platform. The invention uses a control bar in conjunction with "hot spots" or regions in the video playback area delineated by outlines, shading, or illumination as visual cues to alert the user that clicking (initiating) within the "hot spot" gives them access to additional information or functionalities. Hyperlinks are not embedded in the audio/video data, like they are in text and picture data. To do so would require re-editing the audio/video data to superimpose the various "hot spots" onto the desired locations. The invention allows the video file to contain as many "hot spot" definitions as deemed necessary. The information to define a "hot spot" which includes its location (x, y coordinates) within the video playback area, the additional information it references, its begin and end activation time, and added functionalities are specified in a data file which is loaded when the audio/video data is loaded, and controlled by a mode control bar. When the video reaches the end the data file also specifies whether or not playback of the video should start again at the beginning, load another video file, or open a functional window.

The type, delivery, and action of the additional information, and functionalities are user-controlled by a mode control bar displayed as an attachment to the video playback area. Initiating the options (buttons) in the control bar can be accomplished with a computer pointing device like a "mouse," a touchscreen, a remote control, or a light pen . . . etc and determines what action is taken and what mode the video file is placed in. The invention can support an indefinite number of modes.

For example:

1. **CLICKVideoBay™**—where initiating a “hot spot” pauses the primary video source momentarily and adds the item to the user’s digital shopping cart.

2. **Entertain**—where initiating a “hot spot” pauses the primary video source and opens another related video file in a window attached to the original video area.

3. **Link**—where initiating a “hot spot” opens another webpage or address in a window attached to the original video area.

4. **Bid**—where initiating a “hot spot” opens and activates a multicast communication window, which is attached to the original video area, and starts a bidding or communication process.

5. **COOLeCall**—where initiating a “hot spot” opens and activates a dialpad/calling system which is attached to the original video area.

The invention is designed so that the mode control bar is expandable to handle an unlimited number of functional modes. A “hot spot” is defined to support at least one of these modes, and can support more than one mode at a time if desired. The invention brings interactivity to various entertainment sources showcased on television, in movies, or in multimedia presentations; like commercials, sports, music, cartoons, movies, and educational tools. The invention delivers a unique platform and methodology for communication and interactivity via network systems. It will facilitate digital communication in various markets (Online Auctions/Hubs, teleconferencing, and digital phone calls) through the location of digital

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symbols/objects used as hyperlinks ("hot spots") in an audio/video source in collaboration with a mode control bar, and multicast windows.

It is to be understood that the invention is not to be limited to the disclosed embodiment, but on the contrary, is intended to cover various modifications and equivalent arrangements included within the spirit and scope of the appended claims.

**JOINT CONSTRUCTION BRIEF. EXCERPTS
(SEPTEMBER 25, 2020)**

I. Introduction

B. Defendants' Answering Position

Defendants respectfully ask the Court to construe the following claim terms of U.S. Patent No. 7,162,696 (“the '696 patent”) consistent with the intrinsic evidence. With the exception of the first term “apparatus” that has a customary meaning, the remainder of the claim terms either have no plain and ordinary meaning or are subject to means-plus-function claim construction. As such, they must be construed in accordance with the specification and file history.¹

C. Plaintiff's Reply Position

Defendants' Response suffers from many of the common flaws subject to result-oriented *Markman* efforts; namely, aggressively narrowing claims to read in preferred embodiments, and repeatedly ignoring the intrinsic record when it opposes Defendants' arguments. Defendants also proffer the declaration of retained expert Dr. Henry Houh. While Dr. Houh appears eager and forthcoming, his testimony unfailingly aligns with Defendants' pre-selected positions. *See* Houh Dep. at 9-14:1-6 (JA167-72). Moreover, Dr. Houh appears to be one of Defendant Microsoft Corporation's experts of choice, appearing in numerous

¹ The parties agreed to reserve indefiniteness issues under *IRXL Holdings, L.L.C. v. Amazon.com, Inc.*, 430 F.3d 1377, 1384 (Fed. Cir. 2005) and *Nautilus, Inc. v. Biosig Instruments, Inc.*, 572 U.S. 898, 901 (2014) for summary judgment.

litigation and/or IPR proceedings on behalf of Microsoft, and deriving between 40-60% of his total revenue from expert engagements overall. *See id.* at 16:23-18:23 (JA174-76).

II. Agreed Construction

The parties agree upon the meaning of the following claim term:

Agreed Term	Stipulated Construction
“tangible retaining medium” (Claims 1, 15, 17, 18)	“Physical storage medium”

... concedes that an end user (a “client” user) need not have programming skills, Houh Dep. 42:10-25 (JA200), but asserts that such an untrained user could add new modes to the interface, Houh Dep. 44:21-25 to 45:1-13 (JA202-03). None of the specification quotes cited by Defendants or their expert require the “addition” of new modes, and instead are more logically interpreted to mean simply that there is no requirement in the patent for specifying the number of modes for use with the invention.

Defendants also state “[n]or does Plaintiff explain how an ‘advertiser/programmer’ could select a mode, but then a ‘viewer’ could select a function by ‘clicking’ on a hotspot.” *See* Joint Brief, Defendants’ Answering at 8. This misreads the claim. As Defendants’ expert testified, each mode is associated with a corresponding function or set of functions. *See* Houh Dep., 63:2-8 (JA221). Once a mode is selected, the user

simply “selects” the corresponding function(s) by clicking on the hotspot while in the selected mode.

The '696 Patent applies “in-frame” technology that reduces viewer bounce-rate, which improves the interaction with website viewers. In this manner, the claims here are analogous to those in *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F. 3d 1245, 157 (Fed. Cir. 2014), where the Federal Circuit evaluated the eligibility of claims “address[ing] the problem of retaining website visitors that, if adhering to the routine, conventional functioning of Internet hyperlink protocol, would be instantly transported away from a host’s website after ‘clicking’ on an advertisement and activating a hyperlink.” *Id.* at 157. Here, the '696 patent invention operates similarly by allowing an advertiser/programmer to program a viewer/user (website or network user as referenced by claim 8) to operate within the video frame, as opposed to being transported away.

Thus, in some instances or embodiments a hot spot mode “button” can be programmed to also be the hot spot in the video frame. See '696 Patent 3:2-3; 5:2-7; 5:44-47; 6:18-25; 7:23-31; and 8:14-17 (JA012-14). Furthermore, the location of the function expandable menu bar may vary. See '696 Patent 3:2-3 (JA012). These disclosures in the specification support an advertiser/programmer user selecting modes from a mode control wherein the mode control is located on a remote server in communication with each particular hot spot which may be selected by the viewer/user (website or network user as described by claim 8). See '696 Patent 2:18-27, 2:22-27, 3:66-67, 4:1-12, 4:38-46, 5:57-67, and 6:1-25 (JA011-13).

The excerpt the Defendants incorrectly reference states; “Based on current technology, hot spots and hyperlinks are limited to preordained functions and are internally static, such that they have not been programmed or modified to perform a wide variety of functions.” *See* Zaydoon Jawadi Decl. at ¶ 104 & 105 (JA338-39); *see also*, ’696 Patent 1:48-52 (JA011). This simply means that the prior art does not have the ability to provide programmable hyperlinks, and so hotspots could only call one action upon click. *See* Zaydoon Jawadi Decl. (JA309-95).

D. Defendants’ Sur-Reply Position

1) “multifunctional hot spot apparatus”

Plaintiff admits “ClickVideoShop™ . . . [is] an interactive software based system and device” (Joint Brief, Plaintiff’s Reply at 8-9⁴), and that cases have defined “apparatus” as a “device.” (Joint Brief, Plaintiff’s Reply at 7-8.) A “device” is a physical thing. (*See* Webster’s New World Dictionary of Computer Terms (2000) (“Any hardware component or peripheral, such as a printer, modem, monitor, or mouse, that can receive and/or send data.”) (JA396-400); *The New Penguin Dictionary of Computing* (2001) (“1. In general, any piece of computer hardware, from a single chip to a laser printer.”) (JA401-406).)⁵ POSA as of the

⁴ Unless otherwise indicated, any emphasis to cited quotations has been added.

⁵ The secondary and tertiary dictionary definitions of “apparatus” that Plaintiff points to in its Reply (Joint Brief, Plaintiff’s Reply at 7) do not undercut the significance of the primary

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earliest claimed priority date of the patent claims –
June 8, 2000.

**DEFENDANTS'
EXPERT DECLARATION, EXCERPTS
(SEPTEMBER 25, 2020)**

[...]

41. In this case, it is my opinion that a POSA in the field relevant to the '696 patent would have had at least a Bachelor of Science Degree in Computer Science, Electrical Engineering, or the equivalent, plus two years of related technical experience with web applications and systems integration, or equivalent experience.

42. By June 8, 2000, I was at least a POSA based on my education and experience, and I am well-versed in the capabilities of a POSA in the relevant fields. Although my qualifications exceed those of the hypothetical POSA defined above, my analysis and opinions regarding the patent-in-suit are based on the perspective of a POSA as of June 8, 2000.

43. My opinions herein regarding the POSA and my other opinions set forth herein would remain the same if the POSA were determined to have somewhat less or more, or slightly different, education and/or experience than I have identified above. For example, if the POSA had less than two years of technical experience but had more computer science education than a bachelor's degree, or had more than two years of experience but less formal education, such a person could still qualify as a POSA for purposes of the patent-in-suit.

V. Technology Background of the World Wide Web and Hyperlinks

44. In 1990, Tim Berners-Lee integrated a number of existing technological concepts and, by doing so, is frequently credited with creating the first web site and web browser. The first site contained “hypertext” that provided structured text descriptions on a web page with active links to other hypertext web pages. Web pages are described by a language called the Hypertext Markup Language (“HTML”) and the program that interprets the instructions in HTML is known as a web browser. Hyperlinks within a web page, which a user may select using their web browser, are described in HTML and specify a Uniform Resource Locator (“URL”) which specifies a method of access and location of a linked document. The method of access is most commonly the Hypertext Transfer Protocol (“HTTP”) which specifies the protocol to be used by the web browser to access the web server (*i.e.* the “http://” that starts most URLs). The location of the document can be the hostname of a web server (*e.g.*, “www.company.com”) combined with a path and filename (*e.g.*, “/articles/first.html”).

45. Images were supported by web browsers in the early 1990s and included in the HTML 2.0 RFC published in November 1995. (See IETF RFC 1866, available at <https://tools.ietf.org/html/rfc1866>.) Browsers supported a variety of image encoding formats, and GIF and JPEG images were popular encoding formats. HTML 2.0 also specified an “image map” which allowed for hyperlink hot spots tied to regions of the image. (See IETF RFC 1866 at p. 39, available at <https://tools.ietf.org/html/rfc1866>.) The GIF encoding format allowed multiple frames to be

encoded in a single file and played back like a short video. These GIFs were known as “animated GIFs” and browsers supported this format in the mid-1990s. Thus, short video clips with multiple hyperlink hot spots were supported in the mid-1990s.

46. Also in the mid-1990s, Java was introduced by Sun Microsystems, and Flash was introduced by Macromedia. Java and Flash added extensive graphic animation and video playback features that were not found in browsers at the time. These programming languages were also designed to be platform independent, that is, a program could be written once, and run on multiple platforms (*e.g.*, Windows, Mac, Unix) by providing a platform-specific interpreter that runs within a web browser, known as a plug-in. Once the plug-in was installed in a web browser, the plug-in could execute the same program, known as an “applet” or “app,” regardless of platform.

47. In the mid-1990s, web “streaming” services were introduced. Streaming applications could start playing the content while the remaining content is still being downloaded. RealNetworks, launched in 1994, provided audio streaming services, and later in the 1990s, offered streaming video services. In 1992, a meeting of the Internet Engineering Task Force (“IETF”) was cast to multiple recipients over the Multicast Backbone (“MBONE”). In 1993, the band Severe Tire Damage was the first group to multicast live on the MBONE, streamed from Xerox PARC in Palo Alto, CA to be seen and heard as far as Australia. (*See, e.g.*, <https://www.nytimes.com/1994/11/22/arts/rolling-stones-live-on-internet-both-a-big-deal-and-a-little-deal.html>.) In 1995, Floyd et. al. proposed a reliable multicast protocol framework using an example

whiteboard application. (See Ex. C, Floyd et al., "A Reliable Multicast Framework for Light-Weight Sessions and Application Level Framing," IEEE/ACM TRANSACTIONS ON NETWORKING, 5(6):784-804, at pp. 784-787 (1995); see also Ex. D, Diot et al., "Multipoint Communication: A Survey of Protocols, Functions, and Mechanisms," IEEE JOURNAL ON SELECTED AREAS IN COMMUNICATIONS, 15(3): 277-290 (Apr. 1997).)

48. Systems such as MBONE are often described as using multicast, which can refer to transmitting one source to many recipients. One aspect of multicast in this context is replicating traffic in the network only at points in the network where required, as opposed to individually sending a copy from the source to each recipient. Thus, in the MBONE, for example, a system of multicast network nodes was added to the network forming the MBONE, which was an overlay network on top of the Internet. This enabled those with the ability to connect to an MBONE node to have the ability to send or receive multicast traffic.

VI. The '696 Patent

A. Brief Overview of the '696 Patent

49. The '696 patent is entitled "Method and System for Creating, Using and Modifying Multifunctional Website Hot Spots," and relates generally to a user's interactions with websites. The patent's specification expressly defines "hot spots" as "hyperlinks," and acknowledges that "the use of hyperlinks and hotspots are known in the art." (See '696 patent, 1:30, 1:60-61.) The specification further explains that the alleged invention "embeds" the hot

spots onto website or webpage content. (*Id.* at 5:2-7.) The hot spots are considered “multifunctional” because they can “change modes automatically based on predetermined parameters or user interaction with the menu bar.” (*Id.*) This “menu bar” is “expandable” to allow the user to select among a plurality of different “modes.” (*Id.* at 3:3-12.) The different modes include a “shop mode,” “bid mode,” “interact mode,” “link mode,” and “entertainment mode.” (*Id.*) The specific action triggered by the hot spot depends on the mode selected by the user. (*Id.* at 3:29-31.)

50. The specification makes clear that the purpose of the alleged invention is to allow the end user to both change the functionality of the hot spots by selecting different modes, and to trigger the functionality by clicking on the hot spot. The specification describes this as a benefit compared to prior art hot spots, which the prior art hot spots were limited to “preordained functions” when clicked by an end user. (’696 patent, 1:35-55.) In contrast, “the instant invention gives the end user the ability to effectively and . . .

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**MARKMAN CONSTRUCTION
HEARING, EXCERPTS
(OCTOBER 19, 2020)**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

BLACKBOARD, INC.,

Defendant.

Civil Action No. 19-291-LPS-JLH

COOLTVNETWORK.COM, INC.,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

Civil Action No. 19-292-LPS-JLH

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Chambers - Room No. 3124
J. Caleb Boggs Federal Building
844 North King Street
Wilmington, Delaware
Monday, October 19, 2020
2:02 p.m.

Before: Hon. Jennifer L. HALL, Magistrate Judge

CLAIM CONSTRUCTION HEARING

[Transcript, p. 115]

MR. HANSLEY [Counsel for Plaintiff CoolTV-Network.com]: So in column 3, lines 50 through 54 of the patent, it also talks about cursors. So a multifunctional hot spot is activated when a user moves the cursor into the designated area at a point in time within the time-stamped interval in which the hot spot is specified to be active for a certain activity. And so not only do the flow diagrams disclose a cursor; the click is indicative of the cursor, the pointer of the mouse. That's describing what the cursor is doing.

And so the specification also in prose cites the structure, which is the cursor of the mouse.

THE COURT: Mr. Hansley, it occurs to me that the language of this particular term is awkward even for a patent. It seems to—I am trying to make sense of what this means to have “means for selecting and activating at least one of said predetermined functions by clicking.” I mean, it seems to incorporate both software functionality with the human step of clicking, and I am challenged to understand how to make sense of it.

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MR. HANSLEY: Okay, sure. Selecting and activating.
So selecting, you can look at it from the user's
perspective or the system's perspective. And so if
something is selected, the user can select

**JOINT CONSTRUCTION CLAIM CHART,
EXCERPT 1**

II. Disputed Constructions

No. 1

Claim Terms	“multifunctional hot spot apparatus” ² Claims 1, 15, 17, 18
Plaintiff Proposed Construction	software and/or hardware device that allows interaction with multifunctional hot spots
Plaintiff’s Identification of Intrinsic Support	’696 Patent Col. 3 l. 55-65. ’696 Patent Col. 4 l. 38-67 & Col. 5 l. 1-11. ’696 Patent Col. 5 l. 57-67 & ’696 Col. 6 l. 1-17.
Defendants’ Proposed Construction	Physical device that allows the user to interact with multifunctional hot spots
Defendants’ Identification of Intrinsic Support	’696 Patent, including Abstract; claims 1, 15, 17,

² Additionally, Defendants contend the claim term “wherein said multifunctional hot spot apparatus” in claims 15, 17, and 18 is indefinite because a person of ordinary skill in the art would be unable to determine the term’s antecedent basis.

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	<p>and 18; 1:30-34; 2:31-41; 2:43-48; 2:64-66; 3:35-38; 3:66-4:8; 4:38-46; 4:56-58; cf. Figs. 1-3 with Figs. 3- 5</p> <p>'696 File History, including FH0000042, FH0000296-301, FH0000305, FH0000334</p>
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No. 2

Claim Terms	<p>"hot spot" / "Multi- functional Hot Spot" Claims 1, 5, 15, 16, 17, 18</p>
Plaintiff Proposed Construction	<p>a programmable hyperlink that performs one of multiple predetermined functions when selected</p>
Plaintiff's Identification of Intrinsic Support	<p>'696 Patent Col. 3 l. 55- 65. '696 Patent Col. 4 l. 38-67 & Col. 5 l. 1-11. '696 Patent Col. 5 l. 57-67 & '696 Col. 6 l. 1-17.</p>
Defendants' Proposed Construction	<p>Programmable hyperlink that performs one of multiple predetermined functions when selected by the user, depending on the current mode</p>

<p>Defendants' Identification of Intrinsic Support</p>	<p>'696 Patent, including 1:29-34; 1:47-2:27; 2:55-57; 3:29-35; 3:66-4:8; 4:9-12; 4:38-55; 4:58-5:11; 5:12-50; 8:22-28; 9:21-25; claims 1, 5, 15, 16, 17, and 18</p> <p>'696 File History, including FH001006, FH0000260, FH0000420, FH0000456, FH0000514, FH0000855, FH0000887</p>
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No. 3

<p>Claim Terms</p>	<p>“means for performing at least one of a plurality of Predetermined functions executed with the selection of each particular hot spot; wherein said hot spots reside on and are accessible from a digital video or audio file;³ wherein said predetermined functions are selected from a mode control; wherein the</p>
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³ In the event this term is not deemed to be indefinite, and deemed not to be subject to § 112(6), with respect to the term “wherein said hot spot resides on and are accessible from a digital video . . . file” Defendants propose the following construction: “wherein said hot spots reside on a digital video file and are actionable from within the video.”

	<p>mode control comprises a plurality of modes; wherein the plurality of modes comprise a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode; wherein a specific mode is selected by a user through an expandable graphical user interface bar; wherein said specific mode further toggles based on time stamps in said digital video or digital audio file; wherein said hot spots are visualized by outlines, shading, or illumination or a . . .</p>
<p>Plaintiff Proposed Construction</p>	<p>Means plus function language. The claimed function is: performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot</p> <p>The corresponding structure is computer hardware and/or software</p>

	<p>operating according to the following disclosure:</p> <p>'696 Patent Col. 1 l. 48-59; Col. 1 l. 60-67; Col. 2 l. 1-6; Col. 2 l. 18-27; Col. 2 l. 31-63; Col. 2 l. 64-67; Col. 3 l. 1-12; Col. 3 l. 12-32; Col. 3 l. 33-67; Col. 4 l. 1-12; Col. 4 l. 34-67; Col. 5 l. 1-11; Col. 5 l. 57-67; Col. 6 l. 1-67; Col. 7 l. 1-9; Fig. 1A –Fig. 1C; Fig. 2A – Fig. 2C; Fig. 3 (93, 94) Fig. 4; Col. 8 l. 7-17.</p>
<p>Plaintiff's Identification of Intrinsic Support</p>	<p>'696 Patent Col. 1 l. 48-59; Col. 1 l. 60-67; Col. 2 l. 1-6; Col. 2 l. 18-27; Col. 2 l. 31-63; Col. 2 l. 64-67; Col. 3 l. 1-12; Col. 3 l. 12-32; Col. 3 l. 33-67; Col. 4 l. 1-12; Col. 4 l. 34-67; Col. 5 l. 1-11; Col. 5 l. 57-67; Col. 6 l. 1-67; Col. 7 l. 1-9; Fig. 1A –Fig. 1C; Fig. 2A – Fig. 2C; Fig. 3 (93, 94) Fig. 4; Col. 8 l. 7-17.</p>
<p>Defendants' Proposed</p>	<p>Subject to § 112(6).⁵</p>

⁵ Defendants also contend that the term “performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot . . .” triggers 35 U.S.C. § 112(6/f) in claims 15, 17 and 18, and is likewise indefinite since “the claim term would not connote acts to a person of skill sufficient to perform the recited function[s].” See, *Dionex Softron GmbH v.*

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<p>Construction</p>	<p>Function: For each hot spot selected, performing at least one of a plurality of predetermined functions; wherein said hot spots reside on and are accessible from a digital video or audio file; wherein said predetermined functions are selected from a mode control; wherein the mode control comprises a plurality of modes; wherein the plurality of modes comprise a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode; wherein a specific mode is selected by a user through an expandable graphical user interface bar; wherein said specific mode further toggles based on time stamps in said digital video or digital audio file; wherein said hot spots are</p>
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Agilent Techs., Inc., No. 2019-1888, 2020 WL 2176100, at *3 (Fed. Cir. May 6, 2020); and *Intelligent Automation Design, LLC v. Zimmer Biomet CMF & Thoracic, LLC*, 799 F. App'x 847, 853 (Fed. Cir. 2020).

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	<p>visualized by outlines, shading, or illumination or a combination of each, at a predetermined area on the display; wherein said Multifunctional Hot Spot apparatus is made to reside on and is executing on a computing system. . .</p> <p>corresponding description in cols. 8:1-9:14; both in combination with the structure in Fig. 3 and the corresponding description in col. 4:49-55.</p>
<p>Defendants' Identification of Intrinsic Support</p>	<p>'696 Patent, including Figs. 1A-C, 6:26-7:67, Figs. 2A-C, 8:1-9:14, Fig. 3, 4:49-55</p>

No. 4

<p>Claim Terms</p>	<p>“expandable graphical user interface bar” Claims 1, 15, 17, 18</p>
<p>Plaintiff Proposed Construction</p>	<p>graphical user interface menu bar configured to expand for the support of additional functions, relationships, actions, or links</p>

<p>Plaintiff's Identification of Intrinsic Support</p>	<p>'696 Patent Col. 2 l. 64-67 & Col. 3 l. 1-3. '696 Col. 3 l. 32-46. '696 Col. 4 l. 9-12. '696 Col. 5 l. 8-12. '696 Patent Col. 3 l. 35-36. This is accomplished with a scroll bar or dropdown menu. See '696 Patent Fig. 3 "Mode Scroll" at 94.</p>
<p>Defendants' Proposed Construction</p>	<p>graphical user interface menu bar, which permits modes to be added to the bar and the user to scroll through the bar to select a mode</p>
<p>Defendants' Identification of Intrinsic Support</p>	<p>'696 Patent, including 1:29-34; 2:22-27; 2:64-3:11; 3:29-39; 4:9-12; 4:49-55; 5:2-11; 6:18-25; 7:28-31; 8:14-17; 8:26-28; 8:59-67; 9:15-16; Fig. 3; Fig. 4; Fig. 5; claims 1, 15, 17, and 18</p> <p>'696 File History, including FH0000420, FH0000512, FH0000514, FH0000522, FH0000887, FH0001007-1009</p>

No. 5

<p>Claim Terms</p>	<p>wherein the mode control comprises a plurality of</p>
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	modes" Claims 1, 15, 17, 18
Plaintiff Proposed Construction	wherein the mode control comprises a plurality of modes that the user can select
Plaintiff's Identification of Intrinsic Support	'696 Patent Col. 1 l. 48-59; Col. 1 l. 60-67; Col. 2 l. 1-6; Col. 2 l. 18-27; Col. 2 l. 31-63; Col. 2 l. 64-67; Col. 3 l. 1-12; Col. 3 l. 12-32; Col. 3 l. 33-67; Col. 4 l. 1-12; Col. 4 l. 34-67; Col. 5 l. 1-11; Col. 5 l. 57-67; Col. 6 l. 1-67; Col. 7 l. 1-9; Fig. 1A – Fig. 1C; Fig. 2A – Fig. 2C; Fig. 3 (93, 94) Fig. 4; Col. 8 l. 7-17.
Defendants' Proposed Construction	wherein the expandable graphical user interface menu bar comprises a plurality of modes that the user can switch between
Defendants' Identification of Intrinsic Support	'696 Patent, including Abstract; 2:22-27; 2:64-3:11; 3:29-39; 4:9-12; 4:49-55; 5:2-11; 6:18-25; 6:43-50; 7:5-8; 7:18-20; 7:28-31; 8:14-17; 8:26-28; 8:31-33; 9:9-11; 9:15-16; Fig. 1B; Fig. 2C; Fig. 3; claims 1, 15, 17, and 18

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	'696 File History, including FH0000017, FH0000353, FH0000420, FH0000456, FH0000514
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No. 6

Claim Terms	“mode control” Claims 1, 15, 17, 18
Plaintiff Proposed Construction	graphical user interface menu bar configured to expand for the support of additional modes
Plaintiff's Identification of Intrinsic Support	'696 Patent Col. 2 l. 64-67 & Col. 3 l. 1-3. '696 Col. 3 l. 32-46. '696 Col. 4 l. 9-12. '696 Col. 5 l. 8-12. '696 Patent Col. 3 l. 35-36. '696 Patent Col. 6 l. 18-25. This is accomplished with a scroll bar or dropdown menu. See '696 Patent Fig. 3 “Mode Scroll” at 94.
Defendants' Proposed Construction	graphical user interface menu bar, which permits modes to be added to the bar and the user to scroll through the bar to select a mode

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Defendants' Identification of Intrinsic Support	See Claim Term No. 7.
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No. 7

Claim Terms	“shop mode” Claims 1, 15, 17, 18
Plaintiff Proposed Construction	mode that allows clicking a multifunctional hot spot to select items for purchase . . . between users and/or moderators
Plaintiff's Identification of Intrinsic Support	'696 Patent Col. 3 l. 3-16; '696 Patent Col. 5 l. 12-14; '696 Patent Col. 5 l. 11-12; '696 Patent Col. 7 l. 49-51; '696 Patent Col. 8 l. . . . Col. 5 l. 31-44. '696 Patent Col. 7 l. 59-67.
Defendants' Proposed Construction	mode that allows the user to click a multifunctional hot spot to add item(s) for purchase to the user's shopping cart . . . user and live-streamed internet programs

<p>Defendants' Identification of Intrinsic Support</p>	<p>'696 Patent, including claims 1, 15, 17, and 18; Abstract; 3:12-15; 5:12- 55; 6:4-10; 7:44-51; 8:44- 48; Fig. 2B; Fig. 1C . . . 18; Abstract; 3:24-25; 5:32-40; 7:59-63</p>
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No. 10

<p>Claim Terms</p>	<p>“means, defined by said instructions, for selecting and activating at least one of said predeter- mined functions by clicking on each particular Multi- functional Hot Spot” Claim 1</p>
<p>Plaintiff Proposed Construction</p>	<p>Means plus function language. The claimed function is: selecting and activating at least one of said predetermined functions by clicking on each particular Multi- functional Hot Spot The corresponding structure is computer hardware and/or software operating according to the following disclosure:</p>

	'696 Patent Col. 1 l. 48-59; Col. 1 l. 60-67; Col. 2 l. 1-6; Col. 2 l. 18-27; Col. 2 l. 31-63; Col. 2 l. 64-67; Col. 3 l. 1-12; Col. 3 l. 12-32; Col. 3 l. 33-67; Col. 4 l. 1-12; Col. 4 l. 34-67; Col. 5 l. 1-11; Col. 5 l. 57-67; Col. 6 l. 1-67; Col. 7 l. 1-9; Fig. 1A – Fig. 1C; Fig. 2A – Fig. 2C; Fig. 3 (93, 94); Fig. 4; Col. 8 l. 7-17; Col. 8 l. 44-46.
Plaintiff's Identification of Intrinsic Support	'696 Patent Col. 4 l. 49-55. '696 Patent Col. 8 l. 7-28. '696 Patent Col. 4 l. 38-67 & Col. 5 l. 1-11. '696 Patent Col. 5 l. 57-67 & '696 Col. 6 l. 1-17. '696 Patent Col. 5 l. 2-7.
Defendants' Proposed Construction	Subject to § 112(6). ⁶ <u>Function</u> : Selecting and activating at least one

⁶ Defendants also contend that the term “selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot” triggers 35 U.S.C. § 112(6/f) in claims 15, 17 and 18, and is likewise indefinite since “the claim term would not connote acts to a person of skill sufficient to perform the recited function[s].” See, e.g., *Dionex Softron GmbH v. Agilent Techs., Inc.*, No. 2019-1888, 2020 WL 2176100, at *3 (Fed. Cir. May 6, 2020); *Intelligent Automation Design, LLC v. Zimmer Biomet CMF & Thoracic, LLC*, 799 F. App'x 847, 853 (Fed. Cir. 2020).

	<p>predetermined function by the user clicking on each Particular Multifunctional Hot Spot.</p> <p><u>Structure</u>: The specification fails to disclose a corresponding structure and algorithm for performing the recited function, rendering this phrase indefinite.</p> <p>Alternatively, and only with respect to video hot spots and not audio hot spots, in the event the term is not deemed to be indefinite, the structure is hardware and software that performs either algorithm in:</p> <p>a) FIG 1C and corresponding description in col. 7:38-64; or</p> <p>b) FIG 2B and corresponding description in col. 8:41-62; both in combination with the corresponding description in col. 6:4-17.</p>
<p>Defendants' Identification of Intrinsic Support</p>	<p>'696 Patent, including 6:4-17, FIG 1C, 7:38-64, FIG 2B, 8:41-62</p>

No. 11

<p>Claim Terms</p>	<p>“means for further identifying items available on a website for purchase” Claim 2</p>
<p>Plaintiff Proposed Construction</p>	<p>Means plus function language. The claimed function is: further identifying items available on a website for purchase The corresponding structure is computer hardware and/or software operating . . .</p>
<p>Plaintiff's Identification of Intrinsic Support</p>	<p>'696 Patent Col. 3 l. 3-16. '696 Patent Col. 5 l. 12-14. '696 Patent Col. 6 l. 4-10. '696 Patent Col. 7 l. 49-51. '696 Patent Col. 8 l. 46-48. '696 Patent Col. 5 l. 11-12.</p>
<p>Defendants' Proposed Construction</p>	<p>Subject to § 112(6). <u>Function</u>: further identifying items available on a website for purchase. <u>Structure</u>: The specification fails to</p>

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	disclose a corresponding structure and algorithm
Defendants' Identification of Intrinsic Support	'696 Patent, including 6:8-10, FIG 1C, steps 131 and 132, 7:38-51, FIG 2B, steps 240 and 242, 8:41-48

No. 12

Claim Terms	<p>"means for linking to at least one predetermined URL address when said hot spot is activated"</p> <p>Claim 4</p>
Plaintiff Proposed Construction	<p>Means plus function language.</p> <p>The claimed function is: linking to at least one predetermined URL address when said hot spot is activated The corresponding structure is computer hardware and/or software operating according to the following disclosure:</p> <p>"The link mode hyperlinks to related or targeted web pages and/or web sites in an auxiliary browser." '696 Patent Col. 3 l. 25-27.</p>

	<p>“linking to another web page or URL address in a link mode.” ‘696 Patent Col. 4 l. 64-65.</p> <p>“The invention 10 embeds, links or . . .</p>
<p>Plaintiff's Identification of Intrinsic Support</p>	<p>‘696 Patent Col. 3 l. 3-12. ‘696 Patent Col. 3 l. 25-27. ‘696 Patent Col. 4 l. 64-65. ‘696 Patent Col. 5 l. 2-7. ‘696 Patent Col. 5 l. 44-47. ‘696 Patent Col. 5 l. 50-55. ‘696 Patent Col. 6 l. 56-59.</p>
<p>Defendants' Proposed Construction</p>	<p>Subject to § 112(6).</p> <p><u>Function:</u> Linking to at least one predetermined URL address when said hot spot is activated.</p> <p><u>Structure:</u> The specification fails to disclose a corresponding structure and algorithm for performing the recited function, rendering this phrase indefinite.</p> <p>Alternatively, and only with respect to video hot spots and not audio hot spots, in the event the term is not deemed to be indefinite, the structure</p>

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	<p>is hardware and software that performs either algorithm in:</p> <p>a) FIG 1C and corresponding description in . . .</p>
<p>Defendants' Identification of Intrinsic Support</p>	<p>'696 Patent, including FIG 1C, 7:38-49, 7:51-55, FIG 2B, 8:41-44; 8:56-62</p>

No. 14

<p>Claim Terms</p>	<p>"means for selecting and activating comprises: at least one predetermined parameter that activates a corresponding function from said plurality of functions when said parameter is satisfied"</p> <p>Claim 13</p>
<p>Plaintiff Proposed Construction</p>	<p>No construction necessary.</p>
<p>Plaintiff's Identification of Intrinsic Support</p>	<p>'696 Patent Col. 1 l. 48-59; '696 Patent Col. 1 l. 60-67; Col. 2 l. 1-6; '696 Patent Col. 2 l. 18-27; '696 Patent Col. 2 l. 31-63; '696 Patent Col. 2 l. 64-67; Col. 3 l. 1-12; '696 Patent Col. 3 l. 12-32; '696 Patent Col. 3 l. 33-67; '696 Patent Col. 4 l. 1-12; '696 Patent Col. 4 l.</p>

	<p>34-67; Col. 5 l. 1-11; '696 Patent Col. 5 l. 57-67; Col. 6 l. 1-67; Col. 7 l. 1-9</p> <p>Fig. 1A – Fig. 1C Fig. 2A – Fig. 2C Fig. 3 (93, 94) Fig. 4</p> <p>'696 patent Col. 8 l. 7-17; '696 Col. 3 l. 66-67 & Col. 4 l. 1-8; '696 Col. 4 l. 49-66. '696 Col. 5 l. 2-7; '696 Col. 5 l. 49-67 & Col. 5 l. 1-4.</p>
<p>Defendants' Proposed Construction</p>	<p>Subject to § 112(6).</p> <p><u>Function</u>: Selecting and activating with at least one predetermined parameter to activate a corresponding function from a plurality of functions when said parameter is satisfied.</p> <p><u>Structure</u>: The specification fails to disclose a corresponding structure and algorithm for performing the recited function, rendering this phrase indefinite.</p> <p>Alternatively, and only with respect to video hot spots and not audio hot spots, in the event the term is not deemed to be</p>

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		indefinite, the structure is hardware and software that performs either algorithm in: a) FIGS. 1B, steps 121-123, 1C, step 128 and corresponding description in col. 7:23-27, 7:38-64; or b) FIGS. 2A, steps 218-224, 2B, step 234
Defendants' Identification of Intrinsic Support	of	'696 Patent, including FIG 1B, steps 121-123, FIG 1C, step 128, 7:23-27, 7:38-64, FIG 2A, steps 218-224, FIG 2B, step 234, 8:1-26, 8:41-62

**JOINT CONSTRUCTION CLAIM CHART,
EXCERPT 2**

No. 2

Claim Terms	“hot spot” / “Multi-functional Hot Spot” Claims 1, 5, 15, 16, 17, 18
Plaintiff Proposed Construction	a programmable hyperlink that performs one of multiple predetermined functions when selected
Plaintiff's Identification of Intrinsic Support	'696 Patent Col. 3 l. 55-65. '696 Patent Col. 4 l. 38-67 & Col. 5 l. 1-11. '696 Patent Col. 5 l. 57-67 & '696 Col. 6 l. 1-17.
Defendants' Proposed Construction	Programmable hyperlink that performs one of multiple predetermined functions when selected by the user, depending on the current mode
Defendants' Identification of Intrinsic Support	'696 Patent, including 1:29-34; 1:47-2:27; 2:55-57; 3:29-35; 3:66-4:8; 4:9-12; 4:38-55; 4:58-5:11; 5:12-50; 8:22-28; 9:21-25; claims 1, 5, 15, 16, 17, and 18 '696 File History, including FH001006,

	FH0000260, FH0000420, FH0000456, FH0000514, FH0000855, FH0000887
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No. 3

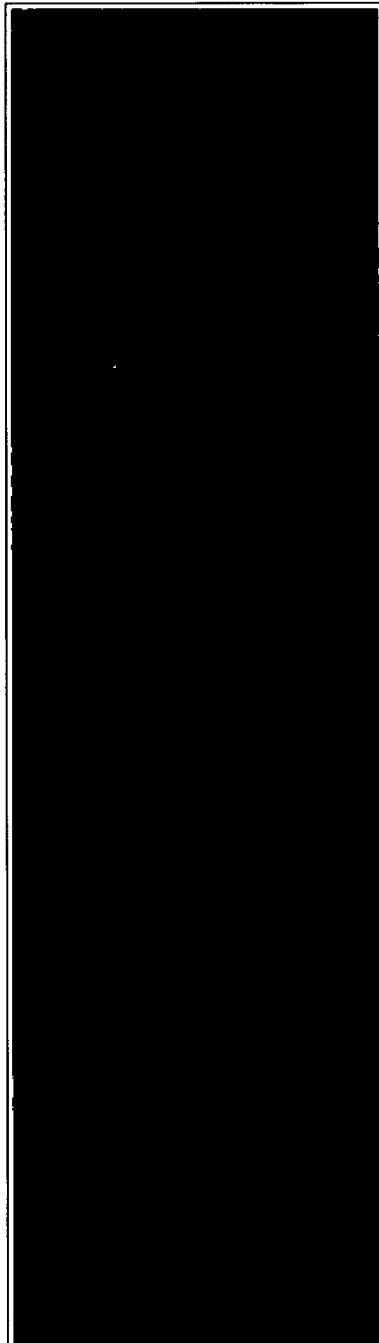
<p>Claim Terms</p>	<p>“means for performing at least one of a plurality of Predetermined functions executed with the selection of each particular hot spot;</p> <p>wherein said hot spots reside on and are accessible from a digital video or audio file;³</p> <p>wherein said predetermined functions are selected from a mode control;</p> <p>wherein the mode control comprises a plurality of modes;</p> <p>wherein the plurality of modes comprise a shop mode, a bid mode, an interact mode, an</p>
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³ In the event this term is not deemed to be indefinite, and deemed not to be subject to § 112(6), with respect to the term “wherein said hot spot resides on and are accessible from a digital video . . . file” Defendants propose the following construction: “wherein said hot spots reside on a digital video file and are actionable from within the video.”

	<p>entertainment mode, and a link mode;</p> <p>wherein a specific mode is selected by a user through an expandable graphical user interface bar;</p> <p>wherein said specific mode further toggles based on time stamps in said digital video or digital audio file;</p> <p>wherein said hot spots are visualized by outlines, shading, or illumination or a . . .</p>
<p>Plaintiff Proposed Construction</p>	<p>Means plus function language.</p> <p>The claimed function is: performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot</p> <p>The corresponding structure is computer hardware and/or software operating according to the following disclosure: '696 Patent Col. 1 l. 48-59; Col. 1 l. 60-67; Col. 2 l. 1-6; Col. 2 l. 18-27; Col.</p>

	2 l. 31-63; Col. 2 l. 64-67; Col. 3 l. 1-12; Col. 3 l. 12-32; Col. 3 l. 33-67; Col. 4 l. 1-12; Col. 4 l. 34-67; Col. 5 l. 1-11; Col. 5 l. 57-67; Col. 6 l. 1-67; Col. 7 l. 1-9; Fig. 1A –Fig. 1C; Fig. 2A – Fig. 2C; Fig. 3 (93, 94) Fig. 4; Col. 8 l. 7-17.
Plaintiff's Identification of Intrinsic Support	'96 Patent Col. 1 l. 48-59; Col. 1 l. 60-67; Col. 2 l. 1-6; Col. 2 l. 18-27; Col. 2 l. 31-63; Col. 2 l. 64-67; Col. 3 l. 1-12; Col. 3 l. 12-32; Col. 3 l. 33-67; Col. 4 l. 1-12; Col. 4 l. 34-67; Col. 5 l. 1-11; Col. 5 l. 57-67; Col. 6 l. 1-67; Col. 7 l. 1-9; Fig. 1A –Fig. 1C; Fig. 2A – Fig. 2C; Fig. 3 (93, 94) Fig. 4; Col. 8 l. 7-17.
Defendants' Proposed Construction	Subject to § 112(6). ⁵ Function: For each hot spot selected, performing

⁵ Defendants also contend that the term “performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot . . .” triggers 35 U.S.C. § 112(6/f) in claims 15, 17 and 18, and is likewise indefinite since “the claim term would not connote acts to a person of skill sufficient to perform the recited function[s].” See, *Dionex Softron GmbH v. Agilent Techs., Inc.*, No. 2019-1888, 2020 WL 2176100, at *3 (Fed. Cir. May 6, 2020); and *Intelligent Automation Design, LLC v. Zimmer Biomet CMF & Thoracic, LLC*, 799 F. App'x 847, 853 (Fed. Cir. 2020).

	<p>at least one of a plurality of predetermined functions; wherein said hot spots reside on and are accessible from a digital video or audio file; wherein said predetermined functions are selected from a mode control; wherein the mode control comprises a plurality of modes; wherein the plurality of modes comprise a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode; wherein a specific mode is selected by a user through an expandable graphical user interface bar; wherein said specific mode further toggles based on time stamps in said digital video or digital audio file; wherein said hot spots are visualized by outlines, shading, or illumination or a combination of each, at a predetermined area on the display; wherein said Multifunctional Hot Spot apparatus is made</p>
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	<p>to reside on and is executing on a computing system. . .</p> <p>corresponding description in cols. 8:1-9:14; both in combination with the structure in Fig. 3 and the corresponding description in col. 4:49-55.</p>
<p>Defendants' Identification of Intrinsic Support</p>	<p>'696 Patent, including Figs. 1A-C, 6:26-7:67, Figs. 2A-C, 8:1-9:14, Fig. 3, 4:49-55</p>

No. 12

<p>Claim Terms</p>	<p>"entertainment mode" Claims 1, 15, 17, 18</p>
<p>Plaintiff Proposed Construction</p>	<p>mode that can specify a movie, video, or audio file related to the selected multifunctional hot spot</p>
<p>Plaintiff's Identification of Intrinsic Support</p>	<p>'696 Patent Col. 3 l. 3- 12. '696 Patent Col. 3 l. 27-31. '696 Patent Col. 3 l. 32-45. '696 Patent Col. 4 l. 65-66. '696 Patent Col. 5 l. 46-56.</p>
<p>Defendants' Proposed Construction</p>	<p>mode that opens a movie, video, or audio file related to the selected</p>

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	multifunctional hot spot in an auxiliary browser
Defendants' Identification of Intrinsic Support	'696 Patent, including claims 1, 15, 17, and 18; Abstract; 3:27-29; 4:65-66; 5:47-50; 6:10-11; 7:55-59; 8:48-52; Fig. 2B; Fig. 1C '696 File History, including FH0000296, FH0000420-421, FH0000514

No. 13

Claim Terms	"link mode" Claims 1, 15, 17, 18
Plaintiff Proposed Construction	mode that provides a hyperlink to a related or targeted web page, object, or file
Plaintiff's Identification of Intrinsic Support	'696 Patent Col. 3 l. 3-12. '696 Patent Col. 3 l. 25-27. '696 Patent Col. 4 l. 64-65. '696 Patent Col. 5 l. 2-7. '696 Patent Col. 5 l. 44-47. '696 Patent Col. 5 l. 50-55. '696 Patent Col. 6 l. 56-59.
Defendants' Proposed Construction	mode that provides hyperlinks to related or targeted web pages and/or web sites, where

	the webpages or websites open in an adjacent browser or main playback browser/window
Defendants' Identification of Intrinsic Support	'696 Patent, including claims 1, 15, 17, and 18; Abstract; 3:25-29; 4:64-65; 5:44-47; 6:7-8; 7:51-55; 8:56-59; Fig. 2B; Fig. 1C '696 File History, including FH0000296, FH0000420-421, FH0000514

No. 14

Claim Terms	“A Multifunctional Hot Spot apparatus Comprising . . . wherein a specific mode is selected by a user through an expandable graphical user interface bar” Claim 1
Plaintiff Proposed Construction	No construction necessary In the alternative: computer system configured to allow a specific mode to be selected through an

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	expandable graphical user interface bar
Plaintiff's Identification of Intrinsic Support	'696 Patent Col. 1 l. 48-59; Col. 1 l. 60-67; Col. 2 l. 1-6; Col. 2 l. 18-27; Col. 2 l. 31-63; Col. 2 l. 64-67; Col. 3 l. 1-12; Col. 3 l. 12-32; Col. 3 l. 33-67; Col. 4 l. 1-12; Col. 4 l. 34-67; Col. 5 l. 1-11; Col. 5 l. 57-67; Col. 6 l. 1-67; Col. 7 l. 1-9; Fig. 1A – Fig. 1C; Fig. 2A – Fig. 2C; Fig. 3 (93, 94) Fig. 4; Col. 8 l. 7-17. '696 Patent Col. 2 l. 64-67 & Col. 3 l. 1-3. '696 Col. 3 l. 32-46. '696 Col. 4 l. 9-12. '696 Col. 5 l. 8-12. '696 Patent Col. 3 l. 35-36. This is accomplished with a scroll bar or dropdown menu. <i>See</i> '696 Patent Fig. 3 "Mode Scroll" at 94.
Defendants' Proposed Construction	Defendants contend this term is indefinite, <i>see infra</i> at pp. 21-23.
Defendants' Identification of Intrinsic Support	*****

No. 15

<p>Claim Terms</p>	<p>“means, defined by said instructions, for selecting and activating at least one of said predetermined functions by clicking on each particular Multi-functional Hot Spot”</p>
<p>Plaintiff Proposed Construction</p>	<p>Means plus function language. The claimed function is: selecting and activating at least one of said predetermined functions by clicking on each particular</p>
<p>Plaintiff's Identification of Intrinsic Support</p>	<p>'696 Patent Col. 4 l. 49-55. '696 Patent Col. 8 l. 7-28. '696 Patent Col. 4 l. 38-67 & Col. 5 l. 1-11. '696 Patent Col. 5 l. 57-67 & '696 Col. 6 l. 1-17. '696 Patent Col. 5 l. 2-7.</p>
<p>Defendants' Proposed Construction</p>	<p>Subject to § 112(6).⁶</p>

⁶ Defendants also contend that the term “selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot” triggers 35 U.S.C. § 112(6/f) in claims 15, 17 and 18, and is likewise indefinite since “the claim term would not connote acts to a person of skill sufficient to perform the recited function[s].” See, e.g., *Dionex Softron GmbH v.*

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	Function: Selecting and activating at least one predetermined function by the user clicking on each Particular Multifunctional Hot Spot. . . .
Defendants' Identification of Intrinsic Support	'696 Patent, including 6:4-17, FIG 1C, 7:38-64, FIG 2B, 8:41-62

No. 17

Claim Terms	<p>“means for linking to at least one predetermined URL address when said hot spot is activated”</p> <p>Claim 4</p>
Plaintiff Proposed Construction	<p>Means plus function language.</p> <p>The claimed function is: linking to at least one predetermined URL address when said hot spot is activated</p> <p>The corresponding structure is computer hardware and/or software operating according to the following disclosure:</p>

Agilent Techs., Inc., No. 2019-1888, 2020 WL 2176100, at *3 (Fed. Cir. May 6, 2020); *Intelligent Automation Design, LLC v. Zimmer Biomet CMF & Thoracic, LLC*, 799 F. App'x 847, 853 (Fed. Cir. 2020).

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	“The link mode hyperlinks to related or targeted web pages . . .
Plaintiff's Identification of Intrinsic Support	'696 Patent Col. 3 l. 3-12. '696 Patent Col. 3 l. 25-27. '696 Patent Col. 4 l. 64-65. '696 Patent Col. 5 l. 2-7. '696 Patent Col. 5 l. 44-47. '696 Patent Col. 5 l. 50-55. '696 Patent Col. 6 l. 56-59.
Defendants' Proposed Construction	Subject to § 112(6). Function: Linking to at least one predetermined URL address when said hot spot is activated. <u>Structure</u> : The specification fails to disclose a corresponding structure and algorithm for performing the recited function, rendering this phrase indefinite.
Defendants' Identification of Intrinsic Support	'696 Patent, including FIG 1C, 7:38-49, 7:51-55, FIG 2B, 8:41-44; 8:56-62

No. 19

Claim Terms	“said corresponding identifier”
Plaintiff Proposed Construction	No construction necessary.

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	In the alternative: “selectable object or hyperlink.”
Plaintiff's Identification of Intrinsic Support	'696 Patent Col. 3 l. 3-12. '696 Patent Col. 3 l. 25-27. '696 Patent Col. 4 l. 64-65. '696 Patent Col. 5 l. 2-7. '696 Patent Col. 5 l. 44-47. '696 Patent Col. 5 l. 50-55. '696 Patent Col. 6 l. 56-59.
Defendants' Proposed Construction	Defendants contend this term is indefinite, <i>see</i> <i>infra</i> at pp. 21-23.
Defendants' Identification of Intrinsic Support	*****

No. 20

Claim Terms	“means for selecting and activating comprises: at least one predetermined parameter that activates a corresponding function from said plurality of functions when said parameter is satisfied” Claim 13
Plaintiff Proposed Construction	No construction necessary.

<p>Plaintiff's Identification of Intrinsic Support</p>	<p>'696 Patent Col. 1 l. 48-59; '696 Patent Col. 1 l. 60-67; Col. 2 l. 1-6; '696 Patent Col. 2 l. 18-27; '696 Patent Col. 2 l. 31-63; '696 Patent Col. 2 l. 64-67; Col. 3 l. 1- 12; '696 Patent Col. 3 l. 12- 32; '696 Patent Col. 3 l. 33- 67; '696 Patent Col. 4 l. 1- 12; '696 Patent Col. 4 l. 34- 67; Col. 5 l. 1-11; '696 Patent Col. 5 l. 57-67; Col. 6 l. 1-67; Col. 7 l. 1-9</p> <p>Fig. 1A – Fig. 1C Fig. 2A – Fig. 2C Fig. 3 (93, 94) Fig. 4</p>
<p>Defendants' Proposed Construction</p>	<p>Subject to § 112(6).</p> <p><u>Function:</u> Selecting and activating with at least one predetermined parameter to activate a corresponding function from a plurality of functions when said parameter is satisfied.</p> <p><u>Structure:</u> The specification fails to disclose a corresponding structure and algorithm for performing the recited function, rendering this phrase indefinite.</p>

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SUPREME COURT
PRESS

No. _____

In the
Supreme Court of the United States

FRANZ A. WAKEFIELD D/B/A COOLTVNETWORK.COM,
Petitioner,

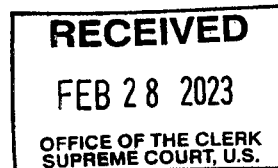
v.

BLACKBOARD, INC. ET AL.,
Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Federal Circuit

PATENT VOLUME

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CoolTVNetwork.com Patent Volume

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China Notice of Allowance (March 11, 2014).....	PV.153
Australian Certificate of Registration (February 4, 2014)	PV.158



US007162696B2

(12) **United States Patent**
Wakefield

(10) **Patent No.:** **US 7,162,696 B2**

(45) **Date of Patent:** **Jan. 9, 2007**

(54) **METHOD AND SYSTEM FOR CREATING,
USING AND MODIFYING
MULTIFUNCTIONAL WEBSITE HOT SPOTS**

(76) Inventor: **Franz Wakefield**, 17731 NW. 14th Ct.,
Miami, FL (US) 33169

(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 409 days.

(21) Appl. No.: **09/877,729**

(22) Filed: **Jun. 8, 2001**

(65) **Prior Publication Data**

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Related U.S. Application Data

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8, 2000.

(51) **Int. Cl.**
G06F 3/00 (2006.01)
G06F 9/00 (2006.01)
G06F 17/00 (2006.01)

(52) **U.S. Cl.** **715/716; 715/733; 715/722;
715/719**

(58) **Field of Classification Search** **345/723,
345/726, 853; 370/401; 379/90.01, 93.07,
379/93.12, 93.14, 93.17; 704/240, 275; 705/26,
705/37; 707/3, 4, 5, 10, 104.1; 709/206,
709/218; 715/513**

See application file for complete search history.

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Primary Examiner—Kristine Kincaid

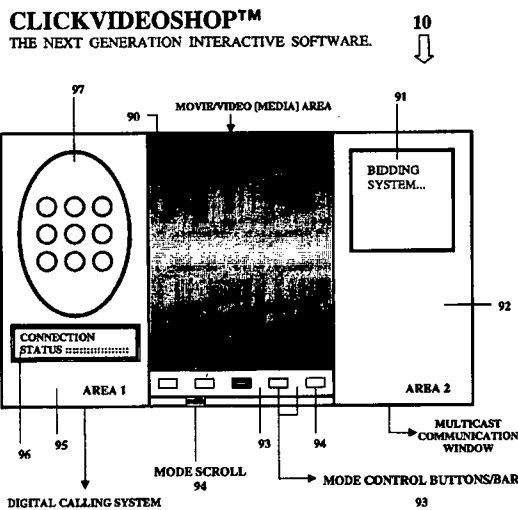
Assistant Examiner—Boris Pesin

(74) *Attorney, Agent, or Firm*—Franz Antonio Wakefield,
Pro, Se.

(57) **ABSTRACT**

A method, apparatus and system for creating, using and
modifying multifunctional website hot spots including soft-
ware that identifies, programs and activates hot spots with a
plurality of functions wherein the functions include a shop-
ping mode for selecting and purchasing items on a website
or in a video, a digital call mode for facilitating videocon-
ferencing and telephone calls over a globally accessible
network, a digital storage area for selecting, retrieving and
playing selected digital media files, a bid mode that facili-
tates audio and video communication during multi-task
communication interface for conducting an auction and/or
accepting bids, an interact mode for communicating a user
with a live streamed digital media file, a link mode for
directly linking to pre-identified URL addresses and an
entertain mode for retrieving and activating digital media
files, wherein the functions are selected based on user inputs
or predetermined parameters and are activated by clicking a
predetermined hot spot.

