

Gurvey US Patent 11403566 August 2, 2022
 Complete Patent A 67-End



US011403566B2

(12) United States Patent
 Gurvey

(10) Patent No.: US 11,403,566 B2
 (45) Date of Patent: *Aug. 2, 2022

(54) ELECTRONIC TICKET MANAGEMENT AND
 LIVE EVENT MAXIMIZATION SYSTEM
 COUPLING EVENT TICKETING,
 ADMISSION DATA AND PLACED BETS,
 ACCESSIBLE FROM USER DEVICES AND
 LOCATION BASED INTELLIGENT
 APPARATUS MACHINES

(76) Inventor: Amy R. Gurvey, Upper Montclair, NJ
 (US)

(*) Notice: Subject to any disclaimer, the term of this
 patent is extended or adjusted under 35
 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.

(21) Appl. No. 12/587,759

(22) Filed: Oct. 11, 2009

(65) Prior Publication Data
 US 2010/0114147 A1 Apr. 26, 2010

Related U.S. Application Data

(63) Continuation of application No. 11/053,912, filed on
 Oct. 15, 2005, now Pat. No. 7,605,331, which is a
 (Continued)

(51) Int. Cl.
 G06Q 10/02 (2012.01)
 G06Q 20/04 (2012.01)

(Continued)

(52) U.S. Cl.
 CPC — G06Q 10/02 (2013.01); G06Q 20/04 (2013.01); G06Q 10/06 (2013.01);
 (Continued)

(58) Field of Classification Search
 None
 See application file for complete search history.

(56) References Cited
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 6,650,963 B2 * 11/2009 Isenborg ————— G06Q 3/004
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 6,920,418 B2 * 2/2009 Greene ————— G06Q 20/20
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 7,373,672 B1 * 4/2008 Ferguson ————— G10L 19/018
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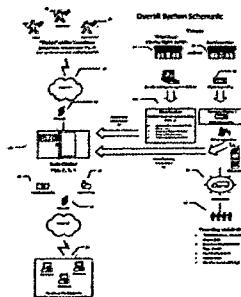
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Primary Examiner — Scott A Zare

(57) ABSTRACT

The present disclosure provides a ticketing management system, accessible by apparatus, which (separately or collectively) claims: (i) a system or method of facilitating associating, over or in combination of the production, packaging, order, transmission and distribution of live and event content ("Recordings" with issuance or sale of a "Ticket" or other event viewing rights ("Ticket" defined to include any admission/registration data, payment, receipt, payment/entrance fee or logged placed bet) such that both an audience ticket holder and a non-ticketed holder such as a viewer or end user are able to automatically acquire a Recording and get other benefits separate from admission or viewing from and delivered to a terminal when connected to the Internet or other network. The system or method allows for ticketed and non-ticketed audience to generate more content into the system. Distribution and/or retrieval of Recordings may occur when the Recordings are embodied in a fixed medium of expression, in digital format or other encoded format.

5 Claims. 21 Drawing Sheets



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(12) **United States Patent**
Gurver

(10) Patent No.: **US 7,603,321 B2**
(45) Date of Patent: **Oct. 13, 2009**

(54) ELECTRONIC SYSTEM AND METHOD
COUPLING LIVE EVENT TICKETING AND
INTERACTIVE ENTRIES WITH THE SALE,
DISTRIBUTION AND TRANSMISSION OF
EVENT RECORDINGS, MASTERING
SYSTEM AND INTELLIGENT TERMINAL
DESIGNS

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(76) Inventor: Amy R. Gurver, 315 Highland Ave.,
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OTHER PUBLICATIONS

(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 0 days.

(21) Appl. No.: **11/253,912**

(22) Filed: **Oct. 18, 2005**

(65) Prior Publication Data
US 2006/0173701 A1 Aug. 3, 2006

Related U.S. Application Data

(63) Continuation-in-part of application No. 10/442,468,
filed on May 20, 2003.

(60) Provisional application No. 60/382,710, filed on May
22, 2002; provisional application No. 60/382,949,
filed on May 24, 2002; provisional application No.
60/619,754, filed on Oct. 18, 2004.

(51) Int. CL: **G06Q 99/00 (2006.01)**

(52) U.S. CL: **705/65; 705/50; 705/64;
705/52; 725/26**

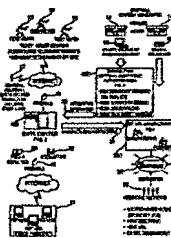
(58) Field of Classification Search: **705/50-59;
369/1; 719/26**
See application file for complete search history.