18 Claims, 9 Drawing Sheets



PV.2

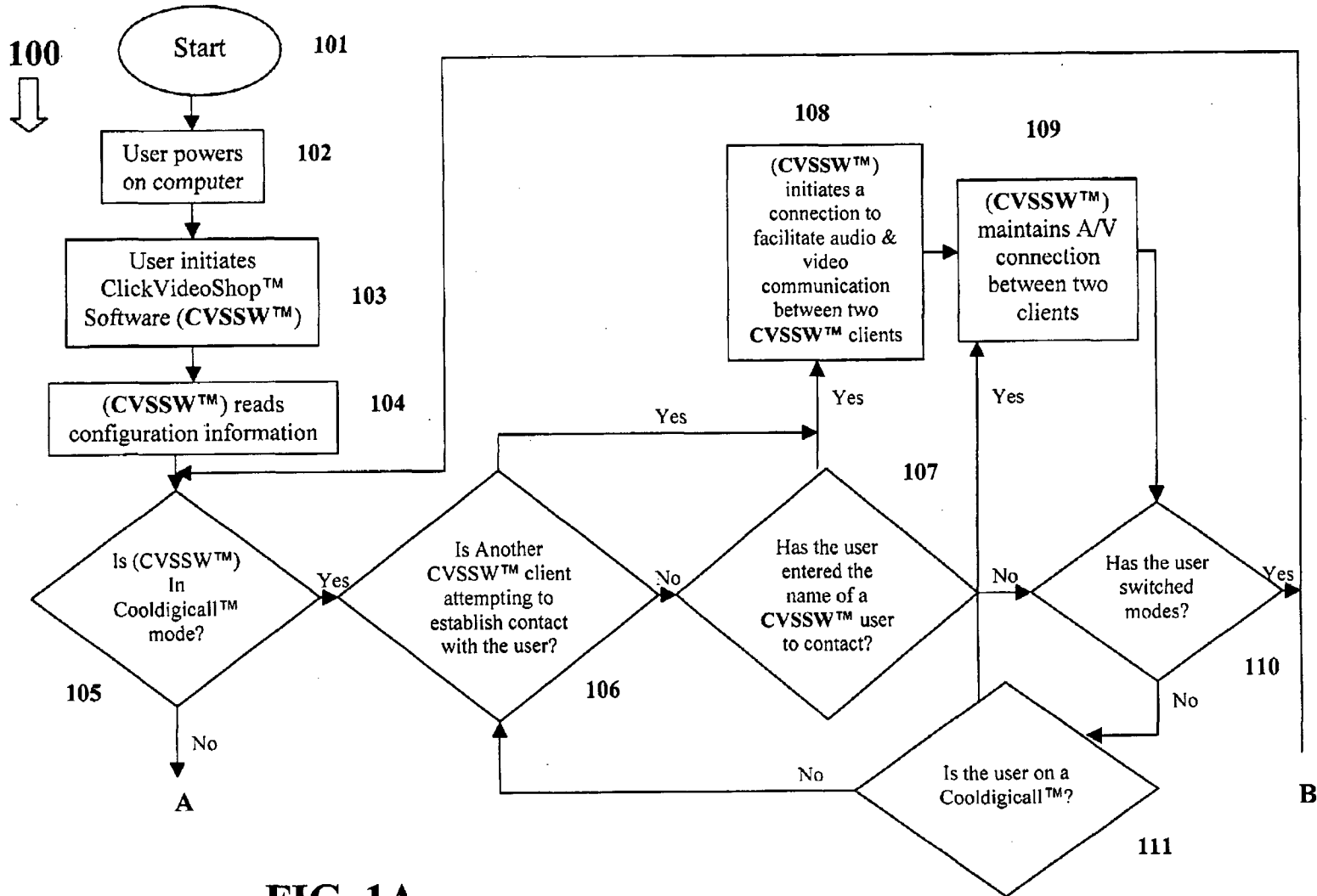


FIG. 1A

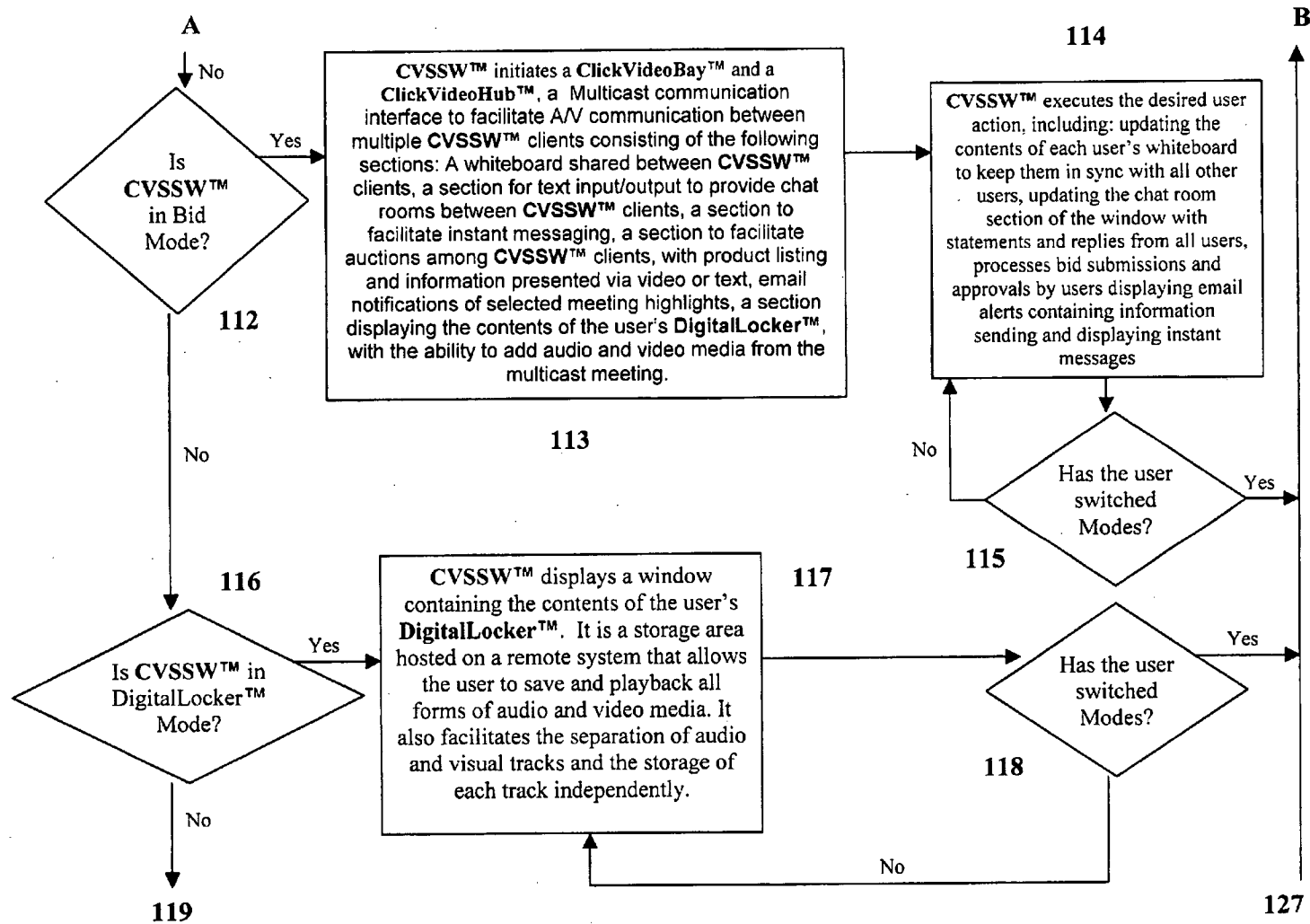


FIG. 1B

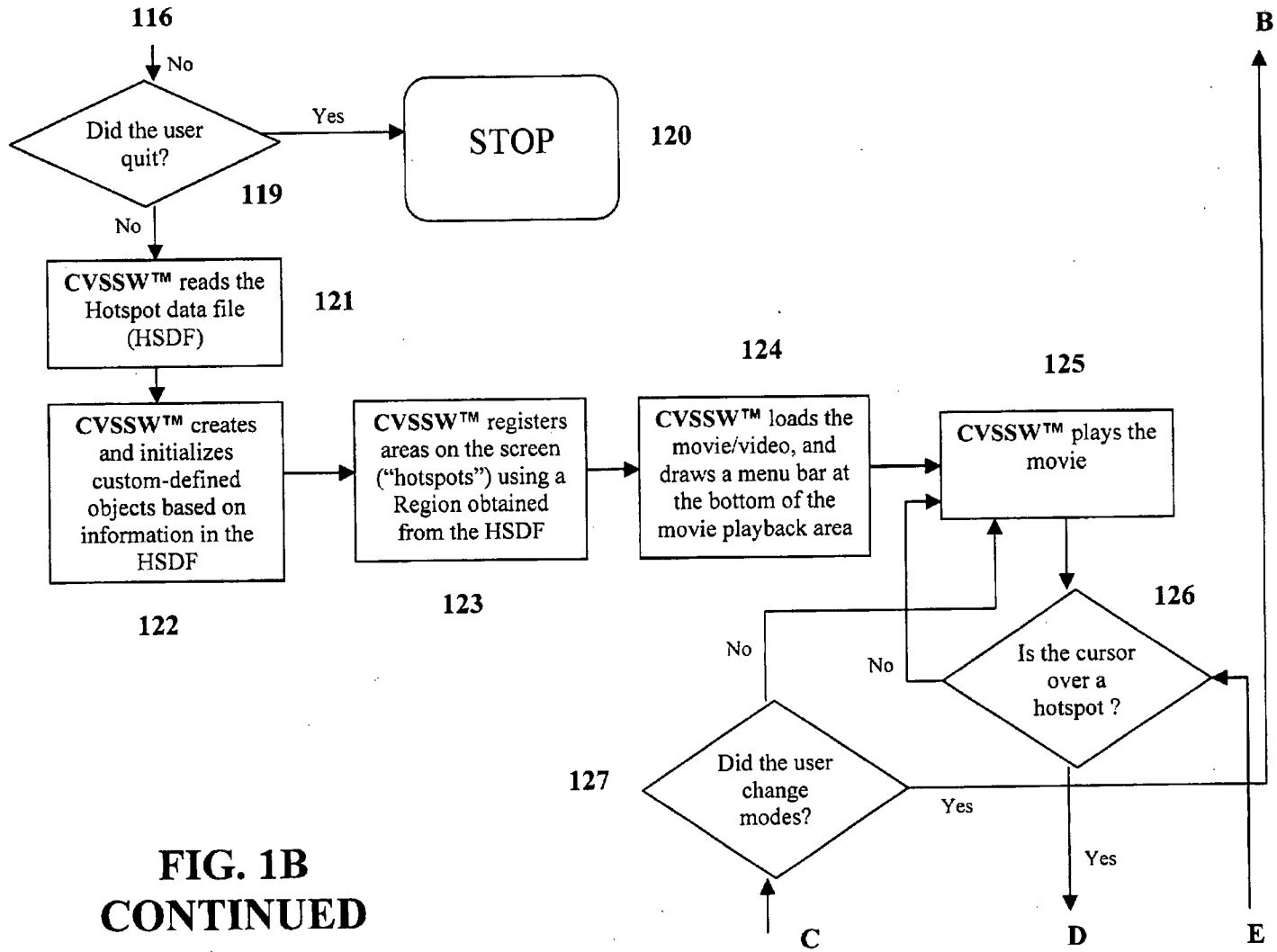


FIG. 1B
CONTINUED

PV.5

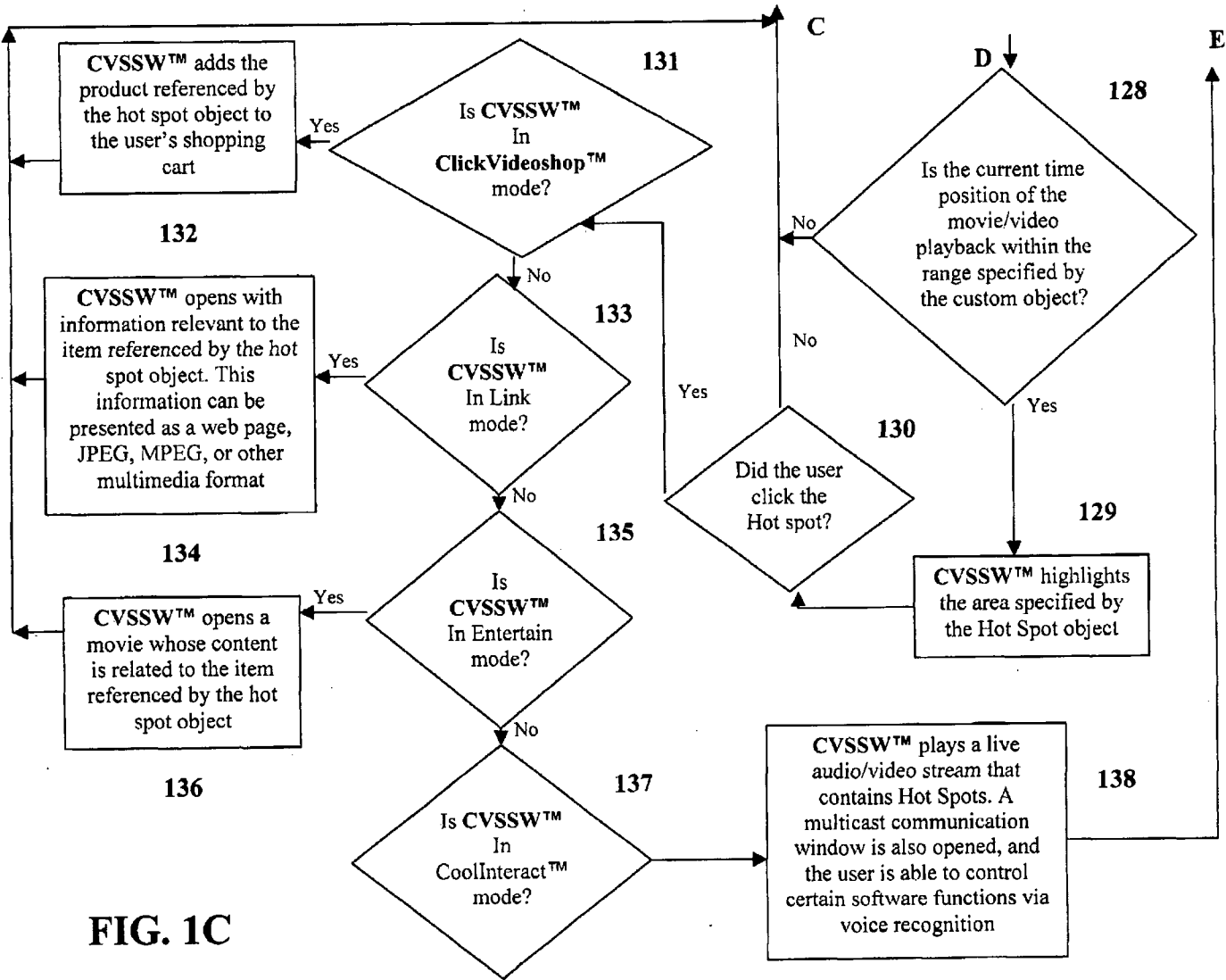


FIG. 1C

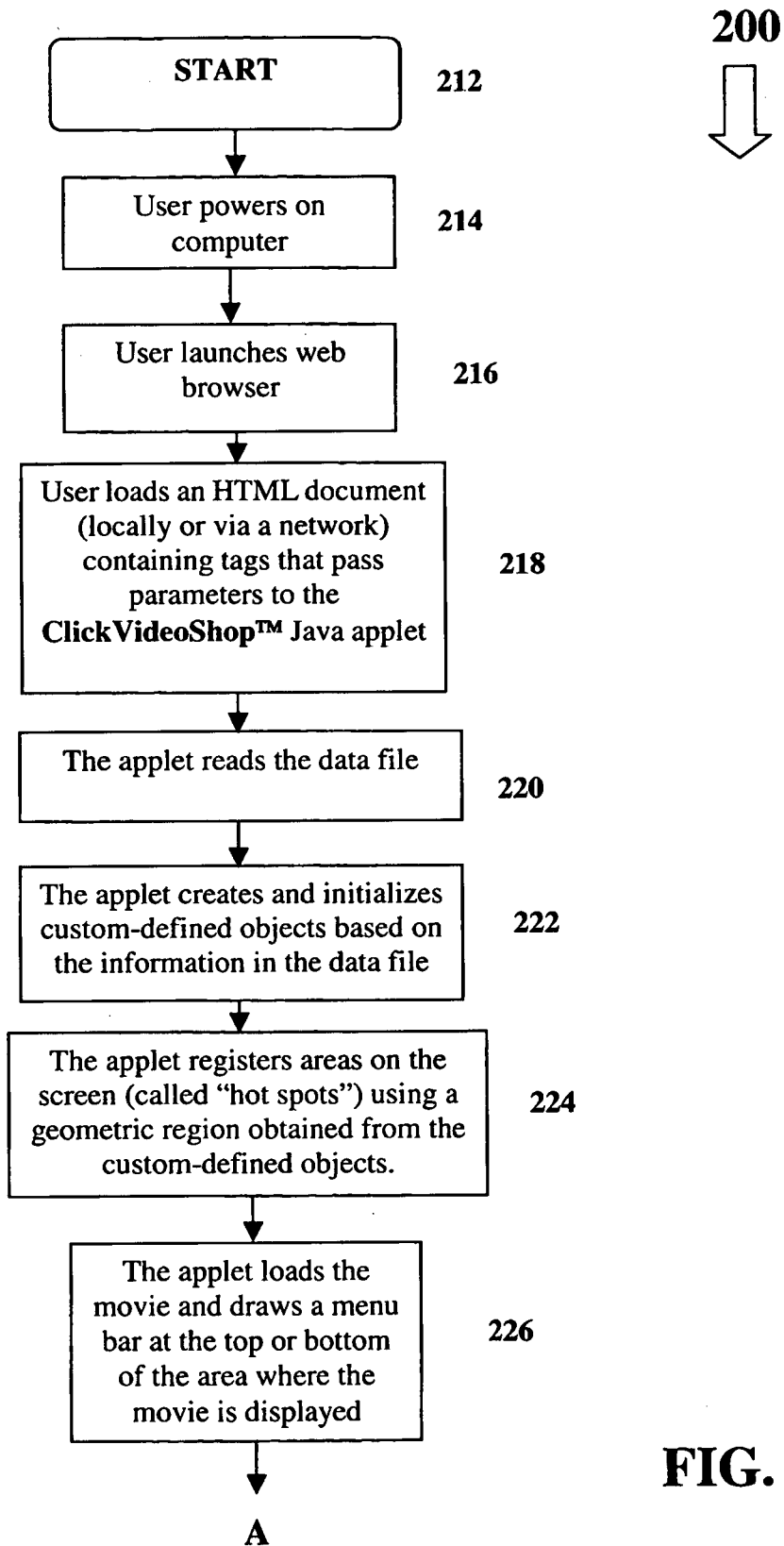
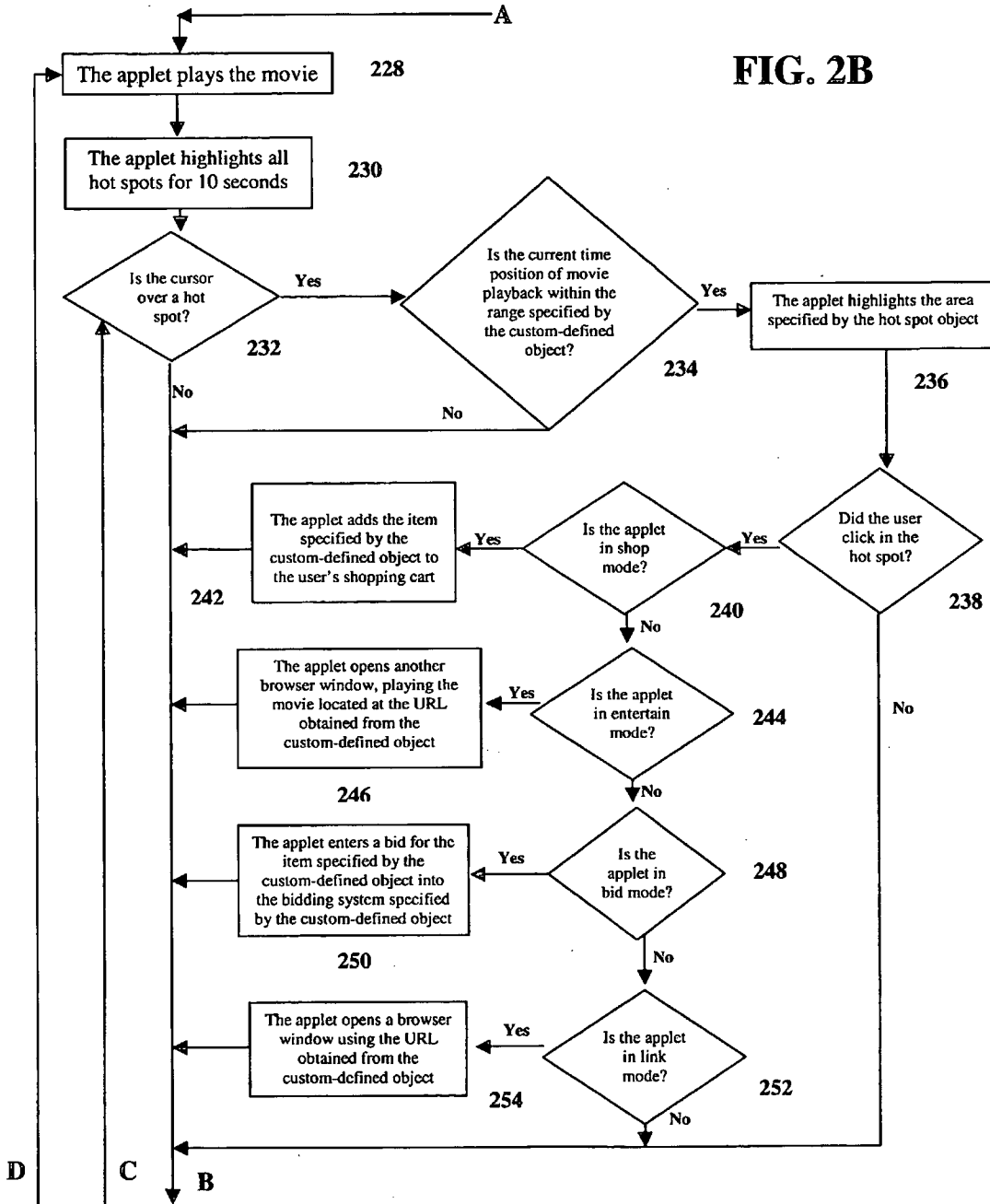
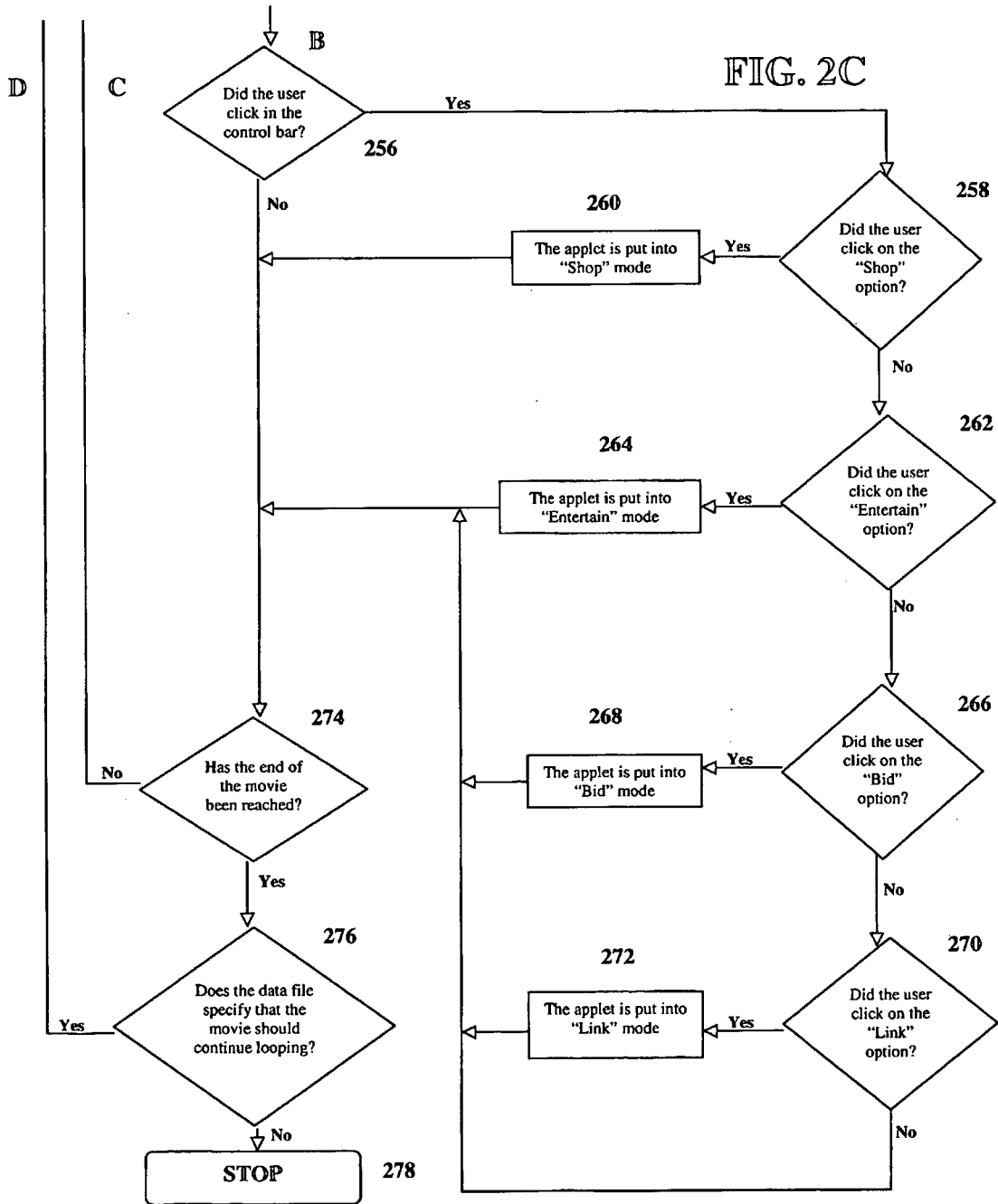


FIG. 2A

FIG. 2B





CLICKVIDEOSHOP™

THE NEXT GENERATION INTERACTIVE SOFTWARE.

10
↓

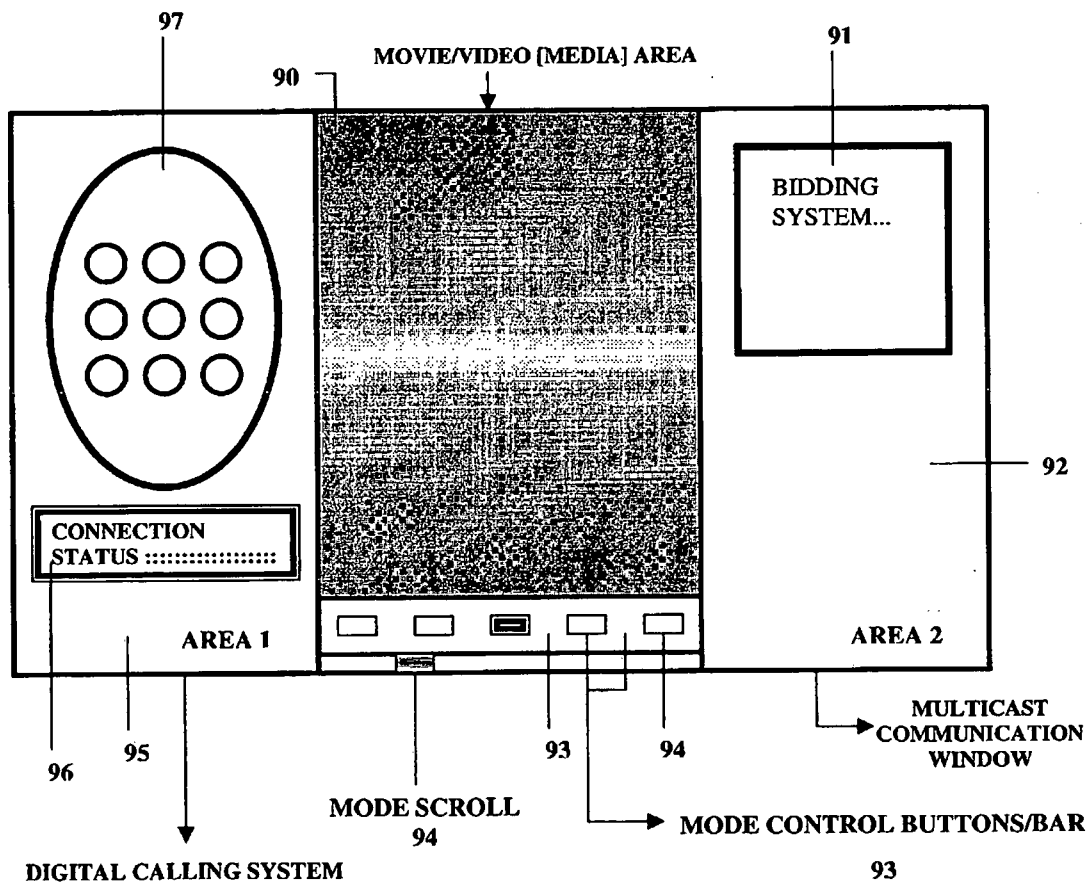


FIG. 3

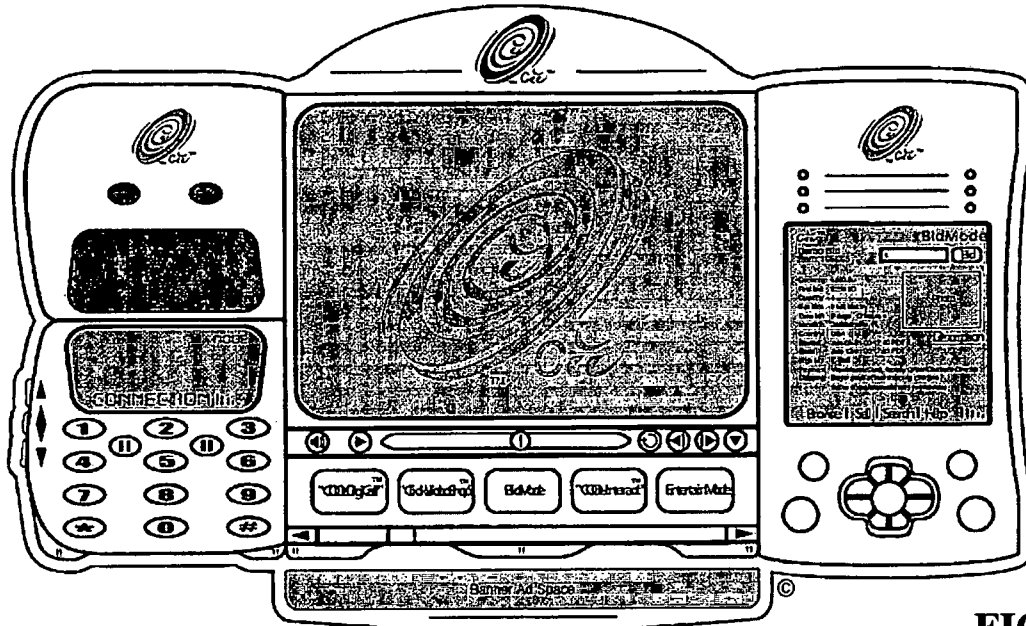


FIG. 4

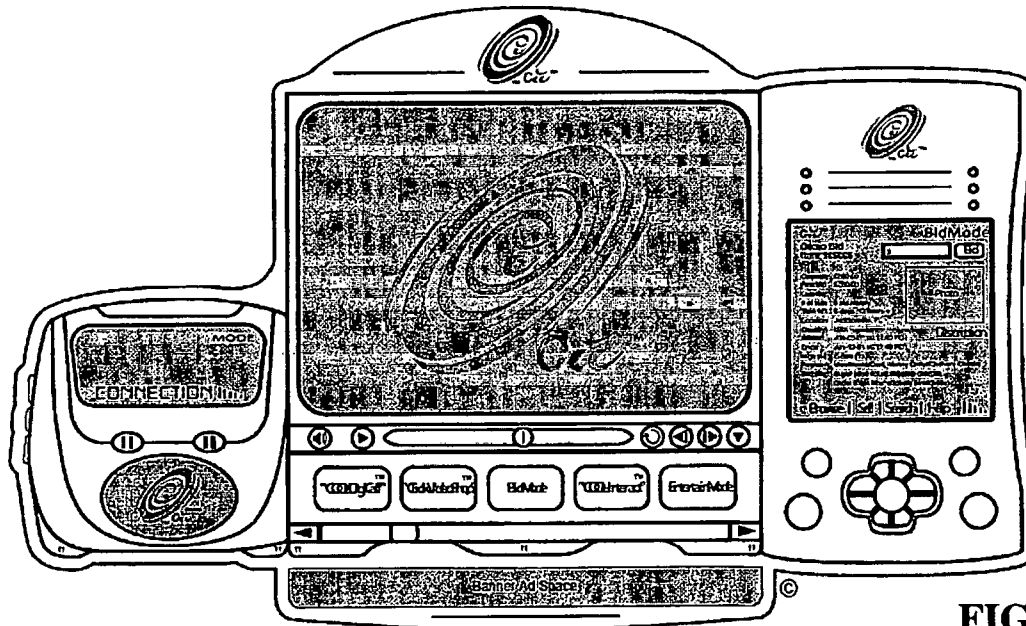


FIG. 5

CLICKVIDEOSHOP™

1

METHOD AND SYSTEM FOR CREATING, USING AND MODIFYING MULTIFUNCTIONAL WEBSITE HOT SPOTS

CROSS REFERENCE TO RELATED APPLICATIONS

This application claims the benefit of provisional application Ser. No. 60/210,300 filed Jun. 8, 2000.

STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT

N/A

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BACKGROUND OF THE INVENTION

1. Field of the Invention

This invention relates generally to multifunctional website hot spots, i.e. hyperlinks, and more particularly, to a program or software based tool for creating, using, modifying and/or modifying multifunctional hot spots in web applications that run over a globally accessible network and a function expanding menu bar.

2. Description of the Background Art

Interactive digital media and the use of hyper-linking tools to visit a designated location or perform a pre-defined function, such as hot spots, are generally known in the art. For instance, hyper-linking tools have been developed for making text and graphics available for interactive use, such as linking to pages within a website or to other websites, making purchases or initiating other actions. A link is typically made using text, icons, images or other objects appearing in a display to access another text file, program or media function. NBCi (a trademark of NBC Internet, Inc.) provides a website at "quickclick.com" that assigns a hyperlink to certain words for accessing other webpages and/or websites when those words are clicked. Based on current technology, hot spots and hyper links are limited to preordained functions and are internally static, such that they have not been programmed or modified to perform a wide variety of functions. In addition, hot spots have not been widely adapted or incorporated into video files. As the applications employed on the Internet fail to adequately address the foregoing issues, the instant invention gives the end user the ability to effectively and efficiently control and change the response of multifunctional hot spots and hyperlinks on a website. Consequently, this invention would be well received, especially in connection with video.

As noted, the use of hyperlinks and hotspots are known in the art, however current applications are static and do not address the problems noted above. For instance, U.S. Pat. No. 5,918,012 discloses the hyperlinking of time-based data files and embedding movies into other file types. It does not disclose the use of hot spots, as contemplated by the instant invention, and does not load the data file at startup but rather consults it on every click. U.S. Pat. No. 5,708,845 discloses

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a system for mapping hot spots in media content for interactive digital media program. This patent discloses data files being separate from the video and linking to additional types of data. However, it fails to disclose the ability to change the type of information each hot spot links to, or having a hot spot that links to multiple databases or sites. U.S. Pat. No. 5,539,871 discloses a method and system for accessing associated data sets in a multimedia environment in a data processing system and associating data with elements in a multimedia presentation. The user may elect to have the associated data set presented by selecting the additional graphic element associated with the animated element. U.S. Pat. No. 5,970,504 discloses a moving image anchoring and hypermedia apparatus which estimates the movement of an anchor based on the movement of the object with which the anchor is associated and time intervals in which the hyperlink is active.

The foregoing prior art fails to disclose hyperlink and hot spot technology that is flexible, adaptable for use in digital media files, such as audio and video, platform independent, multi-tasked, and changeable and adaptable in functionality. The prior art also fails to disclose a menu bar that communicates with hot spots for creating, using and modifying website hot spots. Hyperlink and hot spot technology having these specifications would be well received. Consequently, there exist a need for programmable hyperlinks, multifunctional hot spots and a corresponding interactive menu bar.

SUMMARY OF THE INVENTION

The instant invention comprises an apparatus, system and method for creating multifunctional hotspots preferably for use in conjunction with digital media files, such as prerecorded and live-streamed audio and/or video, or other website content. The instant invention comprises software for expanding interaction between users and websites via a globally accessible network, such as the Internet or locally accessible networks. The software is preferably written in the JAVA programming language or other applications-based development software which is operational on a wide variety of computing platforms. The instant invention may further comprise source code that is convertible to executables as is known in the art. The software of the instant invention preferably facilitates the use of a digital media file, such as a digital video source or video stream, as a conduit for accessing related or targeted information through multifunctional hotspots imbedded or residing therein. The multifunctional hotspots may access information within the user's system, or a globally accessible network or over any local area network. Prerecorded and/or live streamed video is preferred as it provides a unique foundation for affording the user the opportunity to interact with video and other content in the website through activating with multifunctional hotspots having a plurality of different modes or functions. The multifunctional hot spots preferably comprise hyperlinks to other URL addresses and/or targeted databases. The multifunctional hot spots are preferably delineated by outlines or illumination, as visual cues to alert the user that clicking within the "multifunctional hot spot area will" give them access to additional information, files or locations. This is analogous to a hypertext link being highlighted in an HTML format when the cursor moves over it.

The software further comprises a function expandable menu bar for identifying, offering and delivering the plurality of activity modes of the instant invention. The function expandable menu bar comprises a plurality of different

activity modes or options which is preferably displayed at the bottom area of the video being played. The location of the function expandable menu bar may vary. The function expandable menu bar comprises a plurality of different modes/functions including a shop mode (“clickvideoshop™” a trademark of applicant), a digital call mode (“cooldigicall™” a trademark of applicant), a digital storage and retrieval mode (“digitallocker™” a trademark of applicant), a bid mode, an interact mode (“cool-interaction™” a trademark of applicant), a link mode, and an entertainment mode. A multifunctional hot spot can support one or more modes at any time. The shopping mode allows a user to fill a shopping cart with digital media files, the object or merchandise that was highlighted by the hot spot and other items for purchase. The digital call mode provides video conferencing and/or internet originated and operated telephone calls (“cooldigicalls™” a trademark of applicant) between two or more software users. The digitallocker mode provides a storage area for saving and playing digital media files selected therefrom. The bid mode facilitates audio and/or video communication between multiple users/clients in a multicast communication interface for conducting an auction and/or receiving bids for obtaining products or product information. The interact mode facilitates interaction between users and live-streamed Internet programs. The link mode hyperlinks to related or targeted web pages and/or web sites in an auxiliary browser. The entertain mode accesses related or targeted web sites, information and/or digital media files. Clicking an option in the menu bar determines the action to be taken when a user clicks on a multifunctional hot spot.

Hot spots support at least one of the modes provided by the function expandable menu bar and can support all modes if desired. The software of the instant invention provides for a virtually unlimited number of associations between digital media files, such as video and Internet accessible information. The menu bar is configured to expand for the support of additional relationships, actions and links. For example, during playback of a music video, a hot spot could load and make available in-depth product or performer information (Celebrity VideoTimeCapsules™) and (Celebrity Video-Biographies™ or Now-&-Then Entertainment News (a trademark of applicant) related to something in the video, a bid submission form, or an additional media file. The function of hot spots may vary during the running of a digital media file based on time stamps or other parameters. The action of the hot spots could be determined by a length of time into a video, or beginning and ending time stamps within the video or software correlating to the video. A multifunctional hot spot is activated when a user moves the cursor into the designated area at a point in time within the time-stamped interval in which the hot spot is specified to be active for a certain activity. An active hot spot is one in which the perimeter of its area is visible, or the area has been illuminated. A multifunctional hot spot comprises a designated area within a digital media file, such as a video stream or wave file for accessing information or data residing on a particular website or database. The hot spots may further include the beginning and ending time stamps specified in a data file, which may be loaded when a video is loaded and contain as many hot spot definitions as necessary. When a video reaches the end, a data file may specify whether or not the video should start at the beginning or some other designated location.

In accordance with the foregoing, it is an object of the instant invention to provide a software based apparatus,

system and/or method for multifunctional hotspots that may be created or modified in accordance with predetermined parameters or user inputs.

It is also an object of the instant invention to provide an apparatus, system and method for creating and/or modifying multifunctional hotspots with a plurality of applications that may be activated or rendered idle based on predetermined parameters or user inputs.

It is a further object of the instant invention to provide an expandable menu bar having a plurality of hot spot defining options and an interface for receiving user inputs for defining the next action of the hot spot based on the user input.

In accordance with these and other objects, which will become apparent hereinafter, the instant invention will now be described with particular reference to the accompanying drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

FIGS. 1A–1C are a software flow diagram illustrating the operation, features and use of and user interaction with the instant invention in accordance with the preferred embodiment.

FIGS. 2A–2C are a software flow diagram illustrating another embodiment of the operation, features and use of and user interaction with the instant invention.

FIGS. 3–5 are illustrative views of representative and alternative screen displays in accordance with the instant invention.

DETAILED DESCRIPTION OF THE INVENTION

With reference to the drawings, FIGS. 1A–C to 5 disclose the preferred embodiments of the instant invention which is generally referenced by numeric character **10** and/or as ClickVideoShop™ (a trademark of Applicant) system and/or software (“CVSSW”, a trademark of Applicant). The instant invention **10** comprises an interactive software based system and device having processor readable code **100** and/or **200**, as shown in FIGS. 1A–1C and 2A–2C, respectively, stored on a tangible medium that can add, use, change, adapt and process hot spots, such as hyperlinks and other known actions, in video files, audio files, digital files and/or designated areas of a website or webpage, so as to provide multifunctional hot spots. The instant invention **10** adds multifunctional hot spots to video and/or audio files or other types of digital files and provides a means for using and modifying the functions of the hot spots. Thus, the hot spots may be programmed with multiple objects and/or functions that may be activated or deactivated through a menu bar **93** having a plurality of modes and means for activating same, such as control buttons **94** that define the hot spot(s) with a predetermined function in response to successful user interaction with the buttons **94** in accordance with the invention. The software of the invention **100**, **200**, hot spots and corresponding objects or applications are platform independent and may be defined in one or more databases. The hot spots may be programmed with hyperlinks, JAVA applications and/or other types of applications based code for performing various functions while a user is residing in a video file, audio file or other location within a webpage or website, such as making a bid in a bidding or auction system mode **91**, linking to another web page or URL address in a link mode, linking to other videos or audio files in an entertainment mode, placing a digital telephone call in a digital call mode, or transmitting or accessing other types of

communications, systems (e-mail, etc.) and information, as shown in FIGS. 1A-3. The invention 10 embeds, links or makes available multifunctional hot spots that change modes automatically based on predetermined parameters or user interaction with the menu bar 93 in the video file, audio file or other type of digital file or location with the corresponding website or webpage.

The hot spot functions comprise a plurality of actions that are accessible on the function expandable menu bar. The function expandable menu bar comprises the plurality of different functions or modes. The clickvideoshop™ mode is configured to perform various actions when activated. The shop mode allows a user to click a hot spot and add items to a shopping cart. The cooldigicall™ mode facilitates video conferencing and digital phone calls over a globally accessible network between two or more clickvideoshop™ software users. The digitallocker™ mode comprises a device and means for storing and retrieving audio media, video media or other designated data or files. The digitallocker™ modem mode may further facilitate the separation of audio and visual tracks as well as the storage of individual tracks independently. The bid mode facilitates audio and video communication between multiple clickvideoshop™ software users by initiating a clickvideobay™ (a trademark of Applicant) and clickvideohub™ (a trademark of applicant). The bid mode may provide a multi-cast communication interface by providing a shared white board, chat rooms, instant messaging, auctions for exchanging product and production information that is disseminated via video or text, e-mail notification of selected highlights and a view of the user's digitallocker™, with the ability to add audio and video from the multi-cast session. The interact mode facilitates interaction between the user and live-streamed internet programs. The user is able to communicate and/or interact with network designated queues by clicking on hot spots in a live audio and/or video streamed file being broadcasted over the internet. In the interactive mode, the user can also interact or communicate by using multi-task communication windows and the teleconference functions of the software, such as that provided by the digital call mode. In these modes, the user can activate a voice recognition function to activate certain software functions and initiate the multifunctional hot spots in the live streamed audio and/or video file. In the link mode, hot spots in the main audio and video file are initiated and open web pages, websites or other URL addresses in an adjacent browser or window or in a main playback browser/window. In the entertainment mode, the activation of hot spots causes the opening of related or targeted audio and video and/or video files related to the designated hot spot and an auxiliary browser/window. Examples of related video files may comprise Video Biographies™, Entertainment News™, Video Time Capsules™ and other entertaining audio and video files (VideoBiographies™, Now-And-Then Entertainment News™, and Celebrity VideoTimeCapsules™ are trademarks of Applicant).

The invention 10 may incorporate HTML language or a comparable language for loading documents through a web browser. The HTML document loaded by the web browser may contain a downloadable custom plug-in(s) that implements an algorithm, and/or tags that specify, among other things, the path to a Java applet containing the object, source, executable or application code necessary to execute the multifunctional hot spots and currently active function as defined by a predetermined parameter or user input; the path to the video or audio file that the applet will play; and/or the path to a data file that contains variables used to create

objects and/or applications having the information needed to identify, define and activate the multifunctional hot spots and their location in designated areas on the screen or in the corresponding digital file. A data file contains tags that can specify various functions when a hot spot is activated, such as, whether the video file should only play once or play in a continuous loop; the URL of the web page or website to open when a hot spot is activated; an electronic signature that uniquely identifies a user and item(s) for adding to a shopping cart; the URL of a video file or audio file to play when a hot spot is activated; an electronic signature that uniquely identifies a purchased or auctioned item such that a request or bid for it can be entered into a multicast bidding or purchasing system; and/or an electronic signature that uniquely identifies an item or area on the screen that once initiated a communication system/digital calling system is activated in accordance with the digital call mode 95.

The instant invention requires, but is not limited to, at least one tag in the data file, and at least one of the above noted steps should be specified for defining the "hot spot's" functionality, as defined through the mode control bar 93. In accordance with the teachings of the instant invention, a "hot spot" can be programmed with more than one definition or functionality, and the mode control bar can be expanded to an indefinite number of mode control features and buttons.

Referring to FIGS. 1A-1C, the logic and operation of the preferred software 100 of the instant invention 10 is shown. With reference to FIG. 1A, the user powers up the computer and initiates the click video shop™ software 100, which reads the configuration information for the hot spots (101-104). The software 100 then determines what mode it is in for determining what action to take when a hot spot is activated. If the software 100 is in the digital call mode, then the software 100 determines whether another client is attempting to establish a contact with another user (105-106). If not, then the software 100 determines whether the user has entered a name of a user contact for initiating and placing a call (107). In either event, once a target user has been identified, the software 100 initiates a connection between the users/clients to facilitate audio and video communication between the clients (108). The software 100 maintains an A/V connection between the two clients throughout the call (109). Throughout the call, the software 100 monitors the activity to determine whether the primary client user has switched modes (110). If yes, then the software 100 moves back to determine what new mode has been activated. If a new mode has not been selected, then the software 100 continues to monitor whether the user is on the digital call and maintains the A/V connection between the two clients throughout the duration of the call (111).

With reference to FIG. 1B, the software 100 determines whether the user has selected the bid mode (112). If yes, then the software 100 initiates a ClickVideoBay™ in a Click-VideoHub™, which is a multicast communication interface to facilitate A/V communication between multiple clients (113). The multicast communication interface comprises a white board shared between software clients, a section for text input and output to provide chat rooms between software clients, a section to facilitate instant messaging, a section to facilitate auctions among software clients, with product listing information presented via video or text, e-mail notifications of selected meeting highlights, a section displaying the contents of a user's digital locker and the ability to add audio and video media from the multicast meeting (113). Thereafter, the software 100 executes the desired user action, including updating the contents of each user's white board to keep them in sync with all other users,

updating the chat room section of the window with statements and replies for all users, processing bid submissions and approvals by users, displaying e-mail alerts containing information, and sending and displaying instant messages (114). Throughout, the software 100 monitors whether the user has switched modes (115). If no, the software continues to execute the desired user actions. If yes, then the software 100 moves back to the mode identification routine.

The software 100 also determines whether the user has selected and activated the digital locker™ mode (116). If yes, then the software 100 initiates and displays a window containing the contents of the user's digital locker™ (117). The digital locker™ is a storage area hosted on a remote system or database that allows the user to save, retrieve and play back all digital forms of audio and video media. It also facilitates the separation of audio and visual tracks in the storage of each track independently. Throughout the digital locker™ mode, the software 100 monitors whether the user has switched modes (118).

If no mode is determined as being selected, the software 100 determines whether the user has exited the program (119). If not, the software 100 reads the multi-functional hot spot data file (HSDF) and creates and initializes custom defined objects based on information in the HSDF (121–122). The software 100 registers areas on the screen or in the video as multi-functional hot spots using a region obtained from the HSDF (123). The software 100 then loads the movie/video/audio file and activates and/or draws the menu bar 93 at the bottom of the video playback area or some other designated location (124). The software 100 then plays the movie/video/audio file (125). The hot spot is continuously monitored to determine whether the user has placed the cursor over a hot spot (126) and if not, it continues to play the file. If the user has placed the cursor over a hot spot, then the software 100 determines whether the current time position of the movie playback is within the range specified by the custom object (126–128). With reference to FIG. 1C, if the movie is within the time stamped range, then the software 100 highlights the area specified by the hot spot object (129). The program then determines whether the user has clicked the hot spot (130). If not, the program determines whether the user has changed modes or is remaining in the “play movie” mode. If the user clicks the hot spot, then the software 100 determines what mode the user has selected (130, 131, 133, 135, 137). Depending on the time stamped region and HSDF, the software 100 will activate the action corresponding to the mode and the video file time stamped range. If in the shop mode, then the software 100 will add products referenced by the hot spot to the user's shopping cart (132). If in the link mode, then software 100 opens with information relevant to the item referenced by the hot spot object and presents this information as a web page, jpeg, mpeg or other multi-media format (134). If the user has selected the entertainment mode, then the software 100 opens a movie/video/audio file whose content is related to the item referenced by the hot spot object as it correlates to the time stamped period in the video or movie (136). If the user has selected the cool interact™ mode then the software 100 plays a live audio/video stream that contains hot spots and a multicast communication window is open and the user is able to control certain software functions via voice recognition (138). The software 100 makes all modes available simultaneously for selection and continues to monitor user activity for determining what actions to take when a hot spot is activated, as shown in FIGS. 1A–1C.

The logic and operation of an embodiment of the software 200 of the invention 10 is shown in FIGS. 2A–2C. With reference to FIG. 2A, a user powers up the computer, launches a web browser and loads an HTML document containing a downloadable custom plug-in(s) that implements an algorithm and/or tags that pass parameters to a Java applet (212–218). It is important to note that a downloadable custom plug-in(s) may be used to implement an algorithm to perform the same tasks, instead of a Java applet. Consistent therewith, the applet reads the data file, creates and initializes custom defined objects or functions in accordance with the data file and registers areas on the screen as hot spots using a geometric region obtained from the custom defined objects (220–224). The applet loads the video or audio file and draws or uploads a menu bar 93 at the top, bottom or other location in or near the video area 90 where the video or audio file is displayed and plays the file (226–228). The applet gives a visual cue, such as highlights, illumination, or shading in or around the area of the hot spot(s) for a particular time interval, such as ten (10) seconds (230), which occurs while the movie is playing, but not necessarily all at the same time. Time stamps may be placed in the video or audio file or a corresponding routine for monitoring and communicating with the video and hot spot function for activating and deactivating functions based on the progress of the video or audio file in relation to the time stamps. User inputs in the menu bar 93 may override predetermined functions and/or time stamps.

With reference to FIG. 2B, the software 200 of the invention 10 continually monitors whether the screen cursor is over a hot spot (232). If the cursor is detected as not being over a hot spot, then the invention 10 determines whether a control bar action has been activated (256). If the cursor is detected as being over a hot spot, then it checks whether the current time position of the movie playback is within the range specified by the custom defined object (234). If the answer is no, then the program 10 determines whether a control bar action has been activated (256). If the time position is within the specified range, then the applet gives a visual cue in the area specified by the hot spot object (236). Next, the program of the invention determines whether the user has “clicked” or otherwise activated the hot spot. If no, then the program goes on to determine whether a control bar action has been activated (256). If the user activates the hot spot (i.e. clicks it), then the program determines the mode of the applet (240–252), as shown in FIG. 2B. If in the shop mode, the applet adds the items specified by the custom defined object to the user's shopping cart (240–242). If the applet is in the entertain mode, then it opens another browser window, playing the video or audio file located at the URL address obtained from the custom defined object in the corresponding hot spot (244–246). If the applet is in the bid mode, then it activates the bidding routine of the software and enters bids correlating to electronic signatures as they are made into the bidding system for the item specified by the custom defined object (248–250). If the applet is in the link mode, and the hot spot is activated then it the program opens a browser window and links to the URL obtained from the custom defined object in the hot spot (252–254). After determining the applet mode or lack thereof, the program 200 determines whether the user clicked or activated the mode or control buttons/bar 93.

Regardless of how the user or program 200 gets to the decision block for determining whether the user has clicked in the control bar 93, the program 200 proceeds with said inquiry and several other inquires depending on the responses. For instance, if the program determines that the

user has not clicked in the control bar (256), then it determines whether the video or audio file has reached the end (274). If not, the program 200 loops back to determine whether the cursor is over a hot spot (232). If the video or audio file is determined to have reached the end, then the program 200 checks the data file to see if the video should go into a continuous loop (276). If yes, then the program 200 loops back and continues playing the movie (228). If no, then the program stops (278). If the program has determined that the user has in fact clicked in the control bar (256), then it ascertains what mode was selected from the control bar (258–272). After the mode or option has been determined, the program checks to see if the video or audio file has reached the end, as described above (274–276).

Area 1 and Area 2 of FIG. 3 are Multicast Windows that are controlled by the mode control bar. The windows only appear when the video is placed in a particular mode (i.e. bid, cooldigical™ (a trademark of Applicant), clickvideoshop™ (a trademark of Applicant), entertain, cool-interact™ (a trademark of Applicant), digitallocker™ (a trademark of Applicant), coolecall™ (a trademark of Applicant), play, or link . . . etc.). FIGS. 3–5 are illustrative views of representative and alternative screen displays in accordance with the instant invention. The shape of the Video Area, Multicast Windows, and general layout of the Entertainment Area are subject to design change. It should be understood that the invention is not limited to the disclosed embodiment, but on the contrary is intended to cover various modifications and equivalent arrangements included within the spirit and scope of the claims. The instant invention has been shown and described herein in what is considered to be the most practical and preferred embodiment. It is recognized, however, that departures may be made there from within the scope of the invention and that obvious structural and/or functional modifications will occur to a person skilled in the art.

What is claimed is:

1. A Multifunctional Hot Spot apparatus comprising:
 at least one hot spot defined by a communication with instructions stored on a tangible retaining medium;
 at least one of the hot spots being accessible from a globally accessible network;
 means for performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot;
 wherein said hot spots reside on and are accessible from a digital video or audio file;
 wherein said predetermined functions are selected from a mode control;
 wherein the mode control comprises a plurality of modes;
 wherein the plurality of modes comprise a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode;
 wherein a specific mode is selected by a user through an expandable graphical user interface bar;
 wherein said specific mode further toggles based on time stamps in said digital video or digital audio file;
 wherein said hot spots are visualized by outlines, shading, or illumination or a combination of each, at a predetermined area on the display;
 wherein said Multifunctional Hot Spot apparatus is made to reside on and is executing on a computing system;
 means, defined by said instructions, for selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot.

2. An apparatus as recited in claim 1:
 where said predetermined functions comprising:
 means for further identifying items available on a website for purchase.

3. An apparatus as recited in claim 1:
 where said predetermined functions comprising:
 means for conducting an auction and receiving bids for the purchase of identified items, through a multicast communication window & interface.

4. An apparatus as recited in claim 1:
 where said predetermined functions comprising:
 means for linking to at least one predetermined URL address when said hot spot is activated.

5. An apparatus as recited in claim 1:
 further comprising a means for storing and retrieving digital media, said digital media having at least one said Multifunctional Hot Spot defined therein.

6. An apparatus as recited in claim 1:
 wherein said predetermined functions comprises:
 means for calling a predetermined phone number or user when said hot spot is activated.

7. An apparatus as recited in claim 1:
 further comprising a storage, retrieval, and modification-area apparatus:
 means for providing sessions for storing, modifying, accessing and activating digital media when said Multifunctional Hot Spot is activated:
 a set of processed or readable instructions storable on a retaining medium, providing a means for separating digital video and digital audio files in and from digital media and means defined to facilitate the separation of digital video and digital audio with at least one Multifunctional Hot Spot.

8. An apparatus as recited in claim 1, wherein said predetermined functions comprises:
 a means for communicating a website or network user with
 a digital media file having at least one said Multifunctional Hot Spot.

9. An apparatus as recited in claim 1, wherein said predetermined functions comprise:
 a voice recognition means for activating at least one of said predetermined functions based on the sound of the user's voice.

10. An apparatus as recited in claim 1, wherein
 said hot spots reside on and are accessible from at least one linked digital video file, wherein a linked digital video is accessible from digital video with at least one Multifunctional Hot Spot;
 where said digital video is activated from a preset parameter, or upon reaching a particular segment in a digital media file;
 wherein said digital video is based on a user's preference;
 means defined for automatically launching digital video to the current user or launching to another active network user.

11. An apparatus as identified in claim 1:
 wherein said hot spot resides in and is accessible from at least one, linked audio digital file, wherein linked digital audio is accessible from digital audio with at least one Multifunctional Hot Spot;
 where said digital audio is activated from a preset parameter, or upon reaching a particular segment in a digital media file;

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wherein said digital audio is based on a user's preference; means defined for automatically launching digital audio to the current user or launching to another active network user.

12. An apparatus as recited in claim 1: wherein said predetermined functions comprise: at least one globally accessible address that is accessible through a globally accessible network when said corresponding identifier is selected.

13. An apparatus as recited in claim 1, where said means for selecting and activating comprises: at least one predetermined parameter that activates a corresponding function from said plurality of functions when said parameter is satisfied.

14. An apparatus as recited in claim 13: further comprising a means for overriding said parameter when a user selects at least one of said plurality of predetermined functions.

15. A tangible computer readable storage medium having computer readable program code portions stored therein, such that, when executed in a computer causes the computer to perform the steps of:

defining at least one hot spot by a communication with instructions stored on a tangible retaining medium; accessing at least one of the hot spots from a globally accessible network;

performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot;

wherein said hot spots reside on and are accessible from a digital video or audio file;

wherein said predetermined functions are selected from a mode control;

wherein the mode control comprises a plurality of modes; wherein the plurality of modes comprise a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode;

wherein a specific mode is selected by a user through an expandable graphical user interface bar;

wherein said specific mode further toggles based on time stamps in said digital video or digital audio file;

wherein said hot spots are visualized by outlines, shading, or illumination or a combination of each, at a predetermined area on the display;

wherein said Multifunctional Hot Spot apparatus is made to reside on and is executing on a computing system; selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot.

16. An apparatus as recited in claim 1, further comprising: means for adding at least one additional function to a predetermined hot spot.

17. A Multifunctional Hot Spot method comprising: defining at least one hot spot by a communication with instructions stored on a tangible retaining medium; accessing at least one of the hot spots from a globally accessible network;

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performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot;

wherein said hot spots reside on and are accessible from a digital video or audio file;

wherein said predetermined functions are selected from a mode control;

wherein the mode control comprises a plurality of modes; wherein the plurality of modes comprise a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode;

wherein a specific mode is selected by a user through an expandable graphical user interface bar;

wherein said specific mode further toggles based on time stamps in said digital video or digital audio file;

wherein said hot spots are visualized by outlines, shading, or illumination or a combination of each, at a predetermined area on the display;

wherein said Multifunctional Hot Spot apparatus is made to reside on and is executing on a computing system; selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot.

18. a tangible computer readable storage medium having computer readable program code portions stored therein, such that, when executed in a computer causes the computer to perform the steps of:

defining at least one hot spot by a communication with instructions stored on a tangible retaining medium;

accessing at least one of the hot spots from a globally accessible network;

performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot;

wherein said hot spots reside on and are accessible from a digital video or audio file;

wherein said predetermined functions are selected from a mode control;

wherein the mode control comprises a plurality of modes; wherein the plurality of modes comprise a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode;

wherein a specific mode is selected by a user through an expandable graphical user interface bar;

wherein said specific mode further toggles based on time stamps in said digital video or digital audio file;

wherein said hot spots are visualized by outlines, shading, or illumination or a combination of each, at a predetermined area on the display;

wherein said Multifunctional Hot Spot apparatus is made to reside on and is executing on a computing system; selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot.

* * * * *



US009292158B2

(12) **United States Patent**
Wakefield

(10) **Patent No.:** **US 9,292,158 B2**
(45) **Date of Patent:** **Mar. 22, 2016**

(54) **METHOD, SYSTEM, APPARATUS, AND TANGIBLE PORTABLE INTERACTIVE ELECTRONIC DEVICE STORAGE MEDIUM; THAT PROCESSES CUSTOM PROGRAMS AND DATA FOR A USER BY CREATING, DISPLAYING, STORING, MODIFYING, PERFORMING ADAPTIVE LEARNING ROUTINES, AND MULTITASKING; UTILIZING CASCADE WINDOWS ON AN ELECTRONIC SCREEN DISPLAY IN A MOBILE ELECTRONIC INTERACTIVE DEVICE GUI (GRAPHICAL USER INTERFACE) SYSTEM**

(52) **U.S. Cl.**
CPC *G06F 3/0481* (2013.01); *G06F 1/1626* (2013.01); *G06F 3/04886* (2013.01); *G06F 2203/04803* (2013.01); *H04N 21/42204* (2013.01)

(58) **Field of Classification Search**
CPC *G06F 3/0481*
See application file for complete search history.

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(Continued)

Primary Examiner — Jeffrey A Gaffin
Assistant Examiner — Justin Lee
(74) *Attorney, Agent, or Firm* — Franz A. Wakefield

(57) **ABSTRACT**

The instant invention comprises an apparatus, system, method, and tangible interactive mobile device storage medium, for creating, displaying, storing, modifying, performing adaptive learning routines, and multitasking; utilizing Cascade Windows™ on a display in an interactive mobile device GUI (Graphical User Interface) system; where the Cascade Windows created and displayed by The Cascade Software™ Technology Invention arranges the active interface of various mobile smartphone/device systems into adjustable dimension windows opened on the mobile device screen simultaneously so that multitasking is more efficient and effortless. This process and option of cascading various system and/or application windows simultaneously, creates a powerful tool for the user and a culminating technical effect that allows the user to go back in time, and view on the display various screen configurations ranked high in importance by the user and the machine, which occurred over a specific time interval in the past.

39 Claims, 89 Drawing Sheets
(17 of 89 Drawing Sheet(s) Filed in Color)

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(72) Inventor: **Franz Antonio Wakefield**, Miami, FL (US)

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(22) Filed: **Apr. 18, 2013**

(65) **Prior Publication Data**
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Related U.S. Application Data

(60) Provisional application No. 61/687,035, filed on Apr. 17, 2012.

(51) **Int. Cl.**
G06F 17/10 (2006.01)
G06F 3/0481 (2013.01)
G06F 1/16 (2006.01)
G06F 3/0488 (2013.01)
H04N 21/422 (2011.01)

SS Mobile™ Smartphone

Cascade Software Systems



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SS Mobile™ Device

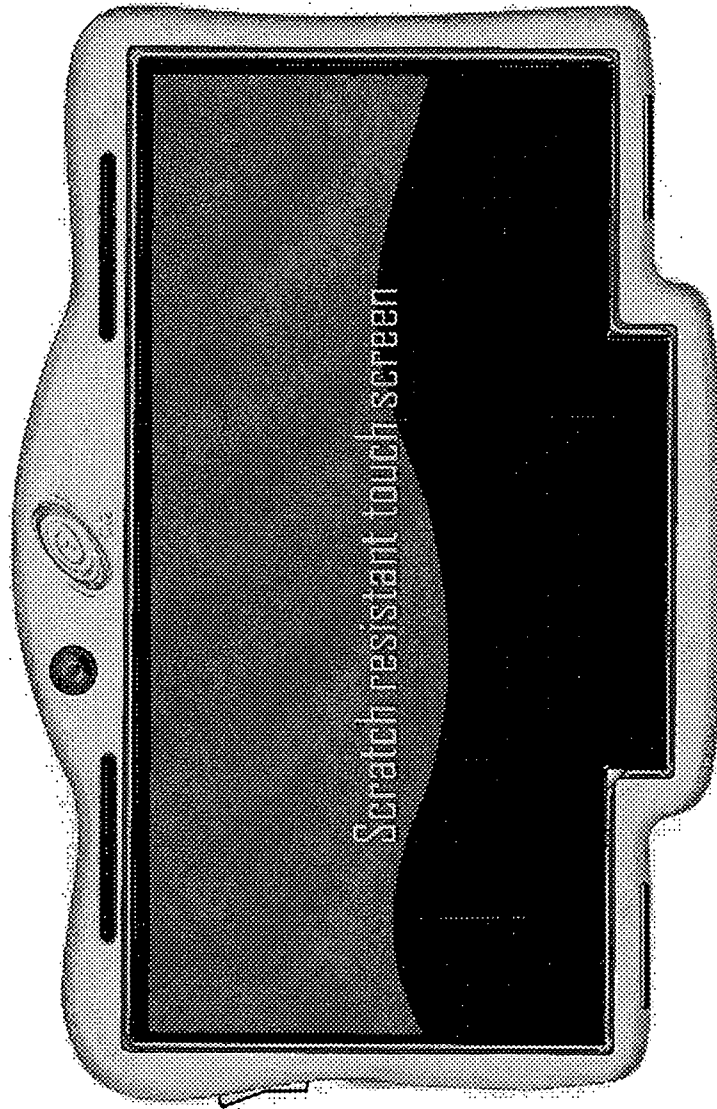


Figure 1

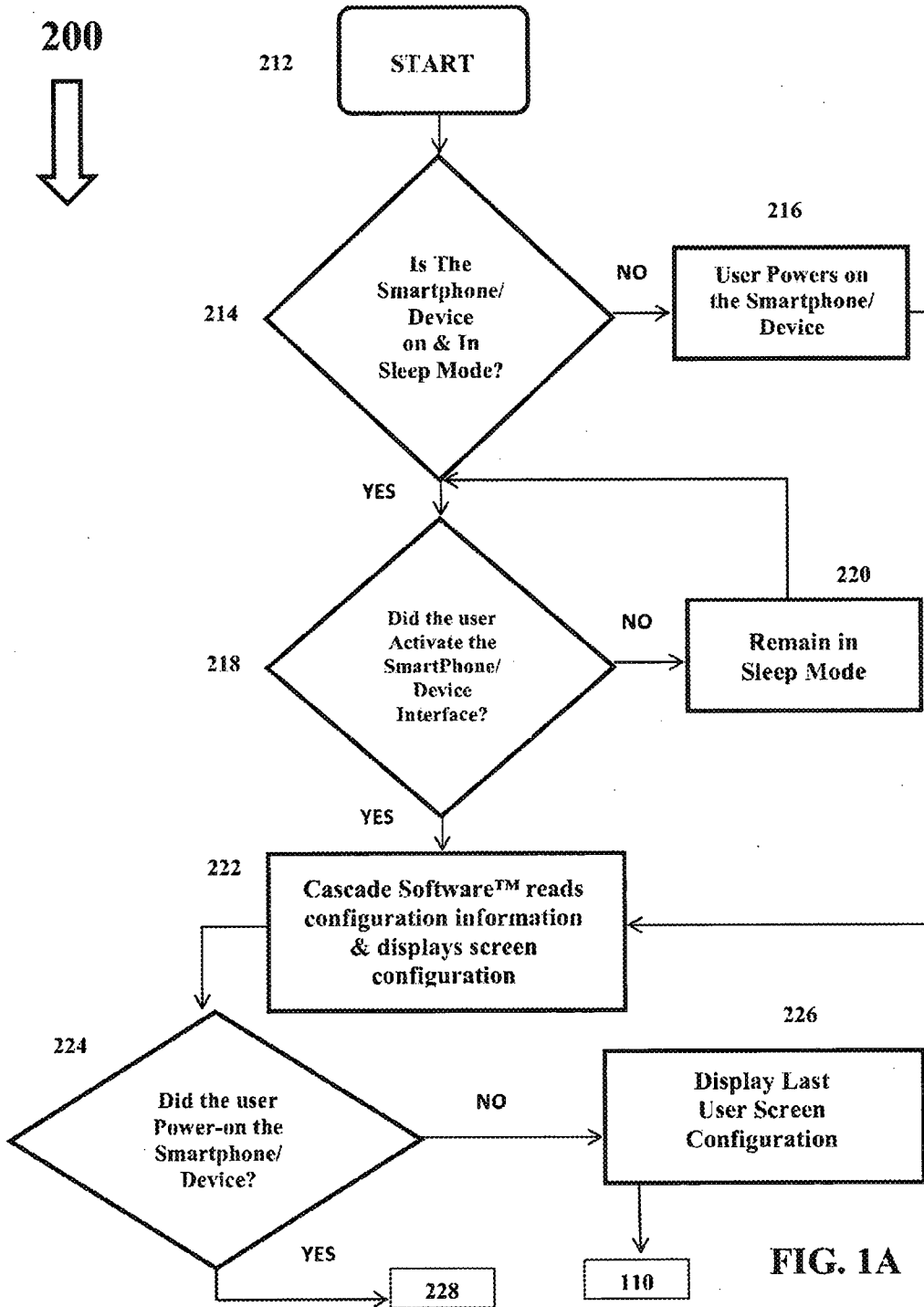


FIG. 1A

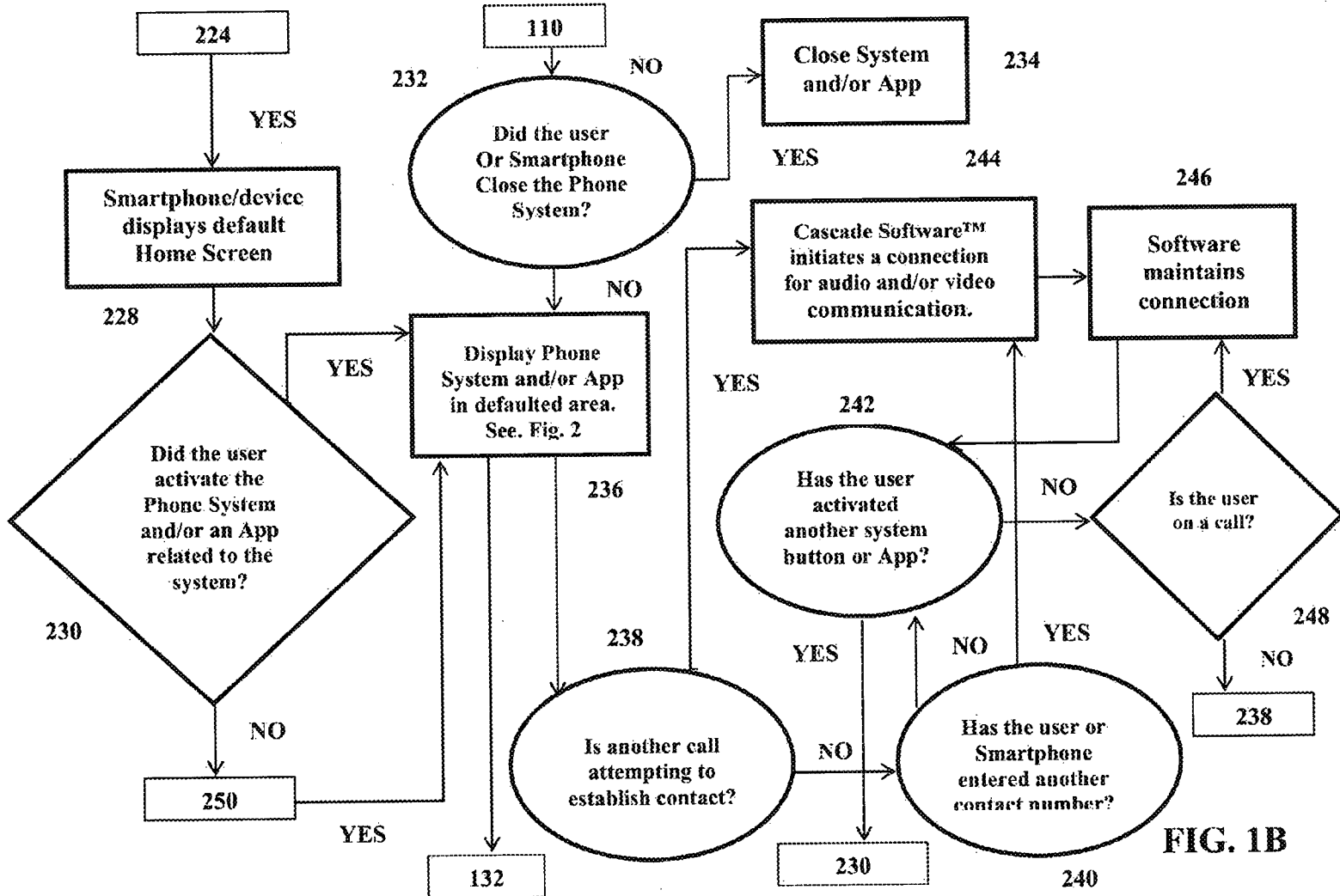


FIG. 1B

PV.21

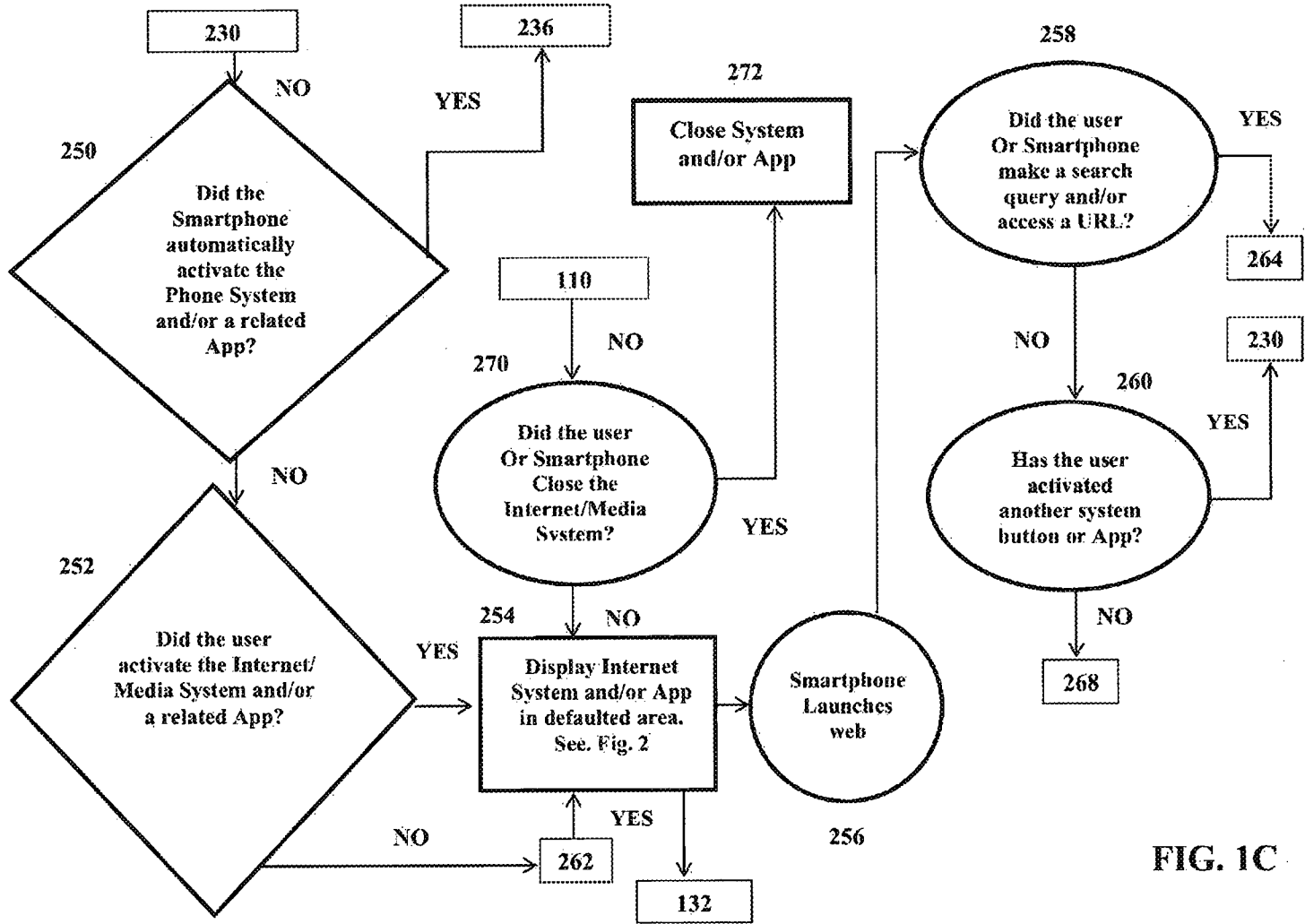


FIG. 1C

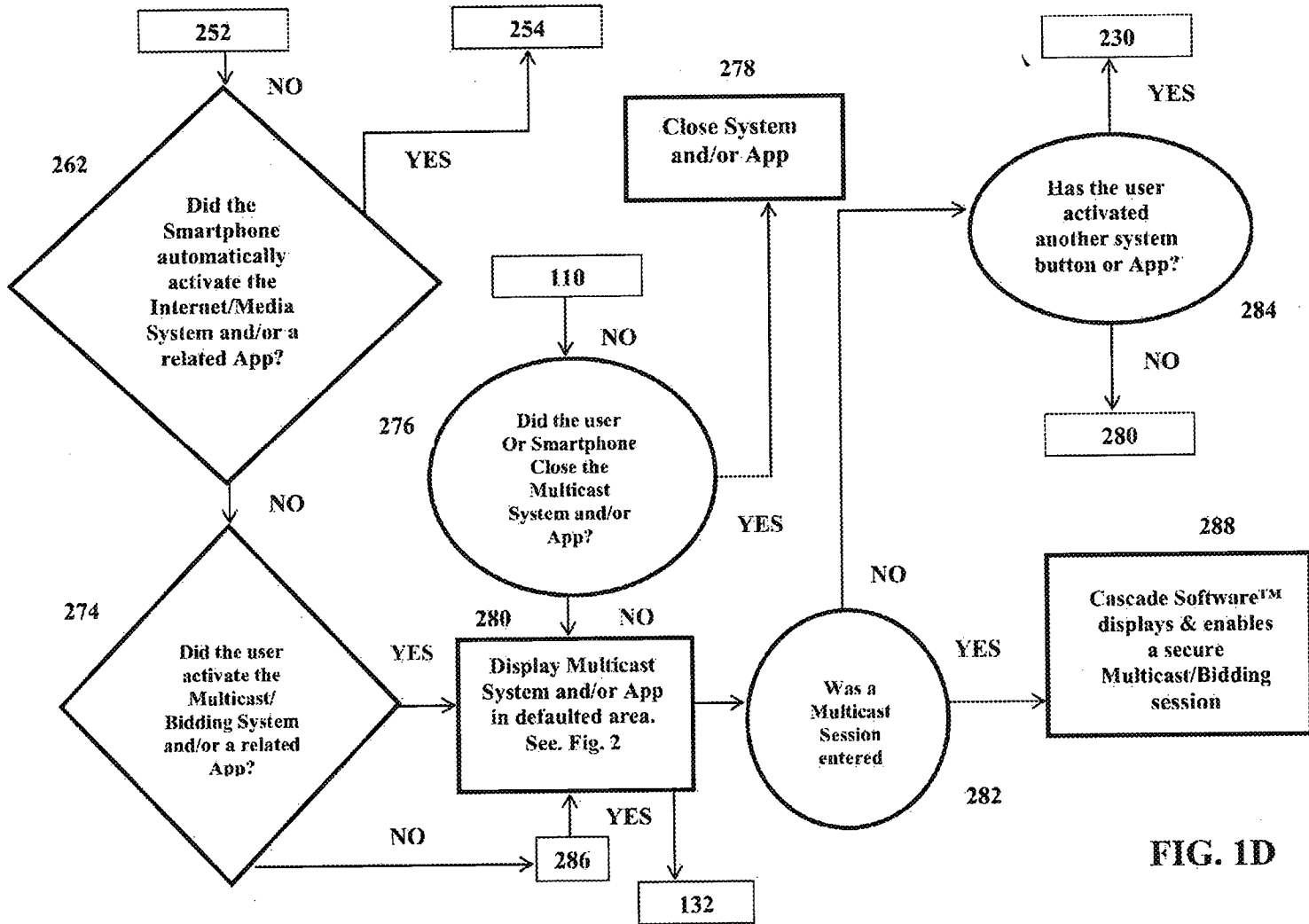


FIG. 1D

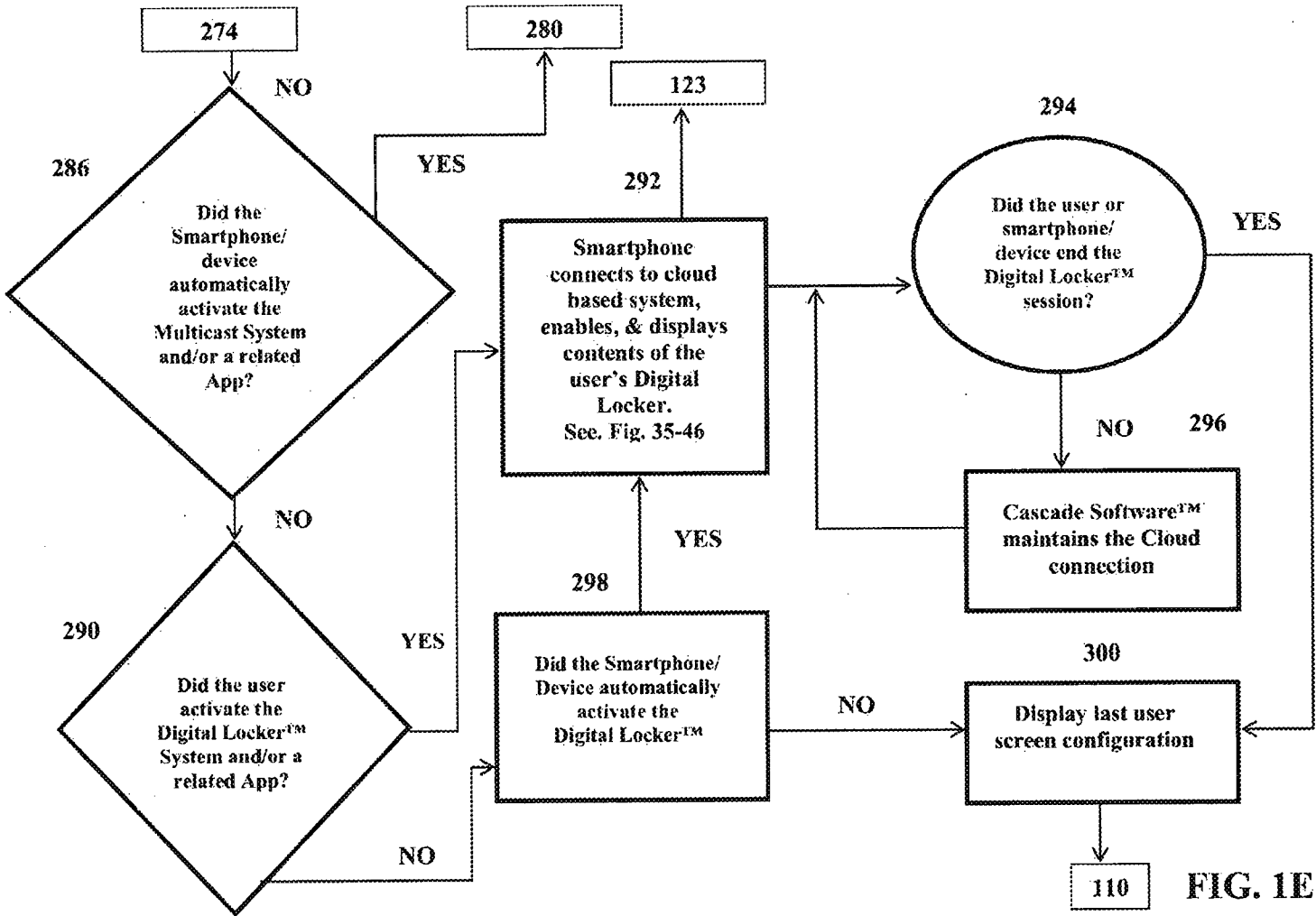


FIG. 1E

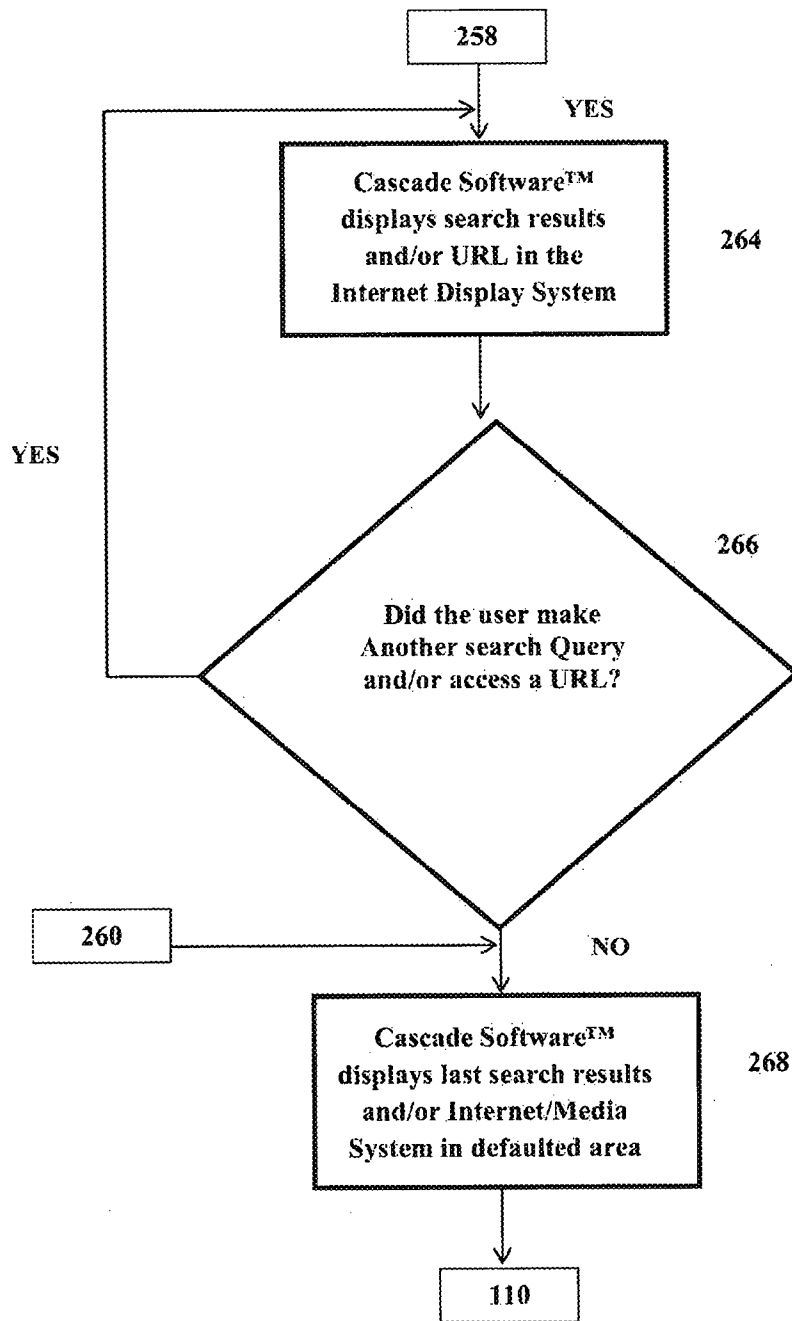


FIG. 1F

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Cascade Software System

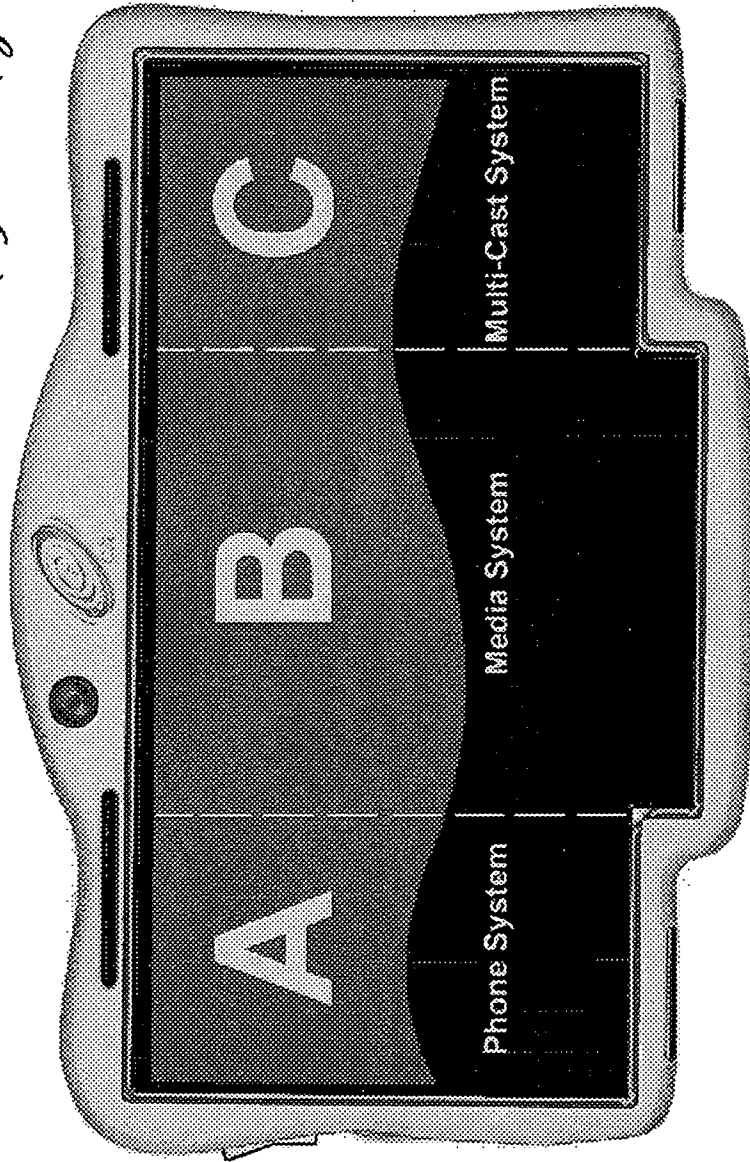


Figure 2

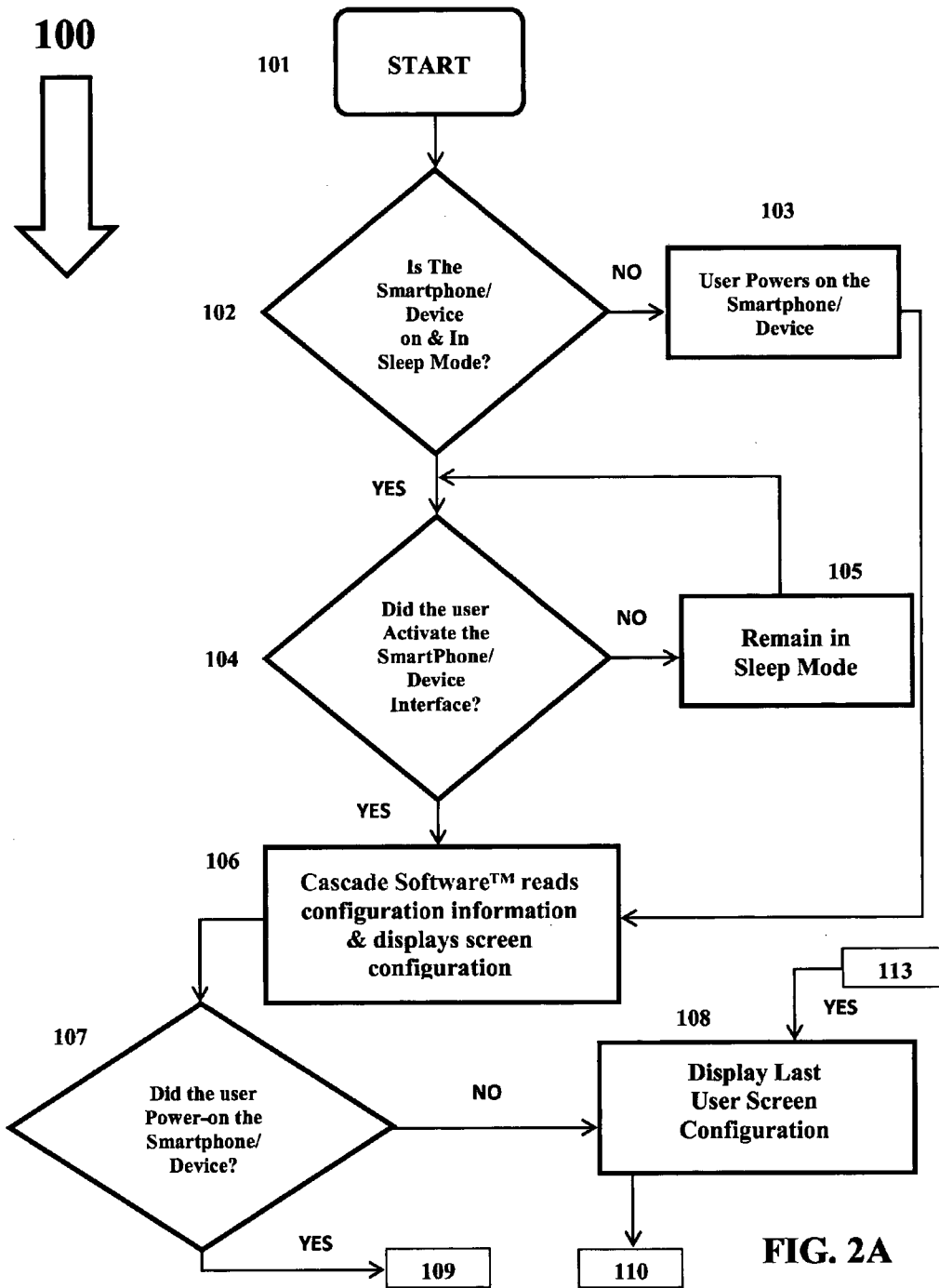


FIG. 2A

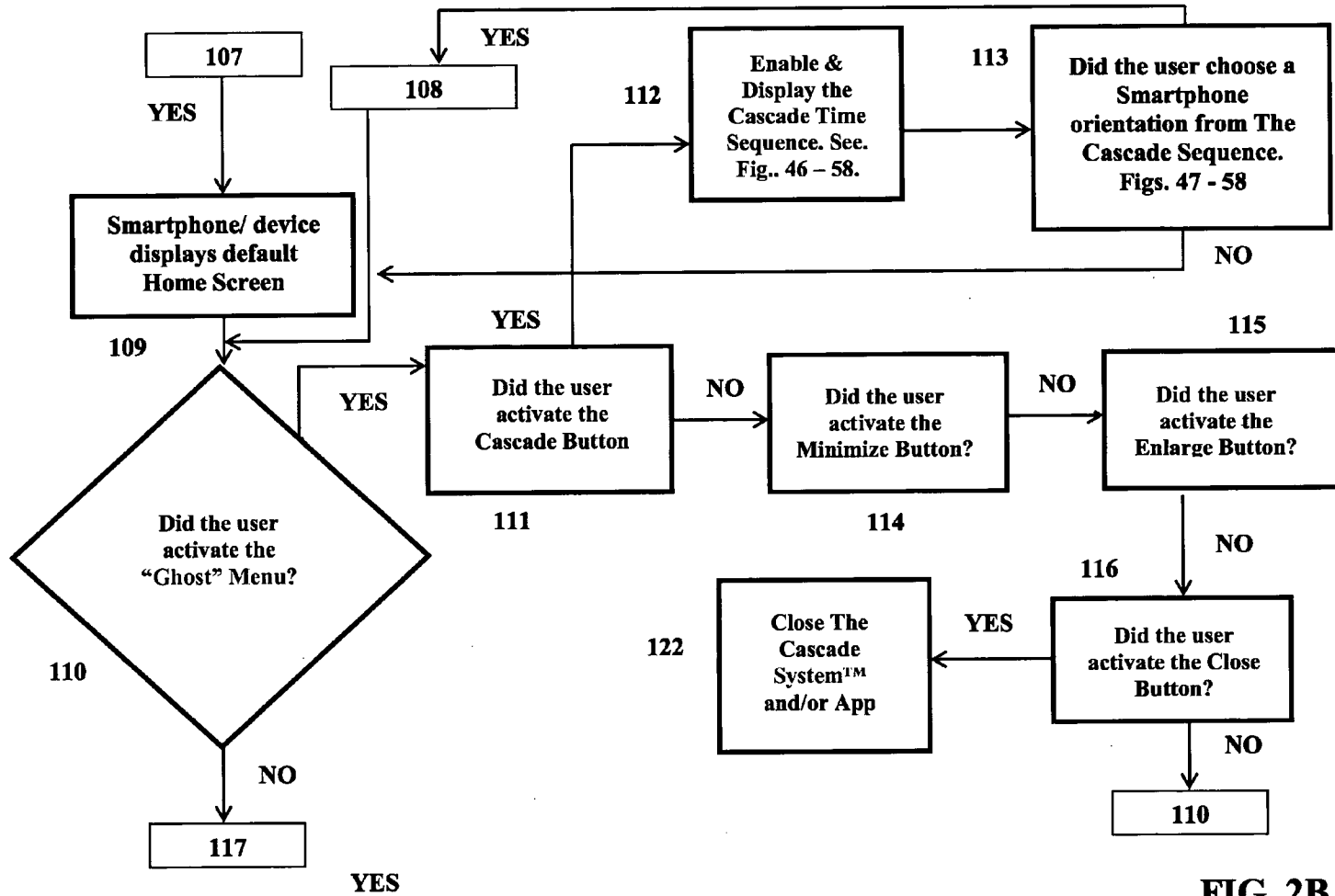


FIG. 2B

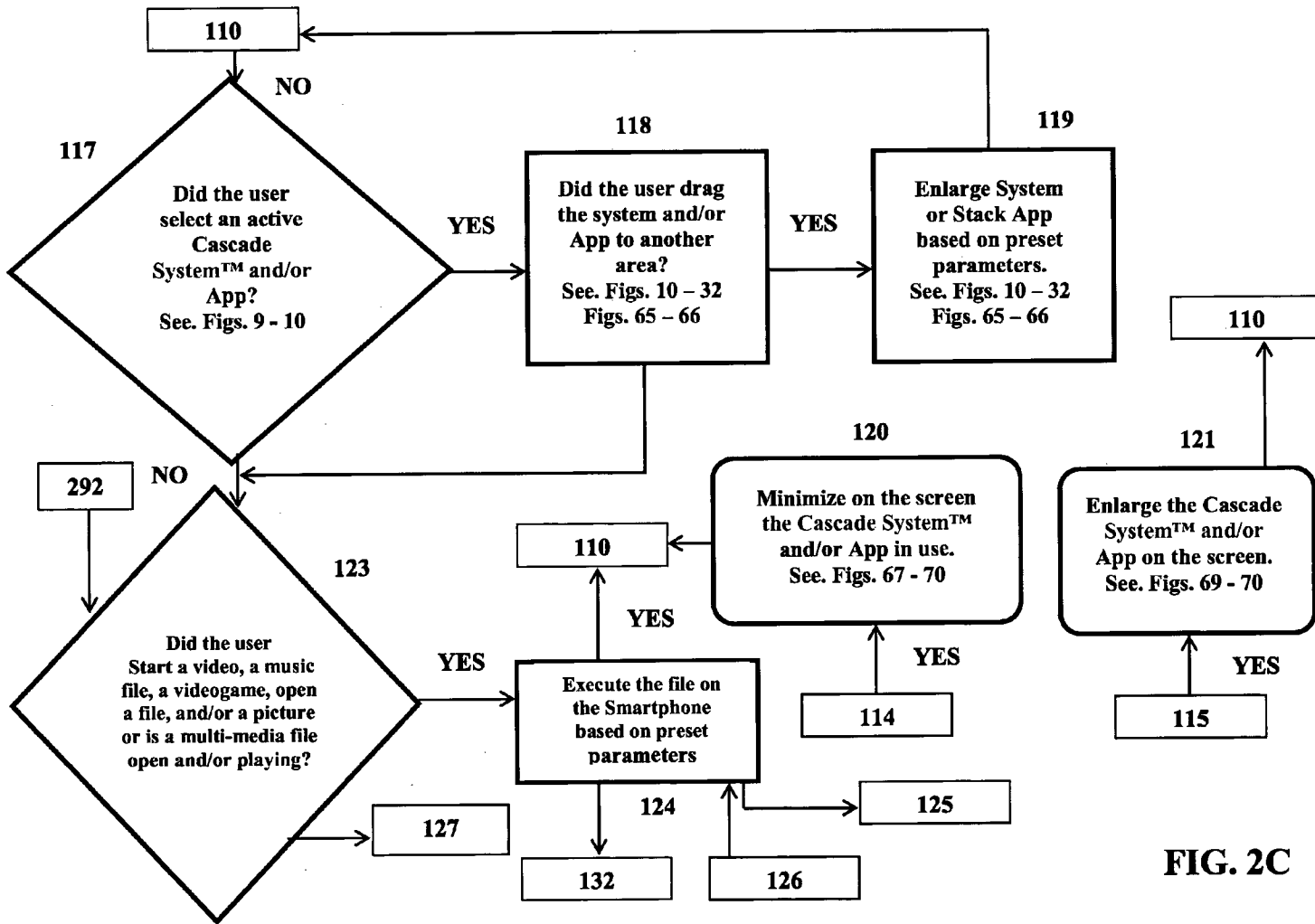


FIG. 2C

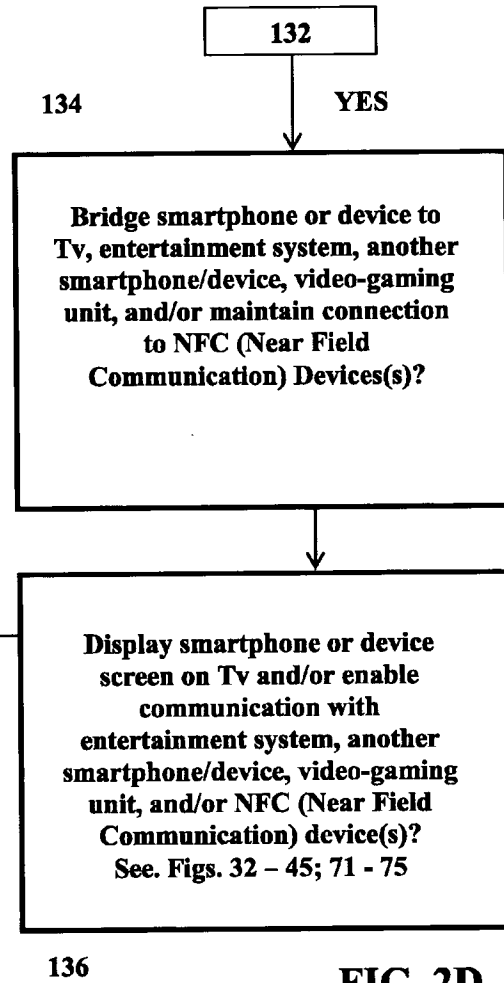
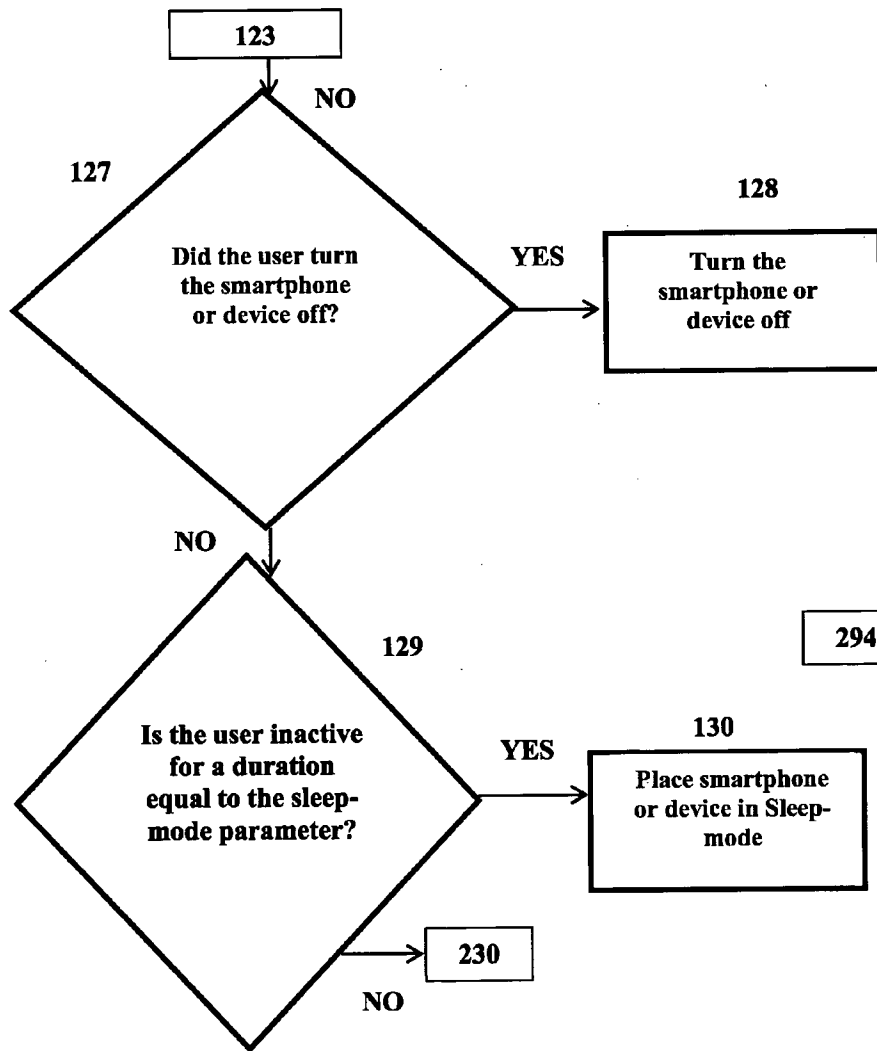


FIG. 2D

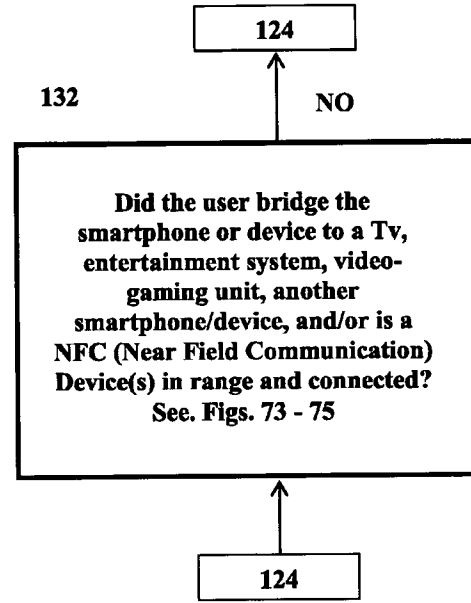
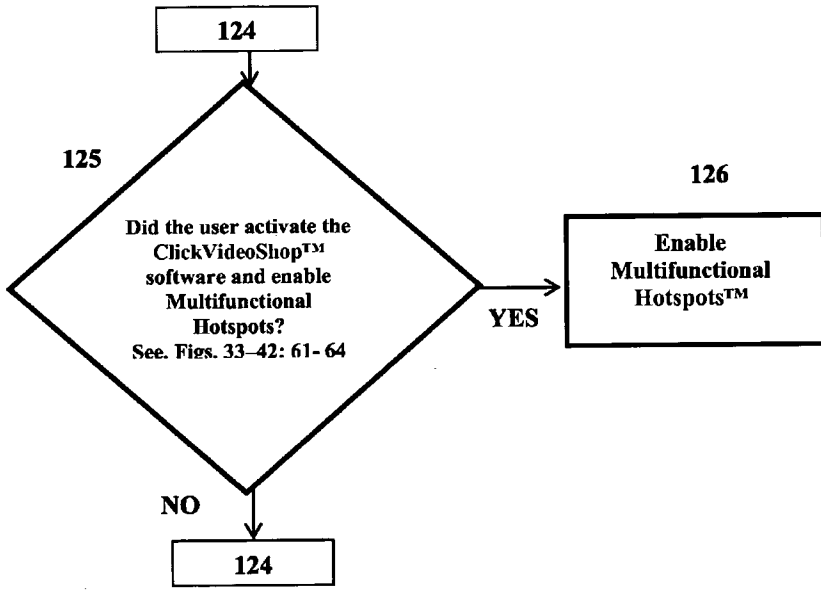


FIG. 2E

Cascade Software System

SS Mobile™ Smartphone

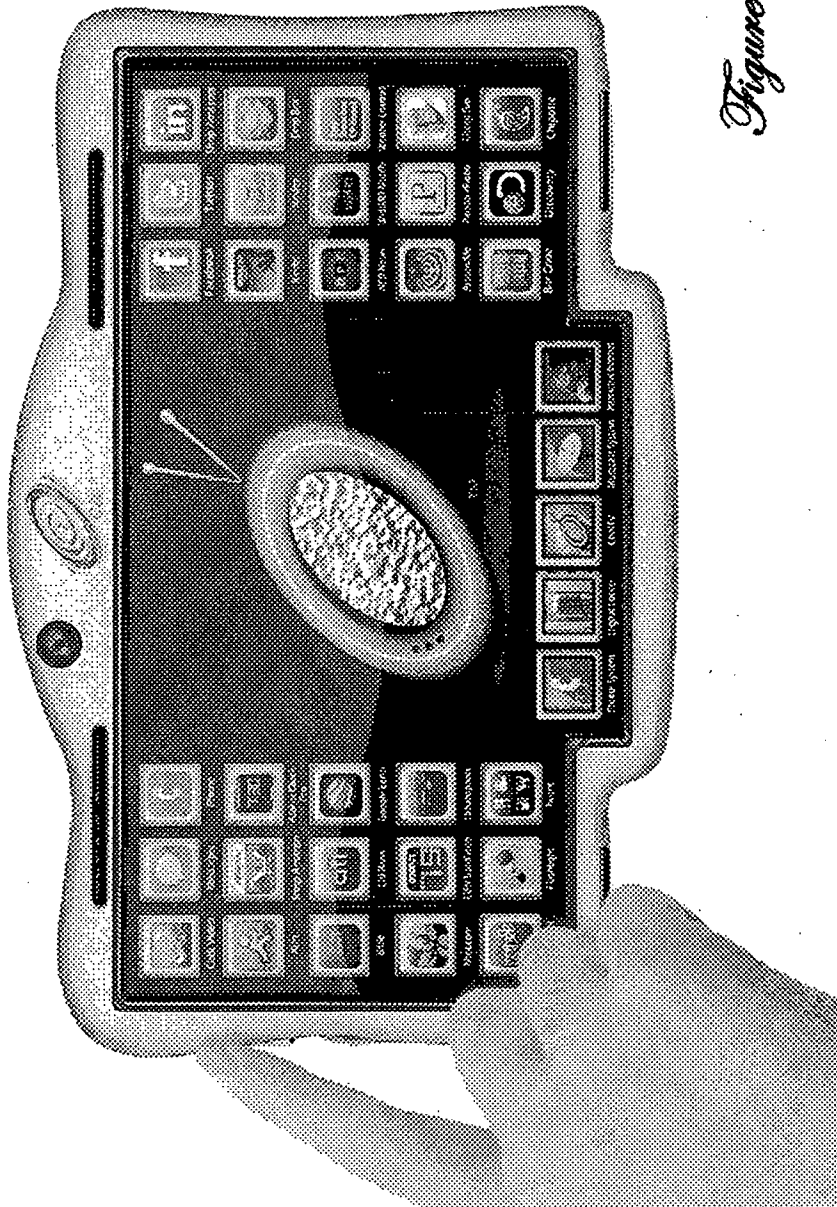


Figure 3

SS Mobile™ Device

Cascade Software System

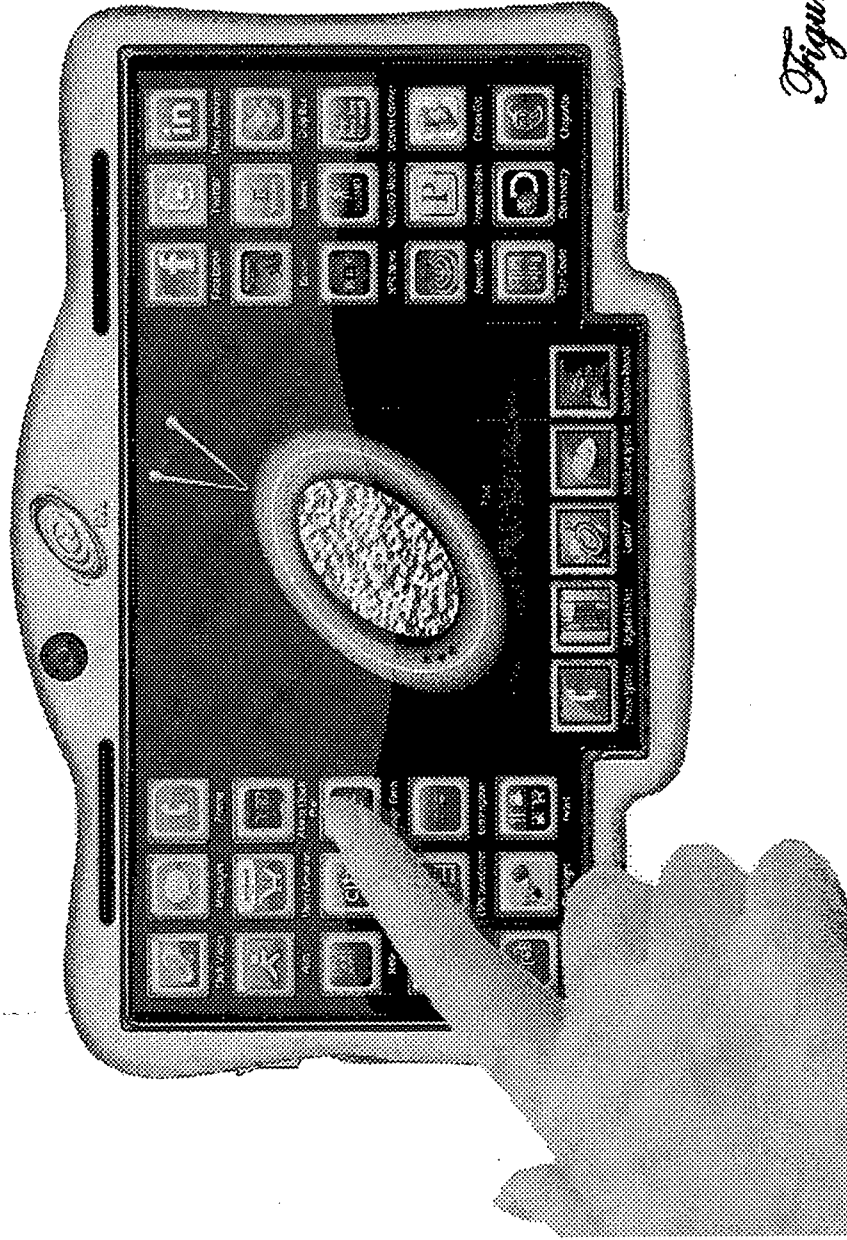


Figure 4

Cascade Software System

SS Mobile™ Smartphone

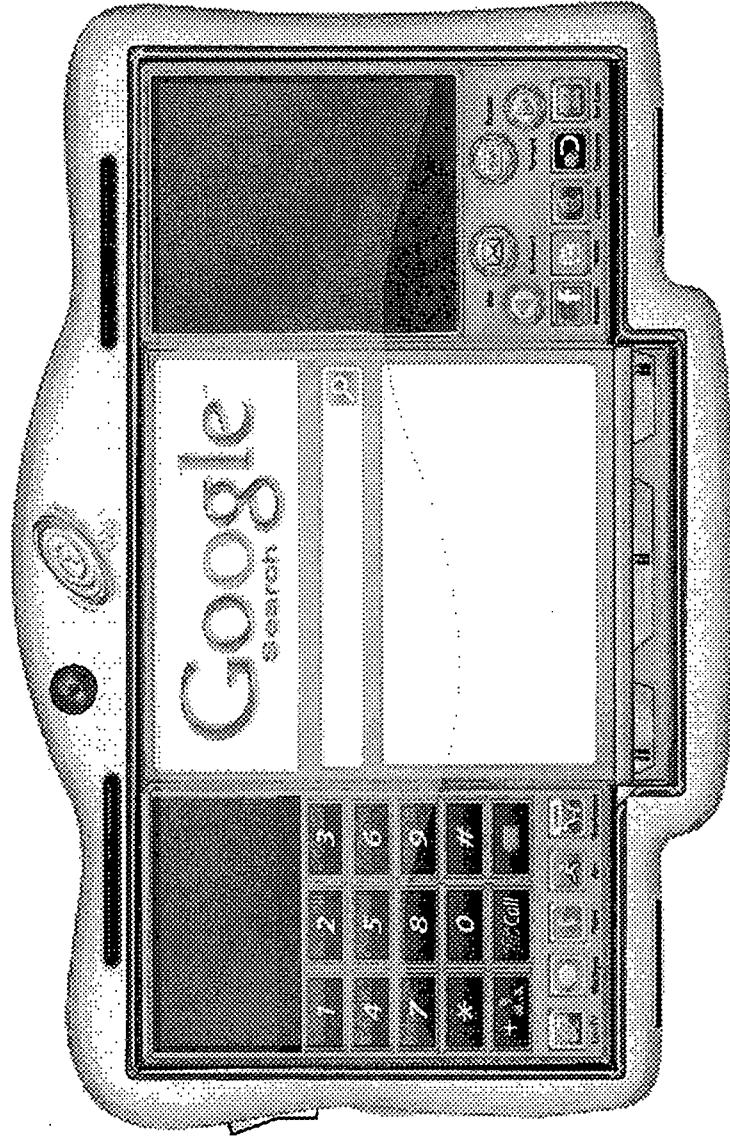


Figure 5

SS Mobile™ Smartphone

Cascade Software System

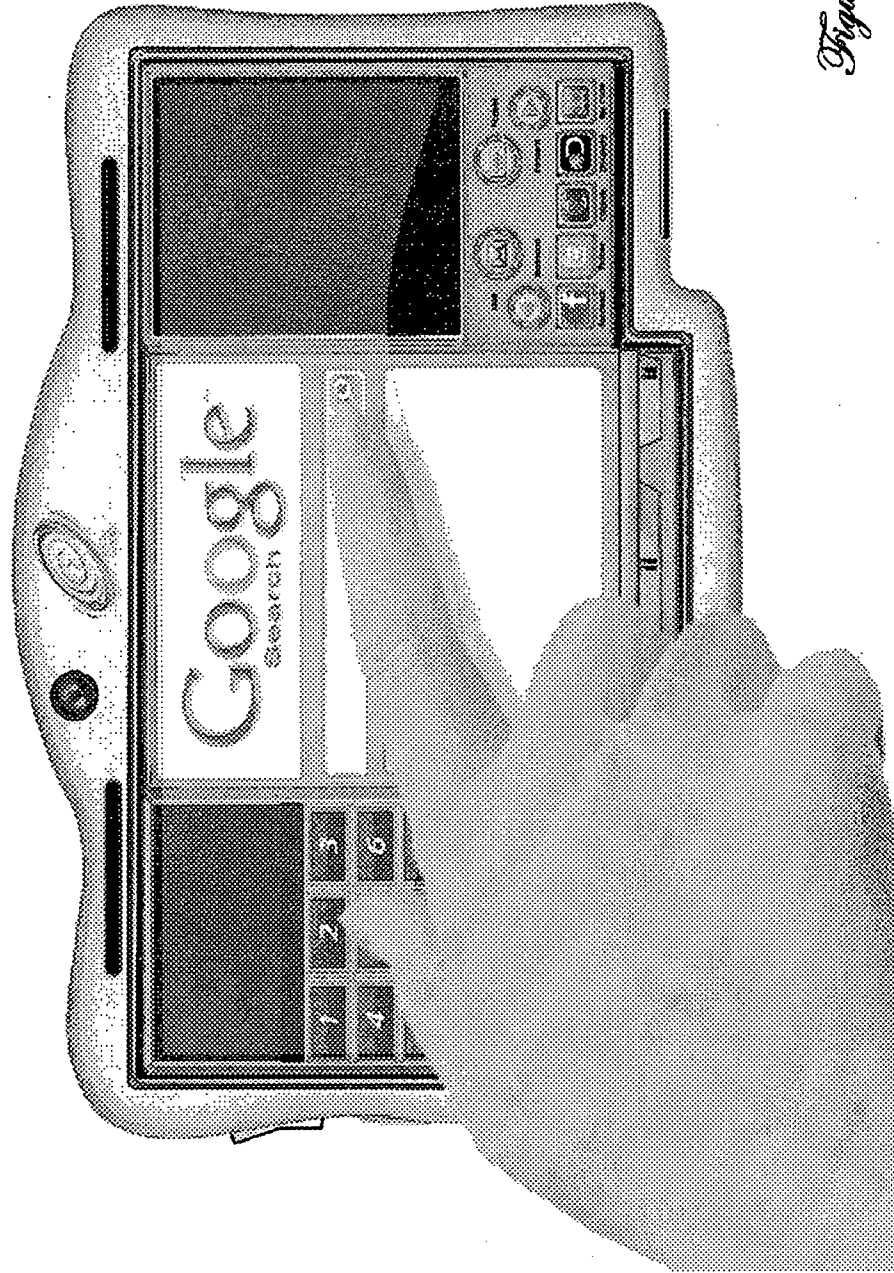


Figure 6

SS Mobile™ Smartphone

Cascade Software System



Figure 7

Cascade Software System

SS Mobile™ Smartphone



Figure 8

Cascade Software System

SS Mobile™ Smartphone

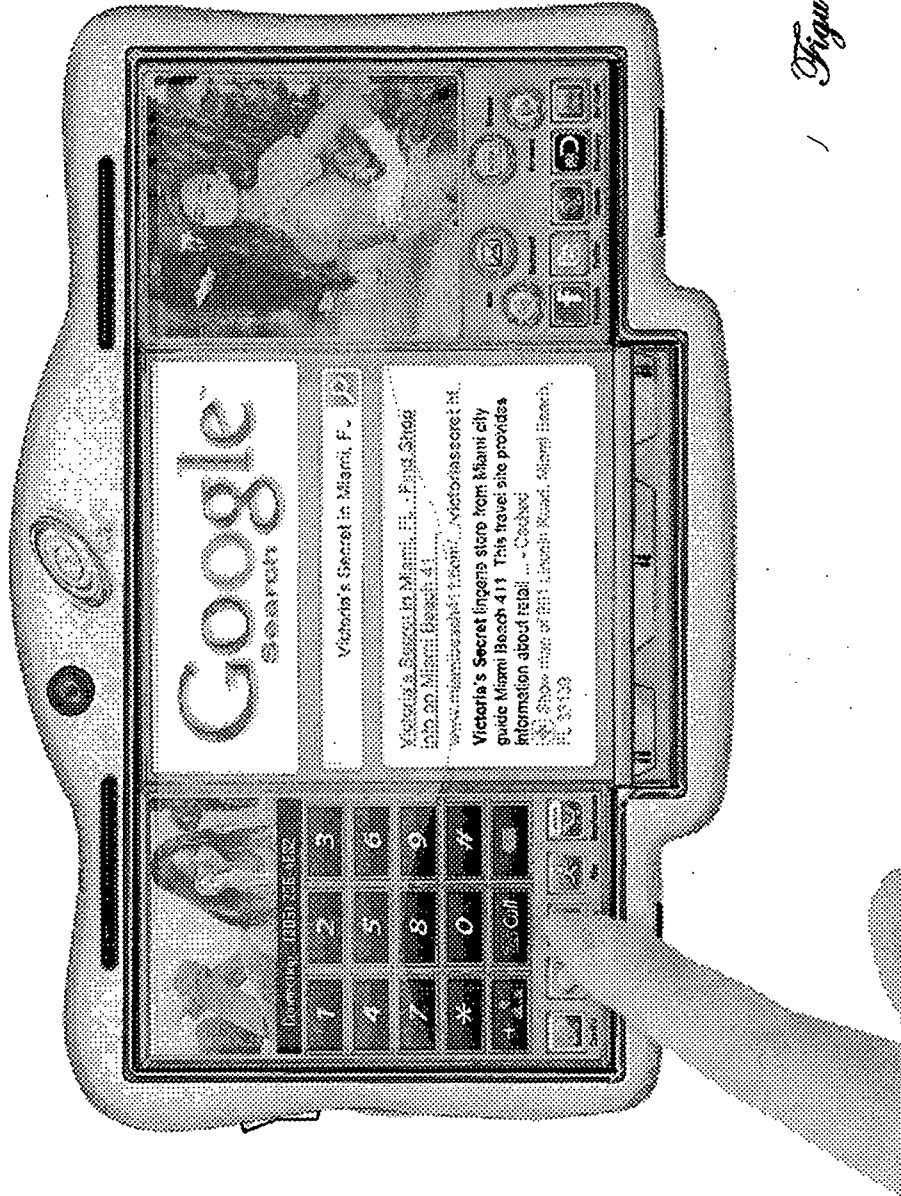


Figure 9

Adjustable Windows

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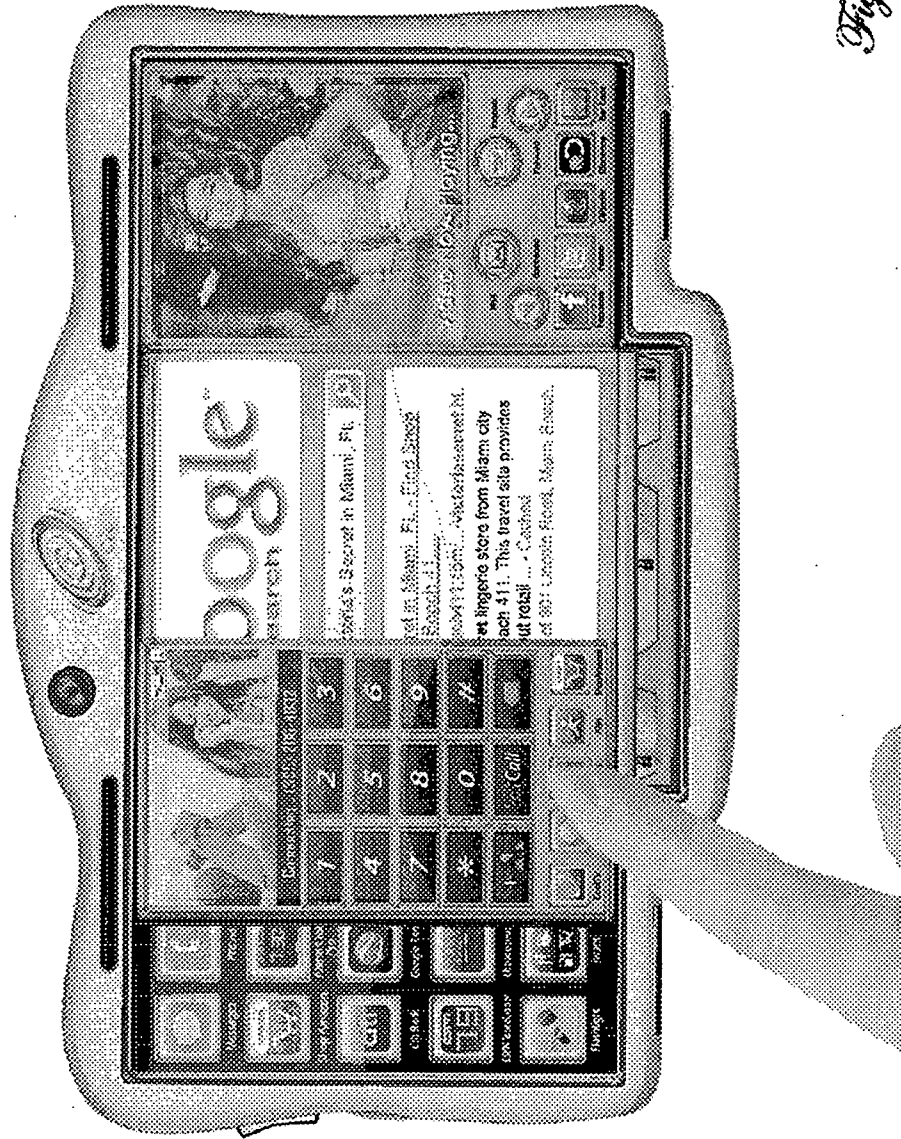


Figure 10

Letter-hang Texting

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Figure 11

Ghosted Menu Bar(s)

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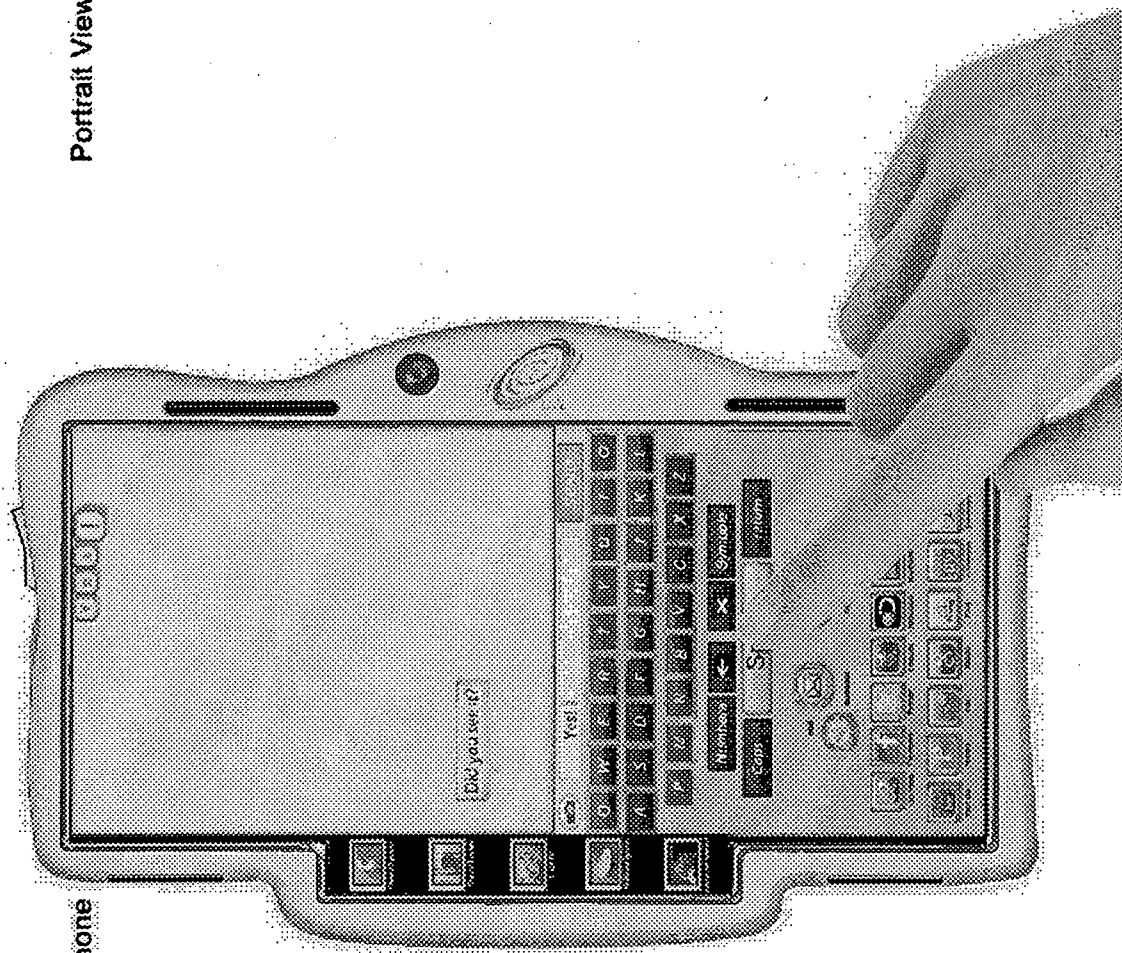
Figure 12

SS Mobile™ Smartphone



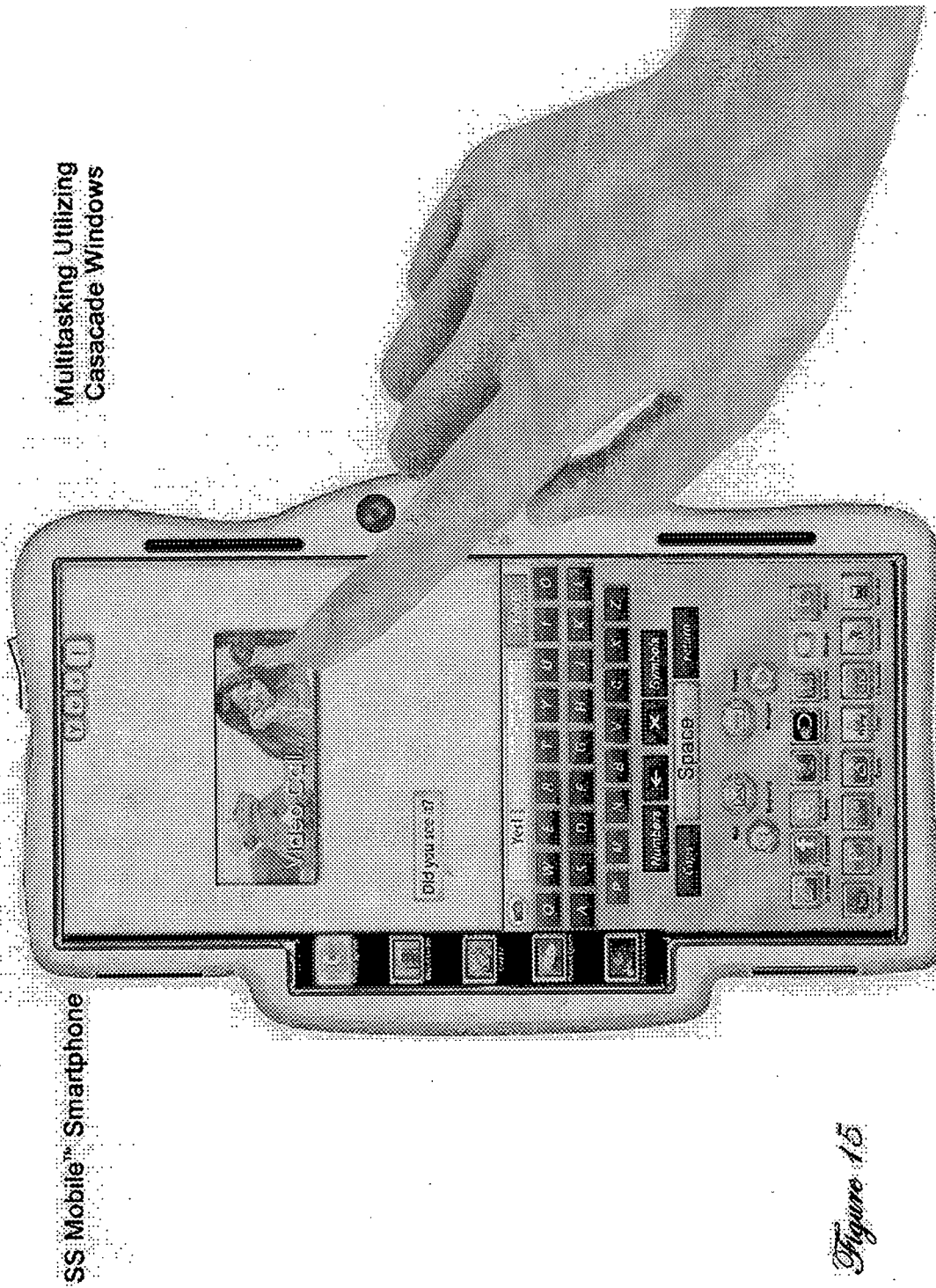
Figure 18

Portrait View



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Figure 1A



Multitasking Utilizing
Casacade Windows

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Figure 15

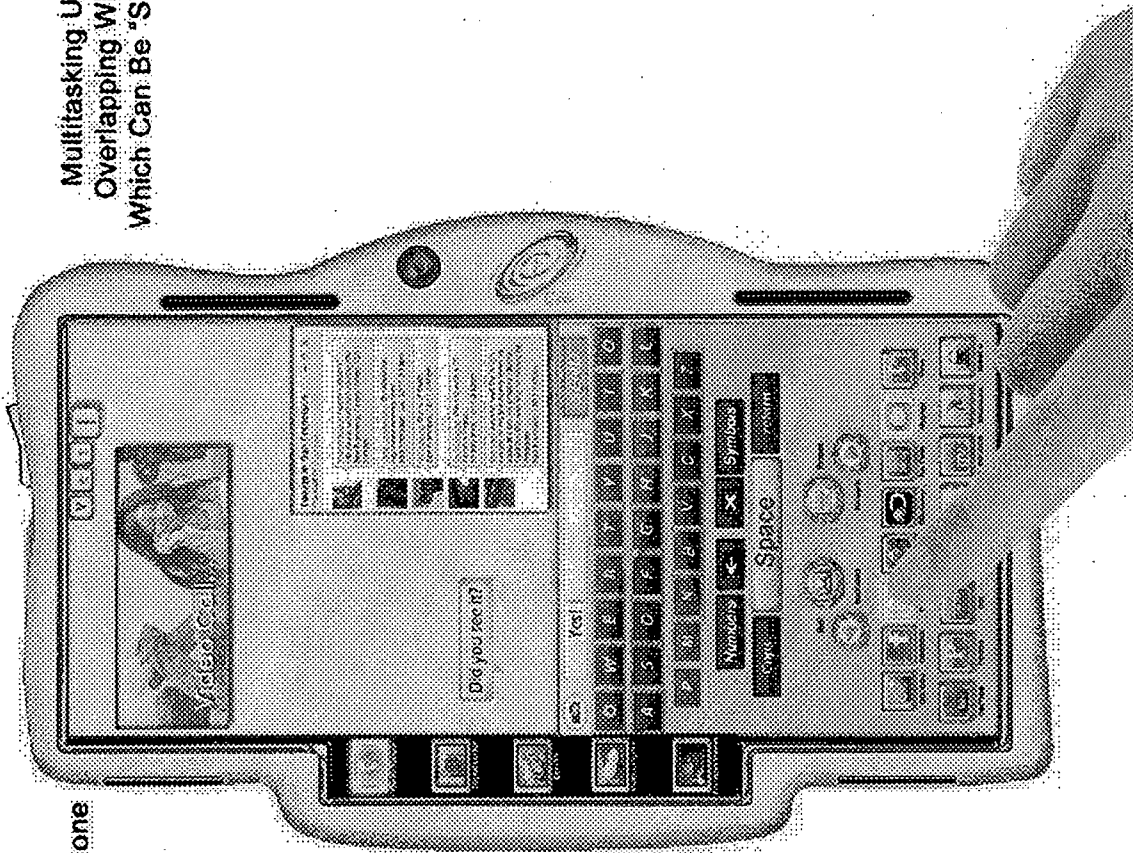
Multitasking Utilizing
Casacade Windows

SS Mobile™ Smartphone



Figure 16

Multitasking: Utilizing
Overlapping Windows,
Which Can Be "STACKED"