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16 Claims, 9 Drawing Sheets



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United States Court of Appeals for the
Federal Circuit The following transaction
was entered on 03/28/25 at 3:29:38 PM
Eastern Daylight Time and filed on 03/28/25
Case No. 23-134

Letter from Petitioner Amy Rebecca
Gurvey in 23-134, 18-2076, 20-1620

March 8, 2025

Hon. Kimberly Moore, Chief Judge
US Court of Appeals Federal Circuit
717 Madison Place, NW

Washington, DC 20439

Motion to Vacate Dismissal of Appeals and
Writs of Mandamus Fed Cir. #18-2076 (18-
2206)(SDNY); Fed Cir. #s20-1620, 23-134 (06-
1202)(SDNY)

cc: Hon. Owen Kandler, Chair, US Dept.
of Justice Antitrust Division

cc: Hon. Pam Bondi, Attorney General of
the United States

cc: Lisa Monaco, Assistant US Attorney
General

cc: Hon. Anne M. Nardacci (NDNY
24cv211)

cc: Hon. Jia M. Cobb (DDC 23cv3549)

US Court of Appeals Federal Circuit

Dear Judge Moore and Chief Clerk Perlow:

The undersigned Appellant-Patentee Amy R. Weissbrod Gurvey files this grievance because in 2025, it was recently discovered that in 2018, a court attorney serving on the New York State Office of Court Administration (OCA), Shawn Kerby, was engaging in *ex parte* communications with the previous clerk Peter R. Marksteiner seeking that Plaintiff's arising under patent appeal in SDNY Case no. 18-cv-2206 be transferred to the Second Circuit. In the relevant lawsuit, defendant New York City was directly sued for infringement damages under *Monell v. Dept. of Social Services*, 436

US 658 (1978). The complaint was dismissed *sua sponte* in 5 days. When those infringement claims were denied adjudication, the appeal was properly heard by the Federal Circuit because infringement claims are defined by patent statutes. 28 USC 1338, 1291. The 2d Circuit had no jurisdiction to hear the appeal. Moreover, Kerby never appeared for defendant NYC in the SDNY lawsuit. The Corporation Counsel for the City of NY filed no opposition papers admitting to infringement by NYC institutions and agencies. Since Plaintiff moved to vacate the *sua sponte* dismissal entered without motion on notice, it has been left hanging on the docket since 2019 for six years.

Kerby appears to have engaged in *ex parte* obstruction of justice by circulating forged state documents manufactured by NYS First Dept. attorney grievance committee (AGC) staff attorneys Jorge Dopico and Richard Supple since 2008. Plaintiff is not admitted to practice law in NYS and the AGC has no

jurisdiction over Plaintiff. The forged documents were manufactured to threaten criminal prosecution and maliciously abuse process against Plaintiff to gain litigation advantages in patent cases. The forged documents ordered permanently concealed in an Appellate Division order entered April 21, 2016. However, since 2012, they were circulated *ex parte* to SDNY clerks, a circuit attorney, a magistrate and four judges none of whom ordered service on Plaintiff in violation of ABA Rule 2.9 on *Ex parte Communications*.

Please also be advised that currently being investigated is whether Supple or any NYS officers of the courts circulated the forged documents to federal officers serving at the US Patent and Trademark Office. Plaintiff's ticketing patent Gurvey US Patent No.11403566 was suspiciously delayed 13 years in prosecution, prejudicially 10 years beyond the 3-year deadline of *Wyeth v. Kappos*, 591 F. 3d 1364 (Fed. Cir. 2010). The

prosecution delay in turn delayed Plaintiff's enforcement rights in that valuable patent.

Plaintiff's FOIA requests filed with the USPTO General Counsel James Payne and David Berdan since 2016 to produce all relevant documents have been ignored. An additional lawsuit had to be filed before the DC District Court, 23cv3549, to compel production of still withheld and essential USPTO files.

Please be further advised that Plaintiff's opposition to the vertical merger of Live Nation and Ticketmaster was selected for posting on the US Dept. of Justice Media and Entertainment Antitrust webpage in March 2010. The *ex parte* violations of NYS attorneys functioned to deny Plaintiff infringement hearings against these entities before the SDNY when both are willful infringers since 2009. A response to this letter is appreciated and whether Plaintiff is entitled to vacate any of the Federal Circuit orders entered since 2018 transferring

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Plaintiff's arising under patent appeals to a court that cannot hear these appeals based on lack of appellate jurisdiction. Sup. Cl. Art. VI. Cl. 2 US Constitution; *Haywood v. Drown*, 556 US 729 (2009) Thank you.