SS Mobile™ Smartphone

Figure 17

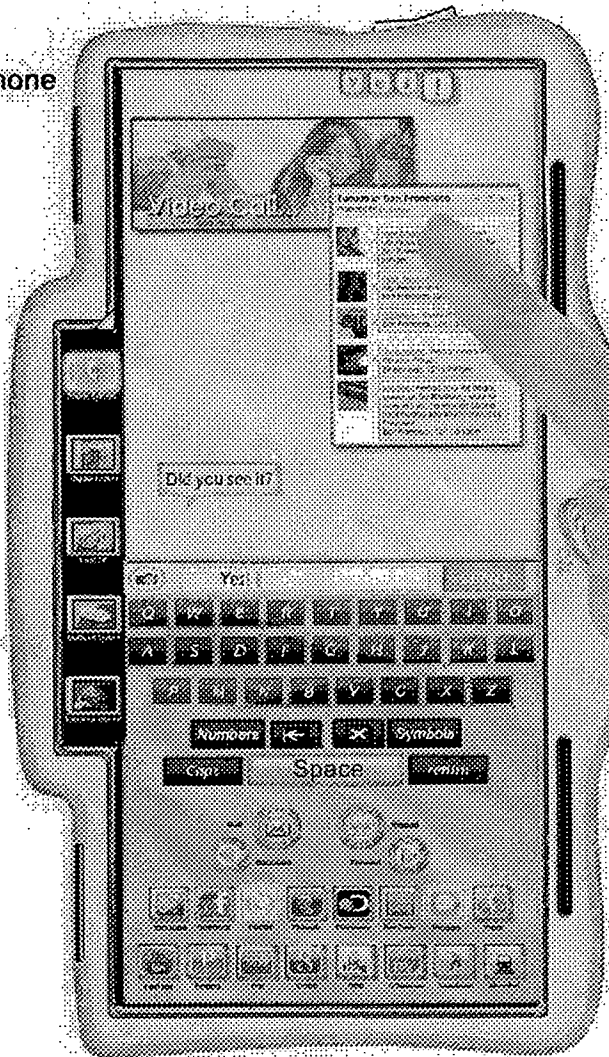
SS Mobile™ Smartphone

Multitasking Utilizing
Overlapping Windows,
Which Can Be "STACKED"



Figure 18

SS Mobile™ Smartphone



Multitasking Utilizing
Overlapping Windows,
Which Can Be "STACKED"

Figure 19

SS Mobile™ Smartphone

Multitasking Utilizing
Overlapping Windows,
Which Can Be "STACKED"



PV.49

Figure 20

Auto Adjusting Views

SS Mobile™ Smartphone



Figure 21

Auto Adjusting Views

SS Mobile™ Smartphone



Figure 22

Auto Adjusting Views
& Adjustable Windows

SS Mobile™ Smartphone

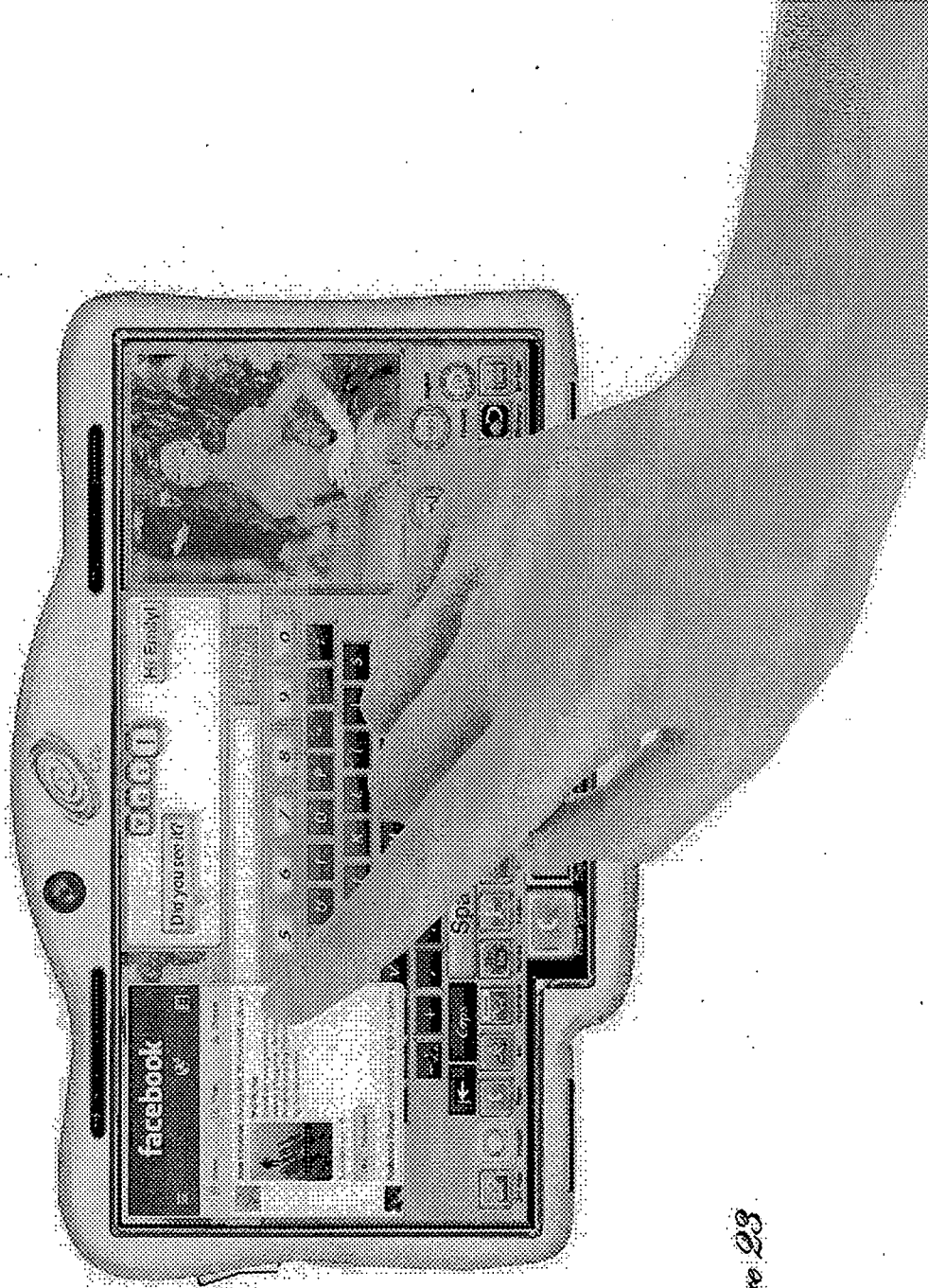


Figure 23

Auto Adjusting Views
& Adjustable Windows

SS Mobile™ Smartphone

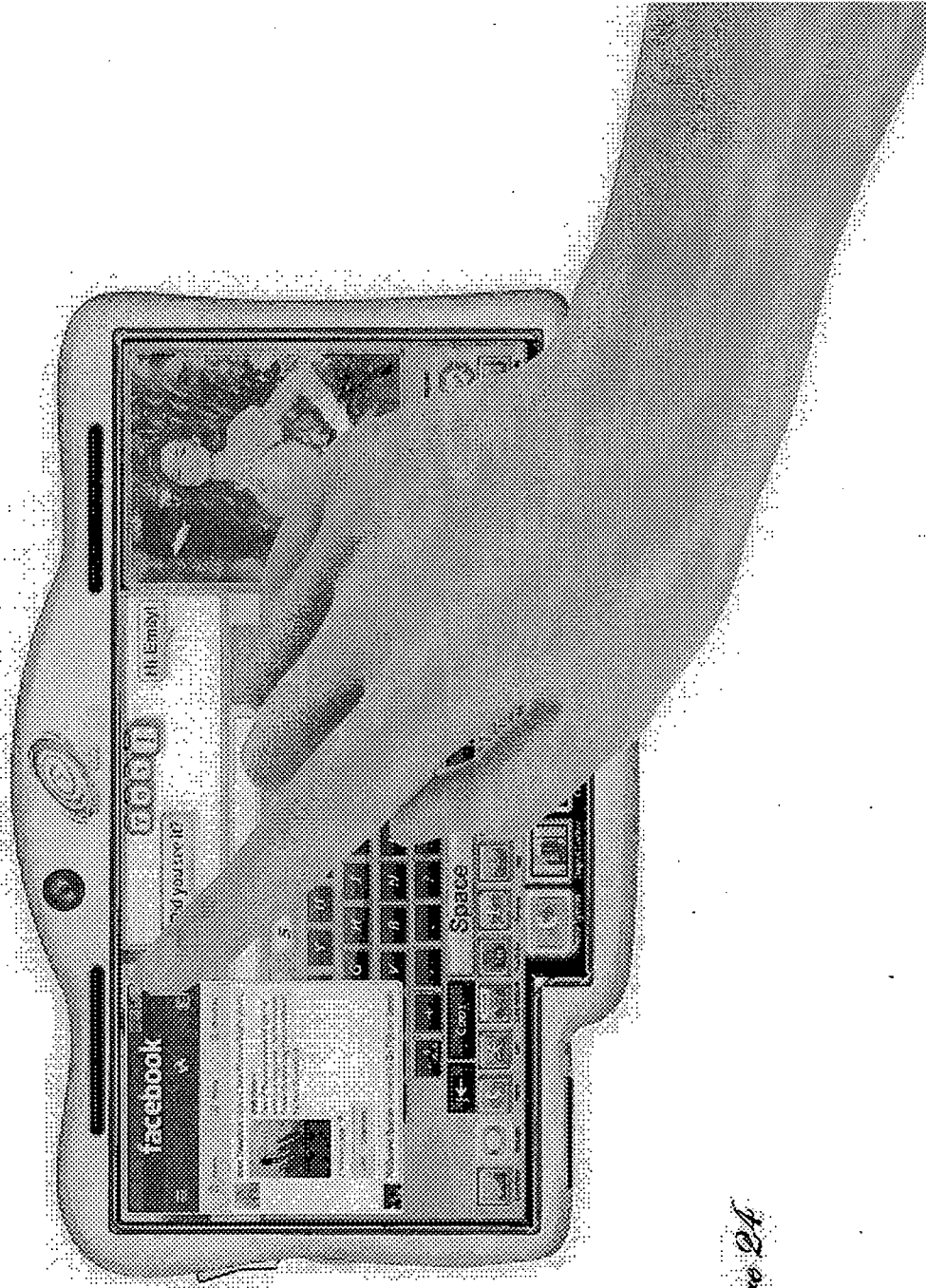


Figure 2A

Cooperative Multitasking

SS Mobile™ Smartphone

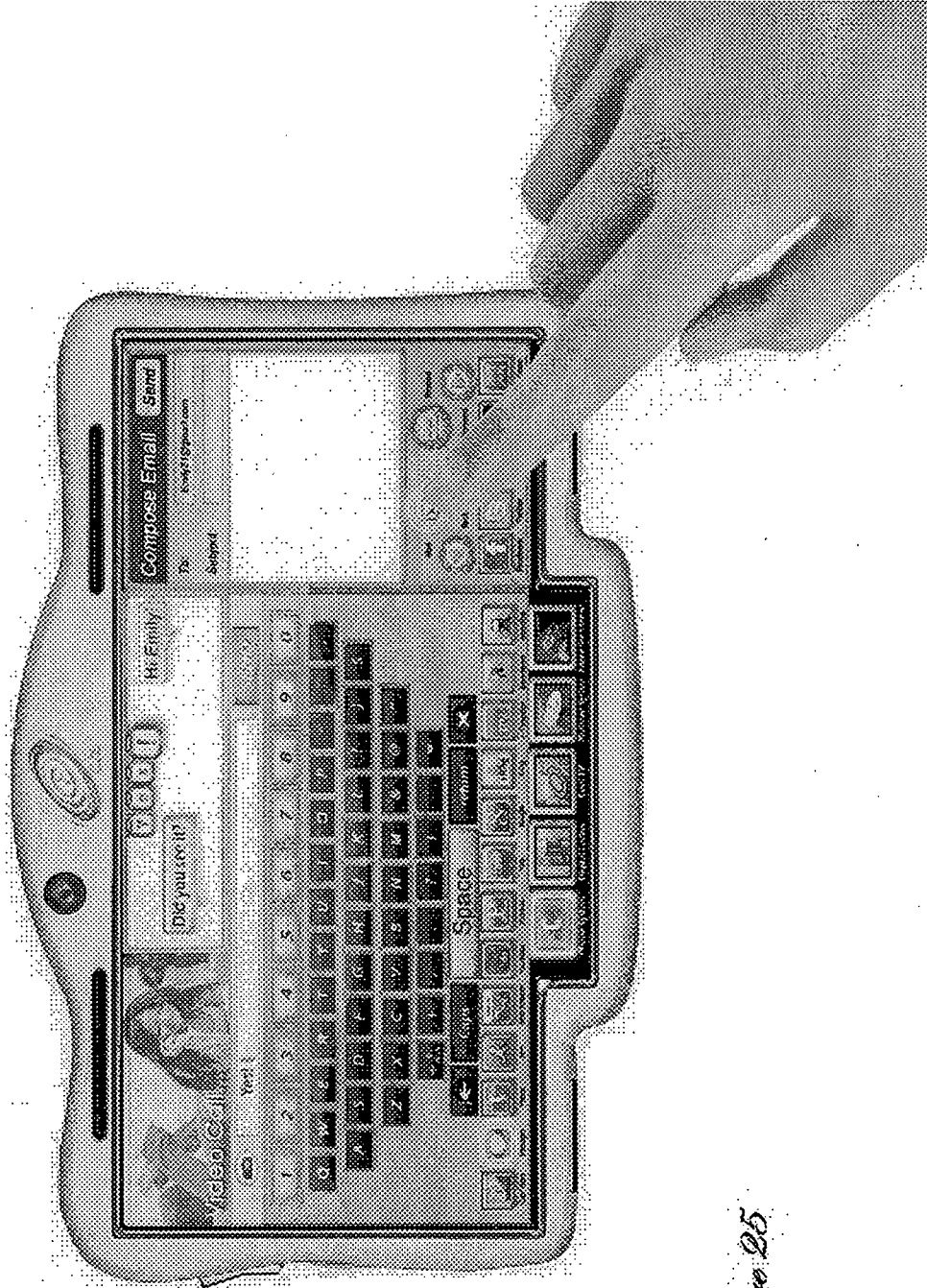


Figure 25

Cooperative Multitasking

SS Mobile™ Smartphone

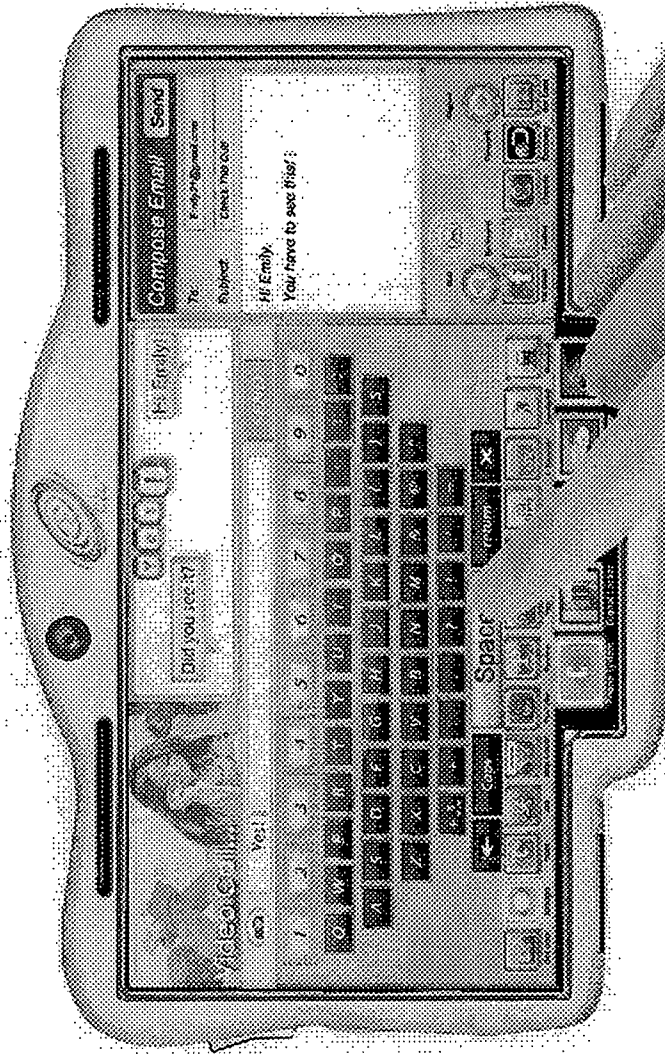


Figure 26

Cooperative Multitasking

SS Mobile™ Smartphone

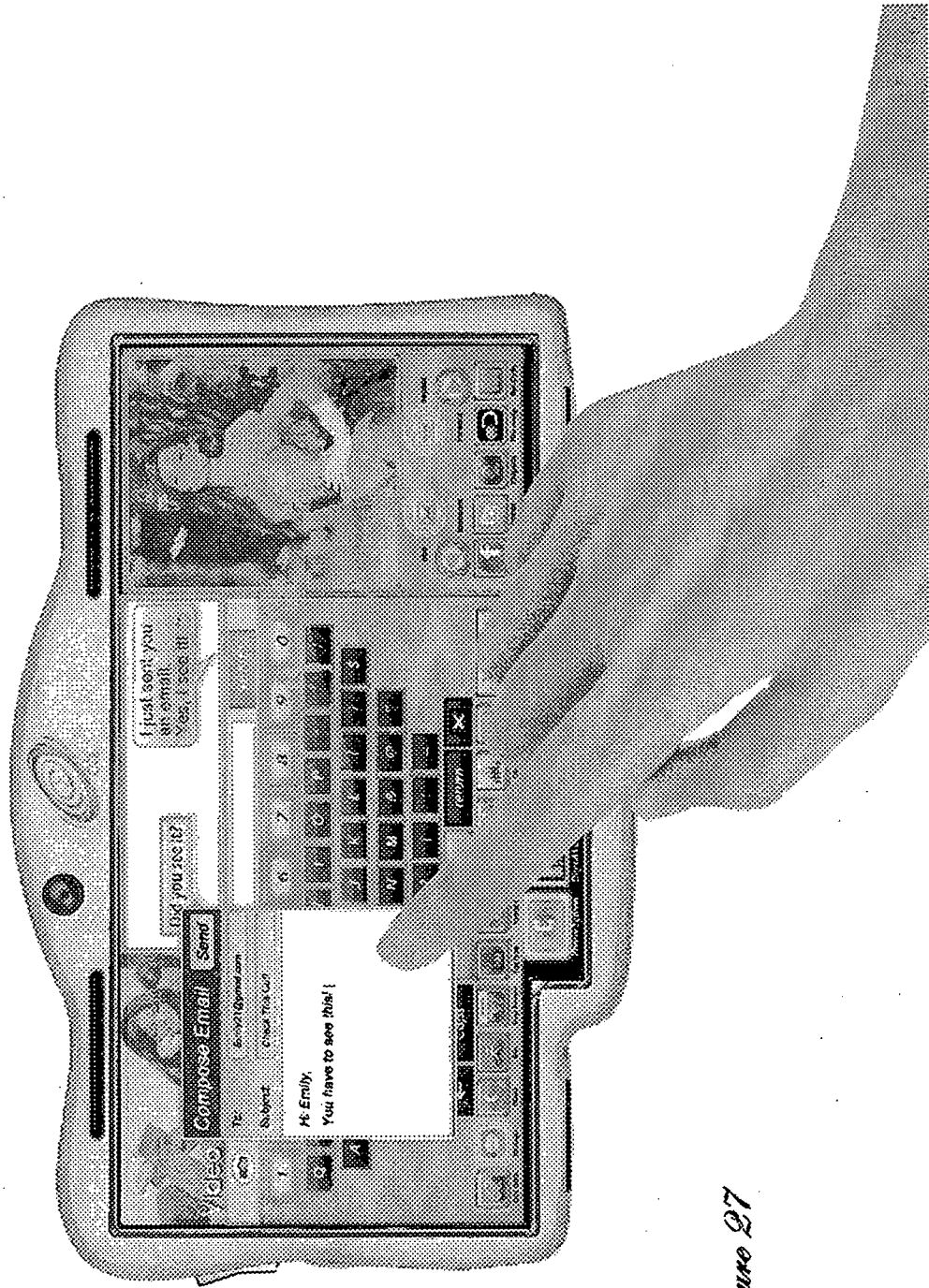


Figure 27

Threaded Applications

SS Mobile™ Smartphone

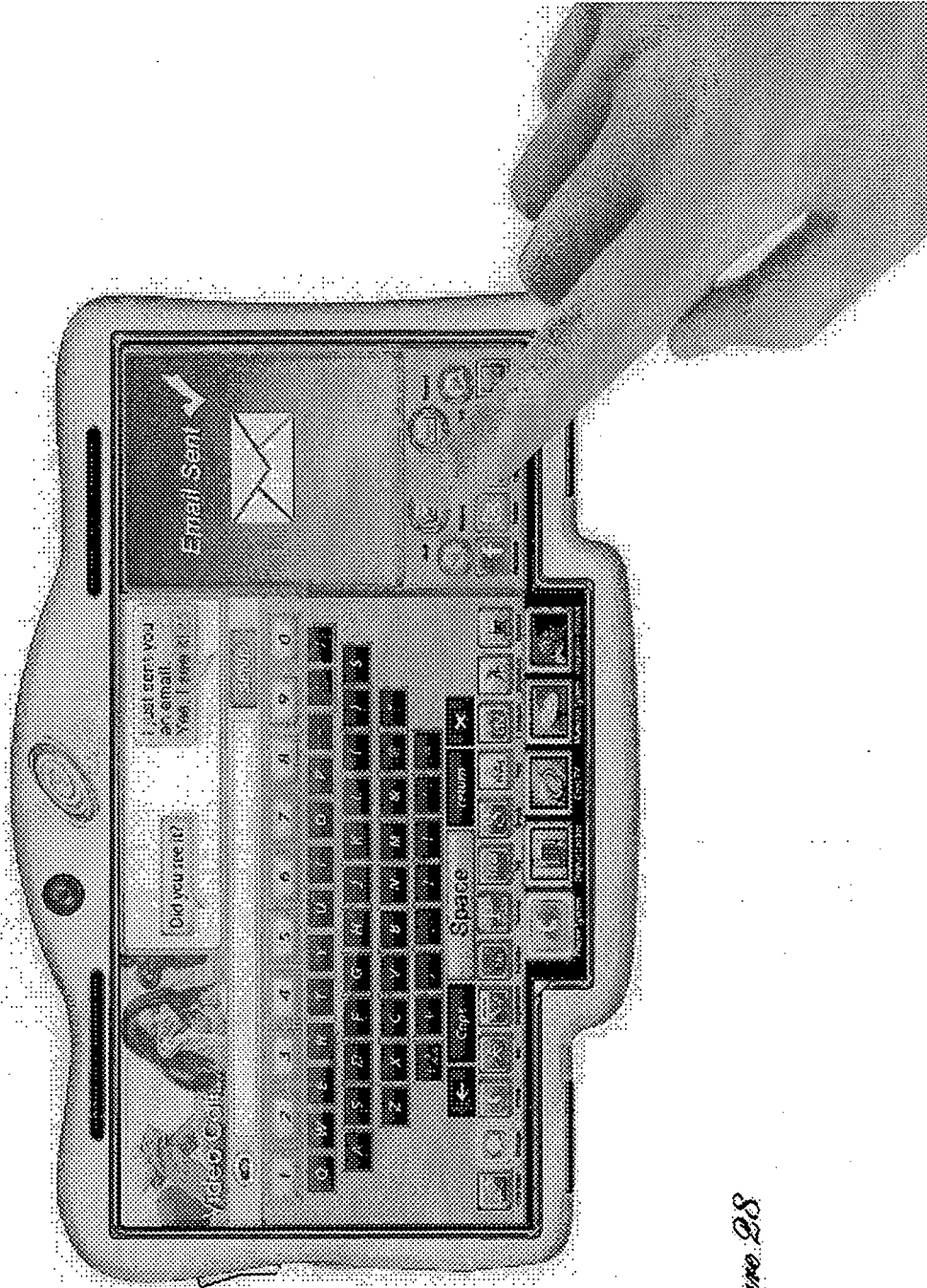


Figure 28

ClickVideoShop Video
Technology

SS Mobile™ Smartphone



Figure 29

ClickVideoShop™
Video Technology

SS Mobile™ Smartphone

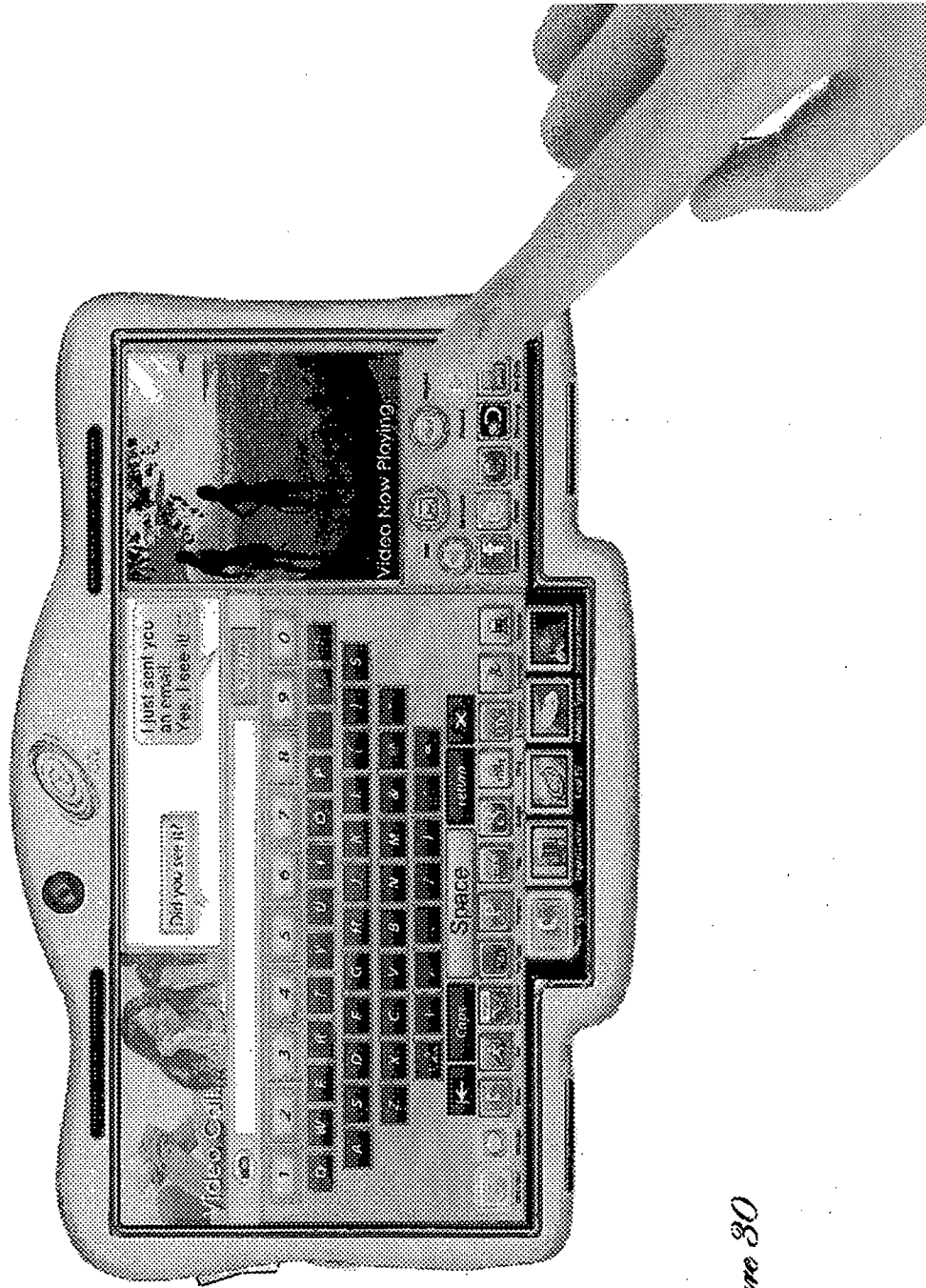


Figure 30

ClickVideoShop™
Video Technology

SS Mobile™ Smartphone

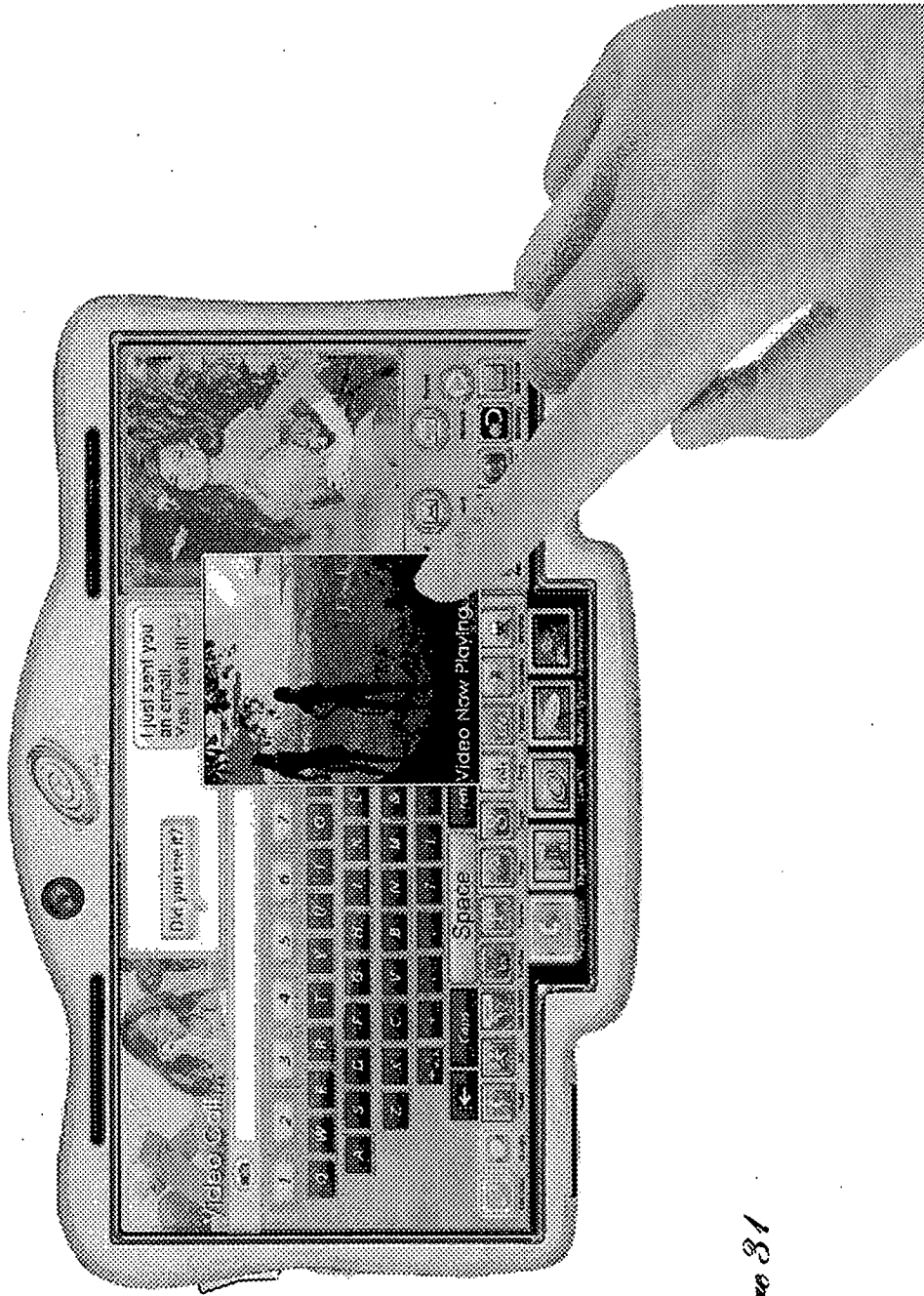


Figure 31

Multitasking Using
Movable Windows

SS Mobile™ Smartphone

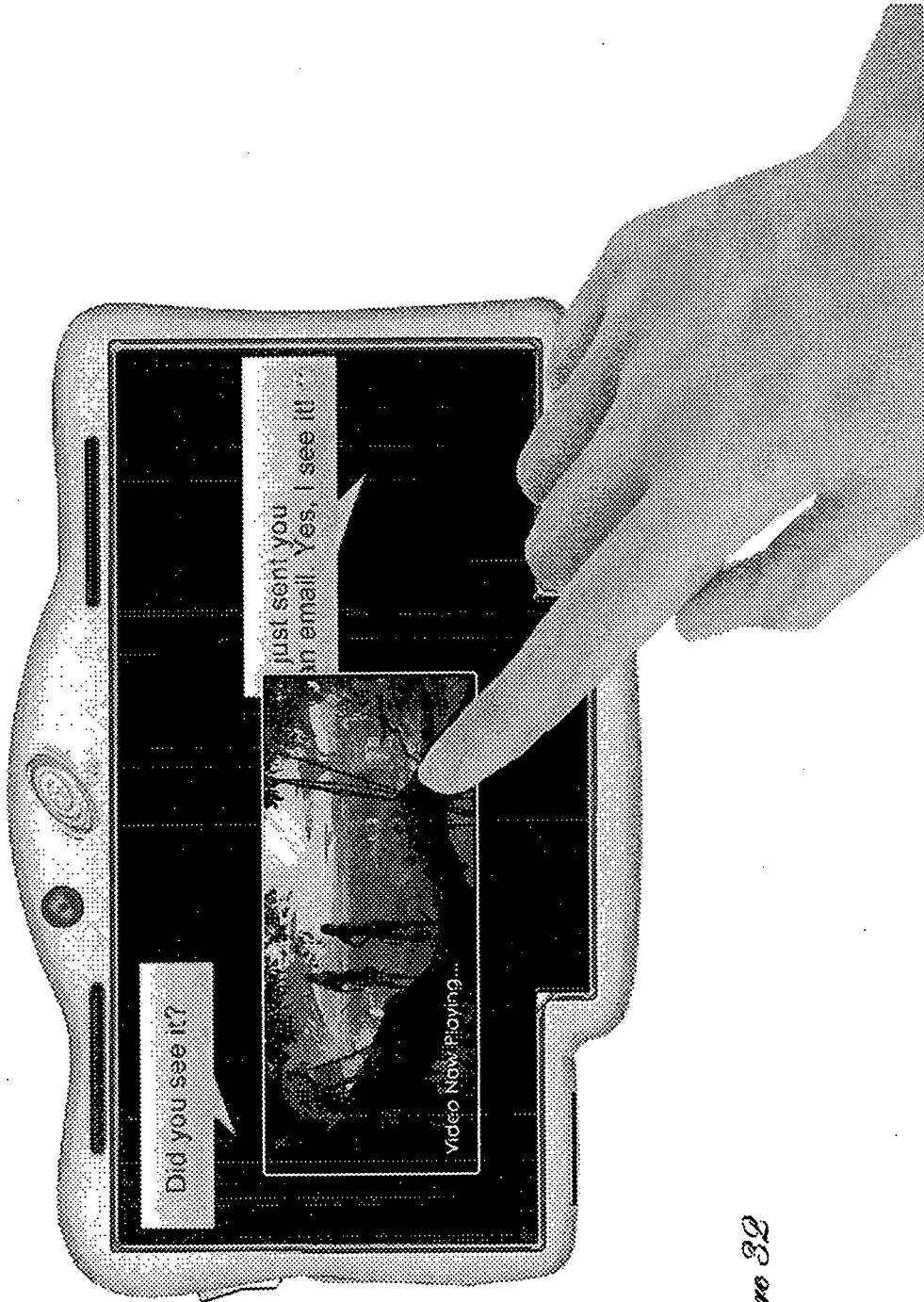


Figure 32

ClickVideoShop™
Video Technology

SS Mobile™ Smartphone

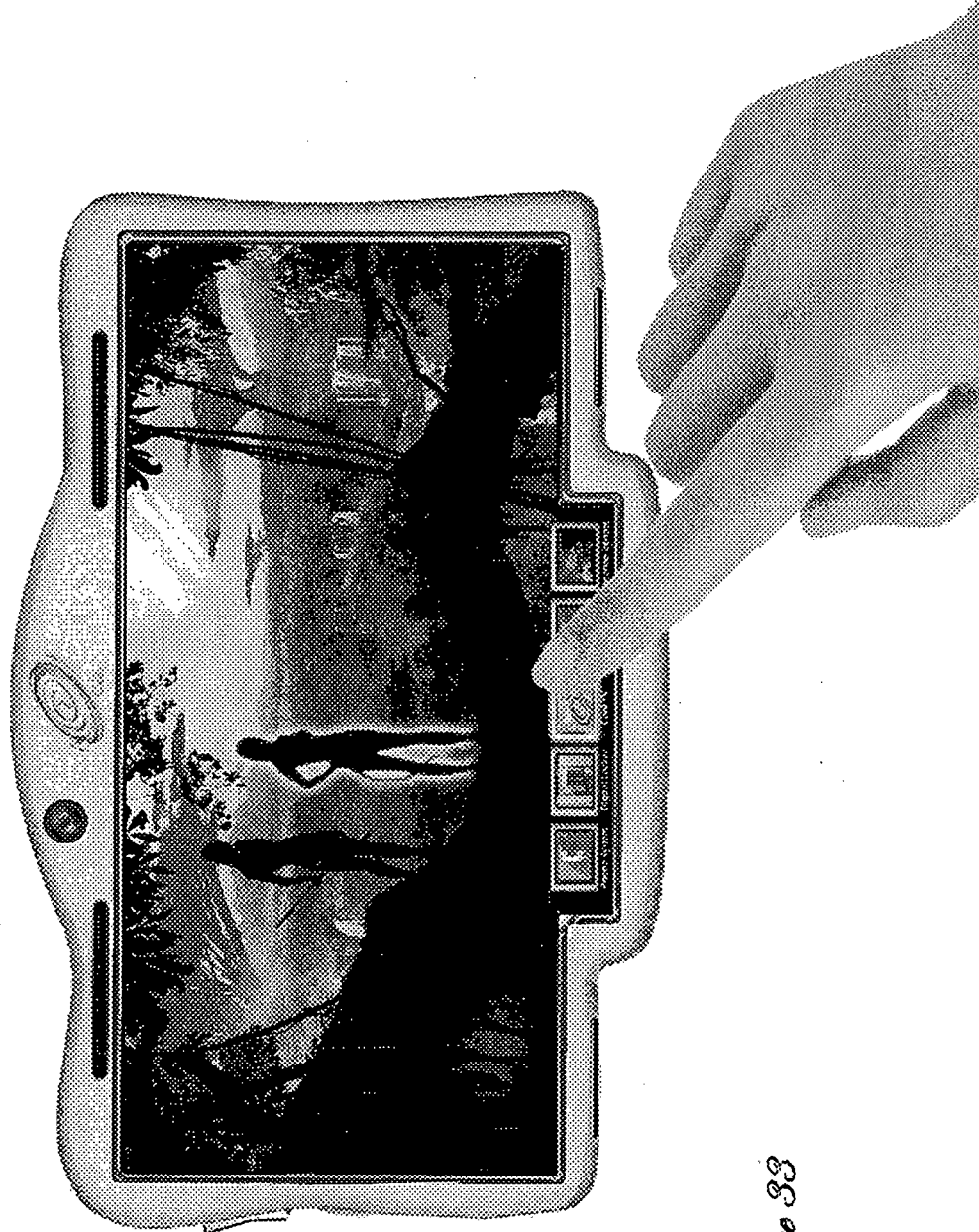


Figure 33

Intuitive Applications

SS Mobile™ Smartphone



Figure 3A

Intuitive Applications

SS Mobile™ Smartphone



Figure 35

SS Mobile™ Smartphone

Intuitive Applications,
Bridged Connections to Digital TV's,
Entertainment Systems, & Gaming Units



Figure 36

Intuitive Applications,
Bridged Connections to Digital TV's,
Entertainment Systems, & Gaming Units

SS Mobile™ Smartphone



Figure 37

Intuitive Applications,
Bridged Connections to Digital TVs,
Entertainment Systems, & Gaming Units

SS Mobile™ Smartphone

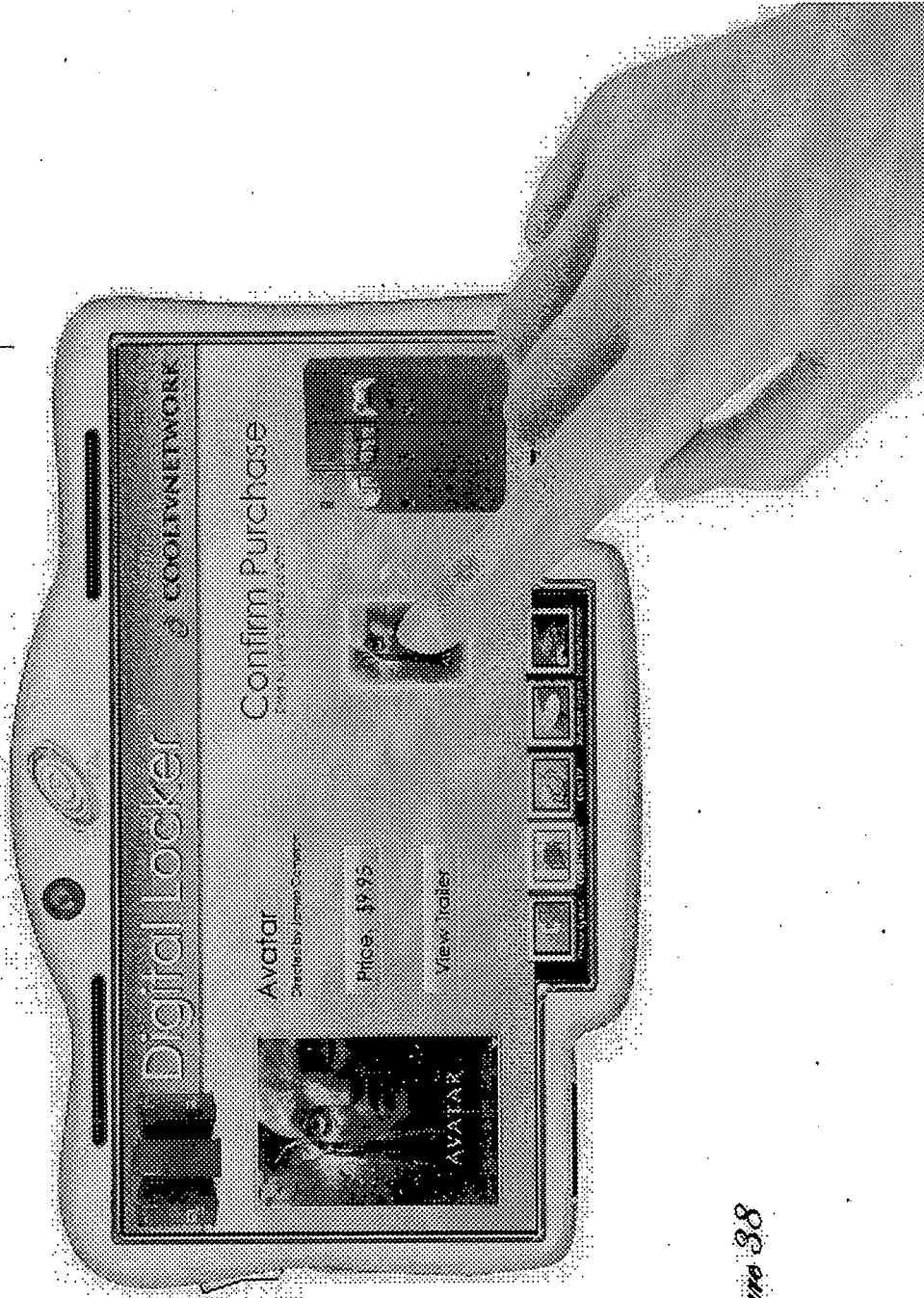


Figure 38

SS Mobile™ Smartphone

Intuitive Applications,
Bridged Connections to Digital TV's,
Entertainment Systems, & Gaming Units

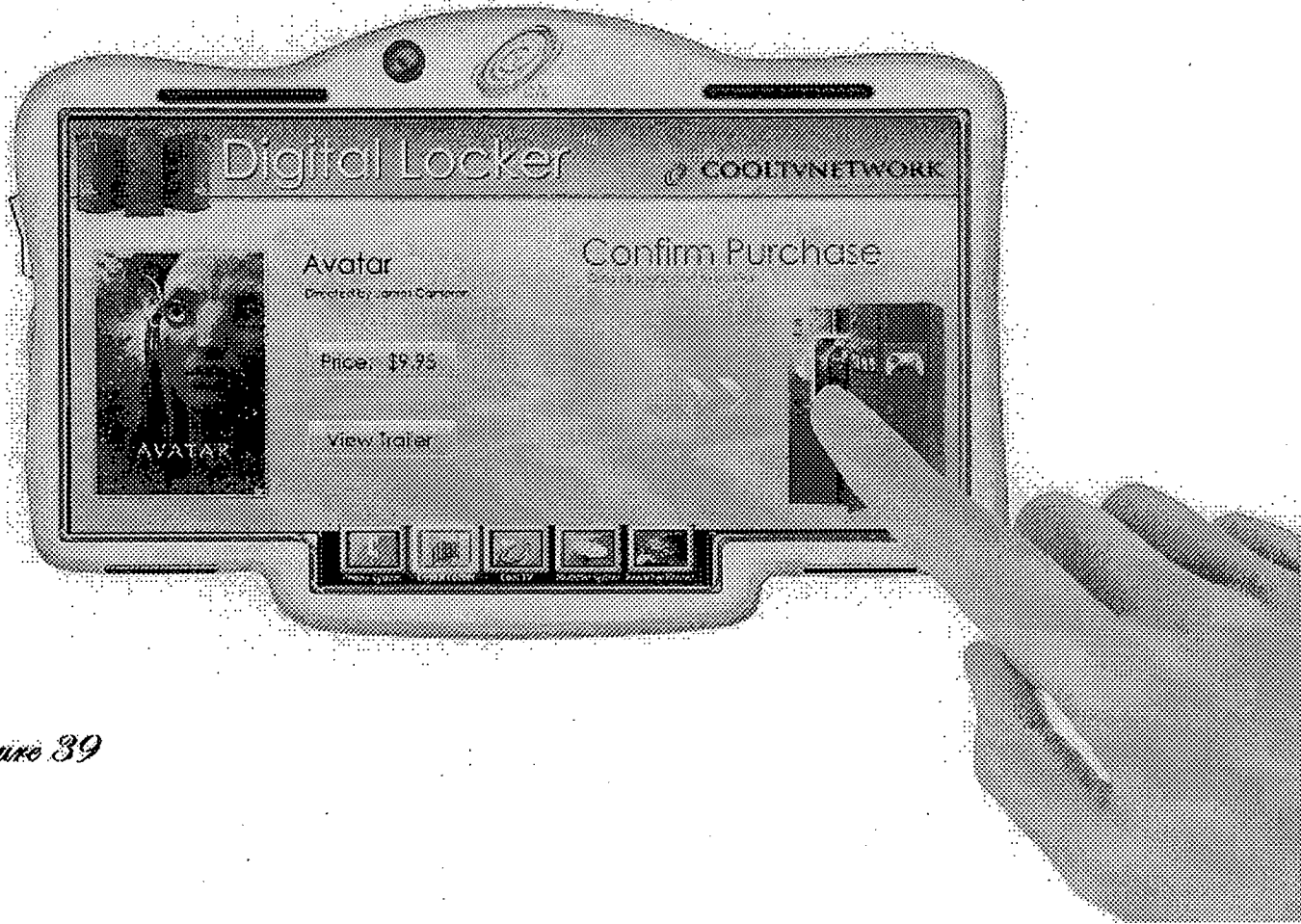


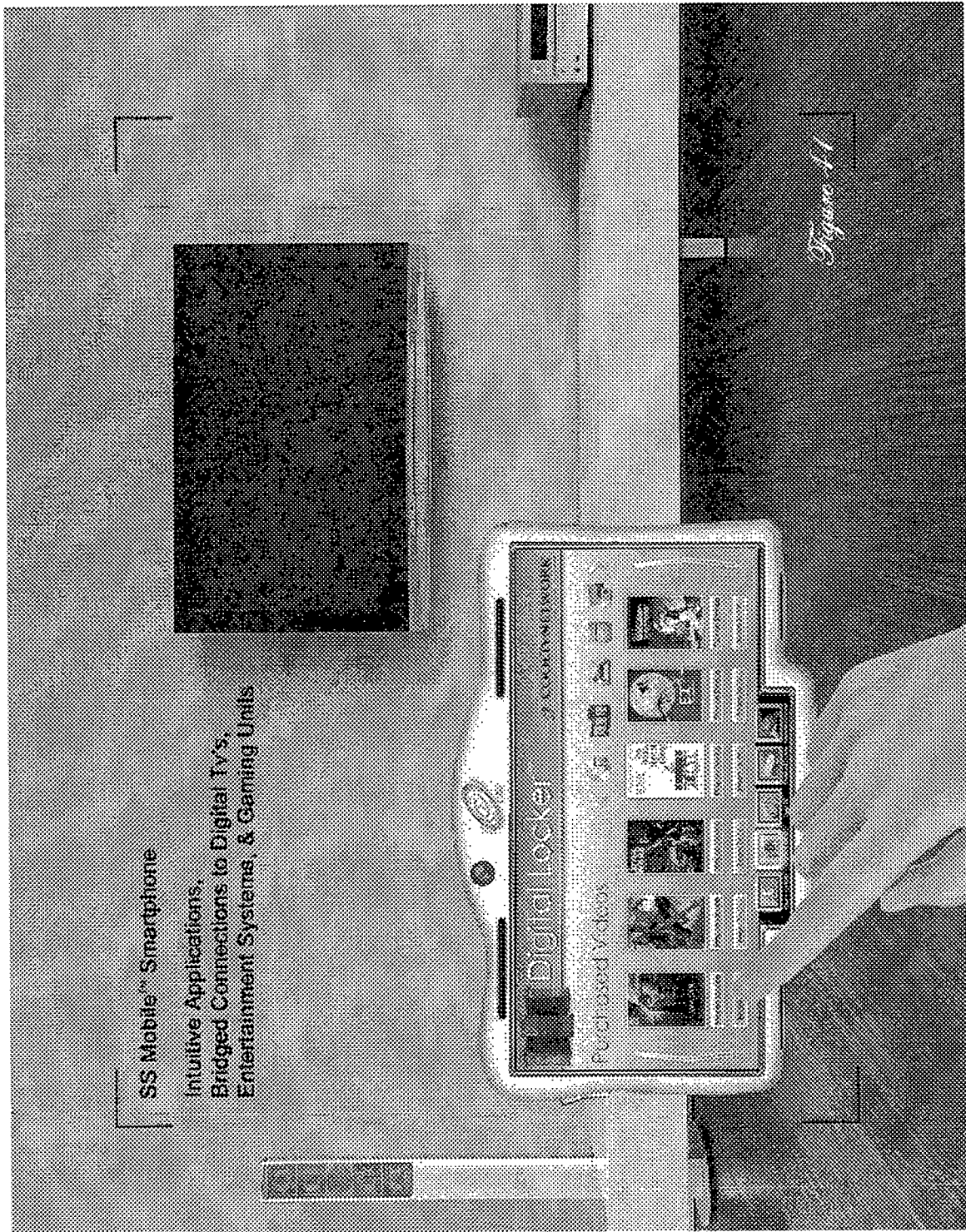
Figure 39

SS Mobile™ Smartphone

Intuitive Applications,
Bridged Connections to Digital TV's,
Entertainment Systems, & Gaming Units



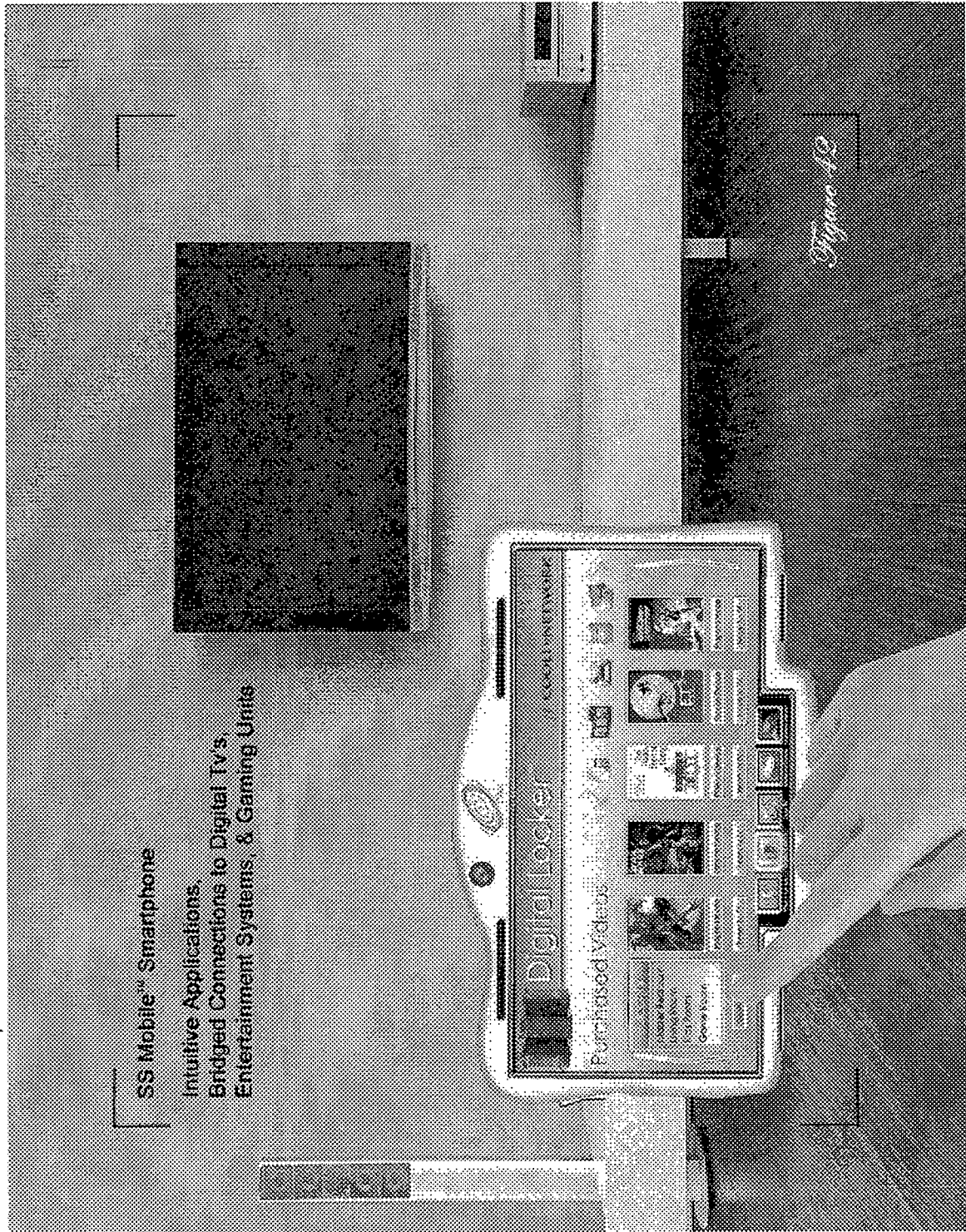
Figure 40



SS Mobile™ Smartphone

Intuitive Applications,
Bridged Connections to Digital TV's,
Entertainment Systems, & Gaming Units

Figure 11



SS Mobile™ Smartphone
Intuitive Applications,
Bridged Connections to Digital TV's,
Entertainment Systems, & Gaming Units

Figure 43

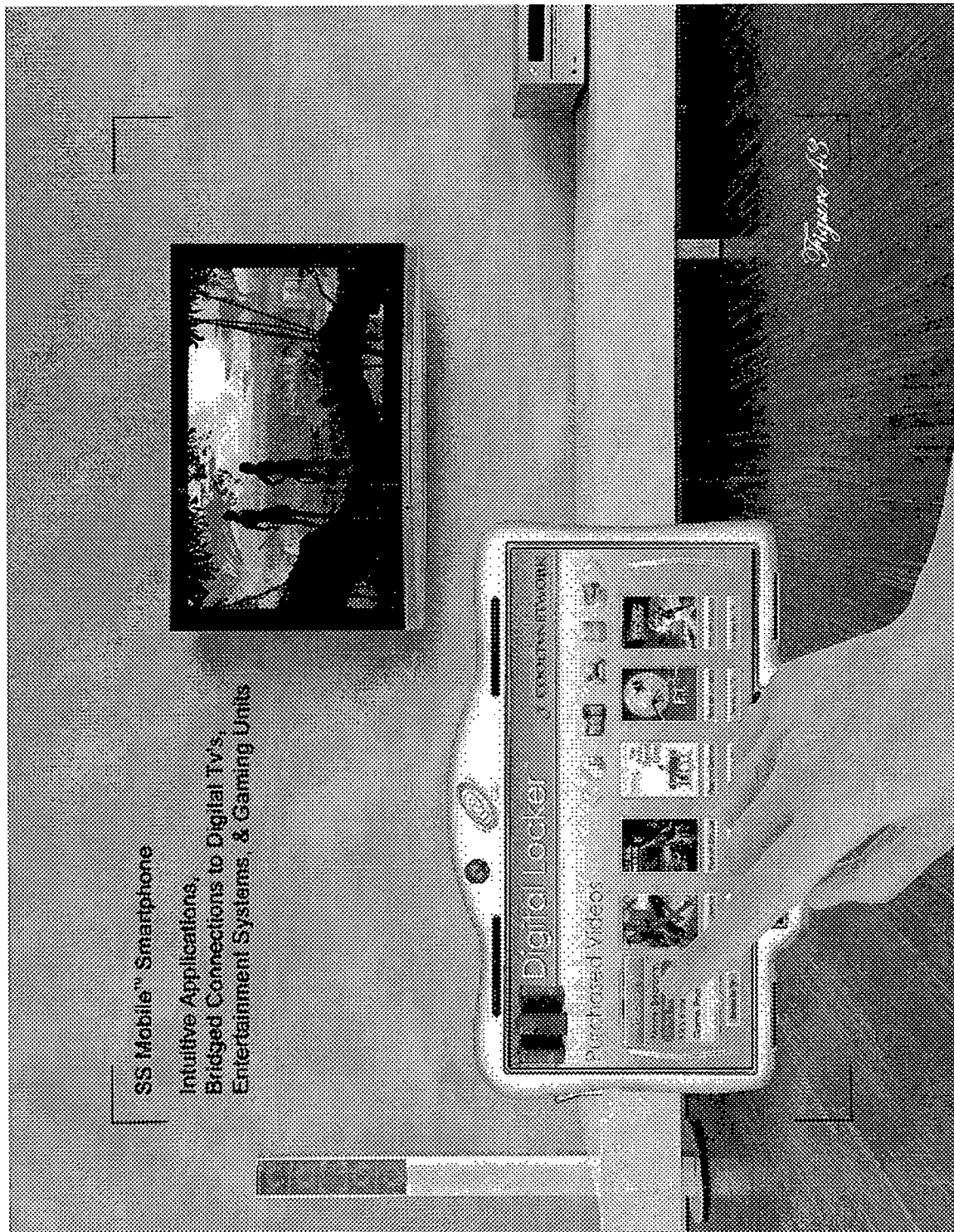
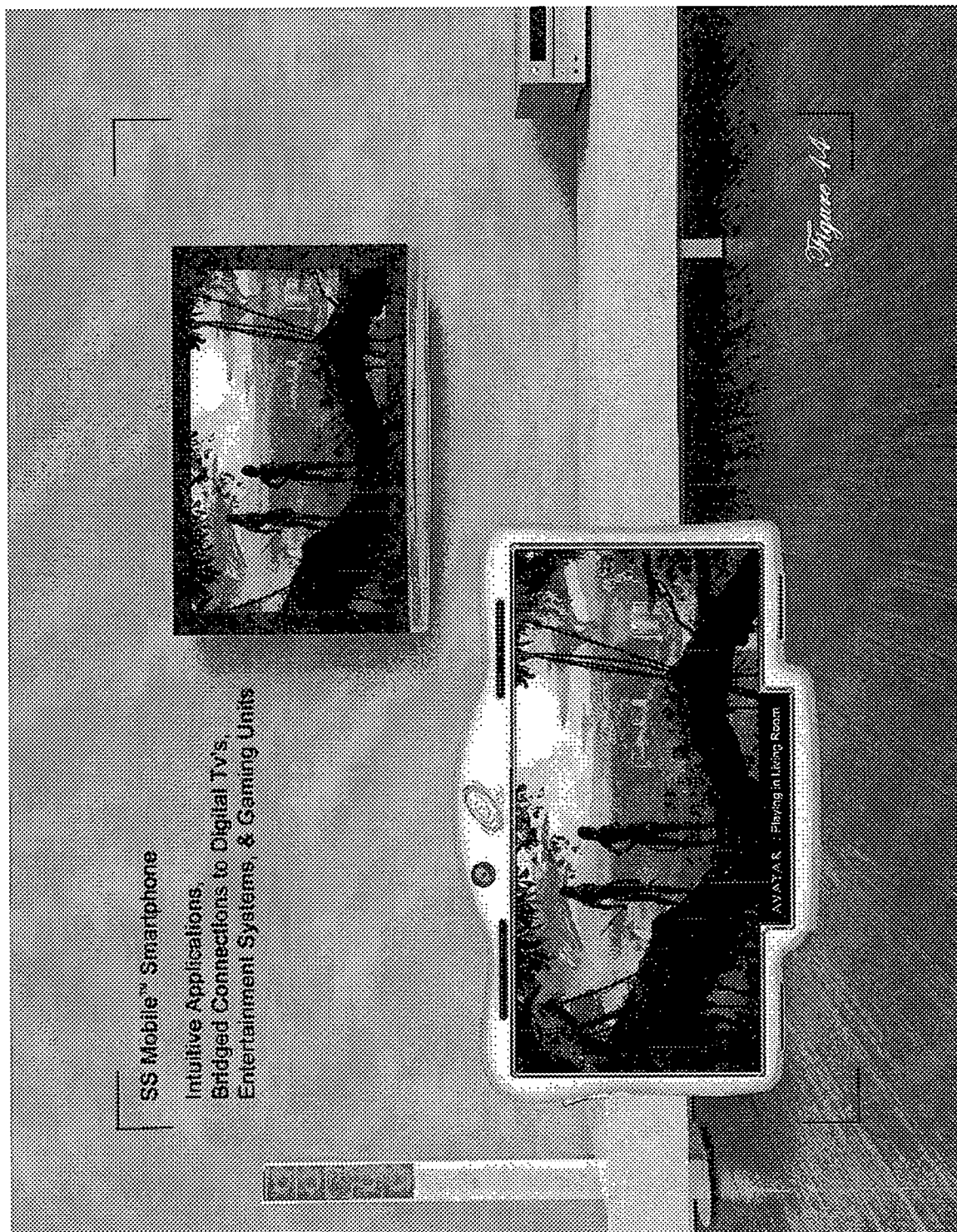


Figure 63

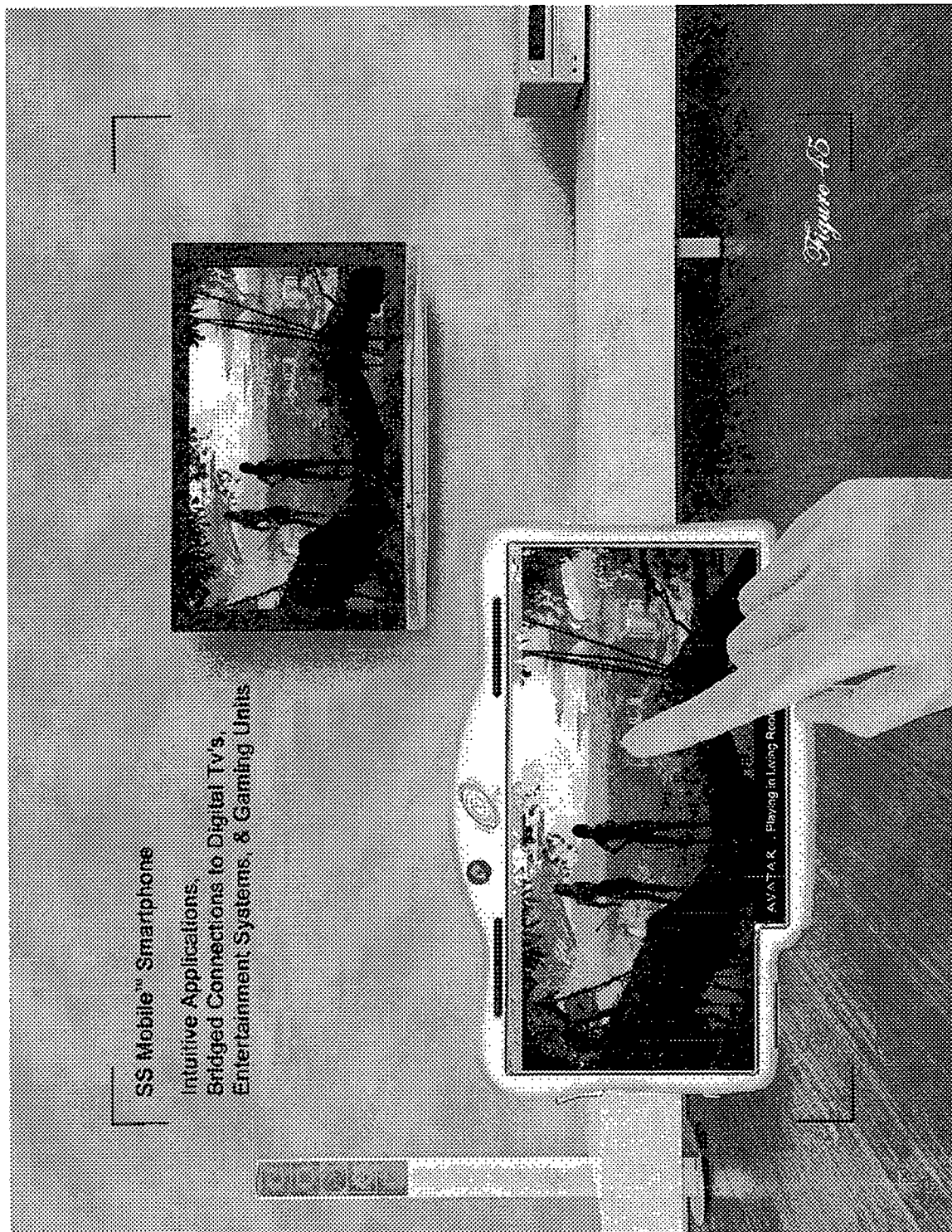
SS Mobile™ Smartphone
Intuitive Applications,
Bridged Connections to Digital TV's,
Entertainment Systems, & Gaming Units

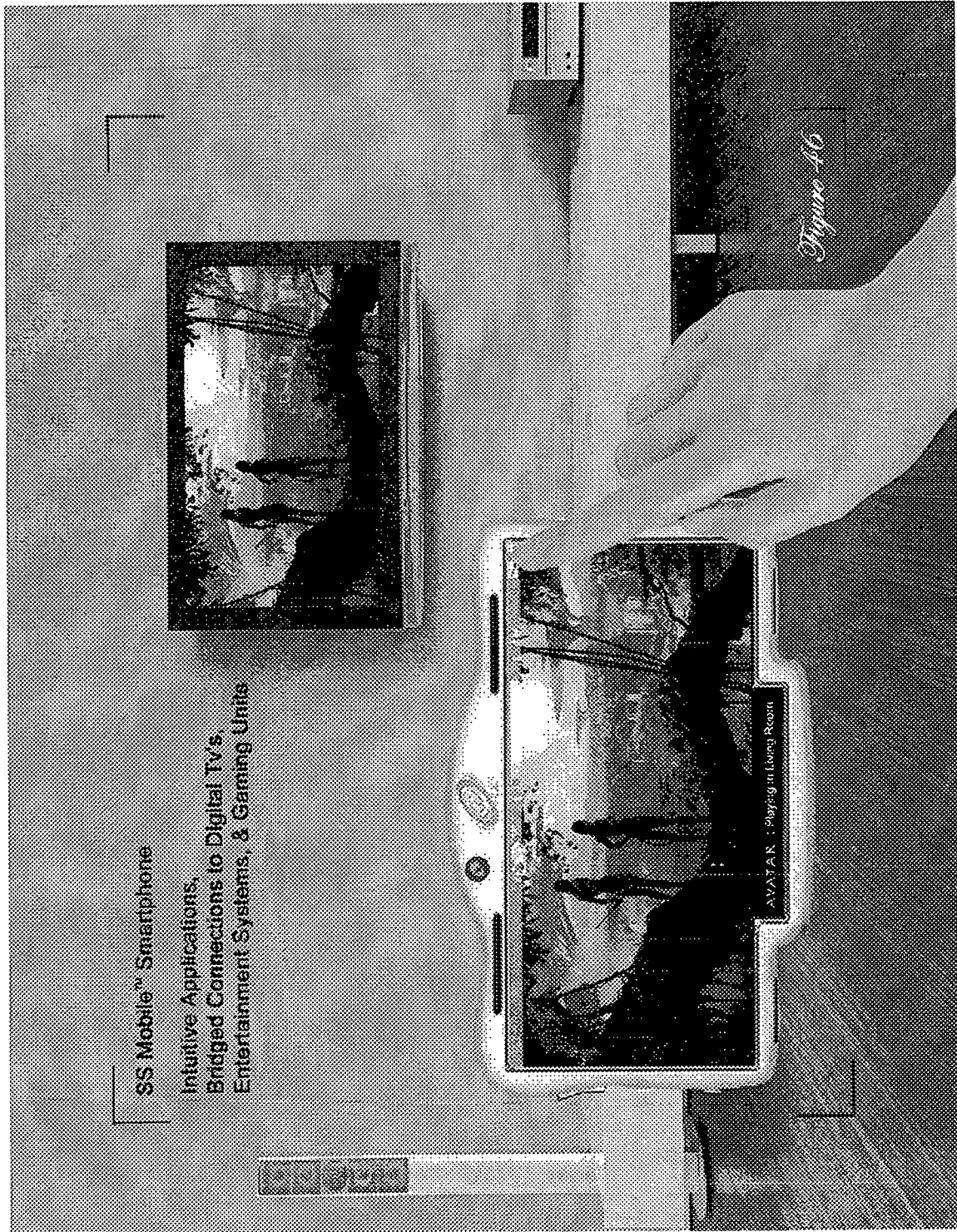


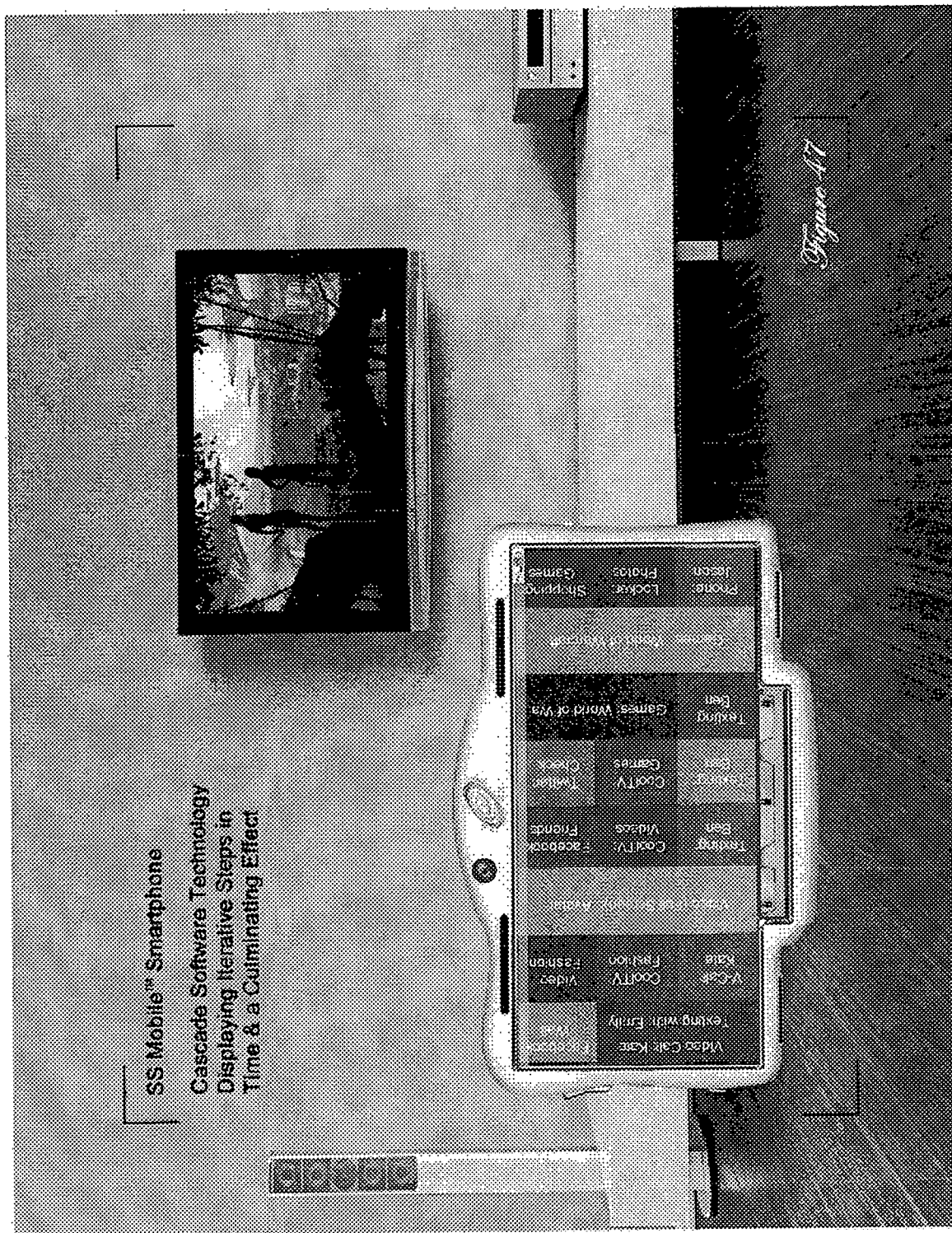
SS Mobile™ Smartphone

Intuitive Applications,
Bridged Connections to Digital TV's,
Entertainment Systems, & Gaming Units

Figure 14







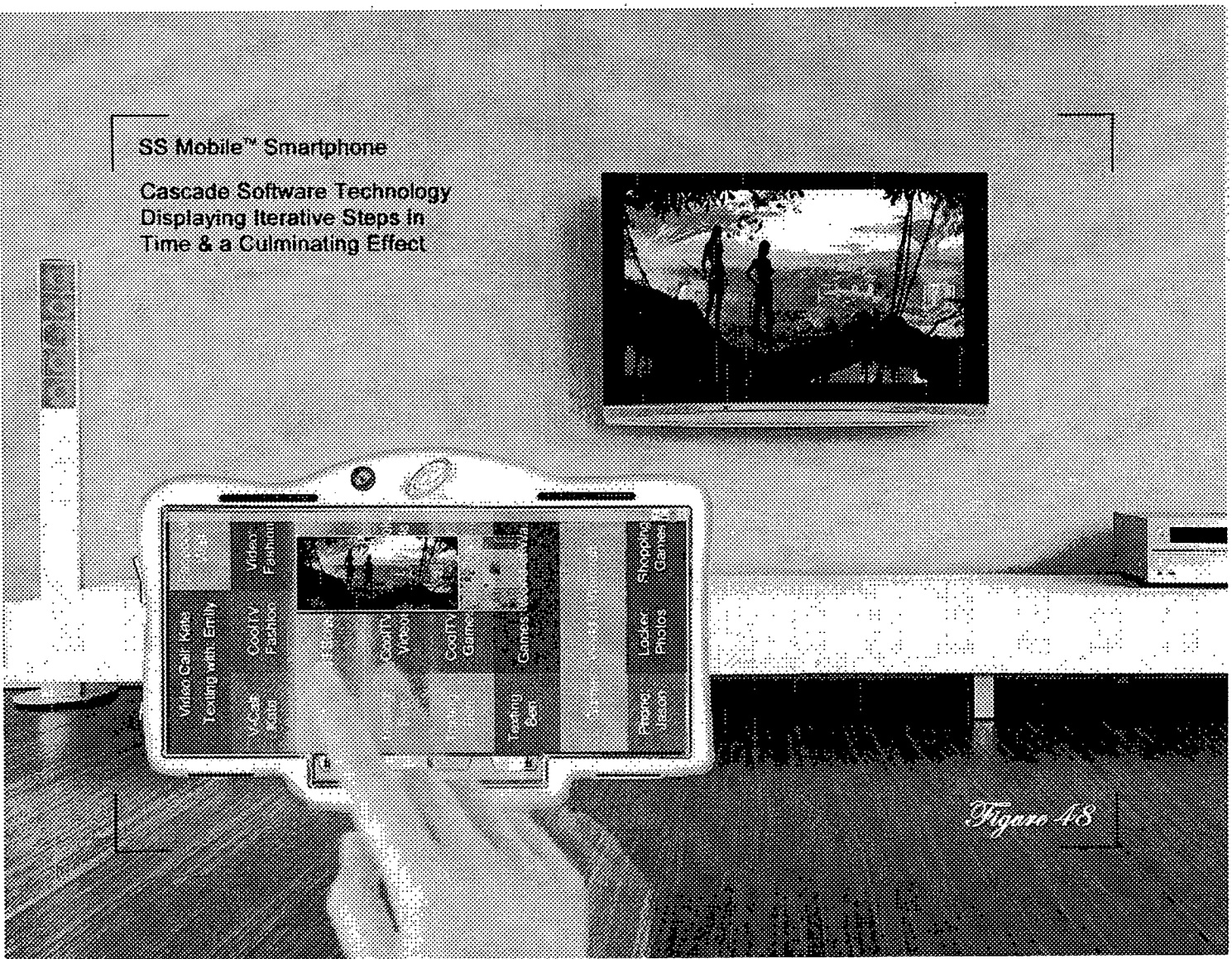
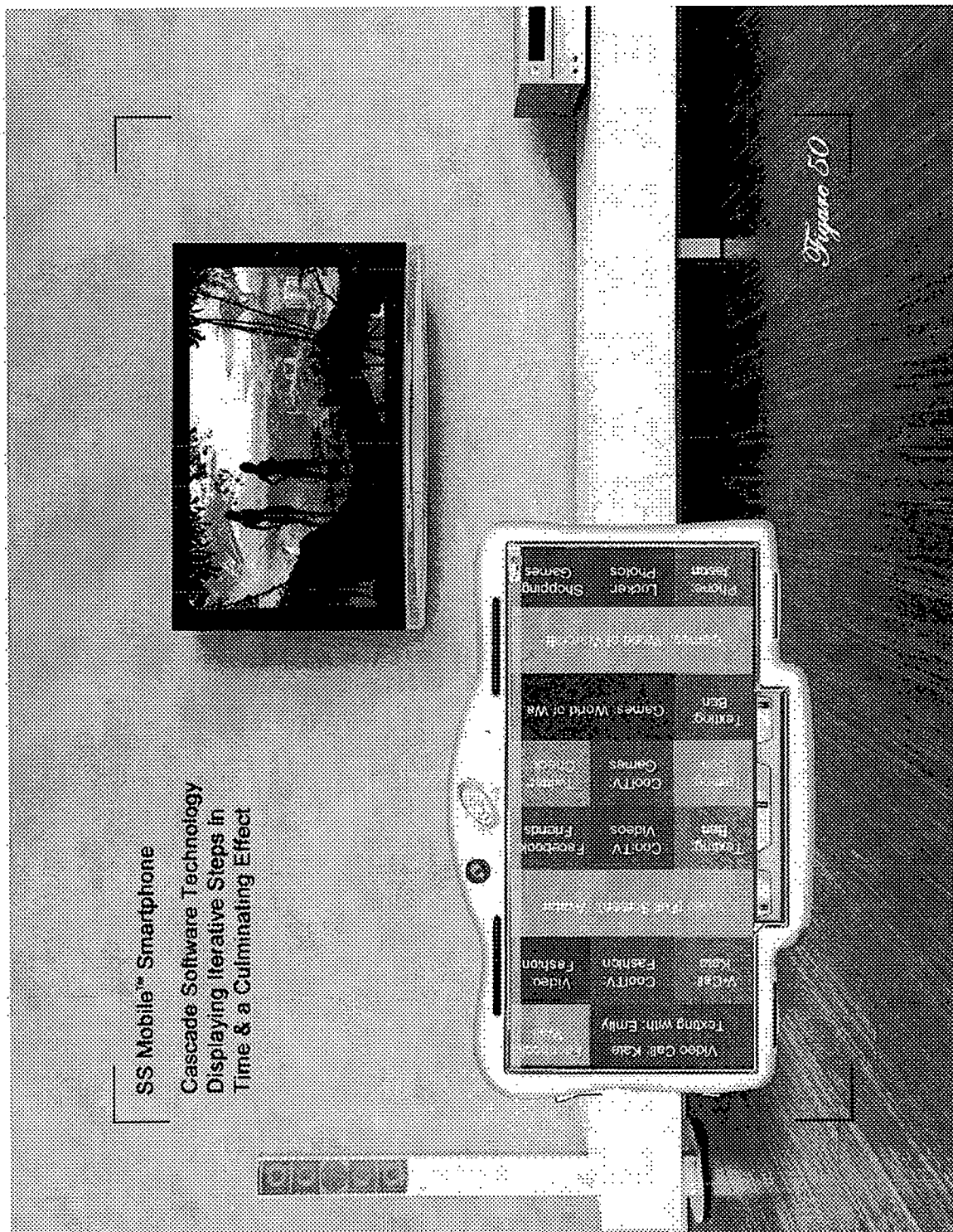


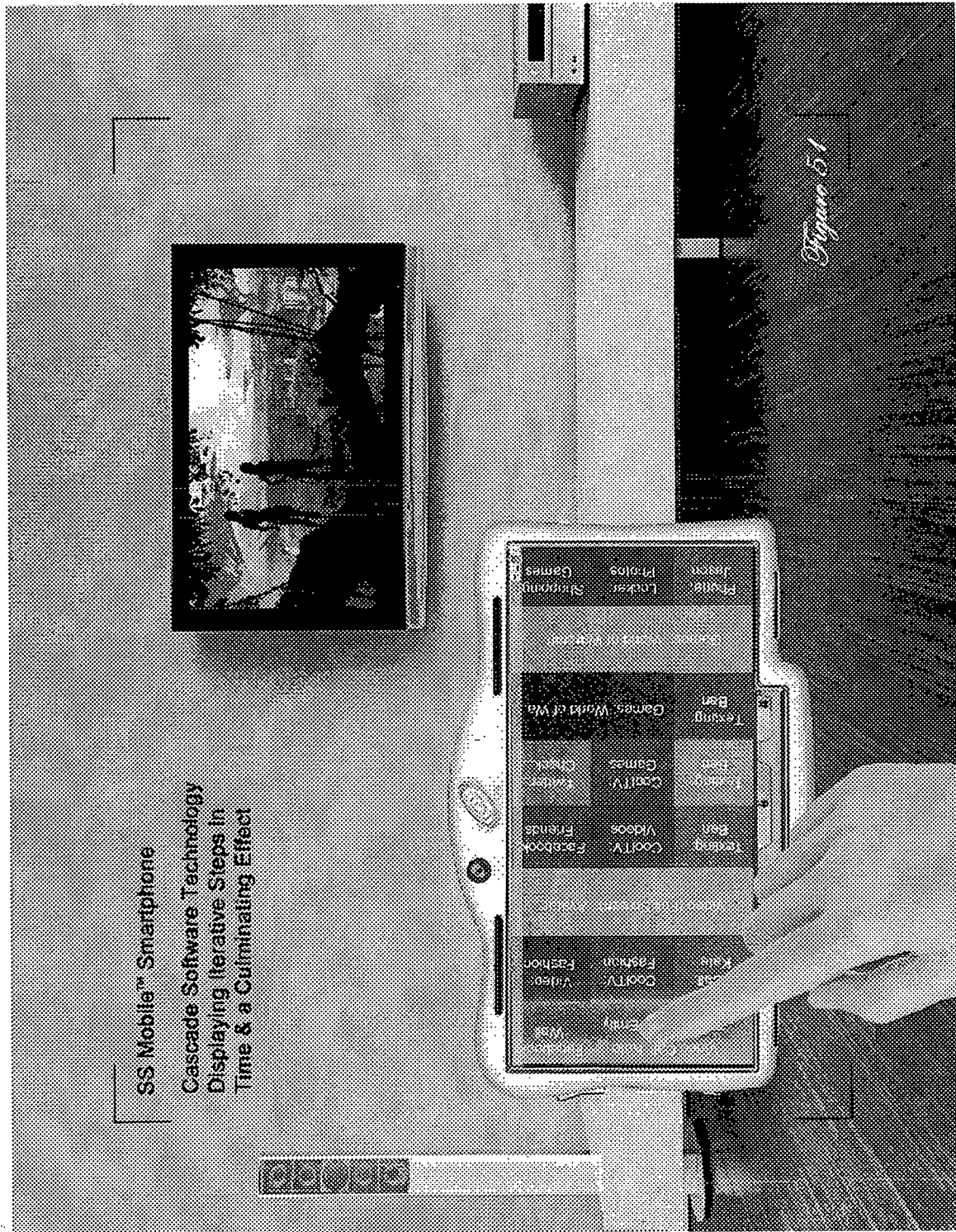
Figure 43





SS Mobile™ Smartphone
 Cascade Software Technology
 Displaying Iterative Steps in
 Time & a Culminating Effect

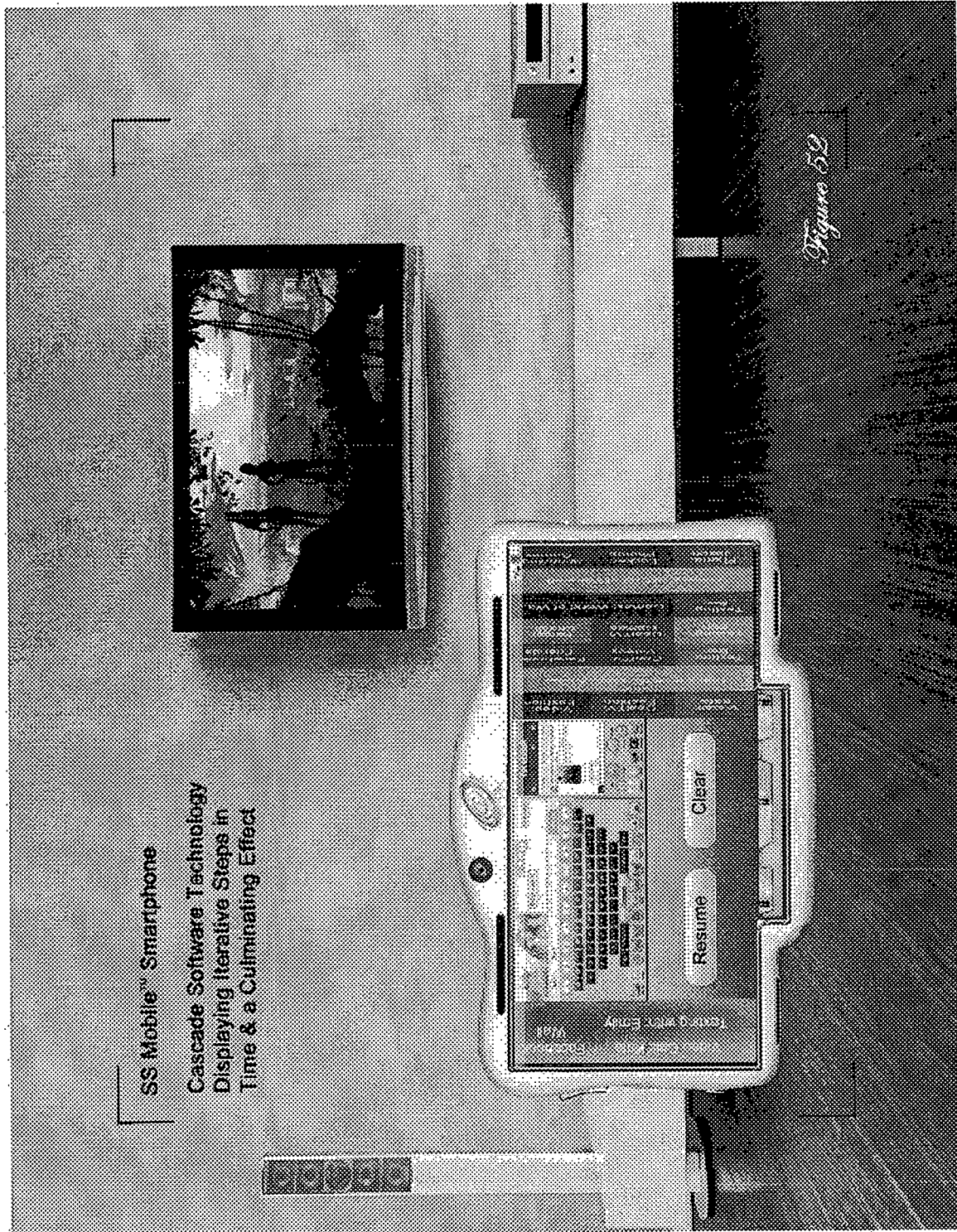
Figure 50

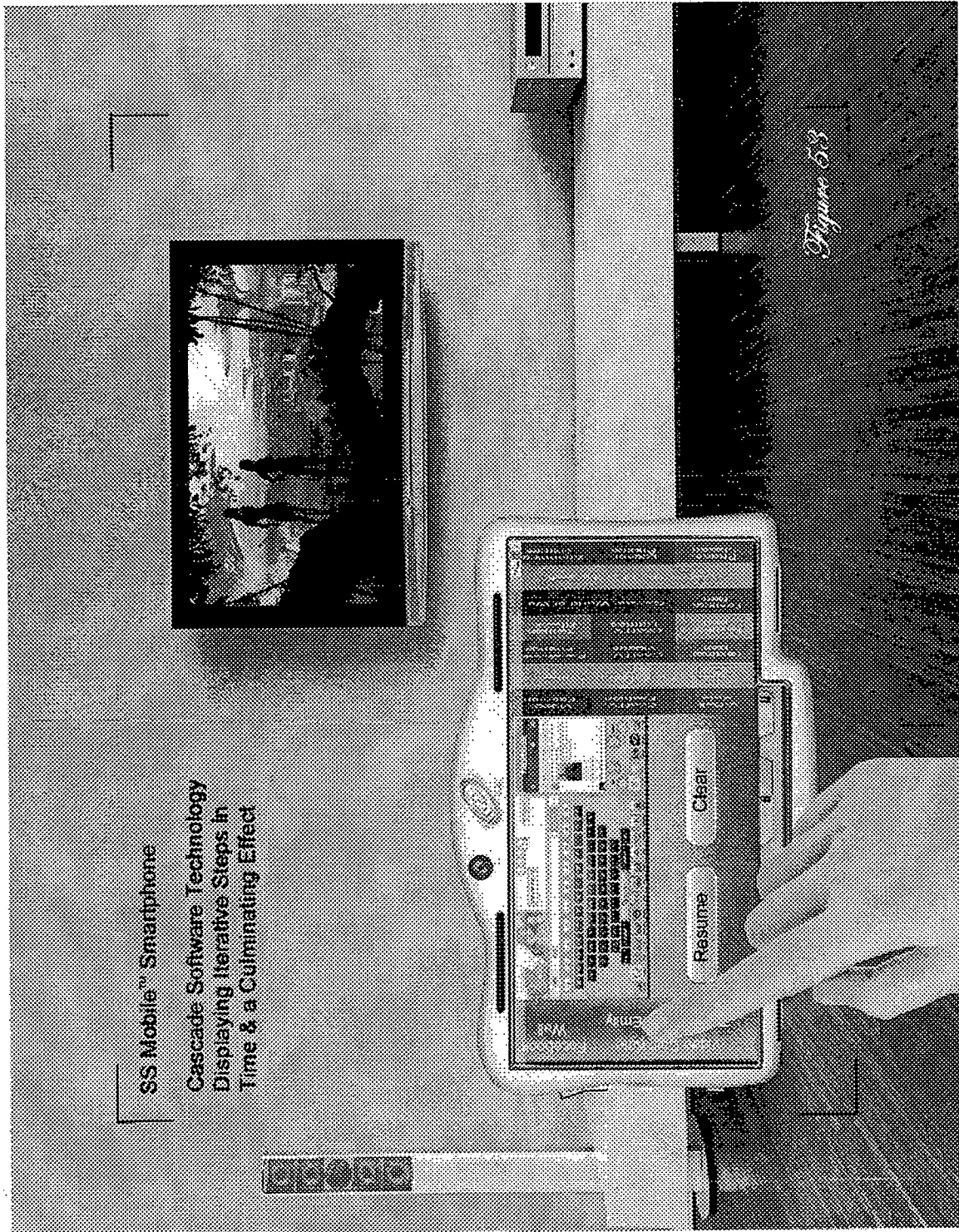


SS Mobile™ Smartphone

Cascade Software Technology
Displaying Iterative Steps In
Time & a Culminating Effect

Figure 51

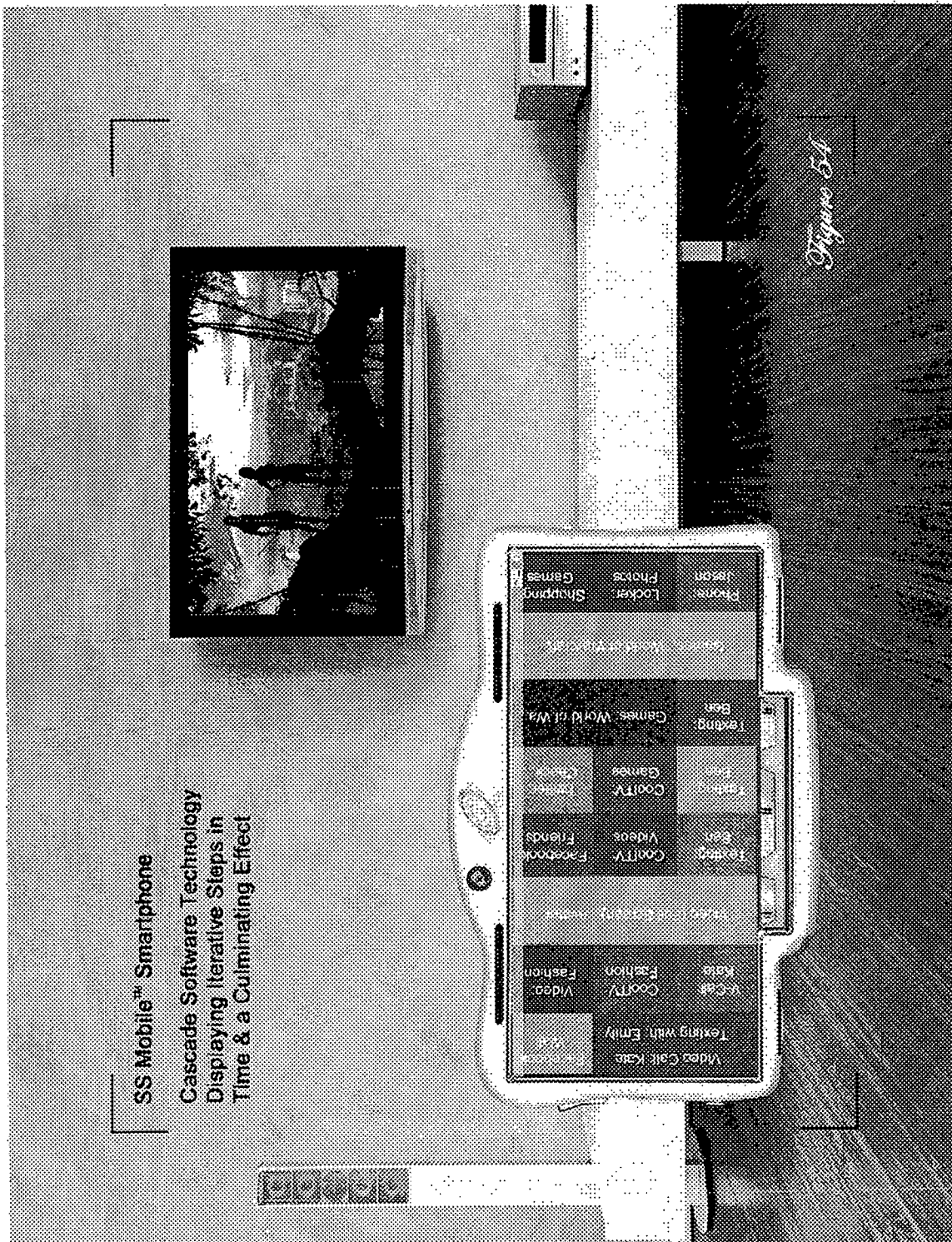




SS Mobile™ Smartphone

Cascade Software Technology
Displaying Iterative Steps in
Time & a Culminating Effect

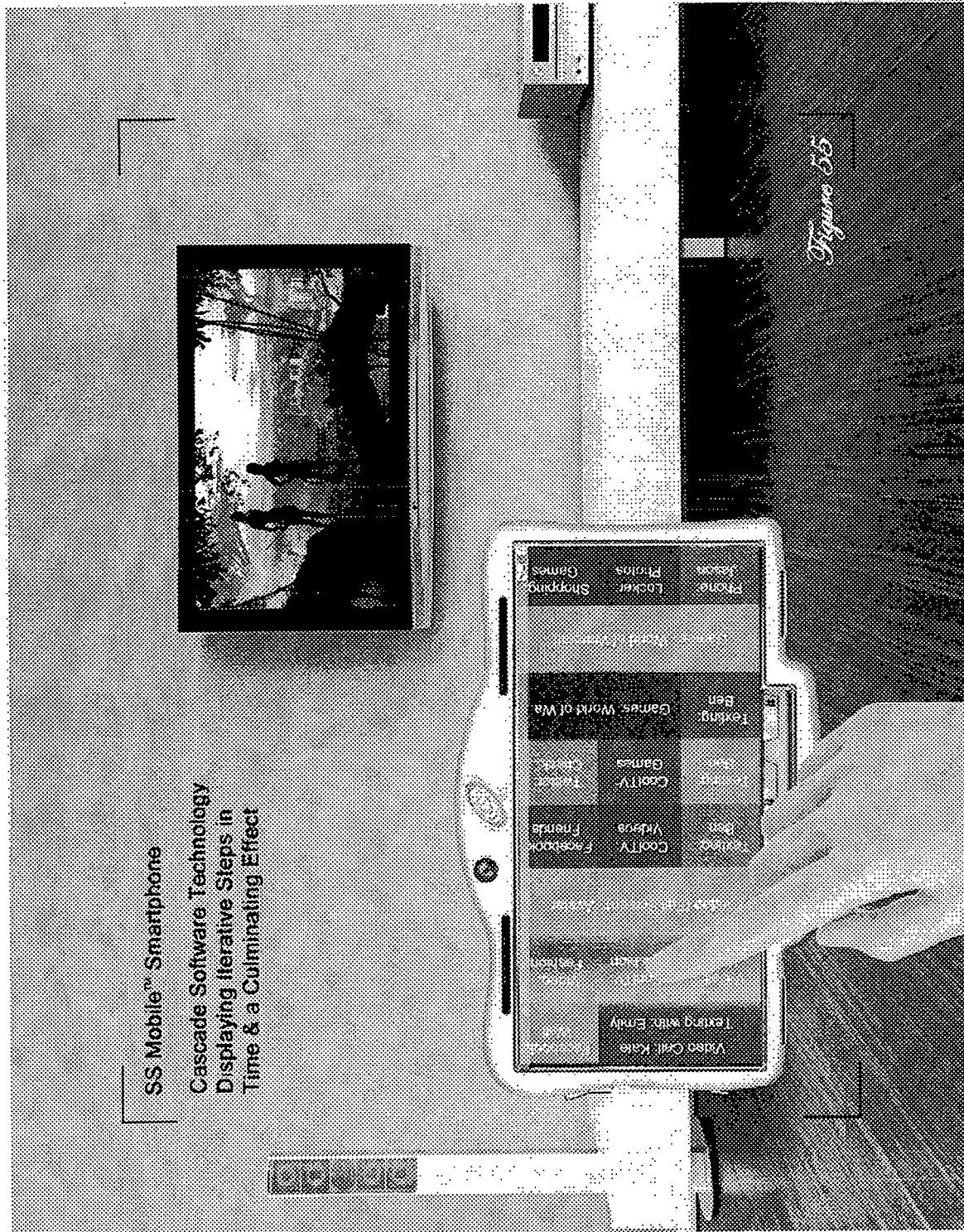
Figure 533



SS Mobile™ Smartphone

Cascade Software Technology
Displaying Iterative Steps in
Time & a Culminating Effect

Figure 5A



SS Mobile™ Smartphone

Cascade Software Technology
Displaying Iterative Steps in
Time & a Culminating Effect

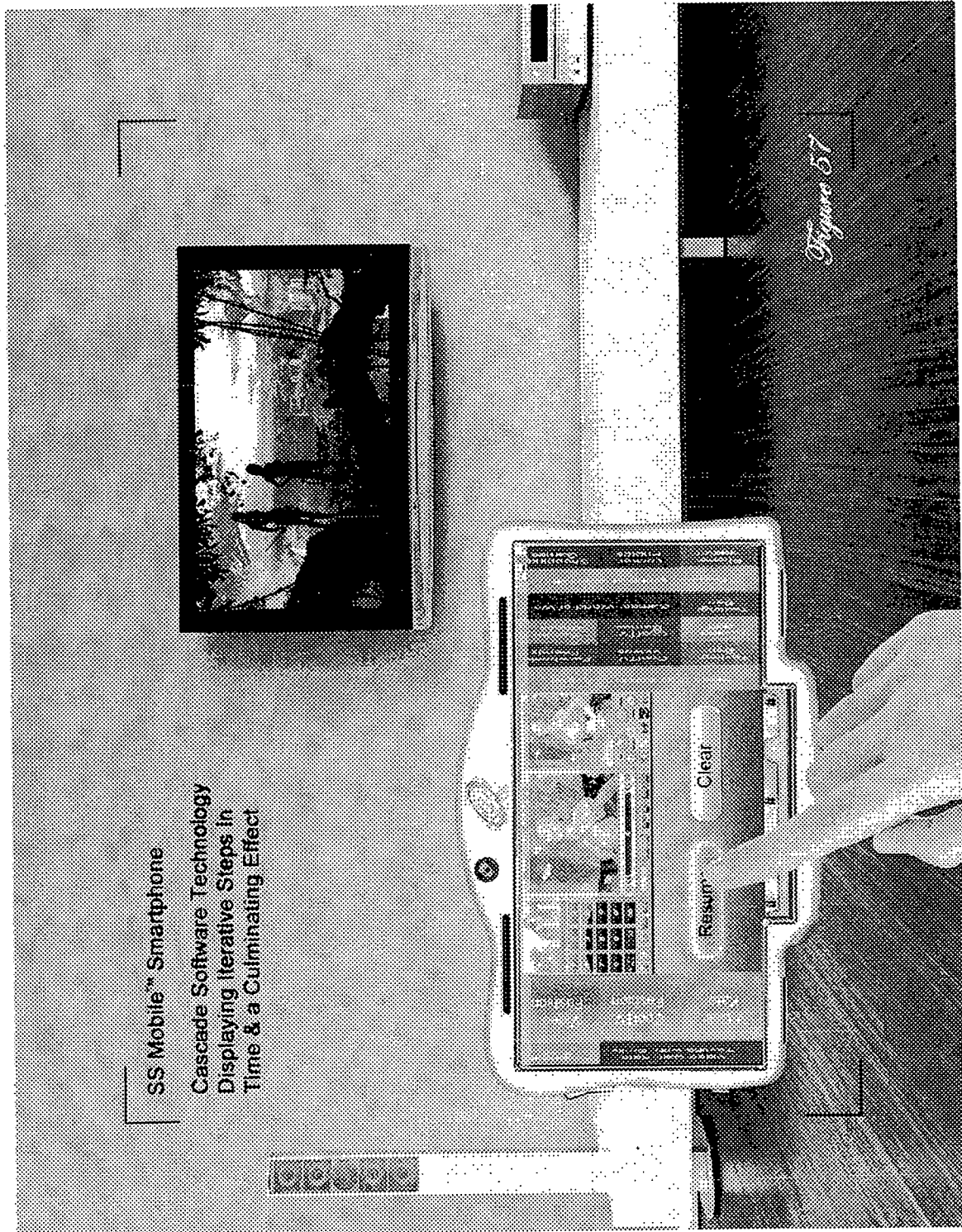
Figure 55



SS Mobile™ Smartphone

Cascade Software Technology
Displaying Iterative Steps In
Time & a Culminating Effect

Figure 56



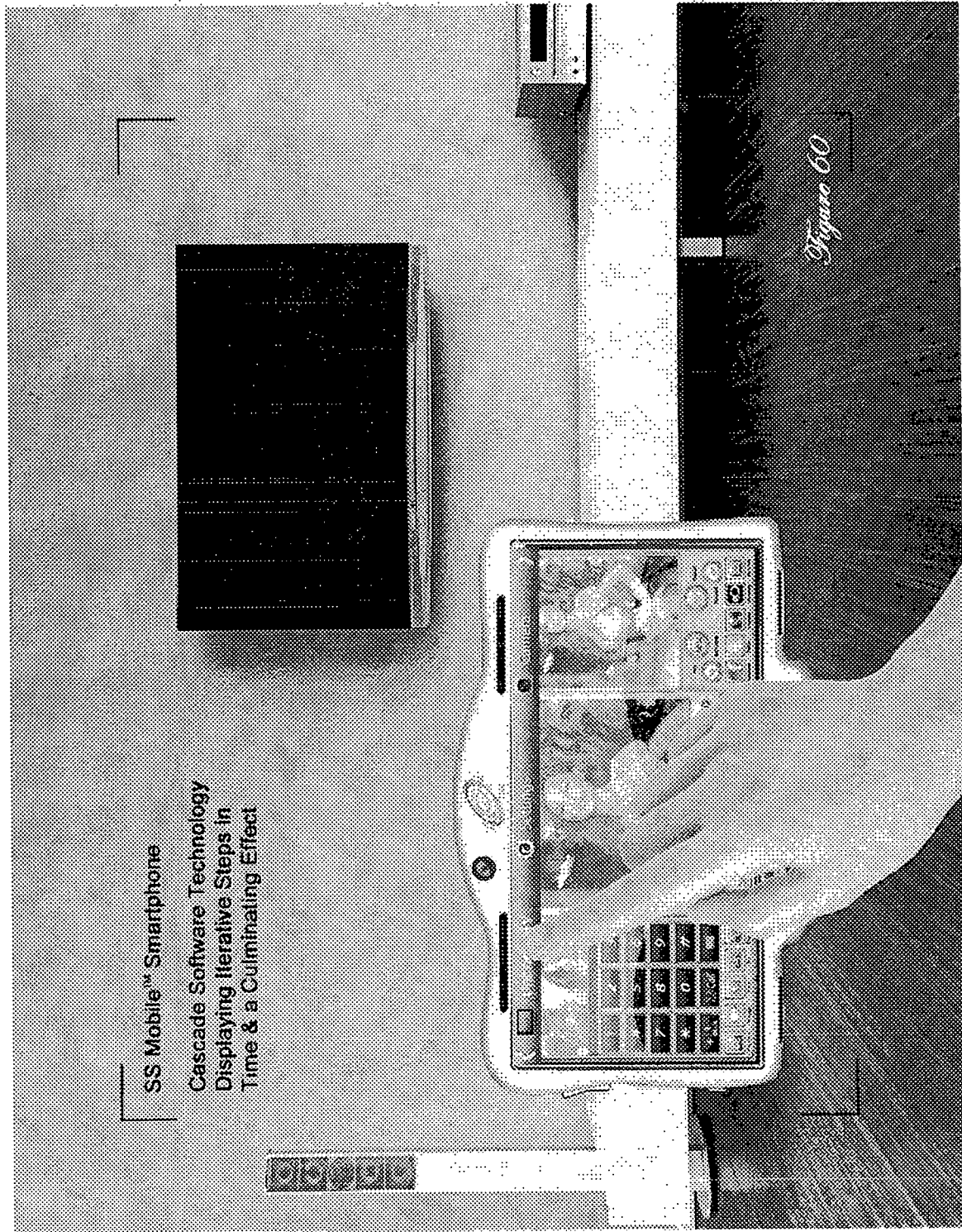
SS Mobile™ Smartphone

Cascade Software Technology
Displaying Iterative Steps in
Time & a Culminating Effect

Figure 57







SS Mobile™ Smartphone

Cascade Software Technology
Displaying Iterative Steps In
Time & a Culminating Effect

Figure 60

Cascade Software System &
The ClickVideoShop Software Technology

SS Mobile™ Smartphone

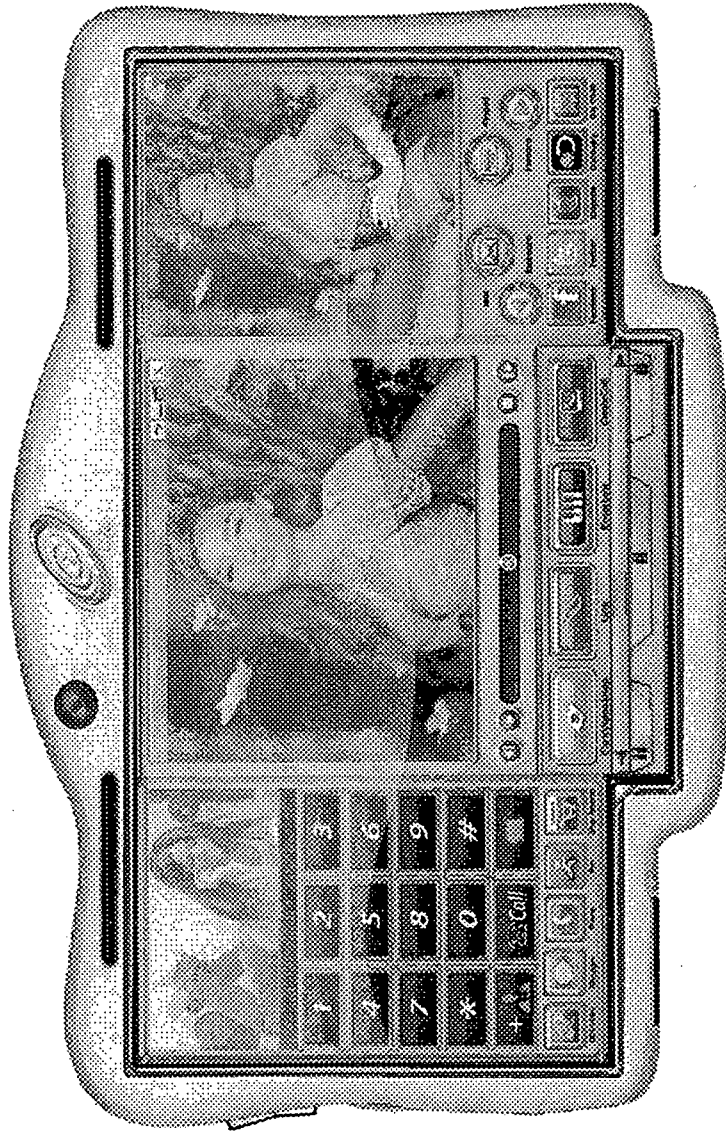


Figure 61

Cascade Software System &
The ClickVideoShop Software Technology

SS Mobile™ Smartphone

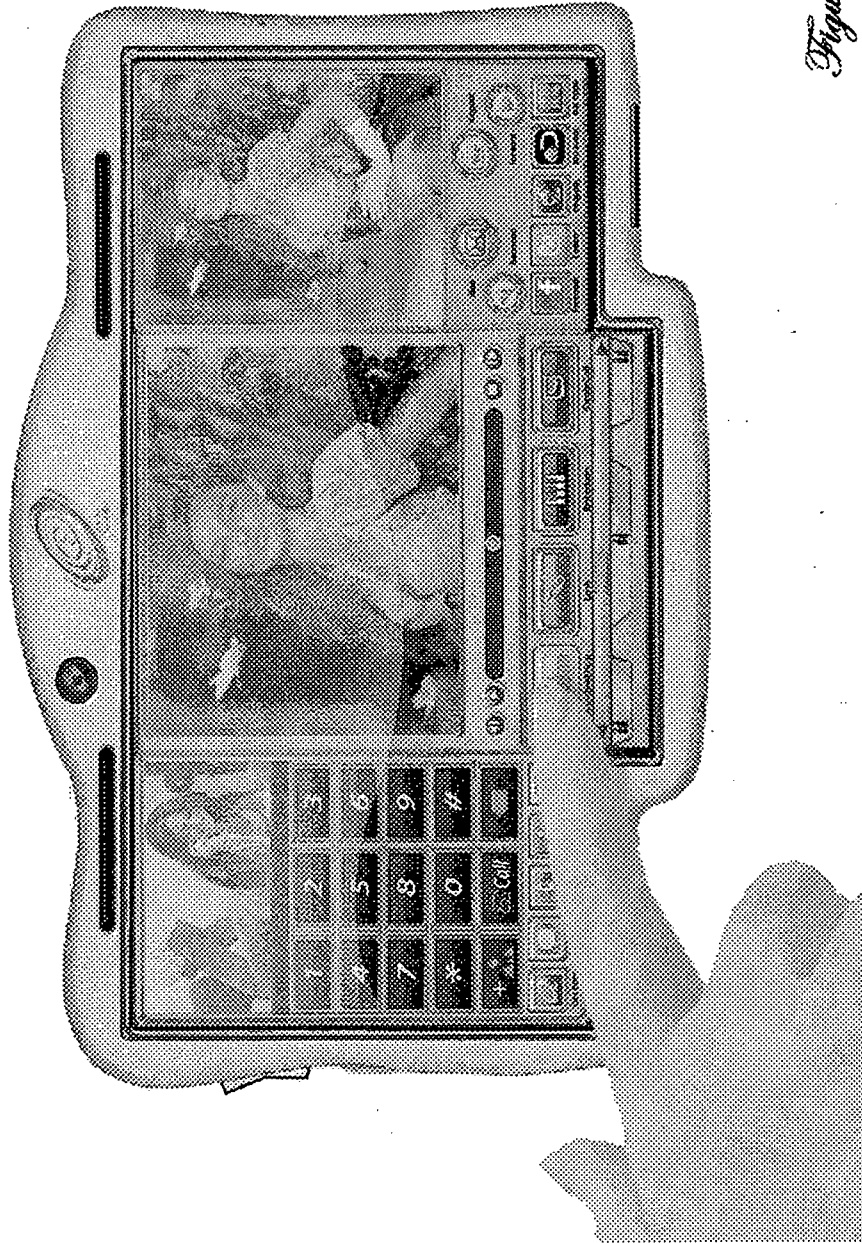


Figure 6B

SS Mobile™ Smartphone

Cascade Software System &
The ClickVideoShop Software Technology

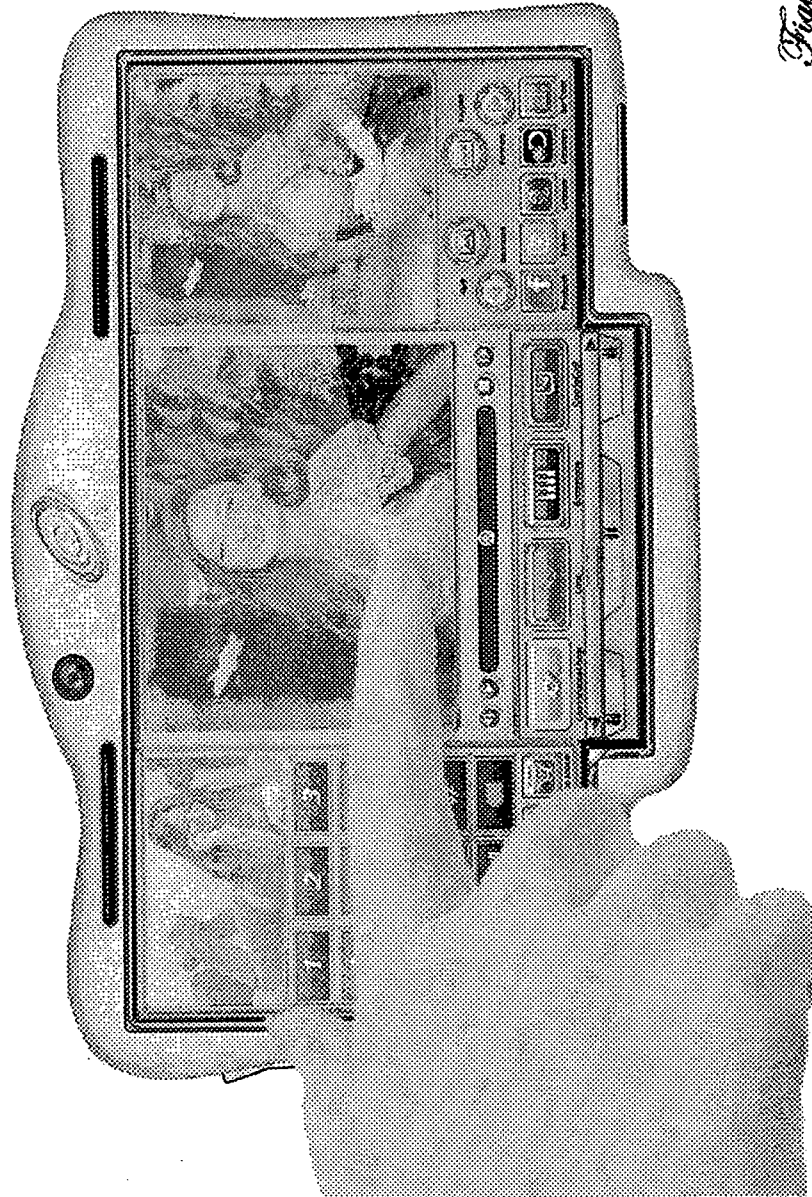


Figure 63

Cascade Software System &
The ClickVideoShop Software Technology

SS Mobile™ Smartphone

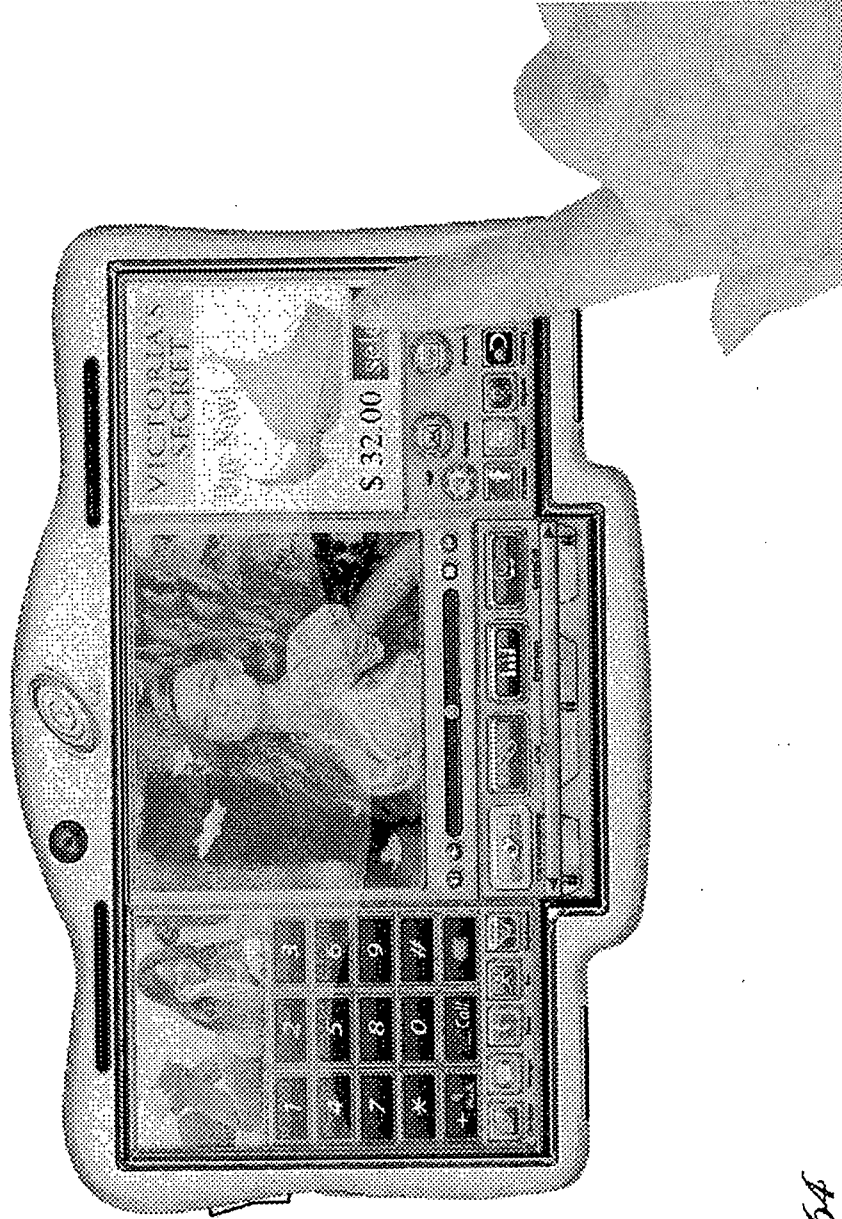


Figure 6A

SS Mobile™ Software
Cascade Software System &
The ClickVideoShop Software Technology