Yours etc., Princeton NJ 07043
/amyweissbrod@survey/

Attachment

From: Unified Court System
Office of Court Administration

November 30, 2018

Hon. Peter R. Marksteiner
Circuit Executive and Clerk of Court
US Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, DC 02439

Dear Mr. Marksteiner:

We submit this letter on behalf of the defendant-appellees OCA and Hearing Panel IV in response to plaintiff-appellant's

November 25, 2018 letter seeking permission to appeal from an order of the Southern District of NY dated October 2, 2018.

Denying appellant's motion for reconsideration of that Court's June 5, 2018 order currently on appeal here. Pursuant to the order of this Court dated November 19, 2018, the appeal has been fully submitted and has been assigned to a merits panel.

There is no federal patent law cause of action presented by the June 5, 2018 Order where the claim challenge State related attorney disciplinary matters resulting in Petitioner's suspension that have been litigated repeatedly in state and federal courts. Similarly there is no federal patent law cause of action underlying the related October 2, 2018 Order denying Plaintiff's motion to reconsider that June 5, 2018 Order.

In any event, the merits of the underlying June 5, 2018 order are the subject of the appeal pending here, reviewing the district court's dismissal of the action as barred by

the Eleventh Amendment, res judicata, Rooker Feldman doctrine, collateral estoppel and judicial and quasi-judicial immunity.

Based on the foregoing, we respectfully request that leave to appeal from the October 2, 2018 order of the district court be denied.

Very truly yours,

Shawn Kerby

Assistant Deputy Counsel

[NONFINAL] May 24, 2025 NDNY 24-cv-211
(AMN)(PJE)

Gurvey v. NYS Attorney General et al.

Memorandum Decision and Order: The Court orders that Plaintiff's motions Dkt. Nos. 64, 65 and 72 are denied. The Court further orders that Plaintiff's frivolous and vexatious litigation practices are referred to Judge Brenda Sannes for consideration of a possible pre-filing order. The Court further orders that defendants request for leave to file a motion to

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enjoin Plaintiff from further filings is denied as moot in light of the Court's referral.

March 13, 2025

Hon. Maame Ewusi-Mensah Frimpong US
District Court Central District California 350
West 1st Street 8B Los Angeles, CA 90012

Re: *Weissbrod Gurvey v. Live Nation Entertainment, Inc.* 23-cv-04381 (MEMF)
Request for Settlement Conference or
Mediation with Defendant(s) Week of March
13, 2025

Dear Judge Frimpong:

Most respectfully, Plaintiff was not notified of the cancellation of today's hearing on the pending motions for reconsideration, to amend Plaintiff's complaint and to disqualify Sheppard Mullin Richter & Hampton from representing defendants Live Nation Entertainment, Ticketmaster, Phish/Phish Live and Instant Live Concerts, LLC. On March 11, Plaintiff was advised by

the clerk and Deputy Barry that the hearing was still scheduled as docketed by ECF.

Plaintiff flew from New Jersey on the afternoon of March 12 and no cancellation was yet posted. Plaintiff has attempted to settle with defendants and to date has not received response. If there is any possibility of scheduling a pre-trial settlement conference this week while Plaintiff in Los Angeles, please contact Plaintiff by phone or at the email above.

Here is a summary of Plaintiff's arguments that were prepared for today's conference:

1. The Fifth and Fourteenth Amendments of the United States Constitution guarantee hearings on US patents and Plaintiff has received no hearings to date. This fact is not disputed anywhere in the reams of papers defendants have filed with the court.

2. There is a conflict of interest between Plaintiff's patent interests and the financial interests of the State of NY and the City of

NY. Attorneys at defendant Hinshaw & Culbertson (H&C) serve as staff attorneys for First Dept. without disclosing conflicts of interest when they are supposed to assist members of the public file ethics complaints against NYS lawyers and law firms. In this case, H&C lawyers

3. Forged and unserved documents that were ordered concealed by the First Dept. in 2016. The forged documents were circulated *ex parte* to several SDNY clerks and judicial officers since 2012 and never ordered served on Plaintiff. Because the essential documents remain concealed, this tolls all statutes under the discovery rule.