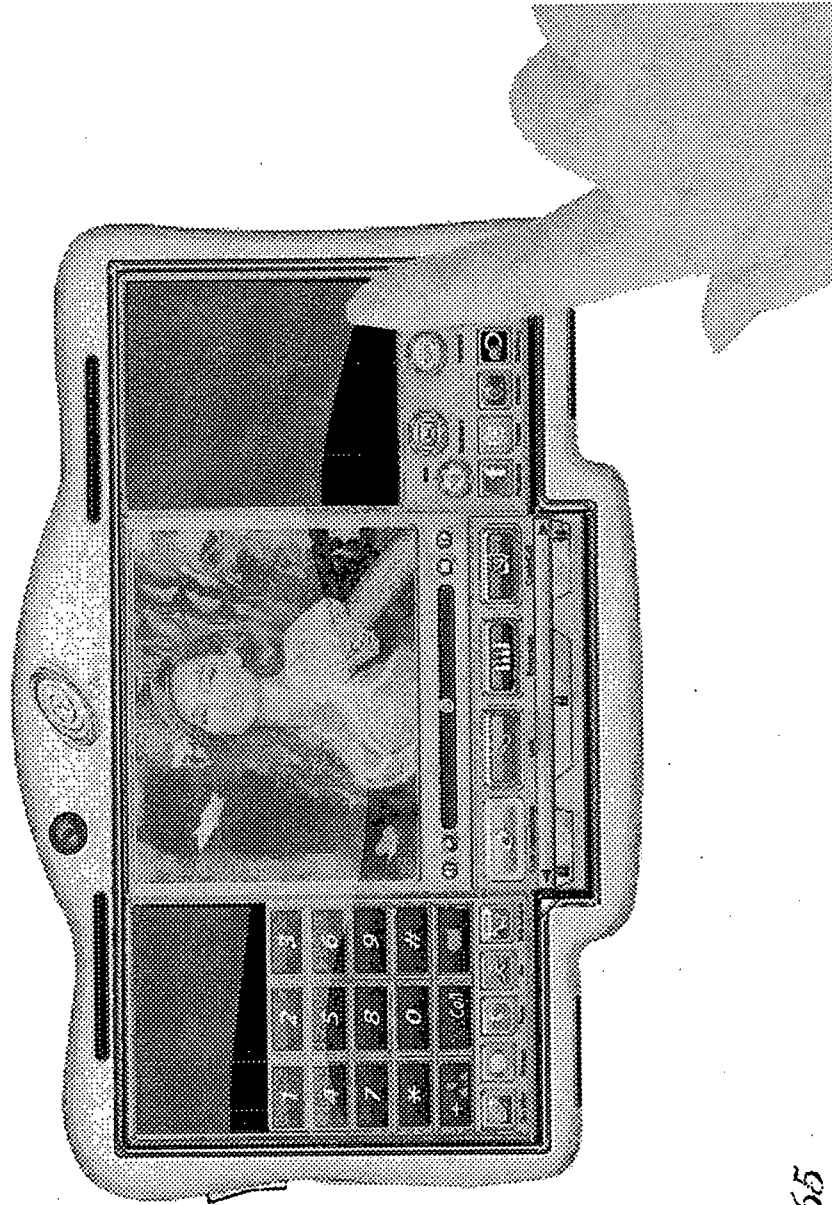


Figure 65

Auto Adjusting Views

SS Mobile™ Smartphone

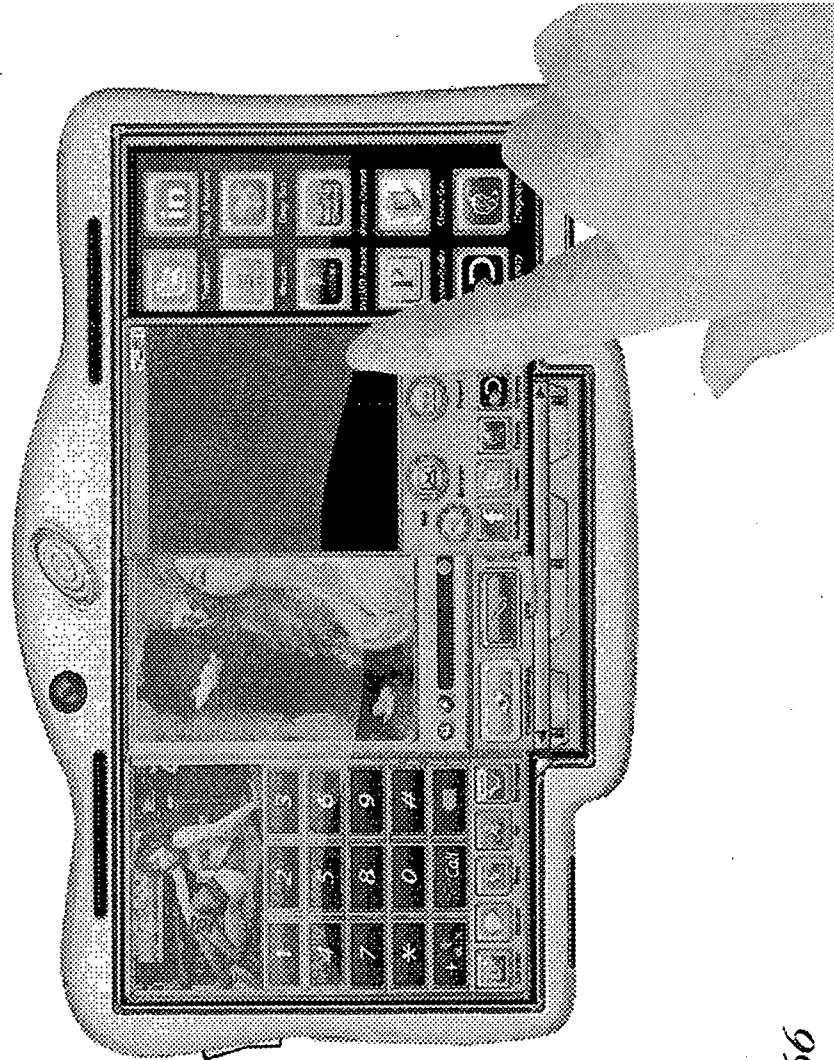


Figure 66

Real-Time Multiplayer Gaming

SS Mobile™ Smartphone

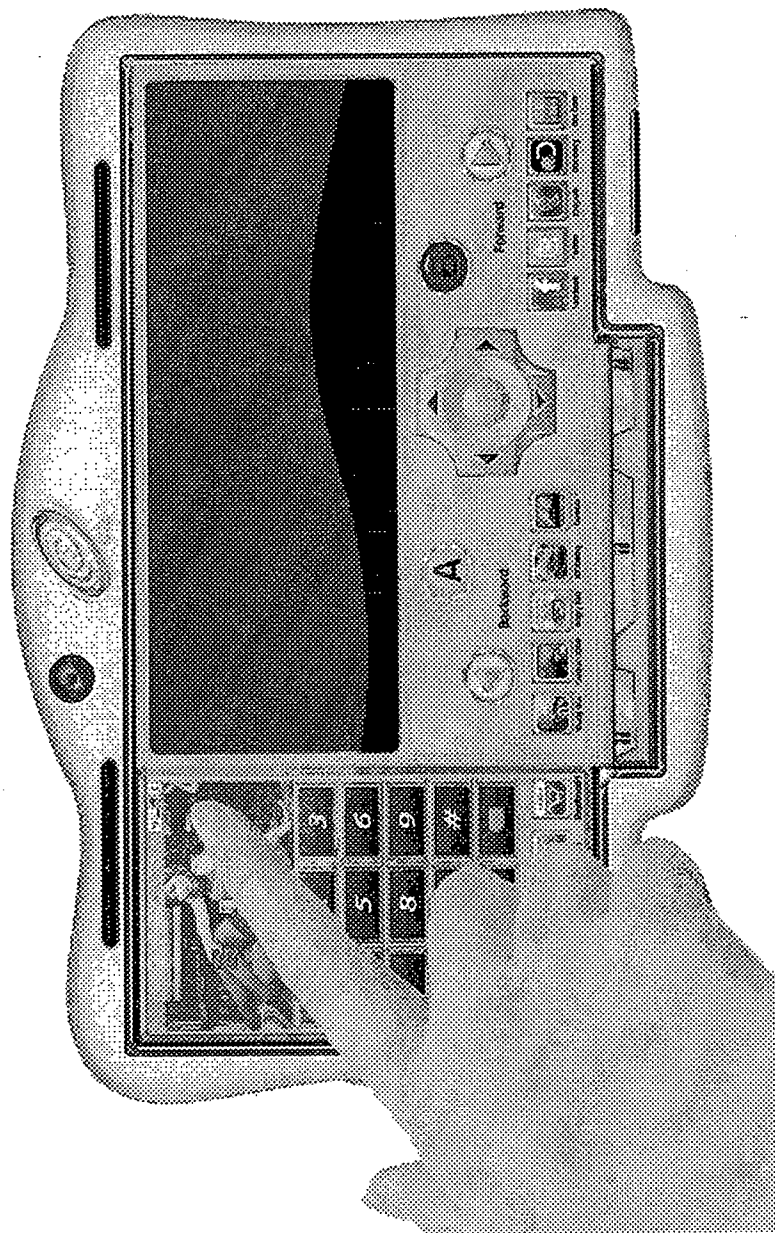


Figure 67

Adjustable & Collapsible Windows

SS Mobile™ Smartphone

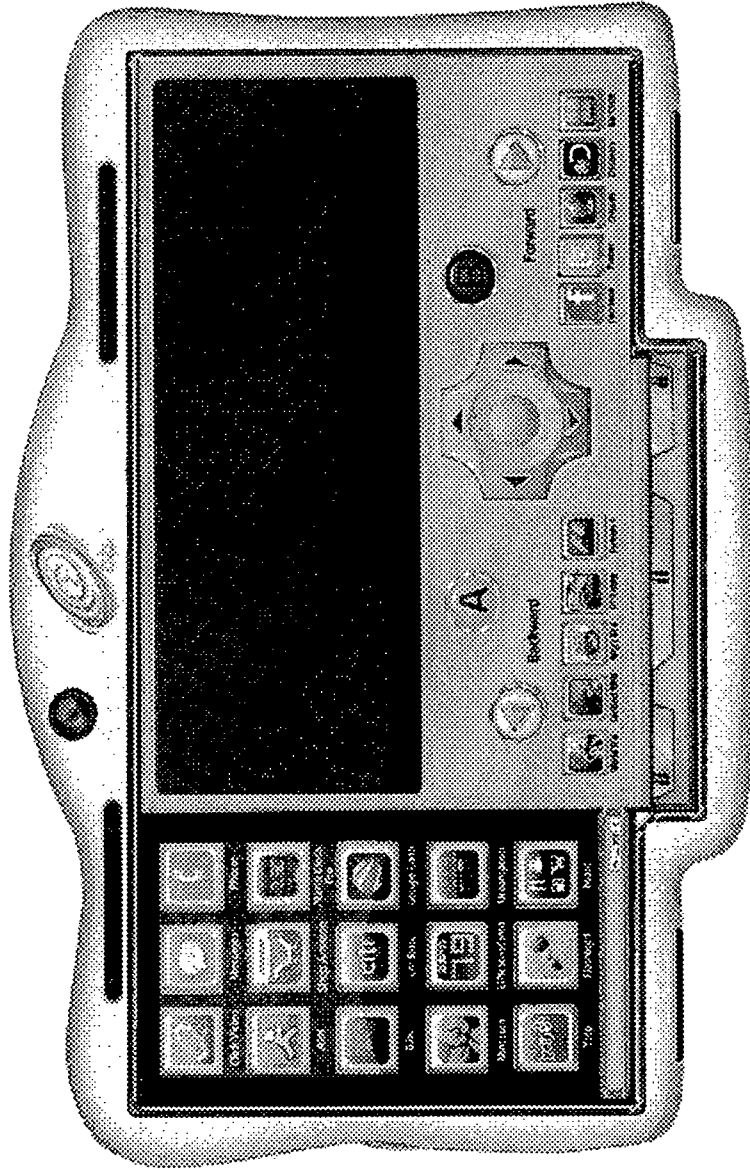


Figure 68

Adjustable & Collapsible Windows

SS Mobile™ Smartphone

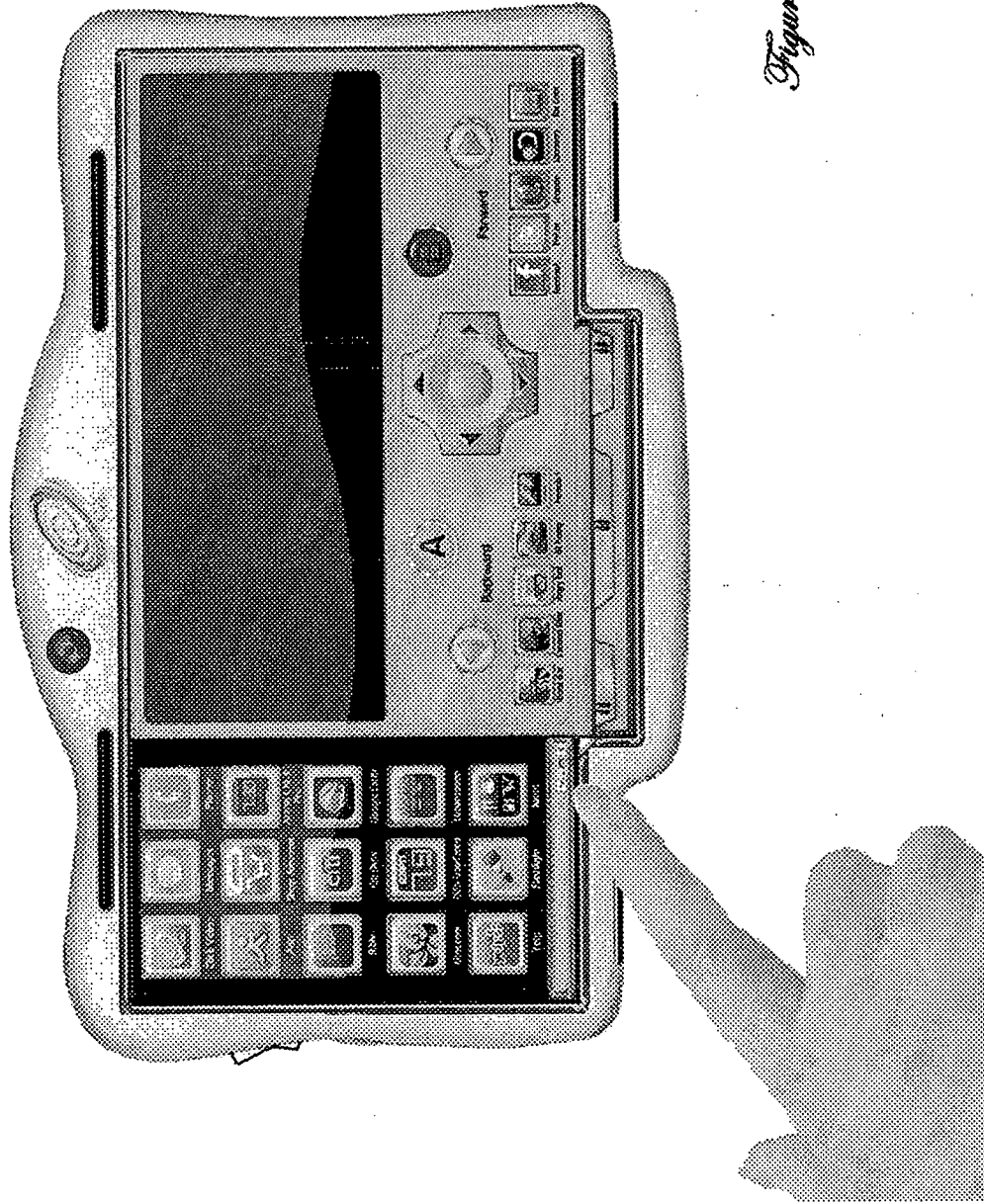


Figure 69

Real-Time Multiplayer Gaming

SS Mobile™ Smartphone

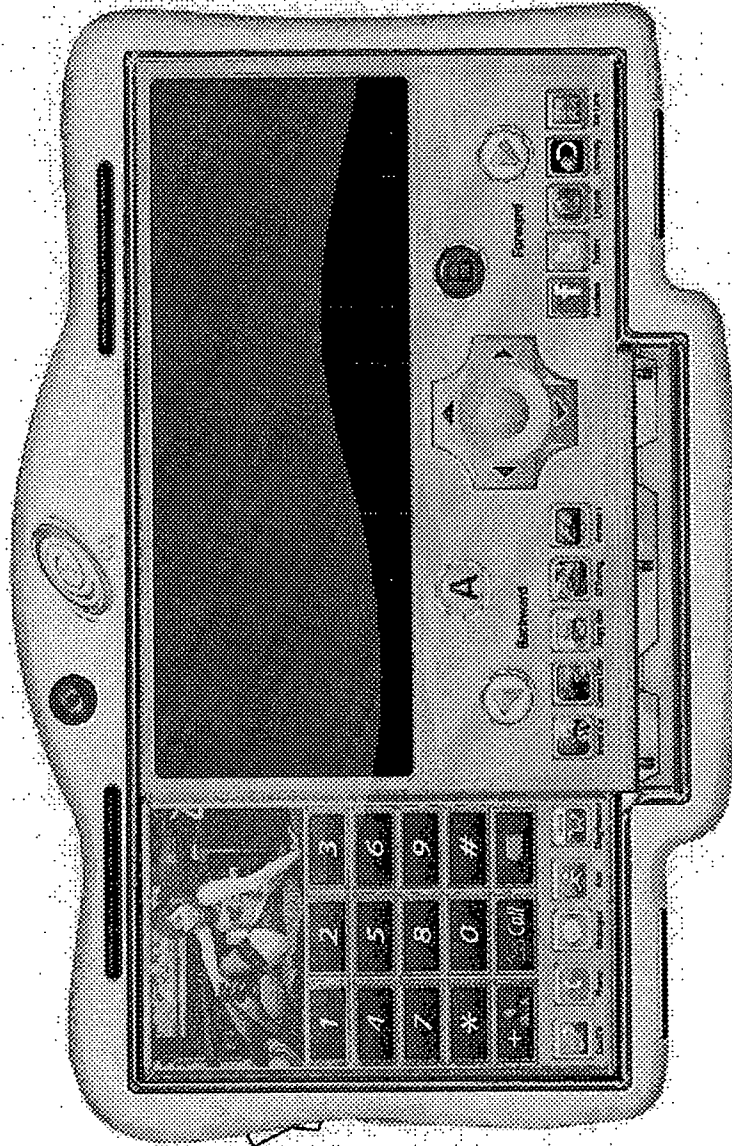


Figure 70

Real-Time Multiplayer Gaming

SS Mobile™ Smartphone

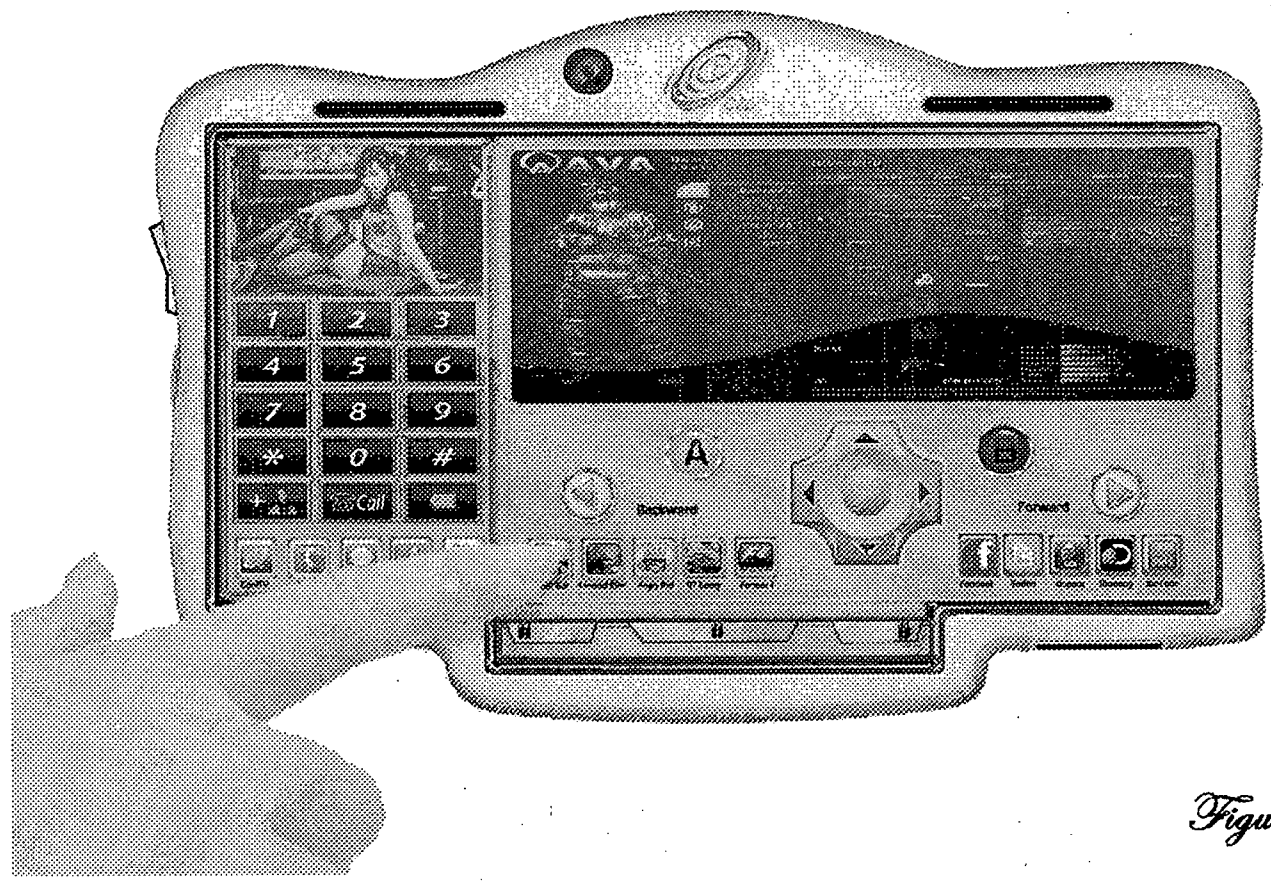


Figure 71

PV.100

Real-Time Multiplayer Gaming

SS Mobile™ Smartphone

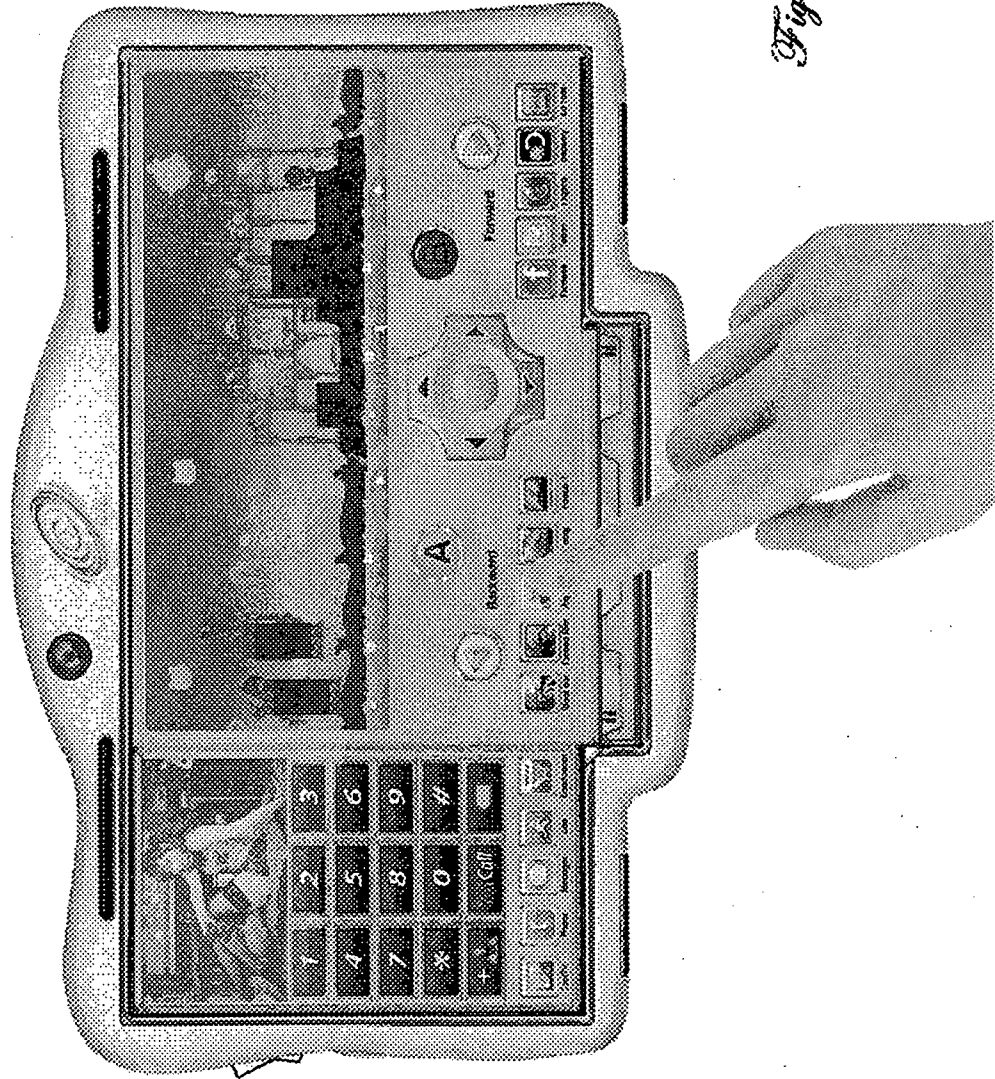
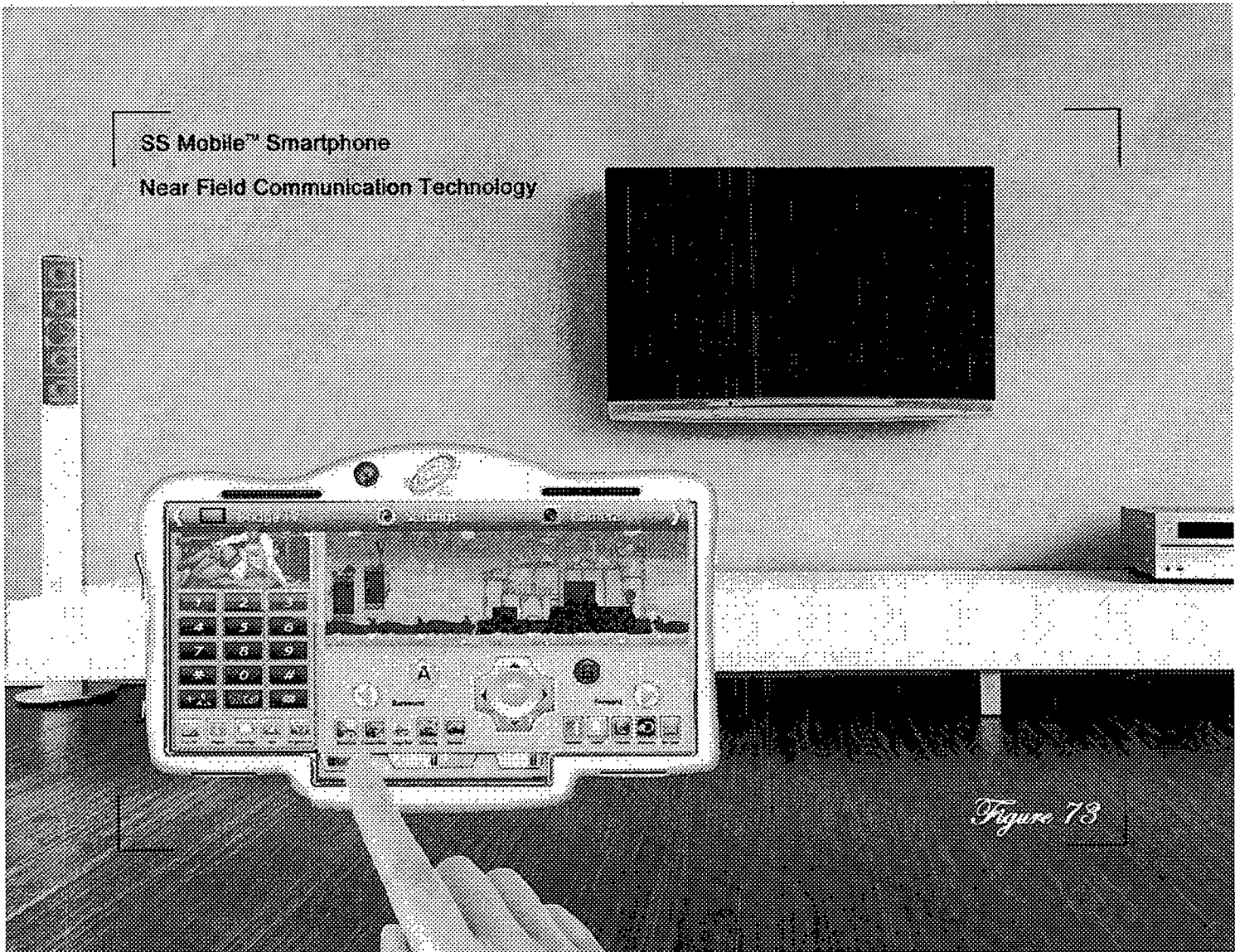
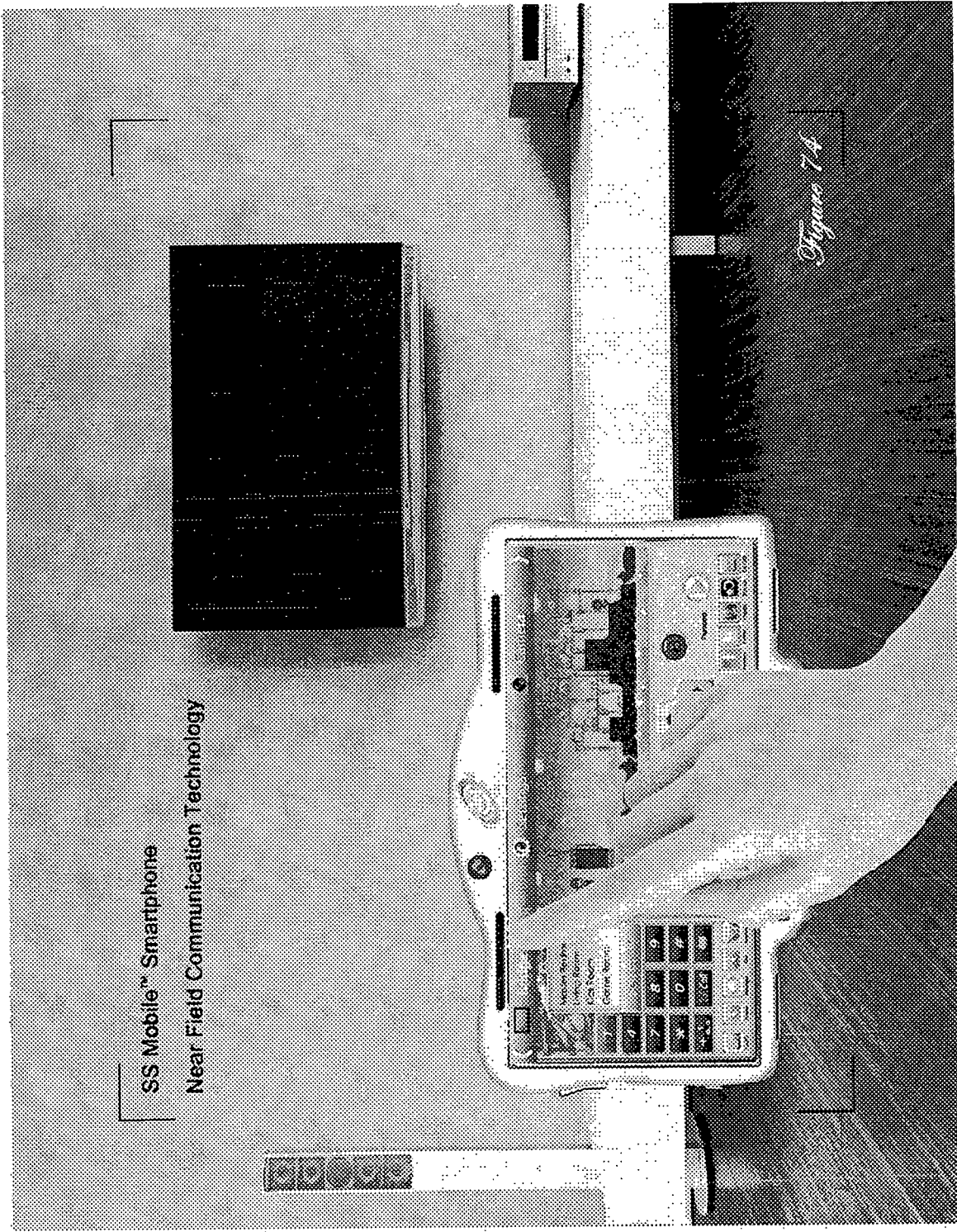


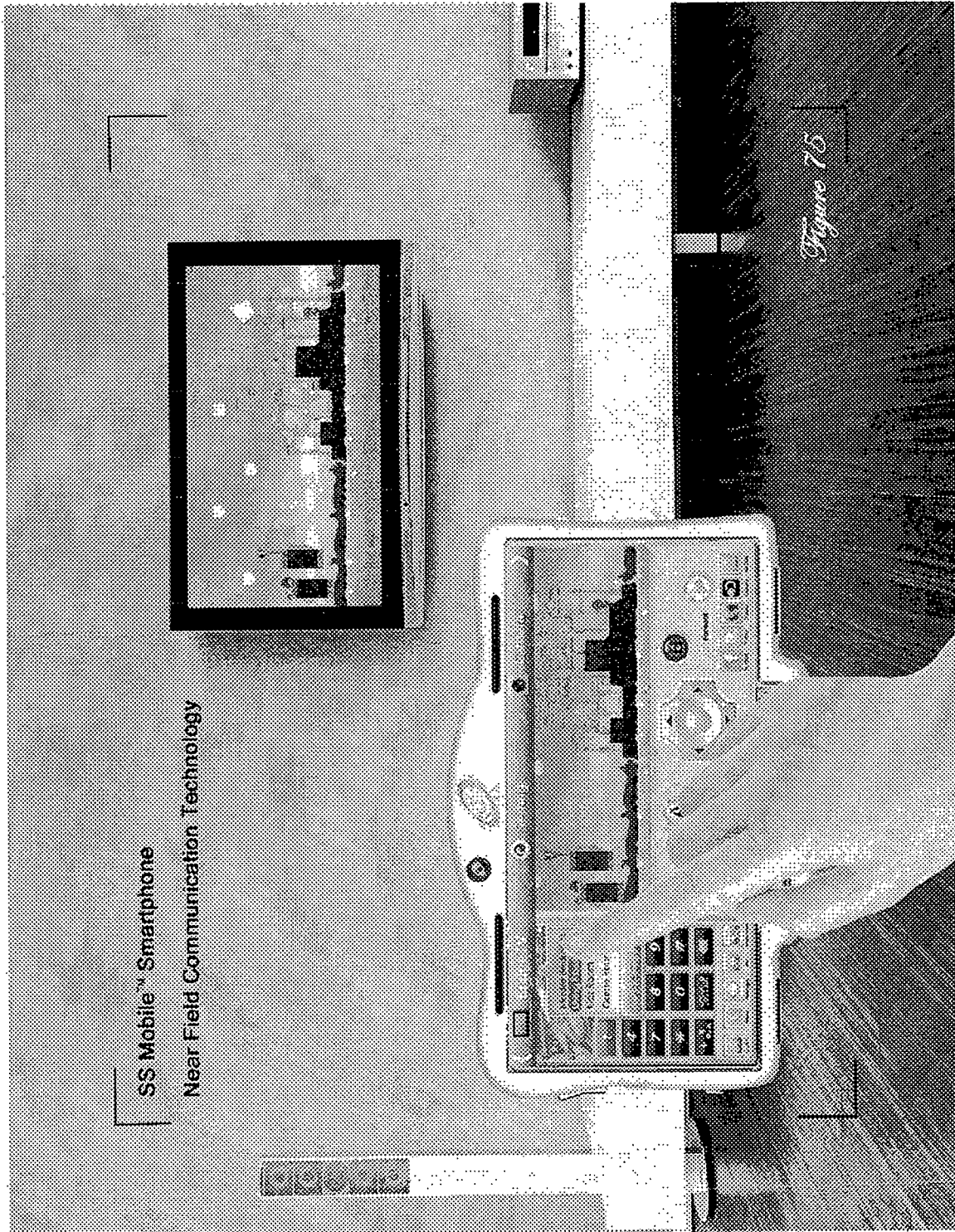
Figure 72





SS Mobile™ Smartphone
Near Field Communication Technology

Figure 7A



Cascade Software System

SS Mobile™ Smartphone

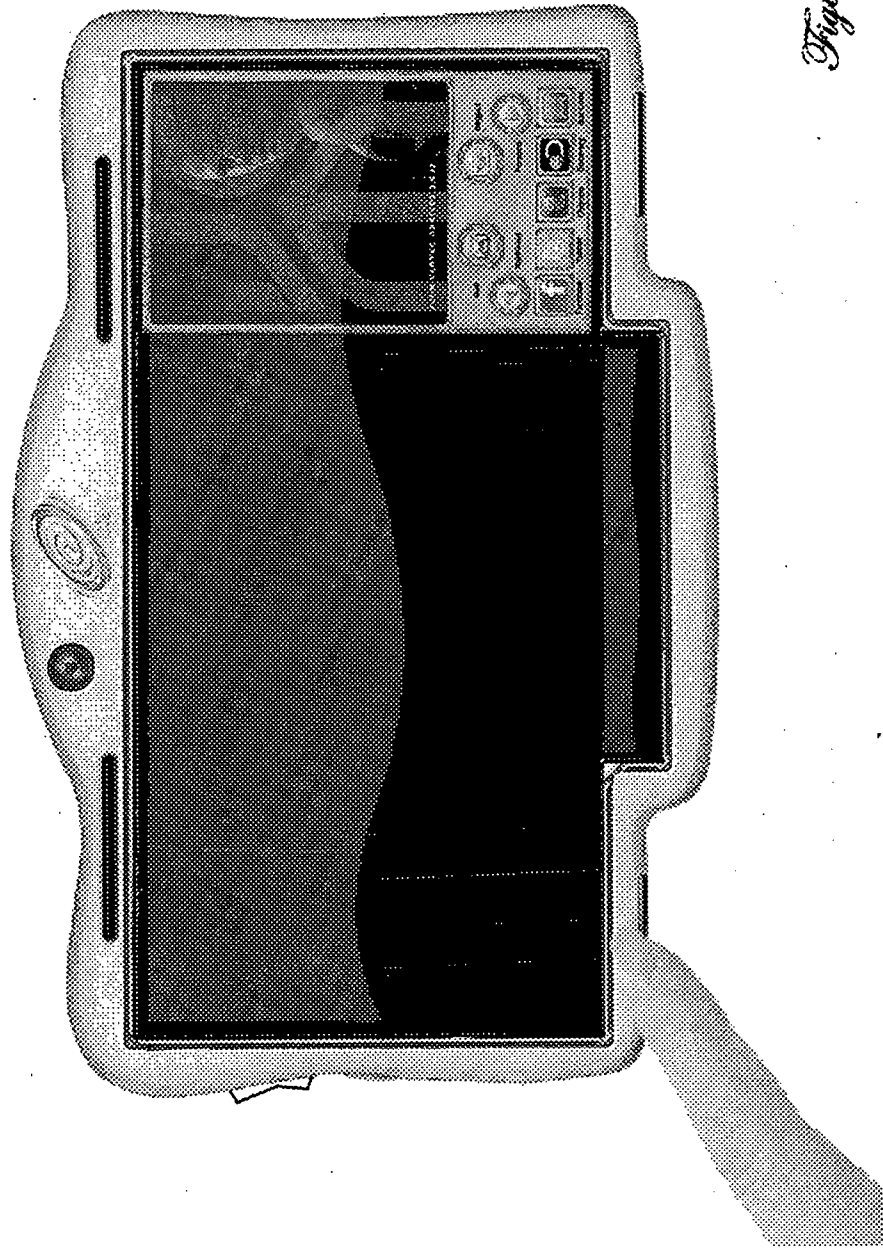


Figure 76

SS Mobile™ Smartphone

Cascade Software System

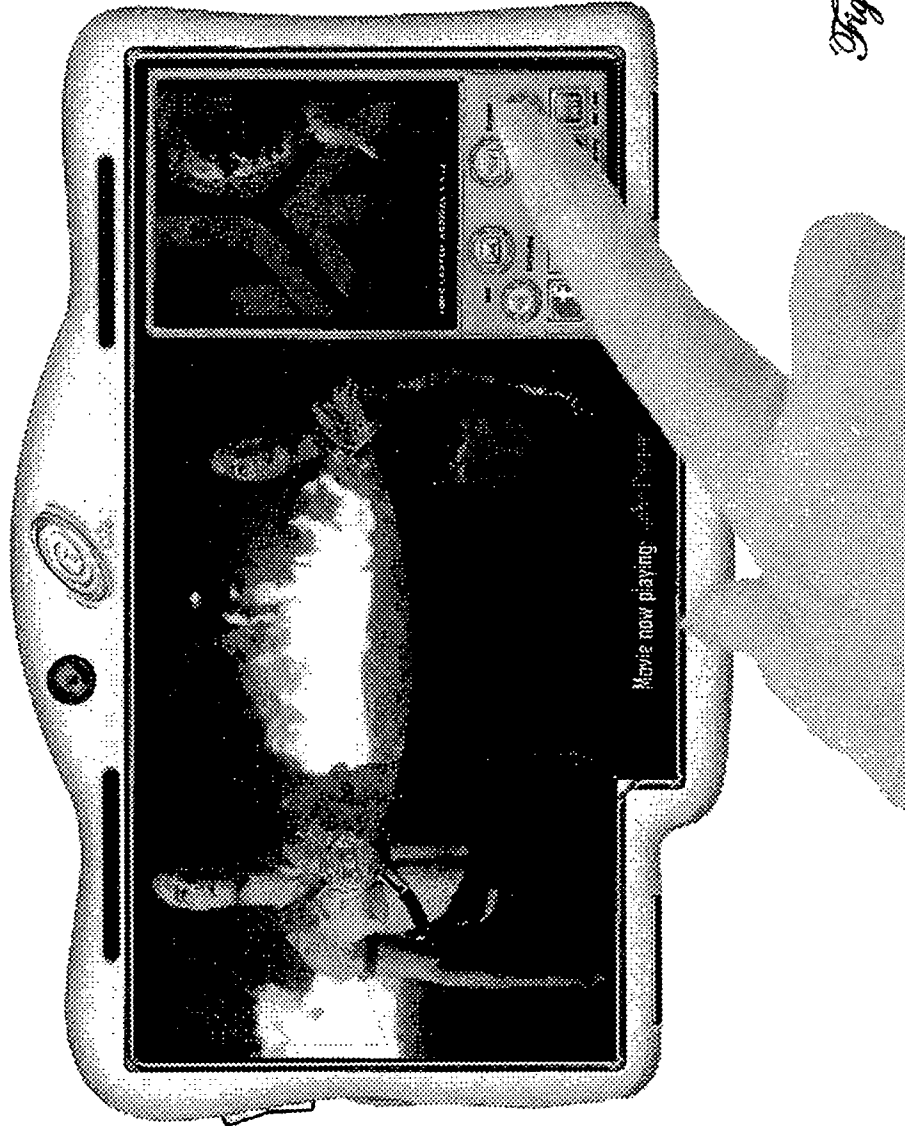


Figure 77

Cascade Software System

SS Mobile™ Smartphone

Figure 78



METHOD, SYSTEM, APPARATUS, AND TANGIBLE PORTABLE INTERACTIVE ELECTRONIC DEVICE STORAGE MEDIUM; THAT PROCESSES CUSTOM PROGRAMS AND DATA FOR A USER BY CREATING, DISPLAYING, STORING, MODIFYING, PERFORMING ADAPTIVE LEARNING ROUTINES, AND MULTITASKING; UTILIZING CASCADE WINDOWS ON AN ELECTRONIC SCREEN DISPLAY IN A MOBILE ELECTRONIC INTERACTIVE DEVICE GUI (GRAPHICAL USER INTERFACE) SYSTEM

CROSS-REFERENCE TO RELATED APPLICATIONS

Provisional Application No.: 61/687,035, filed on Apr. 17, 2012.

U.S. Design patent application Ser. No.: 29/439,095, filed on Dec. 6, 2012.

Utility U.S. Pat. No.: 7,162,696, filed on Jun. 8, 2001.

STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH/DEVELOPMENT NOT APPLICABLE

BACKGROUND OF THE INVENTION

1. Field of the Invention

The Cascade Windows Software™ (a trademark of Applicant) Technology and The Cascade Windows™ GUI (Graphical User Interface) Operating System are a series of processes and methods programmed as custom code that allows seamless multifunctional interactions between a user and a mobile interactive electronic machine. The instant invention comprises source code that is convertible to executables, as is known in the art. The Cascade Windows GUI (Graphical User Interface) Operating System utilizes Cascade Windows and system hardware (E.g. the device's touchscreen, the device's speaker(s), the device's microphone(s), and/or the device's camera system) to receive inputs from a user, which is in-turn processed by a microprocessor with one or more cores and displayed as output and/or visual widgets on a screen display of a mobile interactive computing device (E.g. smartphones, electronic display gaming devices and controllers, electronic tablets, portable media players, and wearable computers—glasses, and watches . . . etc.). These Cascade Windows have adjustable dimensions which are altered by various commands and instructions designated by the mobile user through finger movements above or on a keypad and/or on a touchscreen interface, and/or by voice and/or eye commands by the user; which allows the user to expand, minimize, move, open, close, refresh, and scroll sequences of actions & screen configurations, Applications (APPS), and/or systems on the mobile device so that the user can efficiently and effortlessly multi-task while operating the mobile device system; creating a seamless, multifunctional, ubiquitous, and amorphous interface which gives a powerful source of ambidextrous communication to mobile users. This has not been predicated in mobile interactive computing devices, like smartphones, tablets, and gaming devices/controllers currently available in the commercial market; as such the instant invention which utilizes Cascade Windows, ergonomics, and intuitive applications on a screen display in a GUI (Graphical User Interface) System for mobile devices, like smartphones, would be well received.

This invention relates generally to a method, system, and apparatus relating to a Cascade Software Technology™ which allows the user to simultaneously open and operate various systems and Applications (APPS) accessed and activated via a mobile phone/device and/or a globally accessible network. The Cascade Software Technology arranges the active interface of various mobile phone/device systems (E.g. the Phone System, the Media/Internet System, and/or the Multi-cast Communication System) and/or Applications (APPS) that run on the mobile phone/device into adjustable dimension windows opened on the mobile phone/device screen so that they either overlap each other, are adjacent to each other, are adjacent to each other sharing a common boarder(s), and/or are collapsed configurations that are movable on the screen. These Cascade Windows have adjustable dimensions which are altered by various commands and instructions designated by the user through finger movements on or above a keypad, and/or on a touch screen interface, and/or by voice and/or eye commands by the user. These Cascade Windows have “ghosted” (transparent) title menu bars (which gives the user various options concerning the orientation of the window(s) on the screen and/or the display of an iterative step in displaying the window(s) in a designated area on the display so that the user can choose between the processes of opening or closing windows that occurred in successive stages on the display, each of which was dependent on the preceding one, and produced a culminating technical effect). The Ghost Title Menu Bars™ (a Trademark of the Applicant) become visible to the user when the user activates that area of the Cascade Window by selecting the particular window by implementing various preset commands with the mobile machine, which includes (but is not limited to): touching a command on a keypad, touching the window's area on a touch screen, speaking a command, and/or performing various commands via eye movements.

2. Description of the Background Art

The use of “windows” GUI's (Graphical User Interfaces) on a computer screen to open programs and work simultaneously in various programs by overlapping open windows on the computer screen or minimizing them using a title control bar onto a menu bar on the bottom of the computer screen is well known in the art and is widely used on PC's and implemented by Microsoft Corporation in a series of PC operating systems produced by the company, in 1985 to present; but this concept has not been implemented on mobile smartphones/devices. Several vendors have created their own windowing systems based on independent code, with basic elements in common that define the WIMP (Window, Icon, Menu, “Pointing device,” Paradigm). In the latest version of Microsoft's Windows Vista and Windows mobile OS (Operating System) Windows phone 7; window management is represented via a rolodex-style flipping mechanism. In both cases the operating system transforms the windows on-the-fly while continuing to update the content of those windows.

The Cascade Software™ Technology Invention and The Cascade Windows™ GUI Operating System is created for use on various mobile phones/device(s) such as The SS Mobile Smartphone™ (a Mobile Smartphone Design patent Pending by The Inventor—U.S. 29/439,095), and allows users to execute multiple graphical applications on a mobile phone/device at the same time, through cooperative multitasking (a method in computing where multiple tasks, also known as processes, share common processing resources such as a CPU).

Designing the visual composition and temporal behavior of a GUI (Graphical User Interface) is an important part of software application programming in the area of human-

computer interaction. Its goal is to enhance the efficiency and ease of use for the underlying logical design of a stored program, a design discipline known as usability. Methods of user-centered design are used to ensure that the visual language introduced in the design is well tailored to the tasks. Typically, the user interacts with information by manipulating visual widgets that allow for interactions appropriate to the kind of data they hold. The widgets of a well-designed interface are selected to support the actions necessary to achieve the goals of the user. A GUI (Graphical User Interface) may be designed for the requirements of a vertical market as application-specific graphical user interfaces (E.g. ATM's, POS—Point of Sale at restaurants, RTOS—Real Time Operating Systems).

Unlike most GUI designs for smartphones and electronic gaming devices/controllers that require toggling back and forth from an application, program, or screen display, to a home screen, to another application, program, or screen display, as on the latest version of the iPhone (iPhone 5), or from a back-button, to a screen of scrollable dormant or idle applications, programs or display, such as on the Windows mobile phone 7.5, and 8; The Cascade Software Technology™ allows the user to simultaneously open, view, and operate various systems and Applications (APPS) accessed and activated via a mobile phone/device and/or a locally or globally accessible network. The Cascade Software Technology arranges the active interface of various mobile phone/device systems (the Phone System, the Media/Internet System, and/or the Multicast Communication System) and/or Applications (APPS) that run on the mobile phone/device into adjustable dimension windows opened on the mobile phone/device screen, so that they either overlap each other, are adjacent to each other, are adjacent to each other sharing a common border(s), and/or are collapsed configurations that are movable on the screen. These Cascade Windows have adjustable dimensions which are altered by various commands and instructions designated by the mobile user through finger movements on or above a keypad and/or on a touchscreen interface, and/or by voice and/or eye commands by the user; which allows the user to expand, minimize, move, open, close, refresh, and scroll sequences of actions, Applications (APPS), or systems on the mobile phone/device simultaneously so that the user can efficiently and effortlessly multi-task while operating the mobile phone/device system; creating a seamless, multifunctional, ubiquitous, and amorphous interface which gives a powerful source of ambidextrous communication to mobile users.

This invention The Cascade Software Technology™ is related to U.S. Pat. No. 7,162,696 which is titled: "Method And System For Creating, Using And Modifying Multifunctional Website Hotspots," filed on Jun. 8, 2001 which claims the benefit of provisional application Ser. No.: 60/210,300 filed Jun. 8, 2000. The ClickVideoShop™ patent (U.S. Pat. No. 7,162,696) comprises an apparatus, system and method for creating multifunctional hotspots preferably for use in conjunction with digital media files, such as prerecorded and live-streamed audio and/or video, or other website content. The software of the "716" patent preferably facilitates the use of a digital media file, such as a digital video source or video stream, as a conduit for accessing related or targeted information through multifunctional hotspots imbedded or residing therein. The multifunctional hotspots may access information within the user's system, or a globally accessible network or over any local area network. The invention uses Multicast Windows that are controlled by a mode control bar, and are activated and appear only when the video is placed in a particular mode (E.G. Bid Mode—in a Multicast Commu-

nication Window, CoolDigiCall™ Mode—in a Calling System Window, and/or ClickVideoShop™ Mode—in a Media/Internet System Window); the shape of the video or media area, Multicast Windows, and general layout of the entertainment area as defined by the "716" patent are subject to design change. Therefore, the instant invention, The Cascade Software™ Technology and The Cascade Windows™ GUI Operating System as described herein would be well received in the mobile smartphone/device market. Consequently, there exist a need for the technology The Cascade Windows™ GUI Operating System and its' intuitive applications to provide a seamless interface between Device Application Programs and Device Systems (internal and external hardware—E.G. the device's microprocessor, the device's memory, the device's touchscreen, the device's microphone(s), the device's speaker(s), and/or the device's camera system) of mobile interactive devices (E.G. smartphones, gaming devices & controllers, electronic tablets, portable media players, and wearable computing devices—glasses, watches . . . etc.) so that multi-tasking complex tasks, working on large amounts of data simultaneously, and/or playing interactive games is far more efficient and effortless; whereby illuminating the user experience.

BRIEF SUMMARY OF THE INVENTION

The Cascade Windows Software™ Technology and The Cascade Windows™ GUI (Graphical User Interface) Operating System are a series of processes and methods programmed as custom code that allows seamless multifunctional interactions between a user and a mobile interactive electronic machine. The instant invention comprises source code that is convertible to executables, as is known in the art. The Cascade Windows GUI (Graphical User Interface) Operating System utilizes Cascade Windows and system hardware (E.g. the device's touchscreen, the device's speaker(s), the device's microphone(s), and/or the device's camera system) to receive inputs from a user which is in-turn processed by a microprocessor with one or more cores and displayed as output and/or visual widgets on a screen display of a mobile interactive computing device (E.g. smartphones, electronic display gaming devices and controllers, electronic tablets, portable media players, and wearable computers—glasses, and watches . . . etc.). These Cascade Windows have adjustable dimensions which are altered by various commands and instructions designated by the mobile user through finger movements above or on a keypad and/or on a touchscreen interface, and/or by voice and/or eye commands by the user; which allows the user to expand, minimize, move, open, close, refresh, and scroll sequences of actions & screen configurations, Applications (APPS), and/or systems on the mobile device so that the user can efficiently and effortlessly multi-task while operating the mobile device system; creating a seamless, multifunctional, ubiquitous, and amorphous interface which gives a powerful source of ambidextrous communication to mobile users.

The instant invention is a method, system, apparatus, and tangible portable interactive electronic device storage medium; that processes custom programs and data for a user by creating, displaying, storing, modifying, performing adaptive learning routines, and multitasking utilizing Cascade Windows on an electronic high resolution screen display in a mobile electronic interactive device GUI (Graphical User Interface) System; where the Cascade Windows created and displayed by The Cascade Software Technology Invention arranges the active interface of various mobile phone/device systems (the Phone System, the Media/Internet System, and/

or the Multi-cast Communication System) and/or applications (APPS) that run on the mobile phone/device, into adjustable dimension windows opened on the mobile phone/device screen so that they either overlap each other, are adjacent to each other, are adjacent to each other sharing a common border(s), and/or are collapsed configurations that are movable on the screen. These Cascade Windows have adjustable dimensions which are altered by various commands and instructions designated automatically based on the preset configuration of the mobile phone, the orientation of The GUI or sequence of events which has occurred on the GUI and by the user; or by the user through finger movements on a keypad, and/or on a touch screen interface, or by voice and/or eye commands by the user. These Cascade Windows have "ghosted" title menu bars, which gives the user various options concerning the orientation of the window on the screen and/or the display of an iterative step, in displaying the window(s) in a designated area on the display so that the user can choose between the processes of opening or closing windows that occurred in successive stages on the display. The Cascade Windows Software™ Technology Invention allows users to execute and operate multiple graphical applications and programs on a mobile phone/device at the same time, through cooperative multitasking (a method in computing where multiple tasks, also known as processes, share common processing resources such as a CPU). The Invention is created to be mobile platform independent (Android, iPhone, Windows, Blackberry, and/or Symbian . . . etc.) and has a landscape native orientation for the screen display; but can also operate effectively in a portrait screen display orientation.

The Cascade Software Technology Invention is streamlined and advanced mobile software technology that creates linked system activities and intuitive applications that creates for the mobile user, what is coined by the Inventor as a Smart-Screen™ (a Trademark of the Applicant), which efficiently and effectively implements multi-tasking routines by The Cascade Software System and allows multifunctional operation of various systems and applications by the user. The Cascade Windows generated by the software and that occupy native specific areas on the screen and GUI (Graphical User Interface) are 1.) The Telephone System and any application (APP) related to this system, 2.) The Media/Internet System and any application (APP) related to this system, and 3.) The Multicast Communication System and any application (APP) related to this system. The Cascade Windows generated by the software are native to specific areas or regions on the mobile phone/device screen (but are adjustable based on user preferences) and GUI (Graphical User Interface); but are expandable into other areas of the screen display and GUI to give the mobile user an expanded Cascade System Configuration, and a larger adjusted dimension Cascade Window for the expanded system. The Cascade Windows have adjustable dimensions which are altered by various commands and instructions designated automatically based on the user's preset configuration of the mobile phone/device, the orientation or sequence of events which has occurred on the GUI and by the user; and/or by the user through finger movements on or above a keypad, and/or on a touch screen interface, and/or by voice and/or eye commands by the user. These Cascade Windows have "ghosted" (visible only when the window is touched or activated) title menu bars, which gives the user various options concerning the orientation of the window on the screen and/or the display of an iterative step, in displaying the window(s) in a designated area on the display so that the user can choose between the processes of opening or closing windows that occurred in successive stages on the display.

The Cascade Windows™ Operating system provides an interface between an application program and the mobile interactive machine hardware, so that an application program can interact with the hardware only by obeying rules and procedures programmed into The Cascade Software (OS) Operating System. The Cascade Operating System is also a set of services which simplify development and execution of application programs. Executing an application program involves the creation of a process by the Operating System kernel which assigns memory space and other resources, establishes a priority for the process in the multi-tasking systems, loads program binary code into memory and initiates execution of the application program which then interacts with the user and with hardware devices. The instant invention The Cascade Windows Software™ and Operating System supports thread computing like multi-threading which is a widespread programming and execution model that allows multiple threads to exist within the context of a single process. These threads share the process resources, but are able to execute independently; when it is applied to a single process it enables parallel execution on a multi-processing system. The Cascade Software™ multi-threaded application(s) are pieces of software that are aware of more than one core microprocessor, and can use these microprocessors to be able to simultaneously complete multiple tasks. In accordance with these other objects, which will become apparent hereinafter, the instant invention will now be described with particular reference to the accompanying drawings.

BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWINGS

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

FIG. 1 is an illustrative view of a representative screen display on a unique mobile interactive device (The SS Mobile™ Smartphone) in accordance with the instant invention.

FIGS. 1A-1F are a software flow diagram illustrating the operation, features and use of and user interaction with the instant invention in accordance with the preferred embodiment.

FIG. 2 is an illustrative view of a representative screen display on a unique mobile interactive device (The SS Mobile™ Smartphone) in accordance with the instant invention.

FIGS. 2A-2E are a software flow diagram illustrating another embodiment of the operation, features and use of and user interaction with the instant invention.

FIGS. 3-78 are illustrative views of representative screen displays on a unique mobile interactive device (The SS Mobile™ Smartphone) in accordance with the instant invention.

DETAILED DESCRIPTION OF THE INVENTION

With reference to the drawings, FIGS. 1A-1F and 2A-2E disclose the preferred embodiments of the instant invention which is generally referenced by FIGS. 1-78, and/or as The Cascade Software™ and/or The Cascade Windows™ GUI Operating System (Trademarks of the Applicant). The instant invention, FIGS. 1-78, comprises an interactive software based system and device having microprocessor readable code 100 and/or 200, as shown in FIGS. 1A-1F and 2A-2E,

respectively stored on a tangible portable interactive electronic device storage medium that executes custom programs and data for a user by creating, displaying, storing, modifying, performing adaptive learning routines and multitasking utilizing Cascade Windows on an electronic screen display. The instant invention FIGS. 1-78, embodies a method for processing custom programs and data for a user by creating and displaying Cascade Windows on a high resolution screen. The method of storing, modifying, performing adaptive learning routines, and multitasking utilizing Cascade Windows is shown in the software flow diagrams FIGS. 1A-1F and 2A-2E, respectively. The software of the invention 100, and 200 and/or the corresponding applications are platform independent and may be defined in one or more interactive mobile smartphones/devices.

Referring to FIGS. 1A-1F the logic and operation of the preferred software 200 of the instant invention FIGS. 1-78 is shown. In reference to FIG. 1A, The Cascade Software determines whether the smartphone/device is on and/or in sleep-mode, the software then determines if the user has activated the mobile device interface at which time the instant invention, The Cascade Software System™, reads preset configuration data of the machine and default parameters stored in the mobile device's microprocessor, and displays the output screen configuration on the mobile device's high resolution screen display (212-222). The Cascade Software System™ and The Cascade Windows™ GUI Operating System determines from stored parameters in the microprocessor and memory, along with inputs from the user, whether the smartphone/device was powered-on or was in sleep-mode and activated by the user so that either the defaulted home screen or last user screen configuration is displayed for interaction with the user (222-228). While the appropriate screen is displayed, The Cascade Software and Operating System continuously monitors based on preset parameters stored in memory whether the user has activated a particular System of the smartphone/device, and/or a particular application, and/or the Ghost-Menu™ (a transparent menu bar that is located at the top perimeter of System and/or Application Windows, which appears when the user activates the particular area of the System and/or Window via various command definitions saved in the device's memory (FIGS. 10, 12, 23-24, 45-46, 61, and 65-70)) for a particular System and/or Application which would give the user interactive options to alter the orientation of the designated System and/or Application Window being cascaded on the high resolution display by providing visual widgets on the Ghosted-Menu™ bar (FIGS. 2B-2C; 110-122; Provisional application, FIG. 11, Item 22) that allow for interactions appropriate to the kind of data they hold (228-236). The Cascade Software System determines from user inputs whether the Phone System has been activated, if yes, then the device displays as output on the screen display the Phone System in its' defaulted area based on preset parameters and custom code (as shown in FIG. 2), in response to the user's interaction (230). The Cascade Software continuously monitors whether there is another call attempting to establish contact, if yes, the software initiates a connection for audio and/or video communication and maintains the connection, if no, The Cascade Software™ determines whether the user and/or smartphone/device has entered another contact number to call, if yes, The Cascade Software initiates a connection for audio and/or video communication and maintains the connection. The software and mobile device continuously monitors during the phone process whether the user has activated another System Button (FIG. 3; and Provisional application, FIG. 3, Items 8-12) and/or Application, and/or whether the user and/or smartphone/device has

manipulated (drag and expand, stacked on top of another screen configuration and/or System, enlarged, and/or minimized (as shown FIGS. 10-11, 15-19, 20-28, 30-32, and 65-70)) the active and/or any cascaded window being displayed in any configuration (FIGS. 1A-1B), (236-250), (110-123). The Cascade Software System™ and The Cascade Windows™ GUI Operating System has incorporated within custom code stored in the device's memory parameters that enable the device to operate intuitively based on the user's behavior or a pattern of the user that is detected by the device and processed; by comparing preset parameters, inputs, and desired outputs from the user over a specific time interval. The device organizes these window patterns (E.G. screen configurations and other data) by a microprocessor, which compares the data based on information stored in memory and then archives the window patterns/configurations and/or other relevant data into the device's memory so that the user can easily choose between the processes of opening and/or closing windows cascaded on the display screen; by selecting and activating the Cascade Button located on any Ghost-Menu Bar (FIGS. 46-58). This visual widget, The Cascade Button, which is programmed to allow the user to access the neatly organized window patterns/configurations and/or sequence of events which occurred on the GUI (Graphical User Interface) in successive stages creates a culminating effect for the user which allows them to efficiently access various screen configurations and actions that occurred over time (111-113). The Cascade Software can also automatically launch a System and cascade it on the display based on the comparisons made by the processor between information and parameters stored in memory and user interactions and/or inputs (250). The Cascade Software continues the process of determining user inputs, including whether another system has been activated by the user. If the user activates the Internet/Media System and/or a related Application the Cascade Software displays The Internet/Media System and/or related Application in its' defaulted area (as shown in FIG. 2), and continues to monitor whether the user has inputted actions through the GUI on the screen display to alter the orientation (drag and expand, stacked on top of another screen configuration and/or System, enlarged, and/or minimized (as shown in FIGS. 10-11, 15-19, 20-28, 30-32, and 65-70)) of The Systems and/or Applications opened on the high resolution screen display (252-260). When The Internet/Media System is activated The Cascade Software™ automatically launches the web browser, if the user and/or smartphone/device makes a search query, The Cascade Software displays the search results and/or the URL in the Internet Display System, and continually monitors whether the user and/or smartphone/device has made another search query (254-268) (as shown in FIGS. 1C-1F, and FIGS. 5-9). The Cascade Software continually monitors by a single or multiple core microprocessor whether the user and/or smartphone/device has activated another System and/or Application. If the user and/or smartphone/device activates The Multicast/Bidding System and/or a related Application, the Cascade Software will process the input(s) and display the System in its defaulted area (as shown in FIG. 2), and determine whether a multicast session was entered (274-288). If the user and/or smartphone entered a multicast session The Cascade Software™ displays and enables a secure multicast/bidding session for the user (288) (as shown in FIG. 1D). The Cascade Software™ and The Cascade Windows™ GUI Operating System supports and executes through custom programs and parameters stored in memory, in conjunction with hardware chips and/or "tags;" instructions executed by a microprocessor to facilitate Near Field Communications, Wi-Fi, and/or Bluetooth Technology

between various endpoints (other smartphones/devices—E.G. Digital Tv's, Video Gaming/Controller units, Entertainment Systems, Electronic Tablets and/or Toys) and monitors user inputs and signals that may exist when other communicating devices come into range (254, 280, 132-134), (as shown by FIG. 2D), (as shown by FIGS. 40-45, 58-60, and 70-75). The software also monitors the user/device inputs, to determine whether a connection to the cloud based system, The Digital Locker (a trademark of the Applicant) was established; if yes then the software and mobile device connects to the cloud based system, enables and displays the contents of the user's Digital Locker, monitors if the user has activated a multimedia and/or a file and/or if one or more multimedia and/or files are currently open (292) (123), if the user and/or device has enabled multifunctional hotspots (125-132) and maintains the connection until the user ends the session (290-300), (as shown in FIG. 1E), (as shown in the FIGS. 33-43).

The instant invention The Cascade Windows Software™ and Operating System supports thread computing, like multi-threading which is a widespread programming and execution model that allows multiple threads to exist within the context of a single process. These threads share the process resources, but are able to execute independently; when it is applied to a single process it enables parallel execution on a multi-processing system. The Cascade Software™ multi-threaded Application(s) are pieces of software that are aware of more than one core microprocessor, and can use these microprocessors to be able to simultaneously complete multiple tasks. In accordance with these other objects, which will become apparent hereinafter, the instant invention will now be described with particular reference to FIGS. 2A-2E (which occurs simultaneously to the process described by FIGS. 1A-1F), referring to the logic and operation of the preferred software 100 of the instant invention FIGS. 1-78 is shown. In reference to FIG. 2A, The Cascade Software determines whether the smartphone/device is on and/or in sleep-mode, the software then determines if the user has activated the mobile device interface at which time the instant invention, The Cascade Software System™, reads preset configuration data of the machine and default parameters stored in the mobile device's microprocessor(s), and displays the output screen configuration on the mobile device's high resolution screen display (100-109). The Cascade Software System™ and The Cascade Windows™ GUI Operating System determines from stored parameters in the microprocessor(s) and memory, along with inputs from the user, whether the smartphone/device was powered-on or was in sleep-mode and activated by the user so that either the defaulted home screen (as shown in FIGS. 3-4) or the last user screen configuration is displayed (from memory) for interaction with the user (106-108). While the appropriate screen is displayed, The Cascade Software and Operating System continuously monitors based on preset parameters stored in memory whether the user has activated a particular System of the smartphone/device, and/or a particular Application, and/or the Ghost-Menu™ (a transparent menu bar that is located at the top perimeter of System and/or Application Windows, which appears when the user activates the particular area of the System and/or Window via various command definitions saved in the device's memory (FIGS. 10, 12, 23-24, 45-46, 61, and 65-70)) for a particular System and/or Application which would give the user interactive options to alter the orientation of the designated System and/or Application Window being cascaded on the high resolution display by providing visual widgets on the Ghosted-Menu™ bar (FIGS. 2B-2C, 110-122; Provisional Application, FIG. 11, Item 22) that allow for interactions appropriate to the kind of data they hold (109-

122). The software and mobile device continuously monitors during the user's interaction with the mobile device, whether the user has activated another System Button (FIG. 3; and Provisional application, FIG. 3, Items 8-12) and/or Application, and/or whether the user and/or smartphone/device has manipulated (drag and expand, stacked on top of another screen configuration and/or System, enlarged, and/or minimized (as shown FIGS. 10-11, 15-19, 20-28, 30-32, and 65-70)) the active and/or any cascaded window being displayed in any screen configuration (FIGS. 1A-1B), (236-250), (FIGS. 2A-2D), (110-123). During Near Field Communication, Wi-Fi, and/or Bluetooth connectivity with one or more endpoints (other smartphones/devices—E. G. Digital Tv's, Video Gaming/Controller units, Entertainment Systems, Electronic Tablets and/or Toys) the mobile device can bridge and maintain a connection with the desired endpoint(s), display its screen on and/or through the endpoint(s), interact and/or communicate with the endpoint(s), and/or control the functionality of the endpoints (E.G. act as a remote control). (as shown by FIGS. 2C-2E), (125-136), and (as shown by FIGS. 40-45, 58-60, and 70-75).

The Cascade Software™ arranges the active interface of various mobile smartphone/device systems (the Phone System, the Media/Internet System, and/or the Multicast Communication System) and/or Applications (APPS) that run on the mobile smartphone/device into adjustable dimension windows opened on the mobile smartphone/device screen so that they either overlap each other, are adjacent to each other, are adjacent to each other sharing a common border(s), and/or are collapsed configurations that are movable on the screen. Thus, The Cascade Windows and interface may be programmed to perform various actions that orient the system windows and/or APPS on the mobile device screen in such a way that they occupy specific areas on the GUI, as shown in the drawings of The Provisional Patent Application 61/687,035—FIGS. 1-3, FIG. 2, Items 2-4, and FIG. 3, Items 5-7, (which shows the orientation of APPS, related to each system, and how they occupy the same area the system is initially opened within). Each system (the Phone System, the Media/Internet System, and the Multi-cast System) is opened by activating system control buttons, as shown in the drawings of The Provisional Patent Application 61/687,035—FIG. 3, Items 8-12, or by eye and/or voice commands. The Cascade Software System™ allows each system (the Phone System, the Media/Internet System, and the Multi-cast System) once opened to interact with applications (APPS) related to that particular system or other threaded and/or singular APPS based on the mobile user's preset preferences, and can perform standard functions like emailing, messaging, and surfing the Internet efficiently, without the need of toggling from one screen to the next; as shown in the drawings of The Provisional Patent Application 61/687,035—FIG. 4, Items 13-15, FIGS. 5-7.

The Cascade Software System™ allows each system (The Phone System, Media/Internet System, and the Multi-cast System) to operate independently or as linked or grouped systems, so that multitasking is effortless and applications (APPS) become intuitive applications based on the mobile user's preset preferences, prior actions, and anticipated actions or need (based on learned characteristics of the mobile user). For example, a mobile user could activate all three systems (the Phone System, the Media/Internet System, and the Multi-cast System) key in a search term in an Internet Browser, search the term, open a video link about or related to the search term, access a phone contact list directory from a social network application, call a contact person on the list, link them to the search results and playing video, see, hear,

and speak to the callee on the screen and send a text message about the video and search results during the process, some of which could be done automatically by the mobile device through learned characteristics of the user and/or preset configurations of the mobile device by the user(s); as shown in the drawings of The Provisional Patent Application 61/687,035—FIGS. 7-11; See Also. U.S. Pat. No. 7,162,696; Summary of the Invention, Column 3, lines 1-65; Detailed Description of the Invention, Column 5, lines 4-67, and Column 6, lines 1-67. The Cascade Software™ allows windows to be “stacked” (overlapped) in neat orientations based on usage priority, moved or expanded to derive an expanded window or more system features related to the window being moved or expanded; as shown in the drawings of The Provisional Patent Application 61/687,035—FIG. 9, Items 5, FIG. 10, Items 2, 20, and 21; and FIG. 16, FIG. 17, Item 26; FIGS. 18-18c, Items 13-15, 18a-18c, 27, & 28.

As another example, a mobile user could activate all three systems (The Phone System, the Media/Internet System, and the Multi-cast System), expand the Multi-cast System, as shown in the drawings of The Provisional Patent Application 61/687,035—FIG. 17, Item 26 and FIG. 18-18c, Item 27; place a call to a friend by accessing a contact list from a social network application, (as shown in the drawings of The Provisional Patent Application 61/687,035—FIG. 18, Item 2), start a game (as shown in the drawings of The Provisional Patent Application 61/687,035—FIG. 18, Item 14), LINK the friend to the game and play with or against the friend in real-time while being able to speak to, hear, and see the friend callee. As shown in the drawings of The Provisional Patent Application 61/687,035—FIGS. 18-19. Each window opened in The Cascade Software™ System has Ghosted Title Menu Bars™, which gives the user various options concerning the orientation of the window on the screen (E.G. the window can be closed, minimized, staggered, or the window can display a series of iterative steps in time of how the window was configured or viewed so that the user can choose between the processes of opening or closing the window which occurred in successive stages on the display GUI); as shown in the drawings of The Provisional Patent Application 61/687,035—FIGS. 11-12, Item 22; and FIGS. 18a, 18b, and 18c.

Likewise two mobile users or groups of mobile users could be in different locations and SHOP and/or BID on a product together online with The Cascade Software System™ by securely LINKING together their mobile phones/devices and surfing the Internet for products to purchase; or by watching together and clicking on products for sale, or being auctioned and bided on in clickable video (a process coined by the Inventor as ClickVideoShopping™, a Trademark of Applicant, as defined by the U.S. Pat. No. 7,162,696 B2). The software allows mobile users to securely link their devices together using The Cascade Mobile Software System™ so that the mobile phone/device has preset, but editable, user parameters used as preferred actions for the system to perform when various commands are rendered. For example, the mobile user can set the preferences of his/her mobile device to automatically search and display a merged directory of contacts that exist across various and distinctly separate applications (APPS), like Facebook or Twitter, or he/she can set the preferences of his/her mobile device to automatically search, find, present, and display alternative vendors or stores (either from a preferred list of vendors or stores or in general) where a product being searched or considered for purchase by the mobile smartphone/device user(s) is being sold for a cheaper price, or with other benefits or discounts to the shopper, or at a location closer to the mobile user(s), or more convenient to

the user(s) based on current traffic patterns. The Cascade Software System™ and Technology can map a route, display and/or speak the directions for the mobile user(s), based on real-time traffic patterns, to get to the desired location with the desired product. The Cascade Software System™ and Technology Invention creates for the mobile user(s), intuitive applications (APPS) and what is coined by the Inventor as a Smart-Screen™ (a Trademark of Applicant). Mobile users could thread applications (APPS) on their device together and send email or message communications across the entire thread or send the same message or email to a user in a particular application (APP) which is a part of a thread, based on the activity (logged-on) of the desired recipient user within that threaded application (APP). For example, if the mobile users are members of Facebook, Twitter, and LinkedIn, popular applications (APPS), and the applications (APPS) are threaded together on both of their mobile devices; mobile user 1 (one) could send a communication email, text, and/or message to mobile user 2 (two), even if mobile user 1 (one) was actively using Facebook and mobile user 2 (two) was actively using one of the other threaded applications (APPS), like Twitter or LinkedIn. See. U.S. Pat. No. 7,162,696; Summary of the Invention, Column 3, lines 1-65; Detailed Description of the Invention, Column 5, lines 4-67, and Column 6, lines 1-67.

The invention claimed is:

1. A tangible portable interactive electronic computing device, comprising:
 - a touch screen display;
 - a microprocessor, with one or more cores;
 - memory; and
 - one or more programs, wherein the one or more programs are stored in the memory and configured to be executed by the microprocessor, with one or more cores; the one or more programs including:
 - instructions for running and displaying, on a screen display, more than one system and/or application at a time;
 - instructions for applying one or more heuristics to the running and displaying of more than one system and/or application on the screen display to enable multitasking by the user; and
 - instructions for processing multifunctional commands; wherein the one or more heuristics comprise:
 - an order of importance heuristic for determining the system(s) and/or application(s) that the user is viewing on the screen and interacting with, in relation to the data being processed by user inputs through the device; and
 - an orientation heuristic of the system(s) and/or application(s) open on the screen display that determines the physical positioning of the system(s) and/or application(s) on the screen display; and
 - a sequence heuristic for determining what order data should be processed from system(s) and/or application(s) open on the screen display; and
 - a transition heuristic for determining what intermediate screen display should be displayed during the processing of data from system(s) and/or application(s).
2. The computing mobile device of claim 1, wherein the one or more heuristics include a heuristic for determining whether the user is multitasking with more than one system and/or application.
3. The computing mobile device of claim 1, wherein the one or more heuristics include a heuristic for determining which graphical user interface object is selected when two user interface objects have overlapping regions.

4. The computing mobile device of claim 1, wherein the one or more heuristics include a heuristic to wirelessly bridge the mobile device to one or more other devices by utilizing a chip and/or tag.

5. The computing mobile device of claim 1, wherein the one or more heuristics include a heuristic for displaying screen configurations of the mobile device that occurred over a specified time.

6. The computing mobile device of claim 1, wherein the one or more heuristics include a heuristic for connecting to one or more networks by utilizing a chip and/or tag.

7. The computing mobile device of claim 1, wherein the one or more heuristics include a heuristic for changing the view of the screen display, based on the orientation of the mobile device.

8. The computing mobile device of claim 1, wherein the one or more heuristics include a heuristic for determining automatically a screen display and/or output based on input patterns compared to preset parameters.

9. The computing mobile device of claim 1, wherein the one or more heuristics include a heuristic for acting as a controller of another device and/or software application, by using a chip and/or tag.

10. The computing mobile device of claim 1, wherein the one or more heuristics include a heuristic for determining the user's finger in a two dimensional coordinate plane in relation to objects on the screen and the screen itself.

11. The computing mobile device of claim 1, wherein the one or more heuristics include a heuristic for determining a command a user has made by voice, by using the device's microphone(s).

12. The computing mobile device of claim 1, wherein the one or more heuristics include a heuristic for determining a command a user has made by eye movements, by using the device's camera system(s).

13. The computing mobile device of claim 1, wherein the one or more heuristics include a heuristic for determining the user's finger in a three dimensional coordinate plane in relation to objects on the screen and the screen itself.

14. A tangible portable interactive electronic computing device-implemented method, comprising:

at a computing device with a touch screen display;

at a computing device with a microprocessor, with one or more cores; memory; and

applying one or more programs; wherein the one or more programs are stored in the memory and

configured to be executed by the microprocessor, with one or more cores; the one or more programs comprising:

instructions for running and displaying, on a screen display, more than one system and/or application at a time;

instructions for applying one or more heuristics to the running and displaying of more than one system and/or application on the screen display to enable multitasking by the user; and

instructions for processing multifunctional commands; wherein the one or more heuristics comprise:

an order of importance heuristic for determining the system(s) and/or application(s) that the user is viewing on the screen and interacting with, in relation to the data being processed by user inputs through the device; and

an orientation heuristic of the system(s) and/or application(s) open on the screen display that determines the physical positioning of the system(s) and/or application(s) on the screen display; and

a sequence heuristic for determining what order data should be processed from system(s) and/or application(s) open on the screen display; and a transition heuristic for determining what intermediate screen display should be displayed during the processing of data from system(s) and/or application(s).

15. The computing mobile device-implemented method of claim 14, including:

while the computing mobile device is powered on, detecting one or more systems and/or applications being viewed and/or displayed on the touch screen display; implementing a set of heuristics, using a microprocessor, for determining whether the user is multitasking with more than one system and/or application.

16. The computing mobile device-implemented method of claim 14, including:

implementing a set of heuristics, using a microprocessor, for determining which graphical user interface object is selected when two user interface objects have overlapping regions.

17. The computing mobile device-implemented method of claim 14, including:

implementing a set of heuristics, using a microprocessor, to wirelessly bridge the mobile device to one or more other devices by utilizing a chip and/or tag.

18. The computing mobile device-implemented method of claim 14, including:

implementing a set of heuristics, using a microprocessor, for displaying screen configurations of the mobile device that occurred over a specified time.

19. The computing mobile device-implemented method of claim 14, including:

implementing a set of heuristics, using a microprocessor, for connecting to one or more networks by utilizing a chip and/or tag.

20. The computing mobile device-implemented method of claim 14, including:

implementing a set of heuristics, using a microprocessor, for changing the view of the screen display, based on the orientation of the mobile device.

21. The computing mobile device-implemented method of claim 14, including:

implementing a set of heuristics, using a microprocessor, for determining automatically a screen display and/or output based on input patterns compared to preset parameters.

22. The computing mobile device-implemented method of claim 14, including:

implementing a set of heuristics for acting as a controller of another device and/or software, by utilizing a chip and/or tag.

23. The computing mobile device-implemented method of claim 14, including:

implementing a set of heuristics for determining the user's finger in a two dimensional coordinate plane in relation to objects on the screen and the screen itself.

24. The computing mobile device-implemented method of claim 14, including:

implementing a set of heuristics for determining a command a user has made by voice, by using the device's microphone(s).

25. The computing mobile device-implemented method of claim 14, including:

implementing a set of heuristics for determining a command a user has made by eye movements, by using the device's camera system.

20. The computing mobile device implemented method of claim 14, including:

implementing a set of heuristics for determining the user's finger in a three dimensional coordinate plane in relation to objects on the screen and the screen itself.

27. A non-transitory computer-readable storage medium with one or more executable programs stored thereon, wherein the programs instructs a microprocessor, with one or more cores, to perform the following steps:

running and displaying, on a screen display, more than one system and/or application at a time;

applying one or more heuristics to the running and displaying of more

than one system and/or application on the screen display to enable multitasking by the user;

processing multifunctional commands;

determining the order of system(s) and/or application(s) that the user is viewing on the screen and interacting with, in relation to the data being processed by user inputs through the device;

orienting the physical positioning of the system(s) and/or application(s) on the screen display;

determining the sequence and order data should be processed from system(s) and/or application(s) open on the screen display;

determining what intermediate screen display should be displayed during the processing of data from system(s) and/or application(s);

wherein the one or more heuristics comprise:

an order of importance heuristic for determining the system(s) and/or application(s) that the user is viewing on the screen and interacting with, in relation to the data being processed by user inputs through the device; and

an orientation heuristic of the system(s) and/or application(s) open on the screen display that determines the physical positioning of the system(s) and/or application(s) on the screen display; and

a sequence heuristic for determining what order data should be processed from system(s) and/or application(s) open on the screen display; and

a transition heuristic for determining what intermediate screen display should be displayed during the processing of data from system(s) and/or application(s).

28. The non-transitory computer-readable storage medium of claim 27, wherein the one or more heuristics include a heuristic for determining whether the user is multitasking with more than one system and/or application.

29. The non-transitory computer-readable storage medium of claim 27, wherein the one or more heuristics include a

heuristic for determining which graphical user interface object is selected when two user interface objects have overlapping regions.

30. The non-transitory computer-readable storage medium of claim 27, wherein the one or more heuristics include a heuristic to wirelessly bridge the mobile device to one or more devices by utilizing a chip and/or tag.

31. The non-transitory computer-readable storage medium of claim 27, wherein the one or more heuristics include a heuristic for displaying screen configurations of the mobile device that occurred over a specified time.

32. The non-transitory computer-readable storage medium of claim 27, wherein the one or more heuristics include a heuristic for connecting to one or more networks by utilizing a chip and/or tag.

33. The non-transitory computer-readable storage medium of claim 27, wherein the one or more heuristics include a heuristic for changing the view of the screen display, based on the orientation of the mobile device.

34. The non-transitory computer-readable storage medium of claim 27, wherein the one or more heuristics include a heuristic for determining automatically a screen display and/or output based on input patterns compared to preset parameters.

35. The non-transitory computer-readable storage medium of claim 27, wherein the one or more heuristics include a heuristic for acting as a controller of another device and/or software.

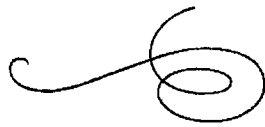
36. The non-transitory computer-readable storage medium of claim 27, wherein the one or more heuristics include a heuristic for determining the user's finger in a two dimensional coordinate plane in relation to objects on the screen and the screen itself.

37. The non-transitory computer-readable storage medium of claim 27, wherein the one or more heuristics include a heuristic for determining a command a user has made by voice.

38. The non-transitory computer-readable storage medium of claim 27, wherein the one or more heuristics include a heuristic for determining a command a user has made by eye movements.

39. The non-transitory computer-readable storage medium of claim 27, wherein the one or more heuristics include a heuristic for determining the user's finger in a three dimensional coordinate plane in relation to objects on the screen and the screen itself.

* * * * *



To Promote the Progress

of Science and Useful Arts

The Director

of the United States Patent and Trademark Office has received an application for a patent for a new, original, and ornamental design for an article of manufacture. The title and description of the design are enclosed. The requirements of law have been complied with, and it has been determined that a patent on the design shall be granted under the law.

Therefore, this United States

Patent

grants to the person(s) having title to this patent the right to exclude others from making, using, offering for sale, or selling the design throughout the United States of America or importing the design into the United States of America for the term set forth by law.

Andrew Lauer

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE



US00D831024S

(12) **United States Design Patent** (10) **Patent No.:** **US D831,024 S**
Wakefield (45) **Date of Patent:** **** Oct. 16, 2018**

(54) **ELECTRONIC DEVICE**

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(71) Applicant: **Franz Antonio Wakefield, Miami, FL**
(US)

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TN L/2013/82488-0002 * 1/2013

(Continued)

(72) Inventor: **Franz Antonio Wakefield, Miami, FL**
(US)

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(**) Term: **14 Years**

SuiteMate, date unavailable, [retrieved Jul. 23, 2018]. Available from Internet, URL: <http://www.parametric.io/>.*

(21) Appl. No.: **29/474,163**

(22) Filed: **Jun. 21, 2014**

Primary Examiner — Barbara Fox

Assistant Examiner — Dana K Weiland

(51) **LOC (11) Cl.** **14-02**

(74) *Attorney, Agent, or Firm* — Franz A. Wakefield, Pro Se

(52) **U.S. Cl.**

USPC **D14/341**

(58) **Field of Classification Search**

USPC **D14/341, 496, 138 AA, 138 R, 138 C,**
D14/383, 250, 218, 440; 345/173;
455/575.1

(57) **CLAIM**

The ornamental design for an electronic device, as shown and described.

CPC **G06F 1/16**

See application file for complete search history.

DESCRIPTION

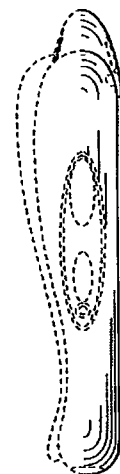
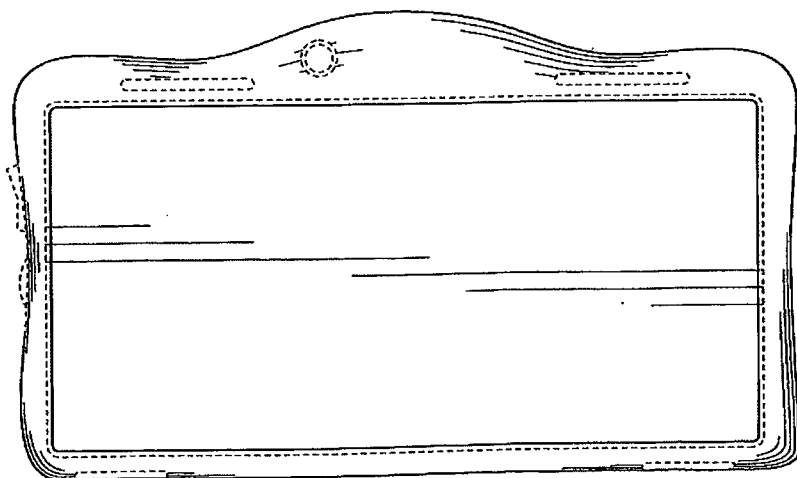
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1 Claim, 4 Drawing Sheets



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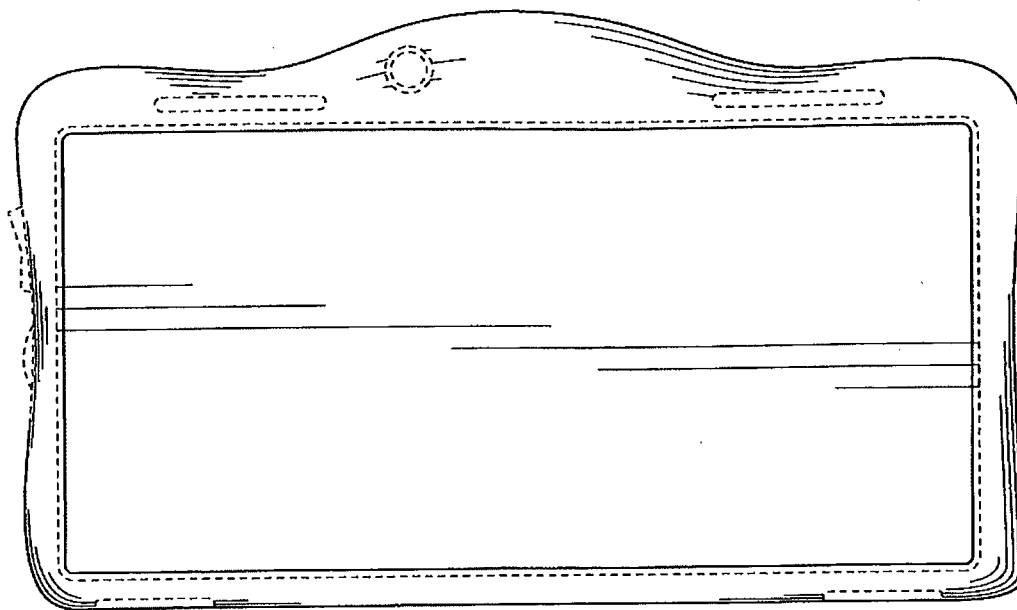


FIG. 1

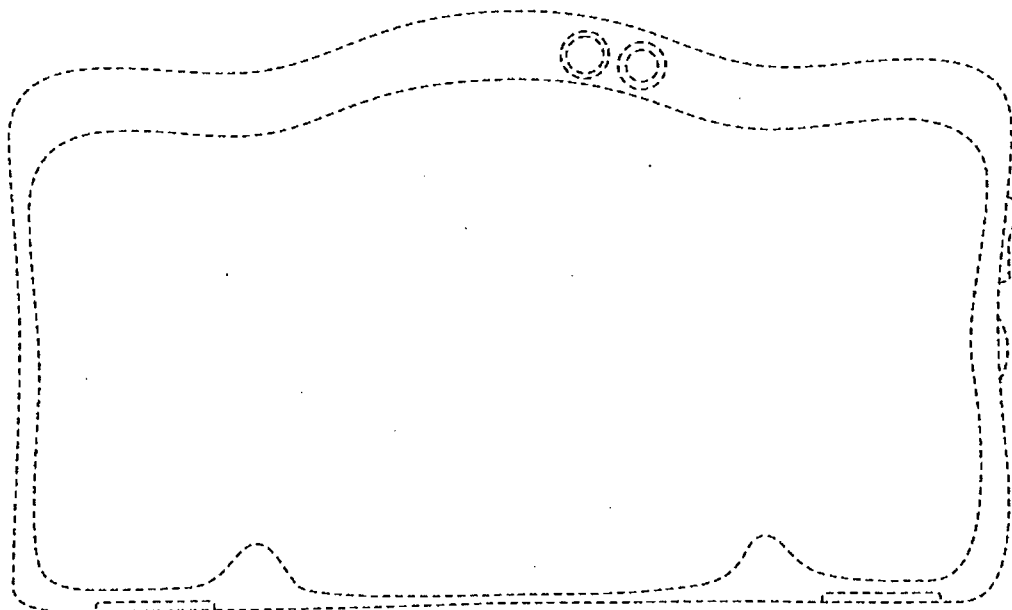


FIG. 2

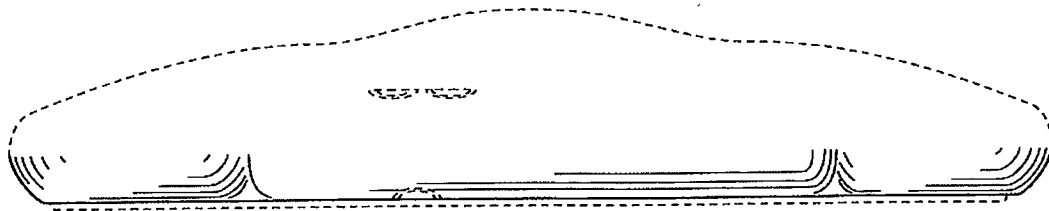


FIG. 3

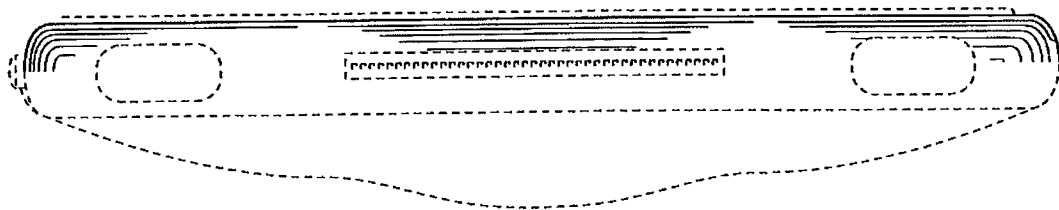


FIG. 4

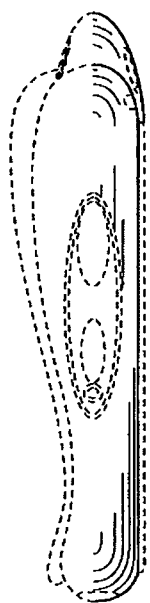


FIG. 5

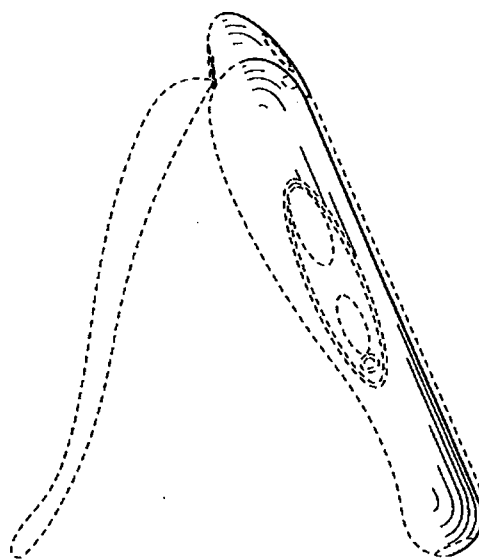


FIG. 6

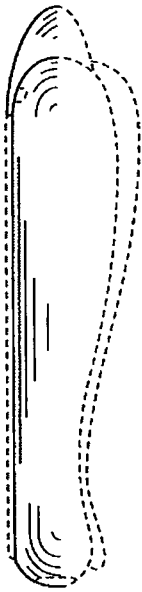


FIG. 7

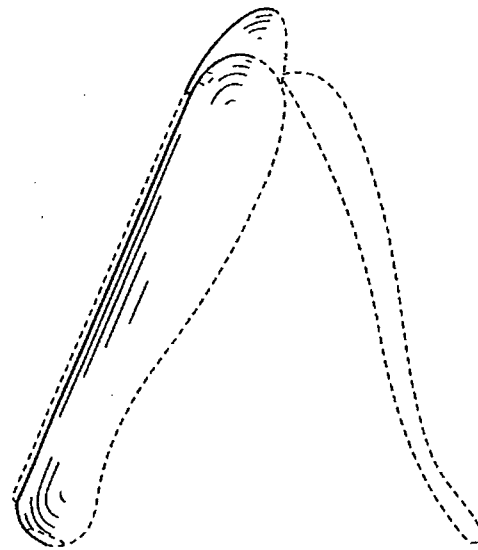


FIG. 8



US00D899422S

(12) **United States Design Patent**
Wakefield

(10) **Patent No.:** **US D899,422 S**
(45) **Date of Patent:** **** Oct. 20, 2020**

(54) **ELECTRONIC DEVICE**

(71) Applicant: **Franz Antonio Wakefield**, Miami, FL (US)

(72) Inventor: **Franz Antonio Wakefield**, Miami, FL (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/439,095**

(22) Filed: **Dec. 6, 2012**

(51) **LOC (12) Cl.** **14-02**

(52) **U.S. Cl.**
USPC **D14/341**

(58) **Field of Classification Search**
USPC **D14/341-347, 137, 138 R, 138 AA, D14/138 C, 138 G, 496, 203.3, 203.4, (Continued)**

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(Continued)

Primary Examiner — Dana K Weiland

(74) *Attorney, Agent, or Firm* — Franz A. Wakefield, Pro Se

(57) **CLAIM**

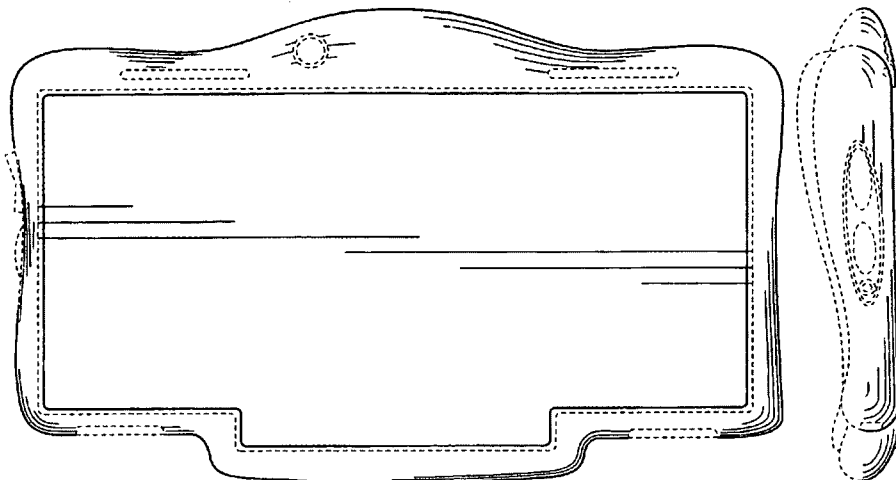
The ornamental design for an electronic device, as shown and described herein.

DESCRIPTION

FIG. 1 is a front view of an electronic device showing my new design in a first embodiment;

FIG. 2 is a rear view thereof;
FIG. 3 is a bottom view thereof;
FIG. 4 is a top view thereof;
FIG. 5 is a left side view of the electronic device shown with a kickstand in a closed position;
FIG. 6 is another left side view of the electronic device shown with the kickstand in an open position;
FIG. 7 is a right side view of the electronic device shown with the kickstand in a closed position
FIG. 8 is another right side view of the electronic device shown with the kickstand in an open position;
FIG. 9 is a front view of the electronic device showing my new design in a second embodiment;
FIG. 10 is a rear view thereof;
FIG. 11 is a bottom view thereof;
FIG. 12 is a top view thereof;
FIG. 13 is a left side view of the electronic device shown with a kickstand in a closed position;
FIG. 14 is another left side view of the electronic device shown with the kickstand in an open position;
FIG. 15 is a right side view of the electronic device shown with the kickstand in a closed position;
FIG. 16 is another right side view of the electronic device shown with the kickstand in an open position;
FIG. 17 is a front view of the electronic device showing my new design in a third embodiment;
FIG. 18 is a rear view thereof;
FIG. 19 is a bottom view thereof;
FIG. 20 is a top view thereof;
FIG. 21 is a left side view of the electronic device shown with a kickstand in a closed position;
FIG. 22 is another left side view of the electronic device shown with the kickstand in an open position;
FIG. 23 is a right side view of the electronic device shown with the kickstand in a closed position; and,
FIG. 24 is another right side view of the electronic device shown with the kickstand in an open position.
The broken lines shown in the drawings depict portions of the electronic device that form no part of the claimed design. The innermost solid line geometric feature in FIGS. 1, 9, and 17 is coplanar with the protruding broken line geometric feature surrounding it.

1 Claim, 12 Drawing Sheets



PV.123

(58) **Field of Classification Search**

USPC D14/203.7, 147, 218, 248, 426, 420,
 D14/315-318, 240, 129-130, 138 AB,
 D14/138 AC, 138 AD, 203.1-203.8, 247,
 D14/371, 388-389, 374; D10/65, 104.1,
 D10/50; D18/6-7; D21/324, 329, 330,
 D21/332; 455/556.1, 556.2, 566, 575.1,
 455/90.3; 379/433.04, 433.01, 433.06,
 379/916; 345/173, 901, 905;
 361/679.26, 679.3, 679.55, 679.56;
 D6/308, 310; D19/26, 59, 60
 CPC G06F 3/044; G06F 1/1613; G06F 1/1626;
 G06F 2200/1633; G06F 3/0488; G06F
 3/04886; G06F 3/0412; G06F 3/0416;
 H04B 1/3833

See application file for complete search history.

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D601,557 S * 10/2009 Wesolek D14/341
 D606,763 S * 12/2009 Chiu D14/371
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 D674,386 S * 1/2013 Mak D14/341
 D698,354 S * 1/2014 Mak D14/341
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 D703,664 S * 4/2014 Spiro D14/341
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 D723,548 S * 3/2015 Cheung D14/341
 D723,549 S * 3/2015 Kwong D14/341
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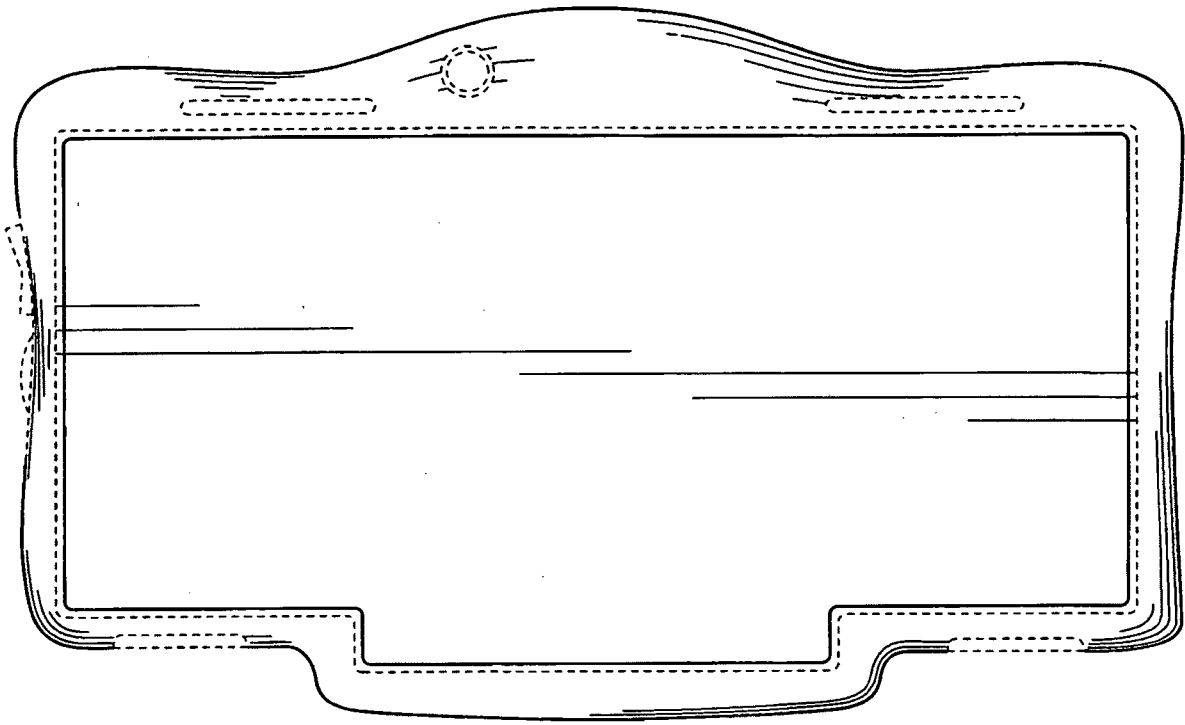


FIG. 1

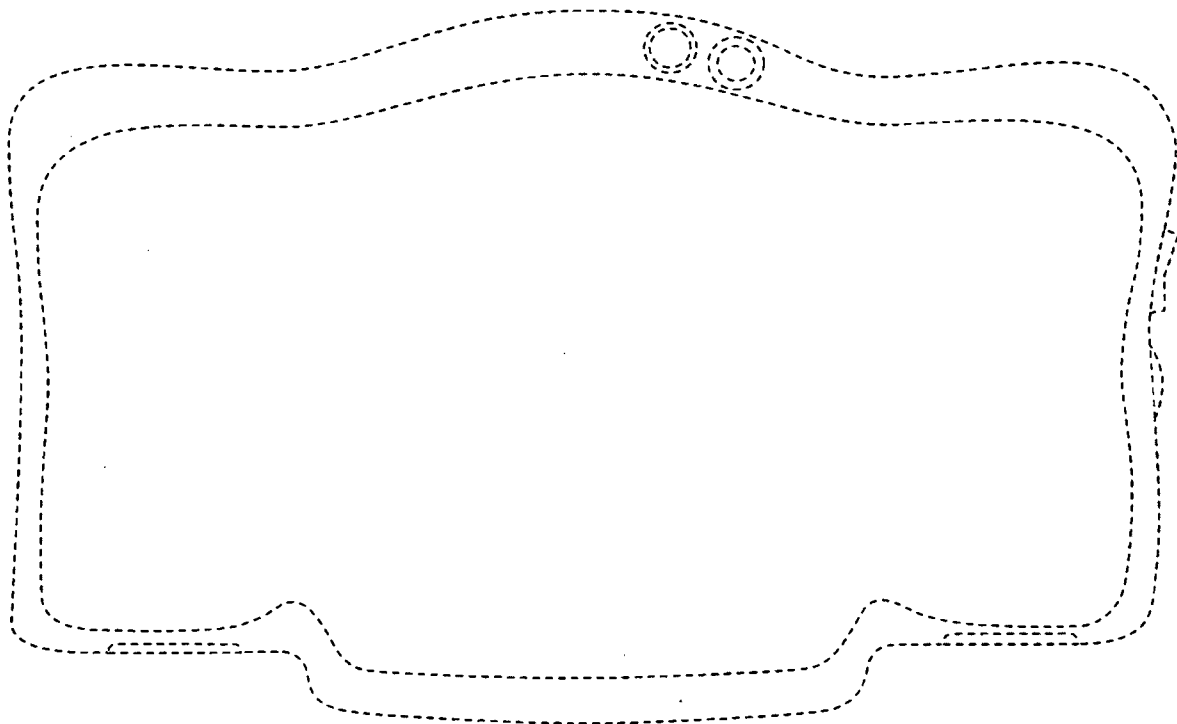


FIG. 2

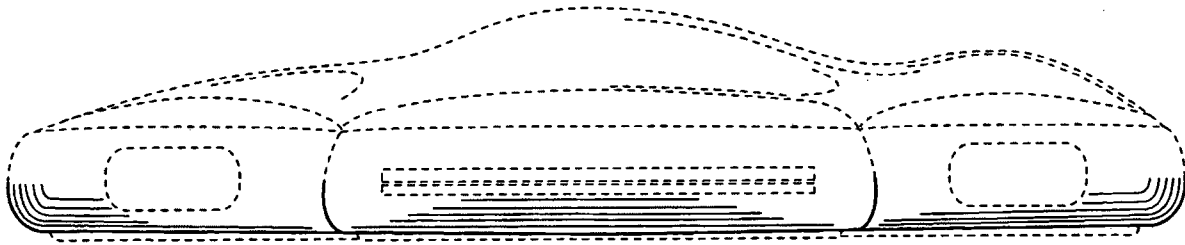


FIG. 3

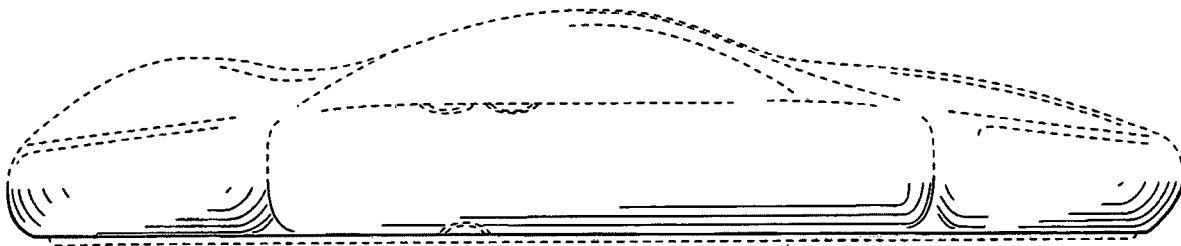


FIG. 4

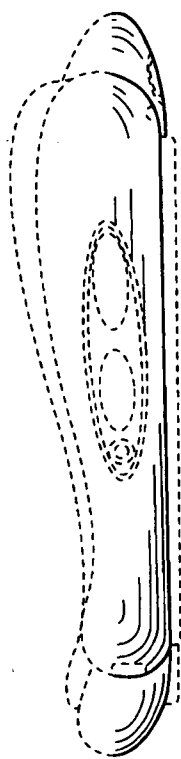


FIG. 5

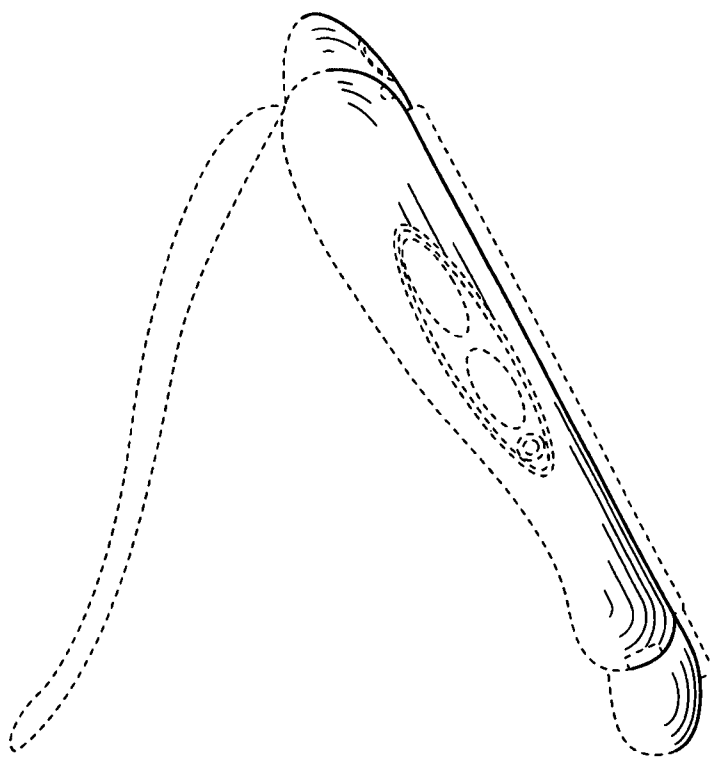


FIG. 6

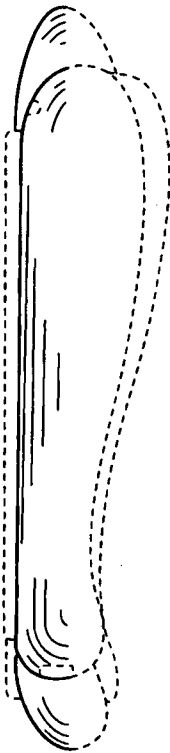


FIG. 7

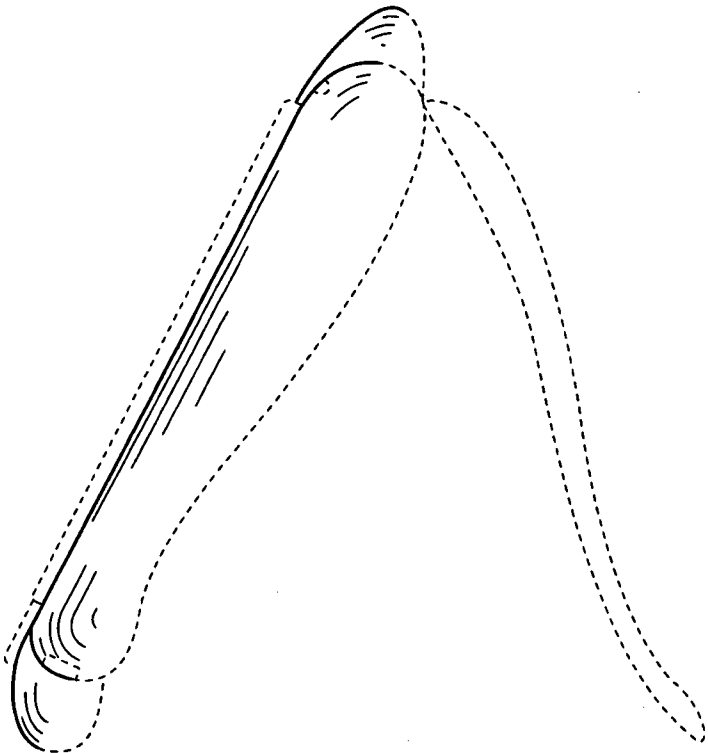


FIG. 8

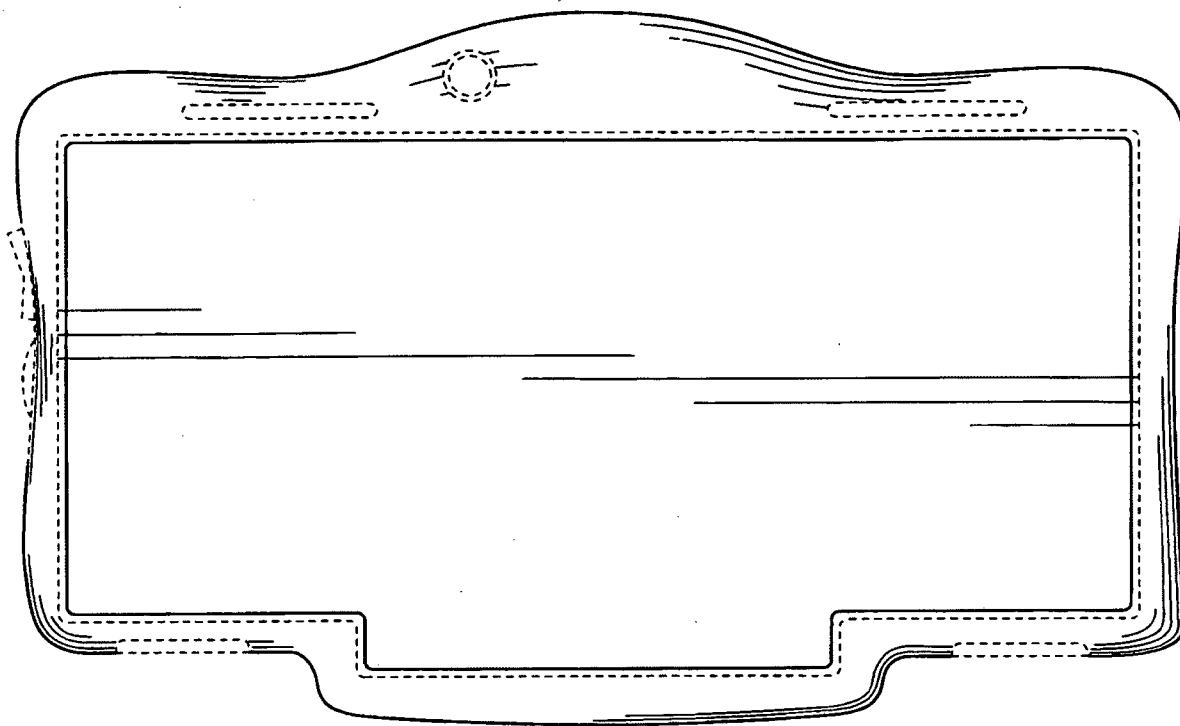


FIG. 9

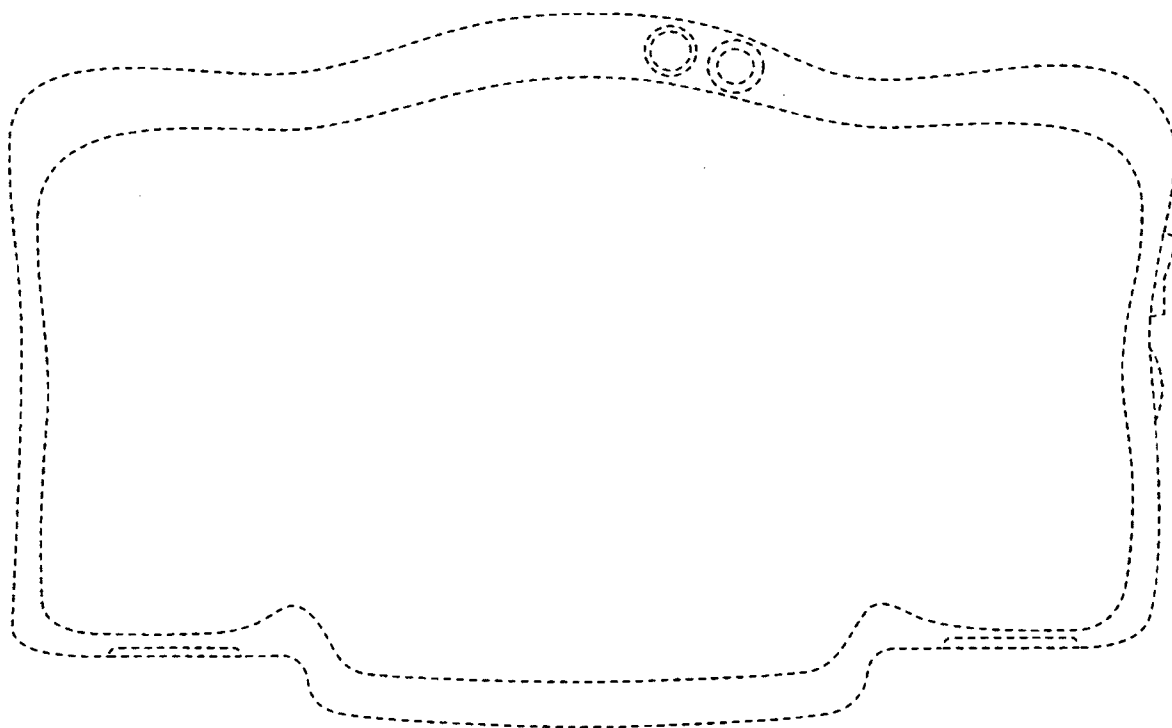


FIG. 10

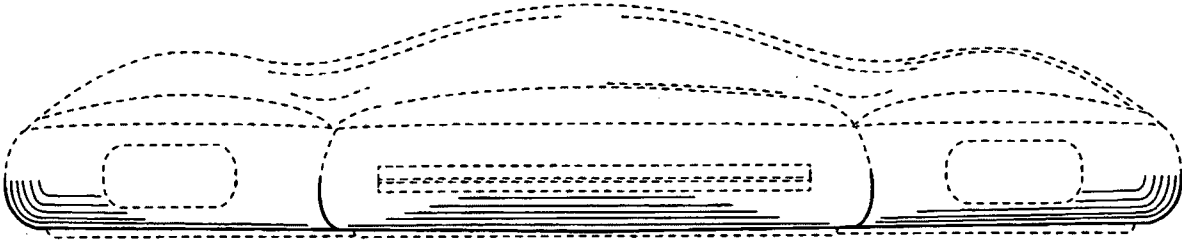


FIG. 11

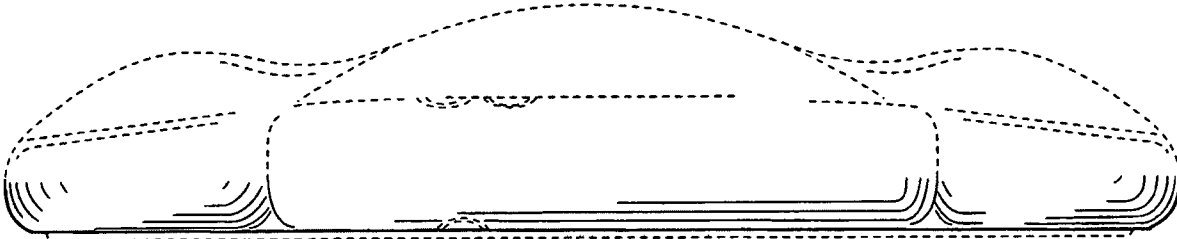


FIG. 12



FIG. 13

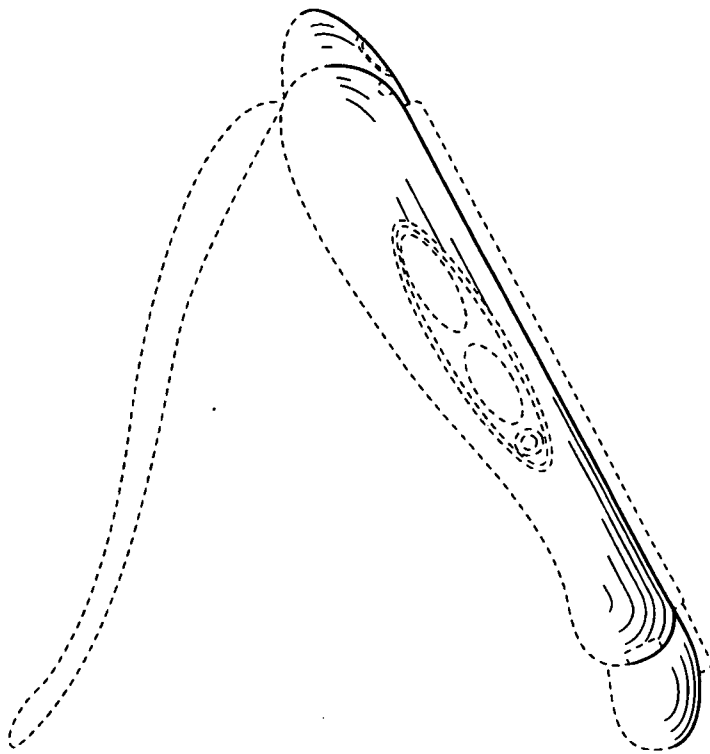


FIG. 14

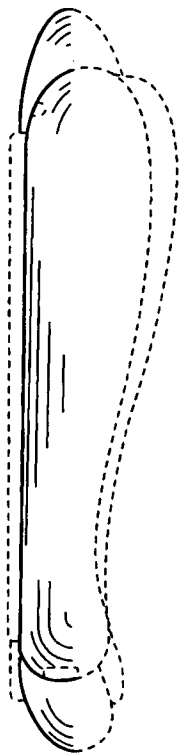


FIG. 15

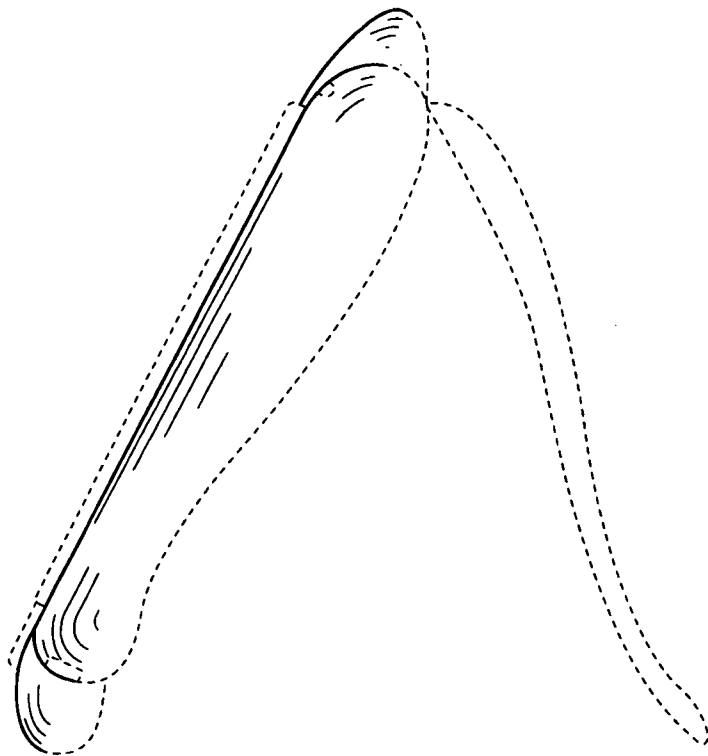


FIG. 16

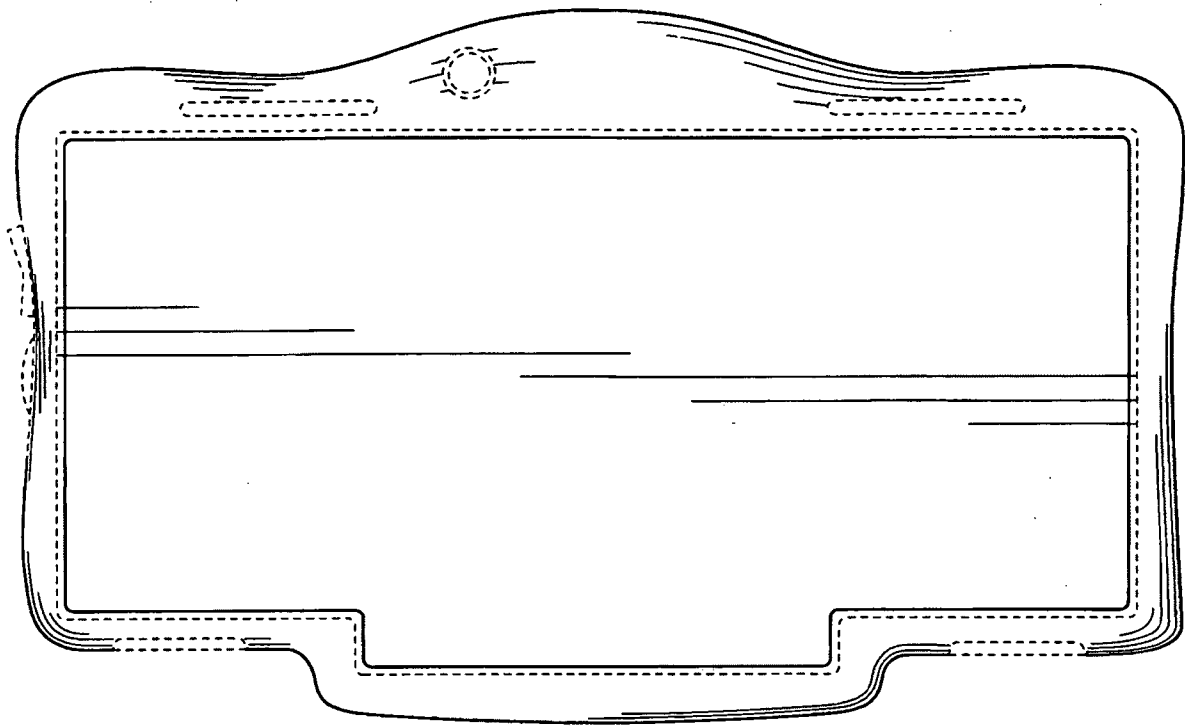


FIG. 17

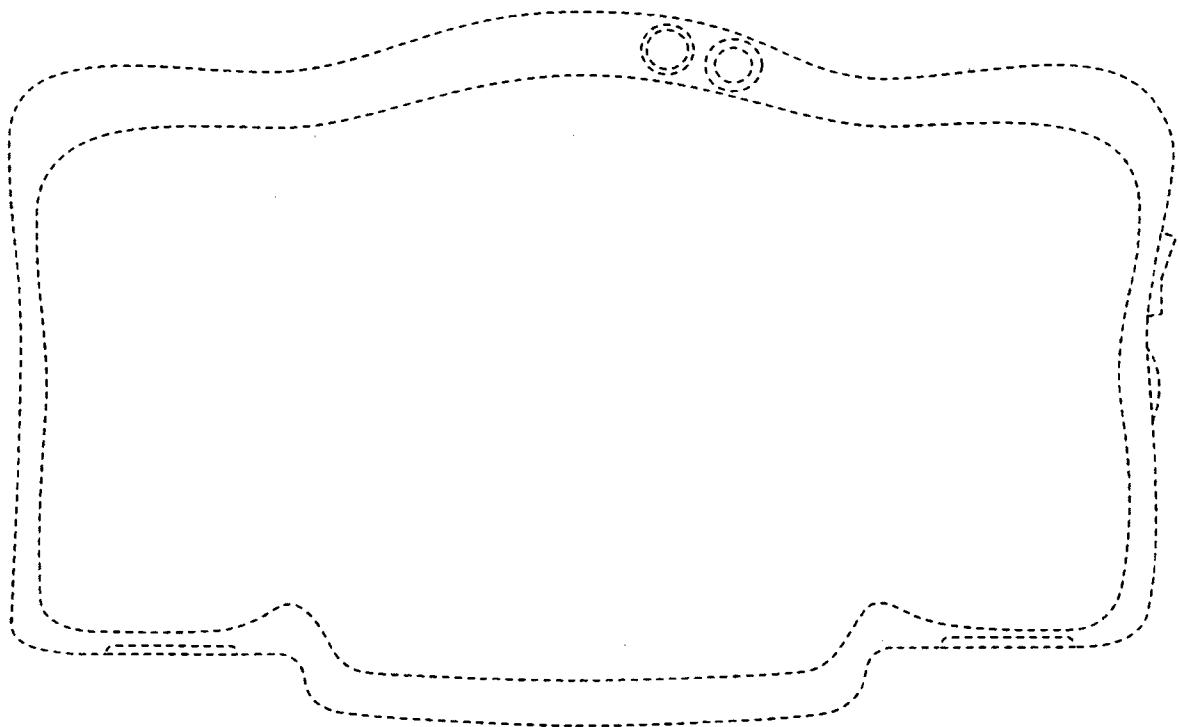


FIG. 18

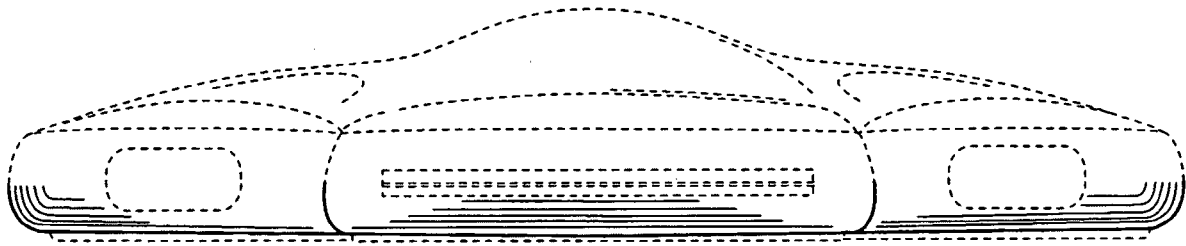


FIG. 19

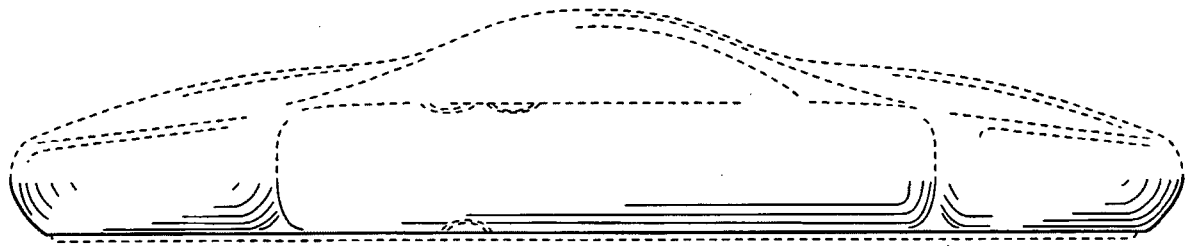


FIG. 20

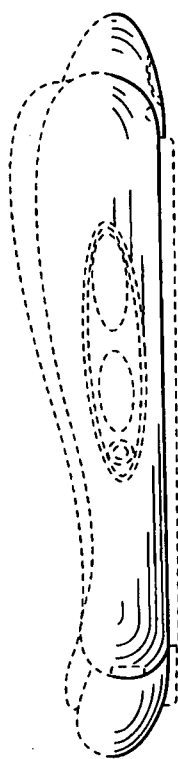


FIG. 21

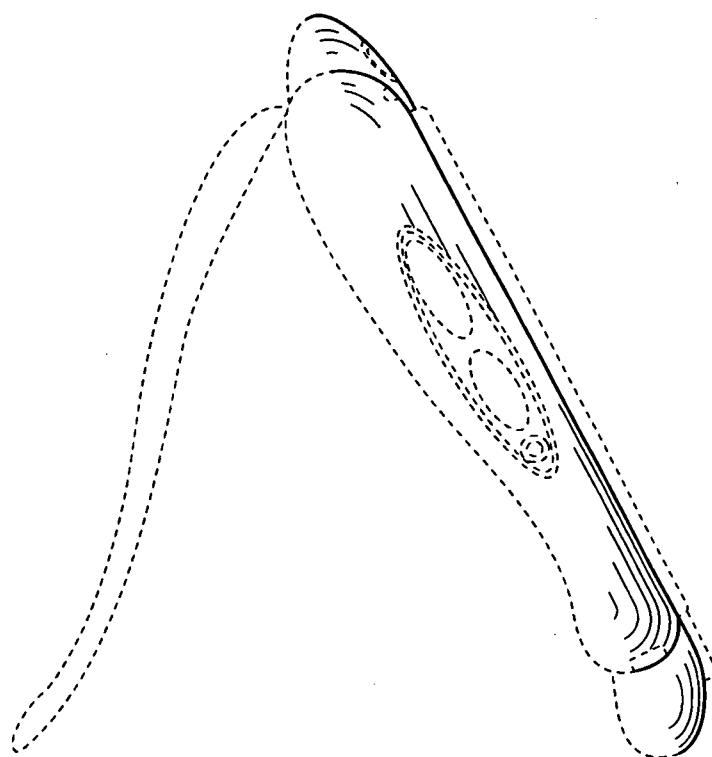


FIG. 22

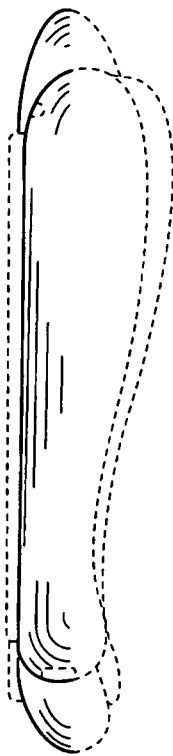


FIG. 23

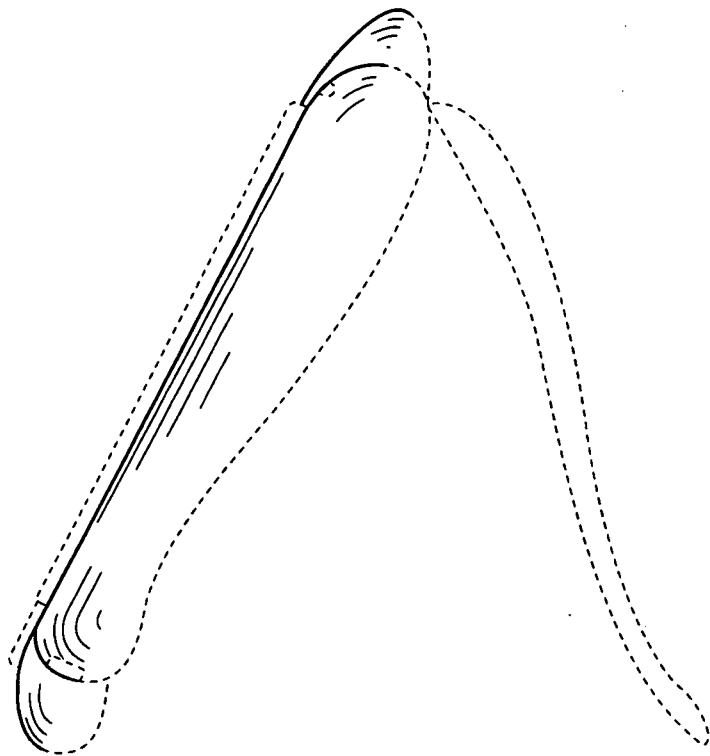


FIG. 24

INTERNATIONAL REGISTRATION CERTIFICATE

The International Bureau of the World Intellectual Property Organization (WIPO) hereby certifies that the particulars given below correspond to the recording made in the International Register of Industrial Designs, at the date of the international registration, under the Hague Agreement Concerning the International Registration of Industrial Designs.