4. Plaintiff's motion in chief seeking Reconsideration sought in October 2024 to the Court's September 27 order (Docket #102) was properly granted based on need to correct clear errors of fact and law, newly discovered evidence or occurrences and to prevent manifest injustice.

5. Under Justice Sotomayor's controlling 2020 decision and order in *Lucky Brand Dungarees v. Marcel Fashions*, 590 US 405, no res judicata or collateral estoppel could be granted by the court to dismiss claims or any defendant. In addition, judicial notice could not be taken of disputed facts in defendants' moving papers when Plaintiff's complaint is the sole controlling factor. Defendants' iterations of facts are fabricated and are proven false by careful inspection of the SDNY dockets.

6. Contended RICO conspiracy violations by defendants acting in consort since 2008 had as their goal to deprive Plaintiff of infringement and other patent hearings on the merits before the SDNY and other courts. Acts in furtherance continue before this court. The forged documents manufactured by defendant H&C and First dept. officers have no relevance to Plaintiff's constitutional right to get infringement hearings.

7. Just recently in 2025 Plaintiff was notified that an attorney serving on the NYS Office of Court Administration (OCA) engaged in improperly *ex parte* communications with Federal Circuit clerks to prevent Plaintiff's patent appeals from being heard. Previously Plaintiff won reversal of the *ex parte* stay of patent discovery from the 2d Circuit in 2012 (462 Fed. Appx. 26), the first judge left the case and the court, the magistrate defied the order on remand in 2013 and Plaintiff's applications seeking signed subpoenas against the USPTO were physically ripped out of the SDNY file room. Then the magistrate left the case and the court.

8. Plaintiff's infringement complaint and Rule 60(b) motion date-stamped and filed on April 22, 2010 were also deleted *ex parte* from the docket. A clerk was convicted in 2023 of taking bribes for 18 years in exchange for deleting docket entries.

9. Plaintiff won binding arbitration in 2009 against the Cowan Liebowitz & Latman practitioner defendants on contract counts and these files were removed ex parte from SDNY file room. Plaintiff's claims for contributory aiding and abetting infringement do not accrue until a patent issues and were never allowed the infringement claims against the other defendants are independent of these claims.

10. Agreements were made among infringer defendants and their attorneys to post the forged documents on the Internet by other OCA clerks. These documents were intentionally leaked to third party reporting services to falsely discredit Plaintiff, deny Plaintiff her constitutional rights and prevent Plaintiff from retaining a lawyer so she could be given a fair trial on the merits of the case.

11. Defendants' moving papers seeking Rule 12(b) orders appended several orders none of which deny that Plaintiff never got a

hearing on the merits of her patents. It is unclear which order they believe is relevant to this lawsuit. It was defendant Hinshaw & Culbertson and its lawyers who first sought vexatious litigation orders, not Plaintiff. H&C's defense lawyers have since left the case.

12. Defendants Live Nation and Ticketmaster are bad companies currently defending divestiture proceedings before the SDNY supported by 30 US attorneys general and the Senate Judiciary Committee. *US v. Live Nation Entertainment*, 24cv3973 (SDNY)

13. Plaintiff's matter in California is necessitated by the fact that defendants Live Nation and Baker Botts blatantly lied since 2008 that SDNY had no jurisdiction to adjudicate Plaintiff's claims because "defendants had no contacts with NYS". This is preposterous. Now before this Court, defendants have falsely averred that have no contacts with the Central District of

California. Defendants Live Nation and Ticketmaster have their principal places of business in this district and all defendants are infringing Plaintiff's patents in this district as the term infringement is defined in 35 USC §271.

14. Careful examination of the SDNY dockets do not support the defendants' bad faith obfuscation of their wrongful acts which set the stage for Plaintiff being ignored, shunned and denied and constitutional rights to be provided ordered patent discovery and to be given a fair trial on the merits of the case. Yours etc., /amygurvey/ -----

Entered Order: March 13, 2025

District Court, Central District of California
Order Denying Motion for Reconsideration,
Granting Motion to Dismiss and Denying
Motion for Leave to Amend

[ECF NOS. 103, 105, 113]

Summary of Order for
Pro se Plaintiff Amy Weissbrod Gurvey

BACKGROUND

The Court discussed the background and history of this action in its previous Order. *See* ECF No. 102. The Court will only state background here to the extent that it is relevant to this Order. Operative Complaint.

At present, Weissbrod holds three patents regarding ticketing technology. *See id.* ¶¶ 81, 82, 99. Defendants infringed these patents.

As the Court's Order stated, Weissbrod's proposed amended complaint (ECF No. 61) would be considered the operative complaint as to all defendants who had not filed Motions to Dismiss addressed in the Order. *See id.* at 25.

Baker Botts is one such Defendant—Baker Botts had not filed a Motion to Dismiss at the time of the Court's previous Order, and so ECF No. 61 is the operative complaint against Baker. The operative complaint asserts the following causes of action: (1) patent infringement; (2) aiding and abetting patent infringement; (4) conspiracy in

violation of the Racketeer Influenced and Corrupt Organizations Act (“RICO”); (6) violation of state and federal unfair competition statutes; (10) accounting of ticket sales; (11) accounting of merchandise sales related to tickets; (18) sanctions; (19) punitive damages; (20) attorneys’ fees and costs; (21) an order that Defendants pay various other litigation costs; (22) liquidated damages; and (23) intentional infliction of emotional distress; (24) other available relief in law and equity. *See* ECF No. 61 ¶¶ 105–128.

A district court “possesses the inherent procedural power to reconsider, rescind, or modify an interlocutory order” for sufficient cause. *City of Los Angeles v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9th Cir. 2001) (emphasis omitted). A motion for reconsideration is an “extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources,” *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (discussing

the standard of a motion for reconsideration under Fed. R. Civ. P. 59(e)). Additionally, the Ninth Circuit has established that “a court is generally precluded from reconsidering an issue that has already been decided by the same court, or a higher court in the identical case.” *Thomas v. Bible*, 983 F.2d 152,154 (9th Cir. 1993), *cert. denied*, 508 U.S. 951 (1993)). A motion for reconsideration may not be used to reargue a motion or present evidence that should have been presented prior to the entry of judgment. *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir.2009). Reconsideration is appropriate if the movant demonstrates clear error, manifest injustice, newly discovered evidence, or an intervening change in controlling law. *Sch. Dist. No. 1J v. AC and S, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).

Moreover, pursuant to Local Rule 7-18 of this District, a motion for reconsideration may be made only on the grounds of: (a) a material difference in fact or law from that presented to the Court that, in the exercise of reasonable

diligence, could not have been known to the party moving for reconsideration at the time the Order was entered, or (b) the emergence of new material facts or a change of law occurring after the Order was entered, or (c) a manifest showing of a failure to consider material facts presented to the Court before the Order was entered. No motion for reconsideration may in any manner repeat any oral or written argument made in support of, or in opposition to, the original motion.

II. Discussion

First, Weissbrod has not shown that reconsideration is proper under the local rules. *See* C.D.Cal. L.R. 7-18. First, she has not argued that there is now any "material difference in fact or law from that presented to the Court." *See id.* Second, she has not argued that "new material facts or a change of law" has emerged. *See id.* Third, she has not argued that the Court made a "failure to made numerous purported errors, she does not focus her arguments on any of these

possible grounds. She does not point to any specific material fact that the Court purportedly failed to consider or point to any specific changes in facts or law. This alone is sufficient to deny the Motion for Reconsideration.

In the interest of completeness, the Court will nevertheless examine the purported errors that Weissbrod points to. The Court sees no error in its previous Order.

First, Weissbrod argues that it was an error to grant Defendants' requests for judicial notice and consider documents outside of the complaint in ruling on the motion to dismiss. *See ECF No. 103-1 at 5, 23–24.* There is a general rule against “consider[ing] any material beyond the pleadings” on a Motion to Dismiss, as the Court acknowledged in its previous Order. *See ECF No. 102 at 7*(quoting *United States v. Corinthian Colleges*, 655 F.3d 984, 998 (9th Cir. 2011)). But Courts may take judicial notice of matters of public record. *See Corinthian*

Colleges, 655 F.3d at 999. As the Court made clear, the Court was not assuming that all facts stated in the documents in question were true, and rather, simply took notice that the “documents exist and that they contain the words they contain.” *See* ECF No. 102 at 8. This was not error.

Second, Weissbrod argues that she was denied equal protection when she was ill. *See* ECF No. 103-1 at 13. As background, in advance of a scheduled hearing on the various motions addressed in the Court’s previous Order, Weissbrod filed a request for a continuance of the hearing due to illness with COVID-19. *See* ECF No. 88. The Court took the motions under submission and decided them without a hearing, as the Court is permitted to do under the Local Rules. *See* ECF No.89; C.D. Cal. L.R. 7.15. This is not grounds for reconsideration.