Registration number **DM/082 488**

Date of the international registration **27.05.2013**

Filing date **27.05.2013**

Name and address of holder **FRANZ ANTONIO WAKEFIELD
COOLTVNETWORK.COM, INC.
17731 North West 14th Court,
Miami, FL 33169 (United States of America)**

Contracting Party of which the holder is a national **n/a**

Contracting Party of which the holder has a domicile **European Union**

Contracting Party of which the holder has an industrial or commercial establishment **n/a**

Contracting Party in which the holder has a habitual residence **--**

Applicant's Contracting Party **European Union**

Name and address of creator of designs **Franz Antonio Wakefield, Cooltvnetwork.com, onc. 17731
NorthWest 14th Court Miami, Florida 33169**

Number of designs included in the international registration **2**

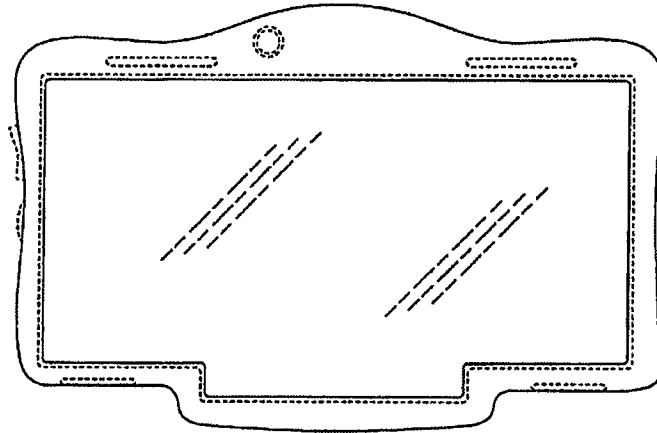
Locarno Classification **Cl. 14-03**

Indication of products **1.-2. Mobile smartphones.**

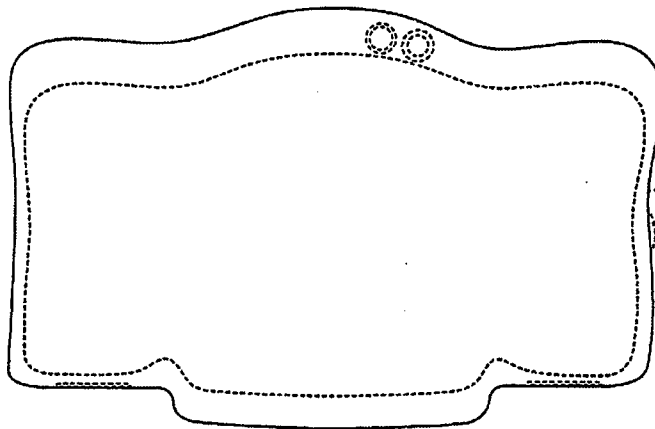
Contracting Parties designated under the 1999 Act **African Intellectual property Organization (OAPI), Albania,
Armenia, Azerbaijan, Bosnia and Herzegovina, Botswana, Egypt,
European Union, Georgia, Germany, Iceland, Liechtenstein,
Monaco, Mongolia, Montenegro, Namibia, Norway, Serbia,
Singapore, Switzerland, Tunisia, Turkey, Ukraine**

Data relating to priority under the Paris Convention **06.12.2012; 29/439,095; United States of America**

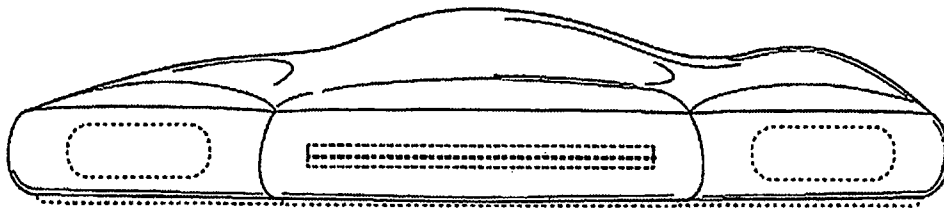
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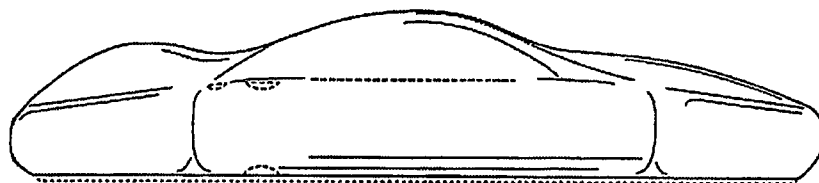
1.2



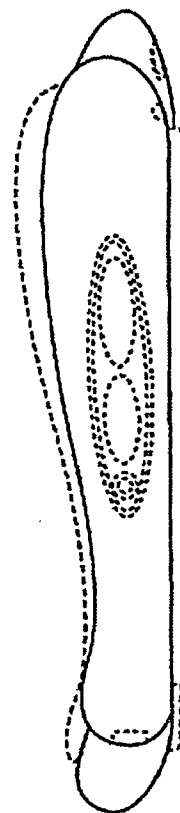
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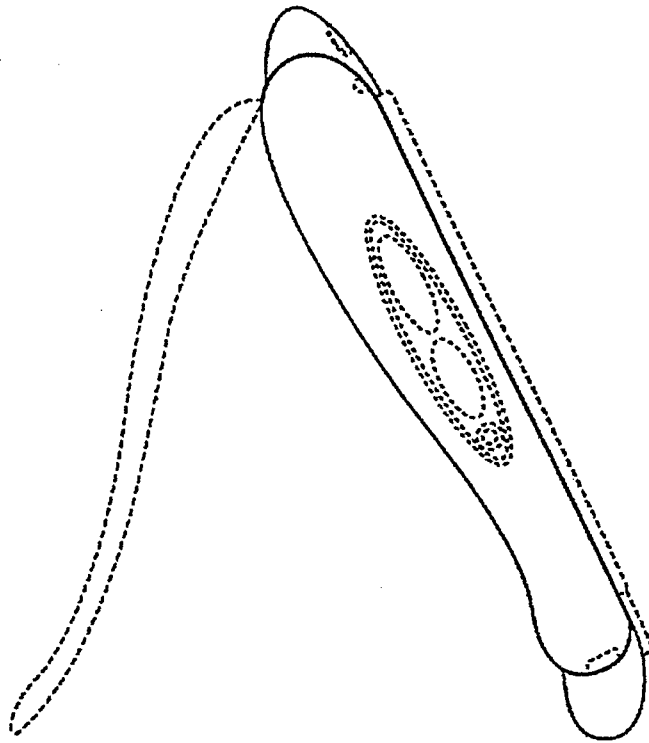
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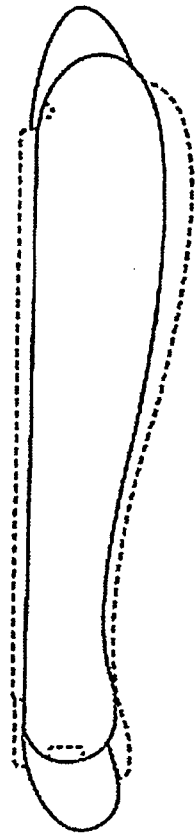
1.5



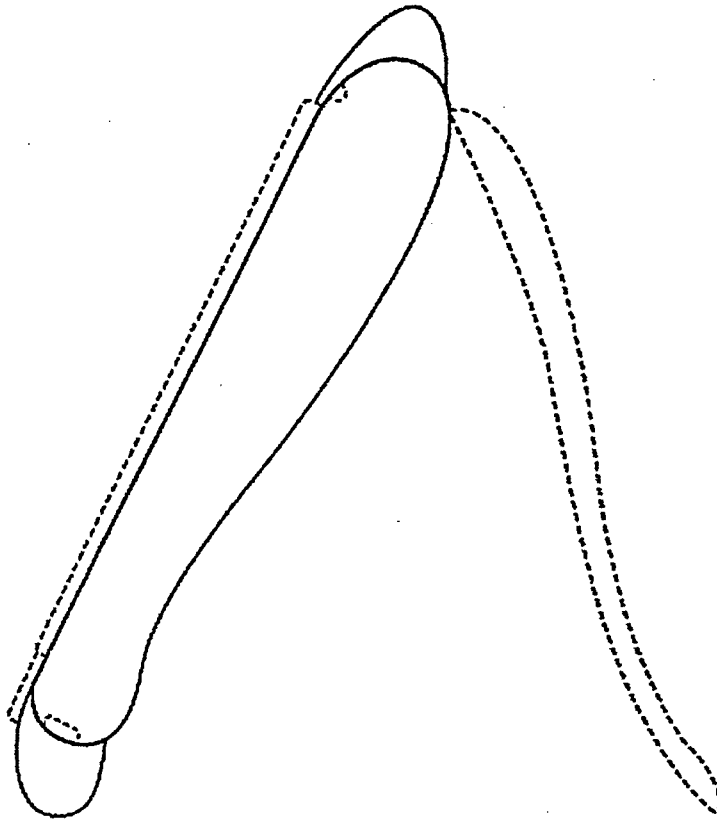
1.6



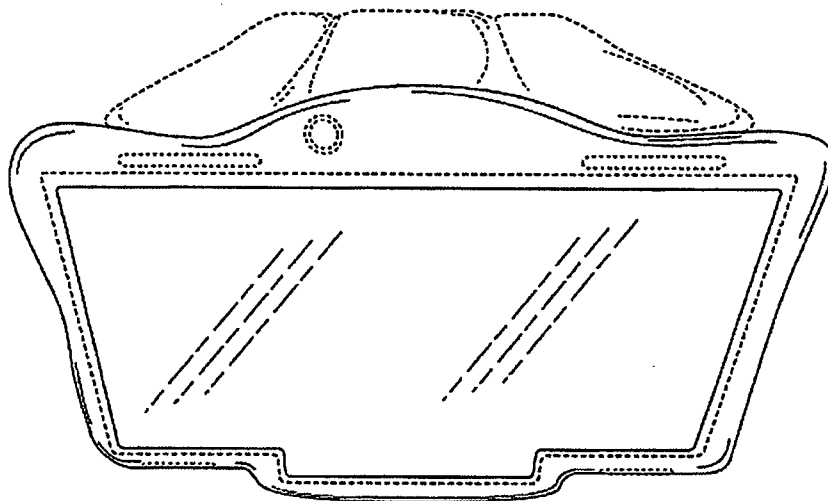
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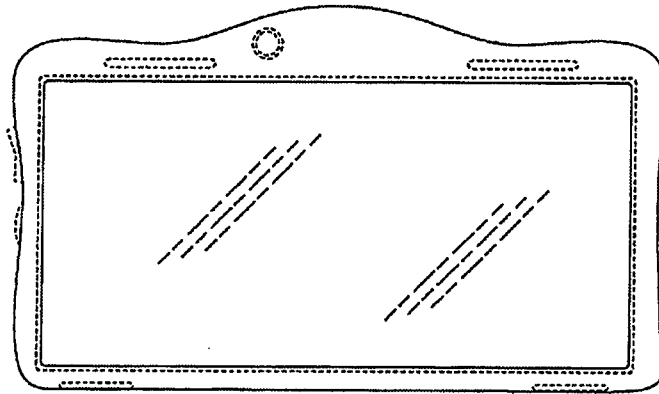
1.8



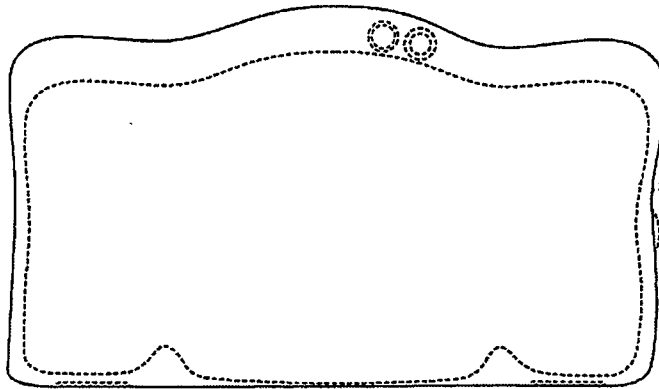
1.9



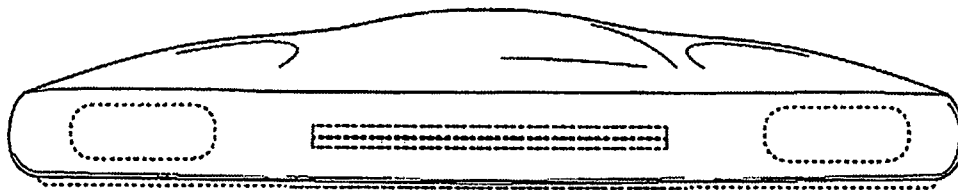
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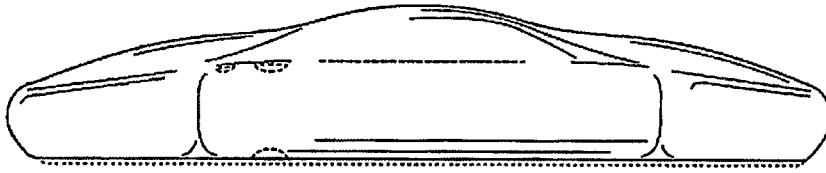
2.2



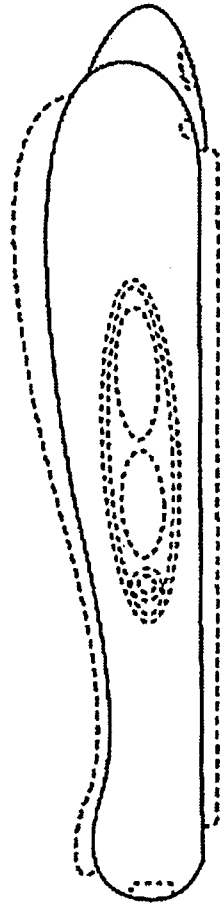
2.3



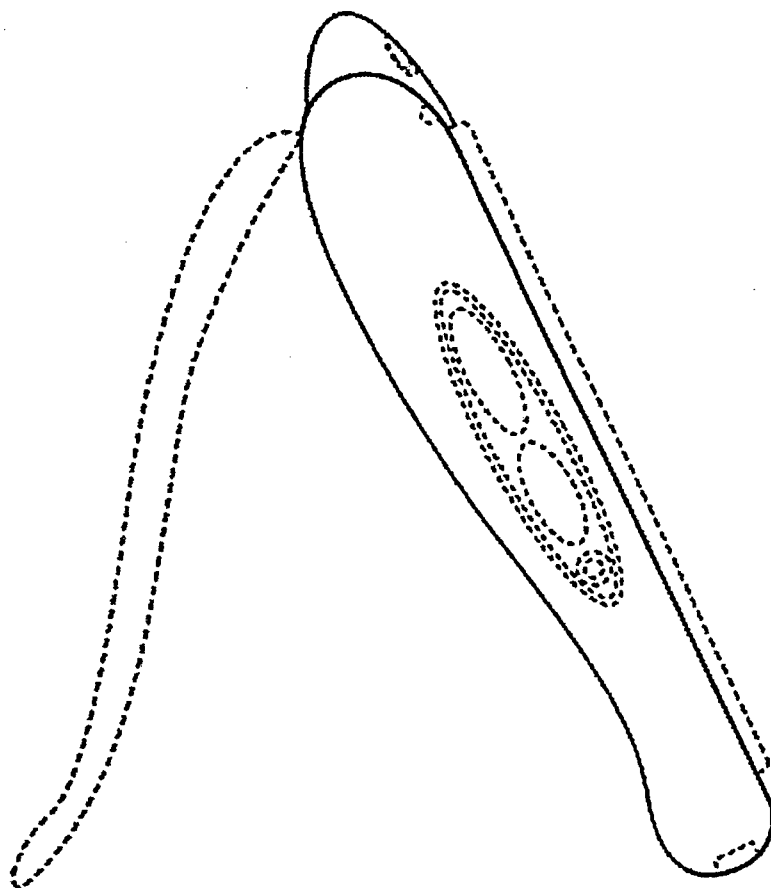
2.4



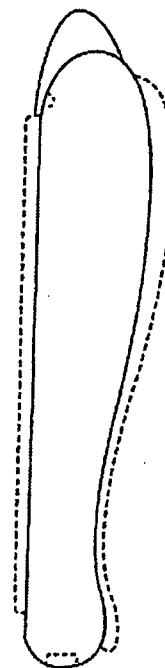
2.5



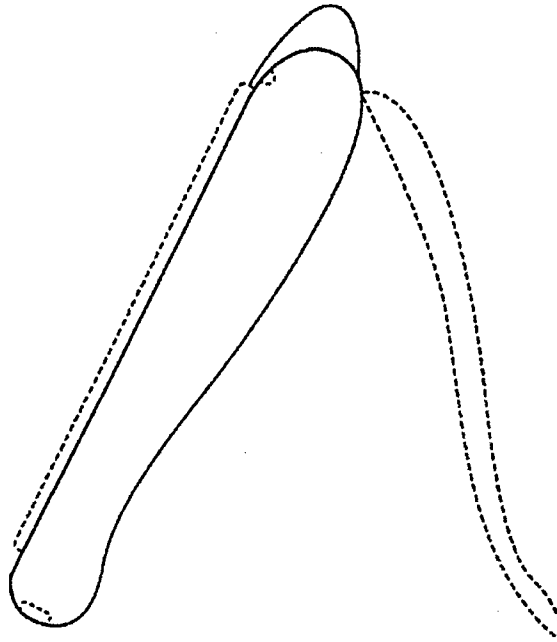
2.6



2.7



2.8



Patrick CARTANT
Head, Operations Service
The Hague Registry
Brands and Designs Sector

Geneva, December 28, 2013



外觀設計註冊證明書
《註冊外觀設計條例》(第 522 章)
CERTIFICATE OF REGISTRATION OF DESIGN
Registered Designs Ordinance (Chapter 522)

茲證明下述外觀設計之詳情於今日記入註冊紀錄冊:

I hereby certify that the design with the following particulars has been entered in the register today:

- [11] 註冊編號 Registration No.: 1300965.1M001
- [15] 註冊日期 Date of Registration: 08.06.2013
- [30] 聲稱享有的優先權 (提交日期 / 巴黎公約國或世界貿易組織成員 / 申請編號)
Priority Claimed (Filing Date / Paris Convention Country or WTO Member /
Application No.):
27.05.2013 / AL, AM, AZ, BA, BW, CH, EG, EM, GE, IS, LI, MC, ME, MN, NA, NO,
RS, SG, TN, TR, UA / 740100301
- [51] 洛迦諾分類號 Locarno Classification No.: Cl. 14 - 03
- [54] 物品 Article (s):
智能手機 Smartphone
- [55] 外觀設計的表述 Representation of the Design:
見後附表表述 See attached representation(s)
- [57] 新穎性陳述 Statement of Novelty:
表述以實線所顯示的物品的式樣、裝飾、形狀或構形是聲稱具有新穎性的外觀設計特色。
The features of the design for which novelty is claimed are the pattern, ornament, shape or configuration of the article as shown in solid lines in the representations.
- [73] 註冊擁有人姓名/名稱及地址 Name and Address of Registered Owner:
WAKEFIELD, Franz Antonio
COOLTVNETWORK.COM, INC., 17731 Northwest 14th Court, Miami, Florida,
33169, UNITED STATES

日期 : 2013 年 11 月 15 日
Date : 15 November, 2013

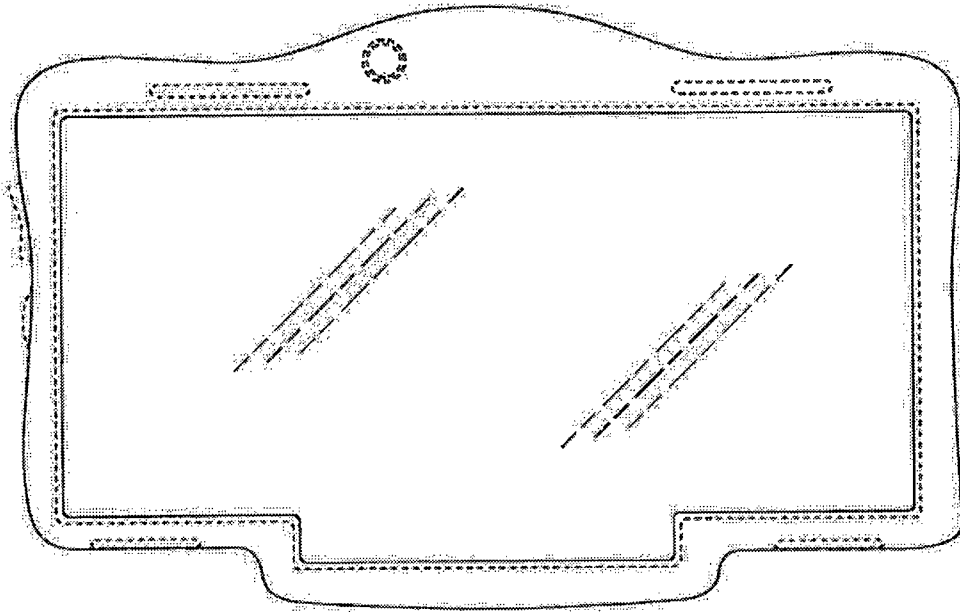


外觀設計註冊處處長張錦輝
Peter K.F. Cheung
Registrar of Designs

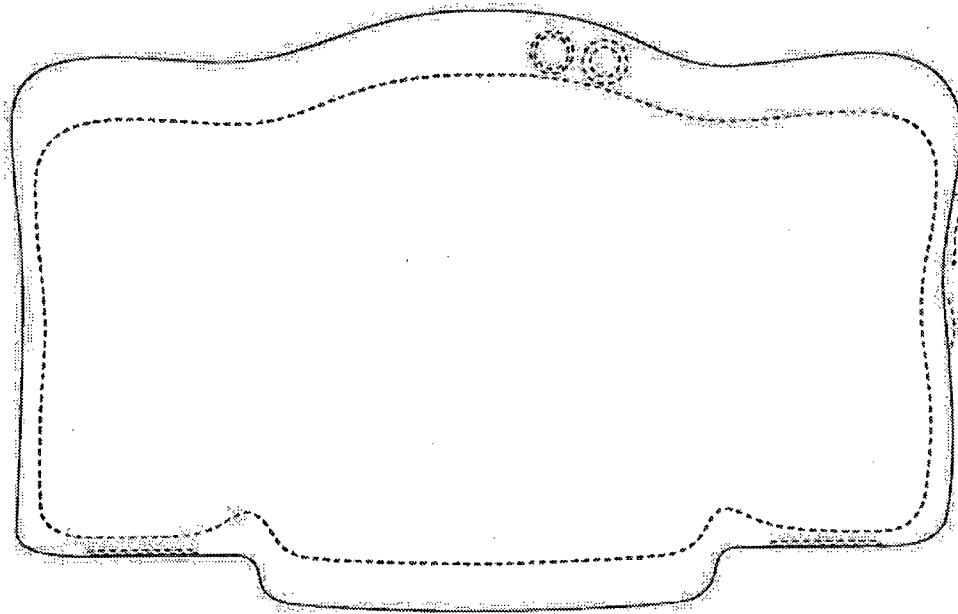
註
Note:

1. 外觀設計的註冊，由註冊當日開始生效，而註冊日期則可追溯至註冊申請的提交日期。除聯繫或相應外觀設計外，外觀設計的註冊的首段有效期為自註冊申請的提交日期起計的 5 年。註冊有效期可每次再延展 5 年，但總共不得超過自註冊申請的提交日期起計的 25 年。
Registration of a design takes effect from the Date of Registration, which is backdated to the filing date of the application for registration. Except for associated or corresponding designs, the initial period of registration of a design is 5 years beginning on the filing date of the application for registration. The period of registration may be extended for additional periods of 5 years each but the total period of registration may not exceed 25 years beginning on the filing date of the application for registration.
2. 本外觀設計的擁有權如有改變，或擁有人的姓名/名稱及/或地址/送達地址改變，必須立刻向外觀設計註冊處處長申請更改註冊。
Upon any change of ownership of this design, or change of name and/or address/address for service of the registered owner, application should AT ONCE be made to the Registrar of Designs to register the change.
3. 外觀設計註冊處處長在註冊外觀設計前並無就外觀設計的可享註冊性進行實質審查，請參閱香港特別行政區知識產權署網站的“審查的性質”一節 (http://www.ipd.gov.hk/chi/intellectual_property/designs/registration.htm) 內的進一步資料。
Registration of a design does not follow a substantive examination of its registrability by the Registrar of Designs. For further information, please refer to the section “Nature of examination” of the website of Intellectual Property Department Hong Kong SAR (http://www.ipd.gov.hk/eng/intellectual_property/designs/registration.htm).

M001

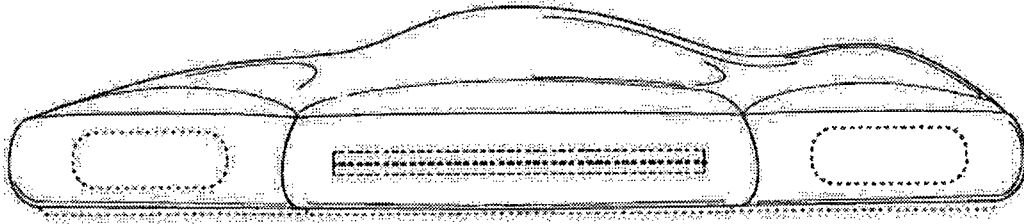


Front View

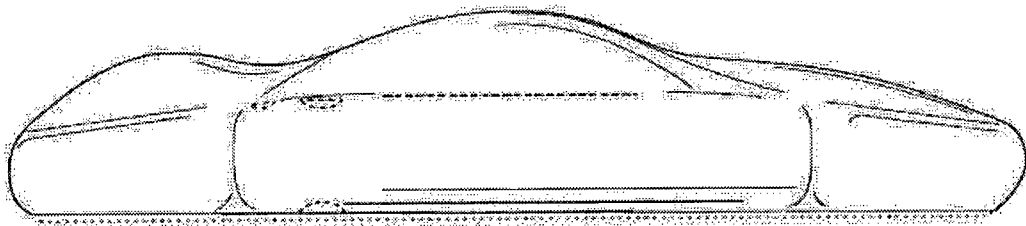


Rear View

M001



Bottom View

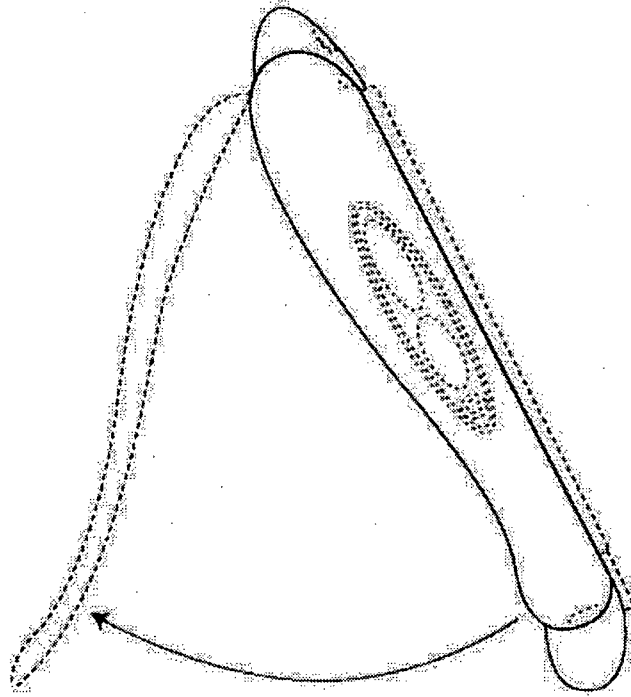


Top View

M001

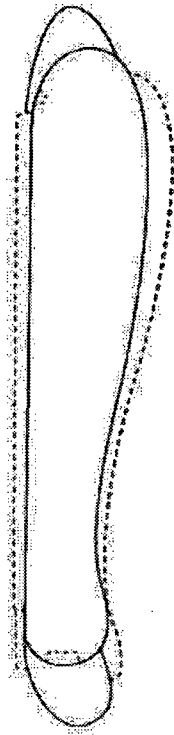


Left View

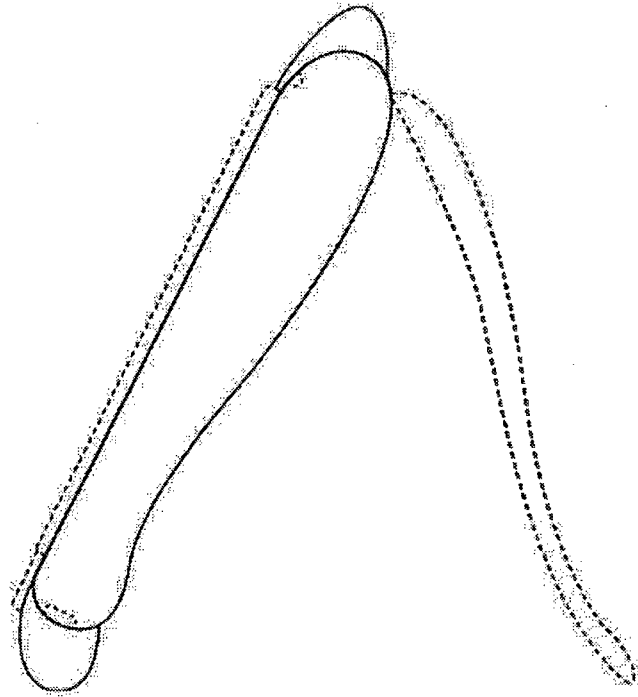


Reference View 1

M001

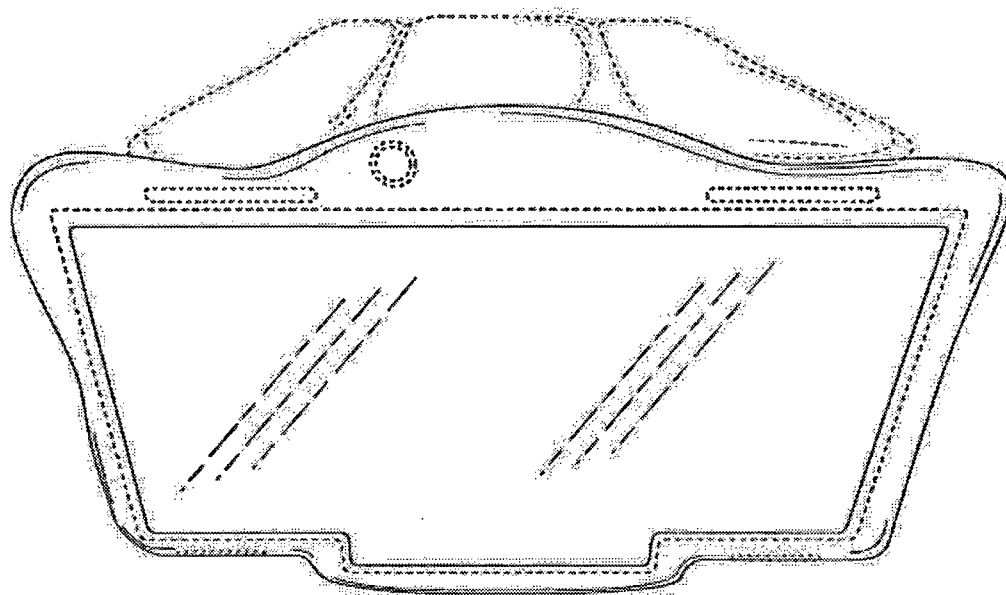


Right View



Reference View 2

M001



Perspective View



中华人民共和国国家知识产权局

100738

北京市东城区东长安街1号东方广场东三办公楼十九层 北京戈程知
识产权代理有限公司
程伟 赵占元

发文日:

2014年03月11日



申请号或专利号: 201330241241.1

发文序号: 2014030600027600

申请人或专利权人: F·A·维克菲尔德

发明创造名称: 智能手机

办理登记手续通知书

根据专利法实施细则第54条及国家知识产权局第75号公告的规定,申请人应当于2014年05月26日之前缴纳以下费用:

专利登记费	200.0元	
第2年度年费	600.0元	无费减 (减缓标记)
专利证书印花税	5.0元	
已缴费用	0元	
应缴费用	805.0元	

申请人按期缴纳上述费用的,国家知识产权局将在专利登记簿上登记专利权的授予,颁发专利证书,并予以公告。专利权自公告之日起生效。

申请人期满未缴纳或者未缴足上述费用的,视为放弃取得专利权的权利。

提示:

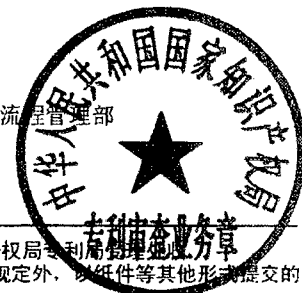
费用可以直接到国家知识产权局缴纳,也可以通过邮局或者银行汇付。如通过邮局汇付,收款人姓名:国家知识产权局专利局收费处;商户客户号:110000860。如通过银行汇付,开户银行:中信银行北京知春路支行;户名:中华人民共和国国家知识产权局专利局;账号:7111710182600166032。

汇款时应当准确写明申请号、费用名称(或简称)及分项金额。未写明申请号和费用名称(或简称)的视为未办理缴费手续。

审查员:姚燕

审查部门:专利局初审及流程管理部

联系电话:62356655



200602
2010.4

纸件申请,回函请寄:100088 北京市海淀区蓟门桥西土城路6号 国家知识产权局专利局受理处
电子申请,应当通过电子专利申请系统以电子文件形式提交相关文件。除另有规定外,以纸件等其他形式提交的文件视为未提交。

(Translated by GE CHENG & CO)

THE STATE INTELLECTUAL PROPERTY OFFICE OF P. R. CHINA

Addressee: GE CHENG & CO LTD Level 19, Tower E3, The Towers, Oriental Plaza, No.1, East Chang An Avenue, Beijing 100738	Date of Mailing: 11 March 2014
Application No. 201330241241.1	
Applicant or Patentee: Franz Antonio Wakefield	
Title of Design: The SS Mobile Device	

Notification of Registration

In accordance with Rule 54 of the Implementing Regulations under the Patent Law and the Announcement No. 75 of the Chinese Patent Office, the applicant shall pay the following fees before **26 May 2014**:

Patent Registration Fee:	200.00	Yuan
The 2 nd year Annuity:	600.00	Yuan
Stamp tax Patent Certificate:	5.00	Yuan
The fee paid:	0	Yuan

Total: 805 Yuan

After the applicant pays the above requisite fees on time, the SIPO of PRC will decide to grant the patent right, issue the Patent Certificate for Design, record the grant of patent right in the Patent Register and announce this matter on the Design Gazette. The patent right will come into force on the date of the announcement.

If the applicant fails to pay or underpays the above fees by the expiration of the above date, the right of acquiring the patent shall be deemed abandoned.

Note of Payment: Omit.

Examiner:

Department:

Telephone:

200602 (February 2010)



100738

北京市东城区东长安街1号东方广场东三办公楼十九层 北京戈程知
识产权代理有限公司
程伟 赵占元

发文日:

2014年03月11日



申请号或专利号: 201330241241.1

发文序号: 2014030500138680

申请人或专利权人: F·A·维克菲尔德

发明创造名称: 智能手机

授予外观设计专利权通知书

1. 根据专利法第40条及实施细则第54条的规定, 上述外观设计专利申请初步审查, 没有发现驳回理由, 现作出授予外观设计专利权的通知。

申请人收到本通知书后, 还应当按照办理登记手续通知书的规定办理登记手续。

申请人办理登记手续后, 国家知识产权局作出授予外观设计专利权的决定, 颁发相应的专利证书, 同时予以登记和公告。

期满未办理登记手续的, 视为放弃取得专利权的权利。

2. 授予专利权的外观设计专利申请是以

2014年02月28日提交的设计1主视图、设计1后视图、设计1左视图、设计1右视图、设计1俯视图、设计1仰视图、设计1立体图、设计1使用状态参考图1、设计1使用状态参考图2、设计2主视图、设计2后视图、设计2左视图、设计2右视图、设计2俯视图、设计2仰视图、设计2使用状态参考图1、设计2使用状态参考图2、设计3主视图、设计3后视图、设计3左视图、设计3右视图、设计3俯视图、设计3仰视图、设计3使用状态参考图1、设计3使用状态参考图2、设计4主视图、设计4后视图、设计4左视图、设计4右视图、设计4俯视图、设计4仰视图、设计4使用状态参考图1、设计4使用状态参考图2、设计5主视图、设计5后视图、设计5左视图、设计5右视图、设计5俯视图、设计5仰视图、设计5使用状态参考图1、设计5使用状态参考图2;

2013年06月08日提交的简要说明。

230601
2010.2

纸件申请, 回函请寄: 100088 北京市海淀区蓟门桥西土城路6号 国家知识产权局专利局专利审查部
电子申请, 应当通过电子专利申请系统以电子文件形式提交相关文件。除另有规定外, 以本通知书送达时提交的
文件视为未提交。



THE STATE INTELLECTUAL PROPERTY OFFICE OF P. R. CHINA

Addressee: GE CHENG & CO LTD Level 19, Tower E3, The Towers, Oriental Plaza, No.1, East Chang An Avenue, Beijing 100738	Date of Mailing: 11 March 2014
---	---------------------------------------

Application No. 201330241241.1

Applicant or Patentee: Franz Antonio Wakefield

Title of Design: The SS Mobile Device

Notification of Allowance

1. In accordance with Article 40 of the Chinese Patent Law and Rule 54 of the Implementing Regulations, the above-identified application has passed the preliminary examination, and there is no cause for rejection found. Thus, the SIPO of PRC hereby issues this Notification of Allowance.
After receiving this Notification, the applicant shall proceed with the registration in accordance with the Notification of Registration issued herewith.

After the applicant goes through the registration procedure, the SIPO of PRC will decide to grant the patent rights, issue a patent certificate for invention, record and announce the grant.

If the applicant fails to proceed with the registration, the right to acquire patent rights will be deemed abandoned.

2. The above design application to be granted is based on the following documents:
 the drawings filed on 28 February 2014 Front view, back view, left view, right view.etc
 the brief description filed on 8 June 2013

3. International Design Classification No. LOC (9) CL.14-03

Note: After the issuance of this Notification, any voluntary amendment to the above application filed by the applicant will be placed on the file and not be examined.

Examiner:

Department:

Telephone:

200601 (February 2010)



中华人民共和国国家知识产权局

为基础。

3. 国际外观设计分类号：

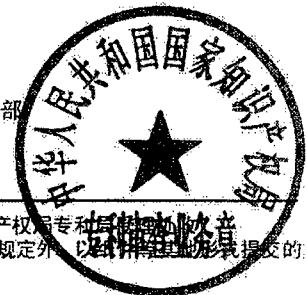
LGC (9) Cl. 14-03

注：在本通知书发出后收到的申请人主动修改的申请文件，不予考虑。

审查员：王娟

审查部门：外观设计审查部

联系电话：010-82246298



230601
2010.2

纸件申请，回函请寄：100088 北京市海淀区蓟门桥西土城路6号 国家知识产权局专利局外观设计审查部
电子申请，应当通过电子专利申请系统以电子文件形式提交相关文件。除另有规定外，以纸件形式提交的
文件视为未提交。



Australian Government
IP Australia

CERTIFICATE OF REGISTRATION

DESIGN

No. 353554

I, **Fatima Beattie, Registrar of Designs**, certify that the design, a representation of which is attached, has been registered in the Register of Designs, and that the following details have been entered in the Register in respect of that registration.

Name and Address of Owner(s):

Franz Antonio Wakefield
17731 NW 14th Ct Miami FL 33169-4686 United States of America

Name of Designer(s): Franz Antonio Wakefield

Product in respect of which the design is registered: Electronic device

Design Number: 15875/2013

Date on which Application for Registration of the Design was filed: 15 November 2013

Date of Registration: 4 February 2014

Term of Initial Registration: Five years commencing on 15 November 2013

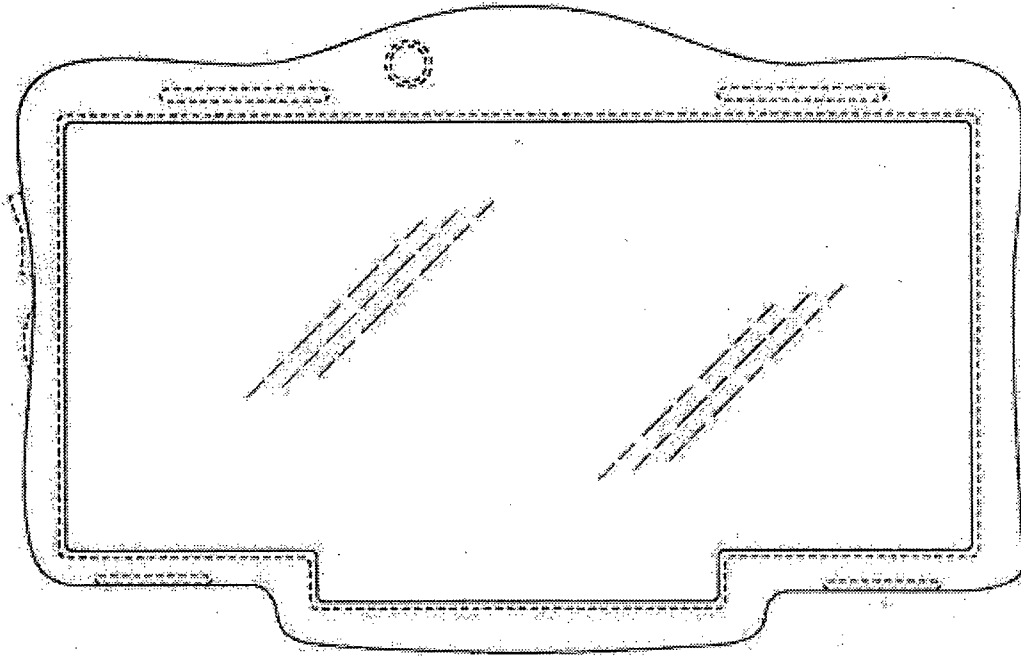
Statement of Newness and Distinctiveness: Nil.

The design representation(s), plus any additional owner or designer names or other additional information relating to the registration, are listed on the attached pages.

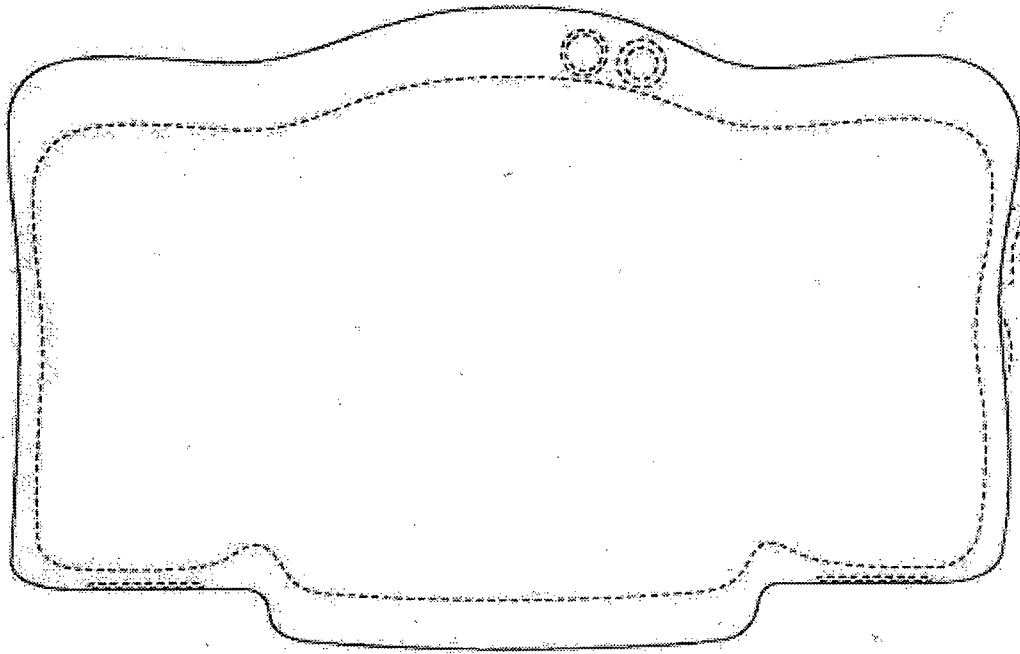
*Given under my hand and the seal of the
Designs Office on 5 February 2014*



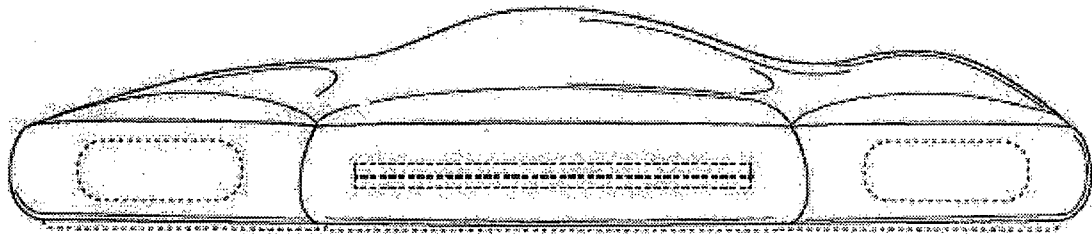
**Fatima Beattie
REGISTRAR OF DESIGNS**



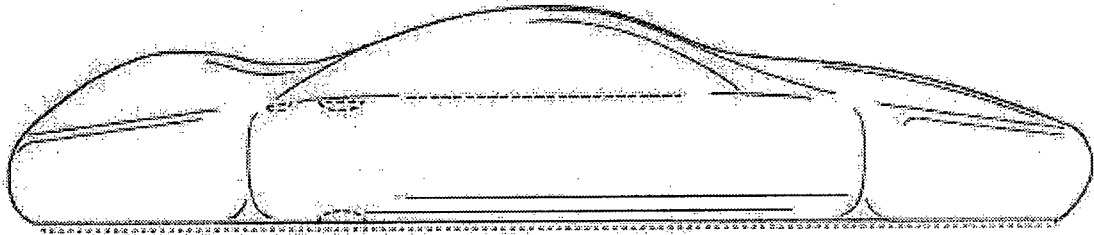
Front View



Rear View



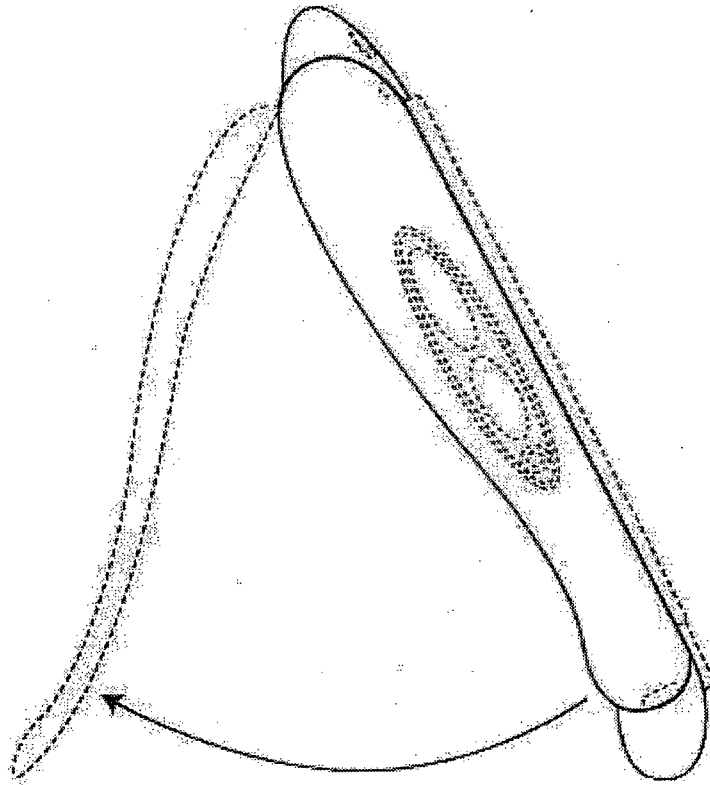
Bottom view with stand closed



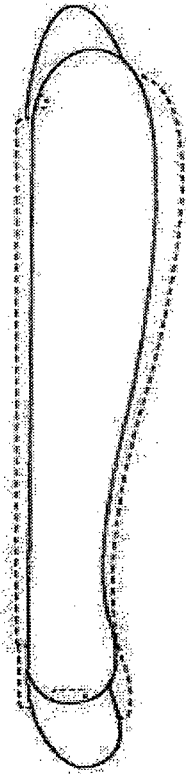
Top view with stand closed



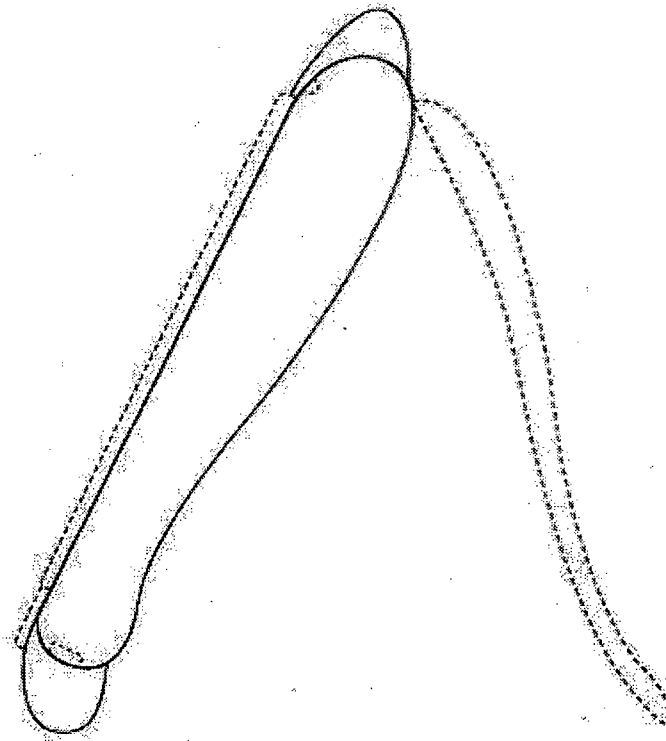
**Left side view
with stand closed**



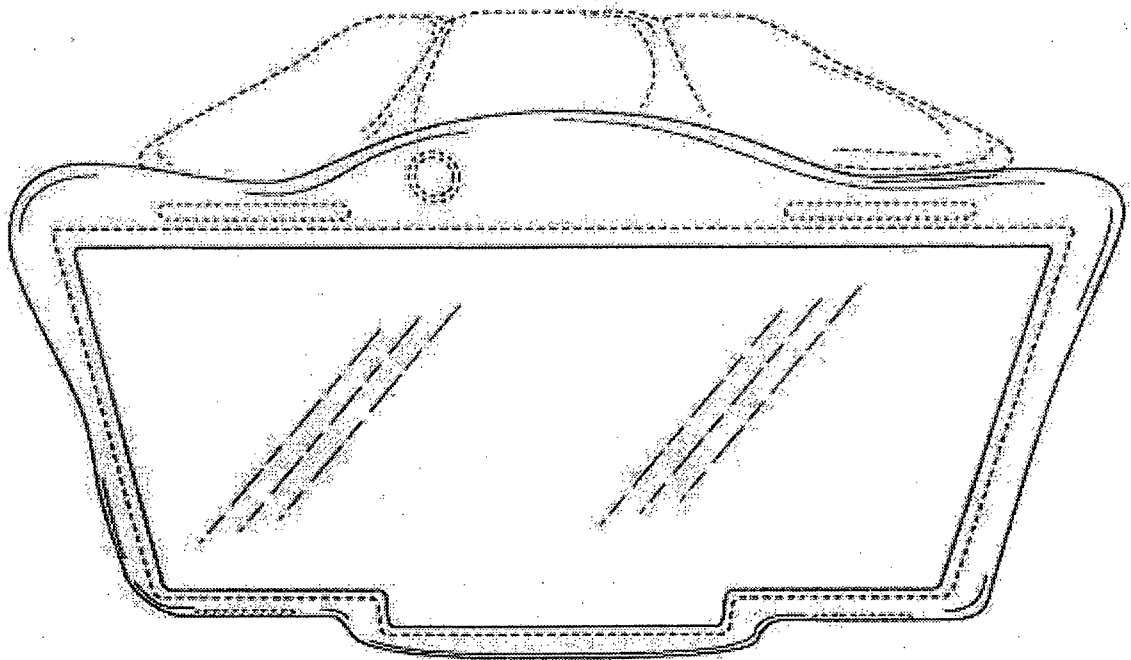
**Left side view
with stand open**



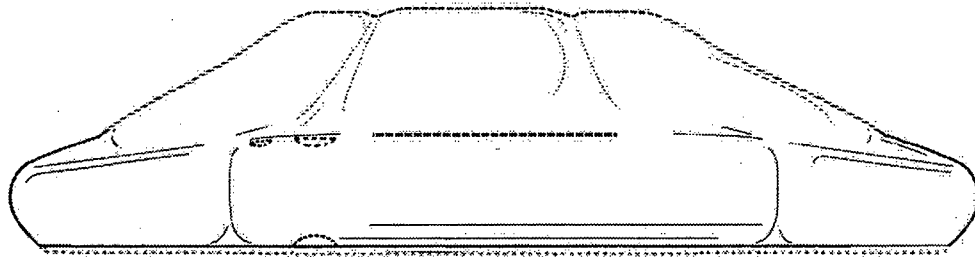
Right side view
with stand closed



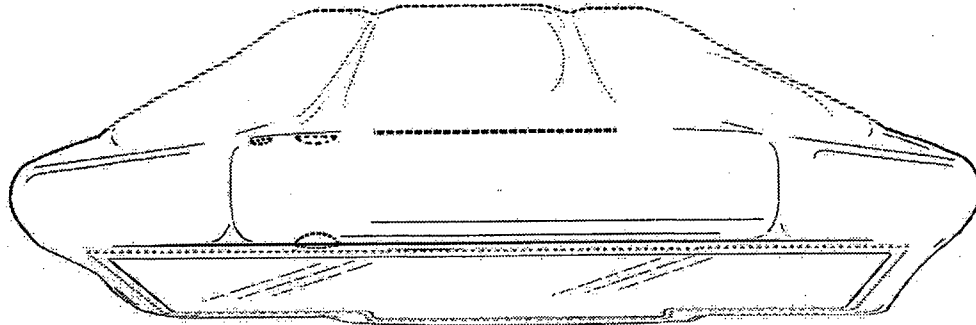
Right side view
with stand open



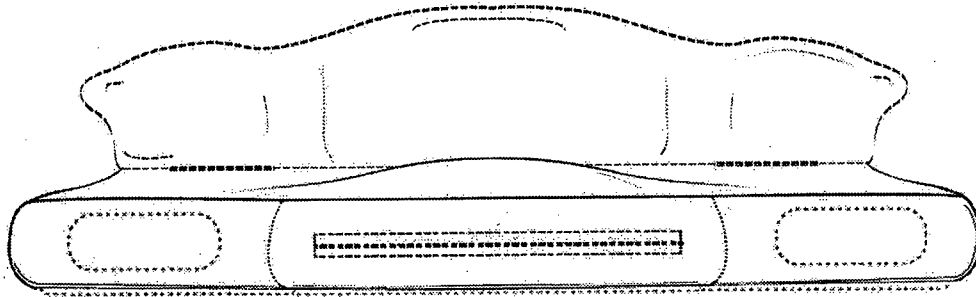
**Perspective view from above
with stand open**



Top view with stand open

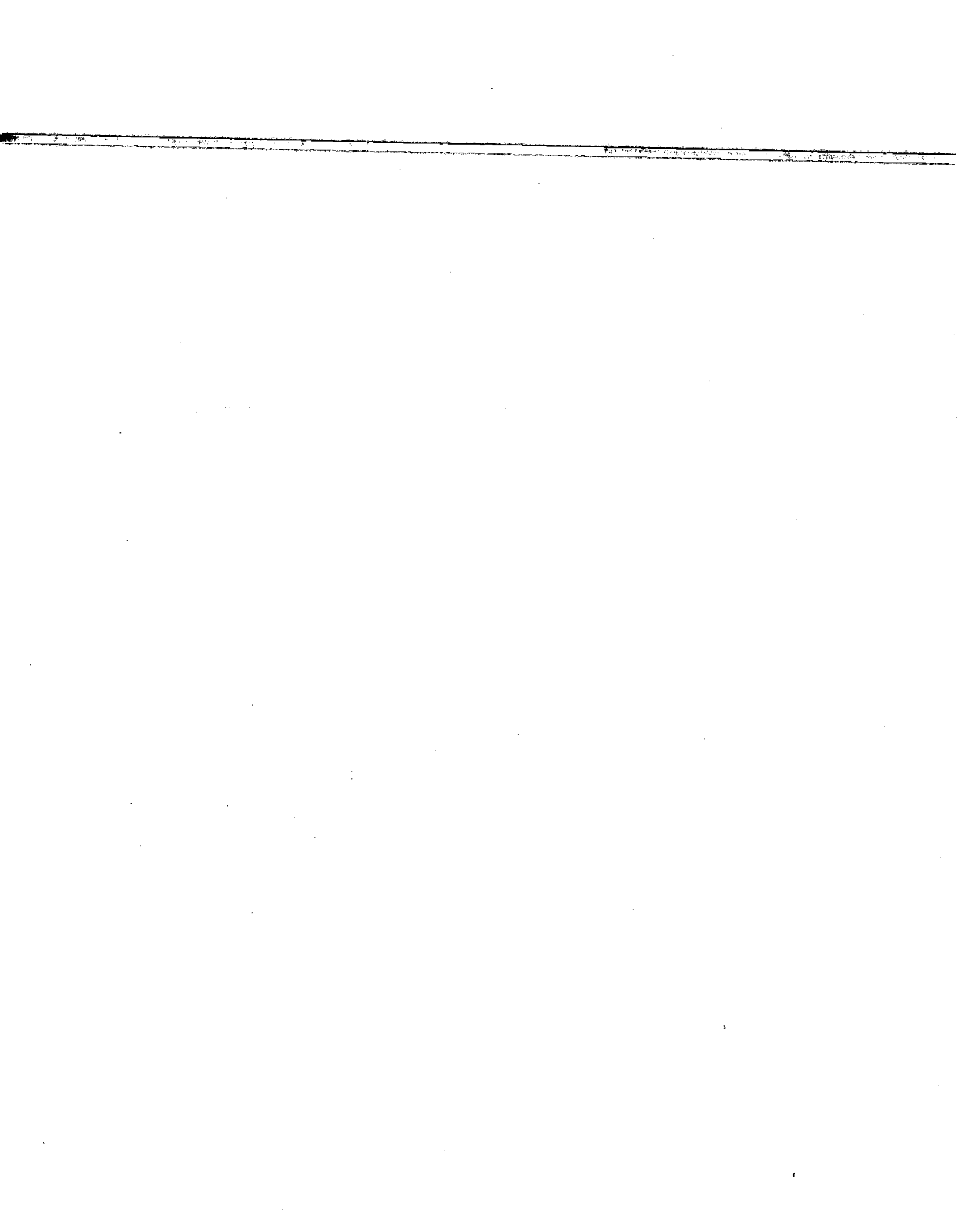


Perspective view from above with stand open



Bottom view with stand open

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