Third, Weissbrod argues repeatedly that the Court failed to reach the merits of her patent claims. *See* ECF No. 103-1 at 14–20.

As the Court previously explained, the Federal Rules of Civil Procedure explicitly allow a defendant to move to dismiss a claim for reasons other than the merits. *See* ECF No. 102 at 24. A dismissal without reaching the merits is therefore not error in many circumstances. If Weissbrod cannot show, for example, that the Court has personal jurisdiction over Defendants, or that venue is proper, etc., then the Court need not reach the merits. So too if the Court finds that res judicata applies because these claims have already been litigated.

MOTION TO DISMISS (ECF NO. 105)

I. Applicable Law

A. Rule 12(b)(3): Motion to Dismiss for Improper Venue

Federal Rule of Civil Procedure 12(b)(3) (“Rule 12(b)(3)”) provides that a party may move to dismiss a case for “improper venue.” Whether venue is ‘wrong’ or ‘improper’ depends exclusively on whether the court in which the case was brought satisfies the

requirements of federal venue laws . . .” Atl. Marine Constr. Co. v. U.S. Dist. Ct. for W. Dist. Of Texas, 571 U.S. 49, 55 (2013). Venue may be proper in: “a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;” or in “a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated.” 28 U.S.C. § 1391(b)(1)-(2). If no district would be proper pursuant to either option above, then venue is proper in “any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 1391(b)(3).

If a case is brought in a district that is not the proper venue, then the district court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). “These provisions . . . authorize dismissal only when venue is

‘wrong’ or ‘improper’ in the forum in which it was brought.” *Atl. Marine*, 571 U.S. at 55 (2013).

B. Rule 12(b)(6): Motion to Dismiss for Failure to State a Claim

Federal Rule of Civil Procedure 12(b)(6) allows an attack on the pleadings for “failure to state a claim upon which relief can be granted.” Fed. R. Civ. P. 12(b)(6). “To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678.

The determination of whether a complaint satisfies the plausibility standard is a “context specific task that requires the

reviewing court to draw on its judicial experience and common sense.” *Id.* at 679. Generally, a court must accept the factual allegations in the pleadings as true and view them in the light most favorable to the plaintiff. *Park v. Thompson*, 851 F.3d 910, 918 (9th Cir. 2017); *Lee v. City of Los Angeles*, 250 F.3d 668, 679 (9th Cir. 2001). But a court is “not bound to accept as true a legal conclusion couched as a factual allegation.” *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 555).

As a general rule, leave to amend a dismissed complaint should be freely granted unless it is clear the complaint could not be saved by any amendment. Fed. R. Civ. P. 15(a); *Manzarek*, 519 F.3d at 1031.

II. Discussion: Parties as an aid to litigation that are not communications to a court seeking relief. *See Freeman v. Lasky, Haas & Cohler*, 410 F.3d 1180, 1184 (9th Cir. 2005). It also covers “defensive pleadings,” “because asking a court to deny one’s opponent’s

petition is also a form of petition.” *See id.* Where the doctrine applies, the protection it affords is absolute, and the defendant’s motive is irrelevant. *See Empress LLC v. City & Cnty. of San Francisco*, 419 F.3d 1052, 1057 (9th Cir. 2005) (“no matter what [defendant’s] motives were, his petitioning activity as alleged in [plaintiffs’] complaint is immunized under the *Noerr-Pennington* doctrine”).

Here, all of the conduct that Weissbrod alleges that Baker Botts engaged in consisted of making filings to courts. There is only one paragraph of the operative complaint with a specific factual allegation against Baker, and it falls squarely within this description. *See* ECF No. 61 ¶ 18 (“Baker Botts, LLP . . . filed fraudulent jurisdictional papers that defendant had ‘no NY contacts’ to answer Plaintiff’s claims.”). Other references to Baker are conclusory allegations of a conspiracy or other conduct unsupported by facts. *See, e.g., id.* ¶ 104 (Defendants including Baker allegedly “organized a civil and RICO

conspiratorial enterprise and engaged in obstruction of justice and in-court fraud and deceit in furtherance of an agreement to delay Plaintiff's patents, deny Plaintiff hearings before the SDNY and the NY Court of Claims, blacklist Plaintiff out of the live concert and sports markets, [etc.]"). Thus, *Noerr-Pennington* doctrine appears to apply, as all of the conduct alleged consisted of petitioning for redress. *See*, 437 F.3d at 929.

There is an exception to the *Noerr-Pennington* doctrine where the petitioning activity is a "sham." See *Pro. Real Est. Invs., Inc. v. Columbia Pictures Indus., Inc.*, 508 U.S. 49, 51 (1993) ("Under the sham exception, activity ostensibly directed toward influencing governmental action does not qualify for *Noerr* immunity if it is a mere sham to cover an attempt to interfere directly with the business relationships of a competitor" (internal alterations omitted)). This "sham" exception applies not just to lawsuits filed in bad faith, but also to a "sham defense," or to other actions

undertaken in bad faith. *See Freeman*, 410 F.3d at 1184. In the context of defending a lawsuit, there is a two-part test for whether to apply the sham exception, (1) whether the conduct was “objectively baseless” and (2) whether the conduct was done for an improper purpose. *See id.* at 1085. Under this first part of the test, conduct is not objectively baseless if the court grants the relief in question, unless that success can be shown to have come from fraud. *See id.* Here, Weissbrod’s allegations suggest that Baker’s filings led to dismissal of the suit. *See ECF No. 61 ¶ 18.* Weissbrod does not make any factual allegations suggesting that Baker’s filings were false, other than to conclusory label them as “fraudulent papers.” *See id.* Weissbrod makes more specific factual allegations that other Defendants forged documents, but does not make these against Baker. The Court finds that Baker’s alleged conduct was not objectively baseless because it led to success and is not alleged to be fraudulent in any non-conclusory way. The

Court further sees no evidence that this conduct was undertaken for any improper purpose—in other words, it was only done to achieve success in litigation, not to hamper a competitor's business, etc. Thus, the Court finds that the sham exception does not apply and that *Noerr-Pennington* doctrine immunizes Baker for the alleged conduct.

The Court finds that amendment to cure this defect appears futile. Weissbrod has raised no argument that she could amend and allege further facts, and allowing her leave to amend would undermine the protections that *Noerr-Pennington* doctrine creates.⁴ Thus, the Court finds amendment would be futile and will dismiss all claims against Baker without leave to amend. *See Manzarek*, 519 F.3d at 1031. The Court need not reach Baker's other arguments.

WEISSBROD'S MOTION TO AMEND
(ECF NO. 113)

II. Discussion

The Court finds that Weissbrod has not shown that she should be permitted to amend, except as to the one Defendant that has not yet responded. First, the Court finds that Weissbrod's Motion to Amend does not comply with this Court's Standing Order. The Standing Order requires that a Motion be noticed for a hearing date no fewer than 42 days after the motion is filed. *See* Standing Order § VIII(B). Weissbrod filed her Motion on February 28, 2025, and noticed it for a hearing on March 13, 2025. This was improper. Although Weissbrod is a *pro se* litigant (meaning she does not have an attorney), she may not simply disregard relevant rules and procedures. *See* C.D. Cal. L.R. 83-2.2.3. This alone is sufficient to deny the Motion.

Second, the Court finds that Weissbrod's Motion fails on the merits, as amendment would be futile. *See Howey*, 481 F.2d at 1190 (a court may consider "futility of amendment"). Weissbrod seeks to reassert claims against number Defendants that the Court has

already dismissed all claims against without leave to amend. She has not shown that these claims would be anything but futile.

Weissbrod also seeks to assert claims against two additional new Defendants: Sheppard Mullin Richter and Hampton, a law firm represented other Defendants in this action, and Steven Schortgen, an attorney allegedly employed by Baker. Weissbrod has not shown that the proposed claims against these new Defendants would not be barred by *Noerr-Pennington* doctrine for the same reasons described above. Thus, the Court finds the new claims futile. The Court will not permit amendment to add these Defendants.⁵

The Court further notes that, in the Previous Order, the Court held that Weissbrod was permitted to amend as of right as to any previously named Defendants that had not yet filed responsive pleadings. *See* ECF No. 102 at 21–23. From reviewing the docket, it appears to the Court that only

one Defendant has not yet filed any responsive pleading: Cowan, Weissbrod's alleged former employer. The Court finds once again that Weissbrod has a right to amend as to Cowan, but not the other Defendants. Thus, the proposed amended complaint at ECF No. 113-1 shall be the operative complaint as to Cowan. The Motion to Amend (ECF No. 113) is thus GRANTED IN PART.

The Court further notes that there is no indication that Cowan has been served with process. It is the responsibility of the plaintiff to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. If necessary, a plaintiff must also pursue Rule 55 remedies promptly upon default of any defendant. The Court ORDERS Weissbrod to SHOW CAUSE as to why the action should not be dismissed as to Cowan for failure to diligently prosecute as described in the conclusion of this Order.

CONCLUSION

For the reasons stated herein, the Court
ORDERS as follows:

1. Weissbrod's Motion for Reconsideration (ECF No. 103) is DENIED.
2. Baker's Motion to Dismiss (ECF No. 105) is GRANTED. All claims against Baker are DISMISSED WITHOUT LEAVE TO AMEND.
3. Weissbrod's Motion to Amend (ECF No. 113) is GRANTED IN PART. The proposed amended complaint at ECF No. 113-1 shall be construed as the operative complaint as to Cowan only. The Motion to Amend is otherwise DENIED.

⁵ The Court also notes that Weissbrod requests that Sheppard Mullin Richter and Hampton be disqualified from representing other parties in this action on the basis that this entity is personally liable to her. *See* ECF

No. 113 at 3. The Court sees no basis for such disqualification in light of the ruling explained above.

The Court will accept either (A) a written response arguing why the action should not be dismissed or (B) a proof of service as to Cowan. Failure to timely and adequately respond to this Order may result, without further warning, in the claims against Cowan being dismissed.

IT IS SO ORDERED. Dated: March 13, 2025

MAAME EWUSI-MENSAH FRIMPONG

United States District Judge

US District Court SDNY Grievance Comm.

Dear Ms. Gurvey:

I am returning the enclosed notice of motion. The Committee's jurisdiction is limited to that specified by Local Civil Rule 1.5, which does not include motions to vacate orders issued in civil cases nor does it include motions for recusal. Please direct any inquiries about filing procedures for civil cases to the Clerk of Court. Sincerely, Julie Allsman

US DISTRICT COURT SDNY

Plaintiff's application for reconsideration of the Court's December 2, 2021

Order entered 3-17-22 denying reconsideration is denied because there is no basis for requesting reconsideration. The Second Circuit has identified five factors relevant to the imposition of a filing injunction: (1) the litigant's history of litigation and in particular whether it entailed vexatious and harassing acts; (2) the litigant's motive in pursing the litigation" including whether the litigant has "an objective good faith expectation of prevailing"; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the court and its personnel; and (5) whether sanctions would be adequate to protect the courts and other parties". *Vassel v. Firststorm Props 2 LLC*, 750 Fed. Appx. 50, 52 (2d Cir. 2018) (citing

Safir v. US Lines, Inc., 792 F. 2d 19 (2d Cir. 1986). Though the court is reluctant to impose an injunction each factor counsel in favor of imposing a filing bar. Plaintiff is a NY attorney not entitled to any special solicitude. Petition is barred from filing without leave to court (1) any further documents in this case except for those captioned for the Second Circuit; and (2) any further actions in the SDNY against the defendant arising out of the event alleged in the Third Amended Complaint.

Entered 3-17-22

US DISTRICT COURT SOUTHERN
DISTRICT OF NEW YORK

MAGISTRATE HENRY B. PITMAN 5/02/13

Amy R. Gurvey v.

*Cowan Liebowitz & Latman, PC, Clear
Channel Communications, Inc., Live Nation,
Inc., Instant Live Concerts, LLC, Next
Ticketing, Inc., Mike Gordon of Phish, et al.*

I have never issued any order in this matter directing plaintiff "to explain how (the) Cowan defendants' [alleged] breach of fiduciary duty, patent malpractice, breach of attorney client privilege and fraud... pertain to Plaintiffs' claims" and why petition is entitled to further amend her complaint. In short, the factual predicate for the letter assets in its first paragraph does not exist.

SO ORDERED

JESSE M. FURMAN, United States District
Judge Southern District of NY 5/02/13

Plaintiff, appearing *pro se*, brings this action under 42 U.S.C. § 1983, alleging that Defendants violated her constitutional rights. The Court dismisses the complaint for the reasons set forth below.

STANDARD OF REVIEW

The Court has the authority to dismiss a frivolous complaint *sua sponte*, even when the plaintiff has paid the filing fee. *Fitzgerald*

v. First East Seventh Tenants Corp., 221 F.3d 362, 363-64 (2d Cir. 2000) (*per curiam*) (citing *Pillay v. INS*, 45 F.3d 14, 16-17 (2d Cir. 1995) (*per curiam*) (holding that Court of Appeals has inherent authority to dismiss frivolous appeal)). A claim is “frivolous when either: (1) the factual contentions are clearly baseless, such as when allegations are the product of delusion or fantasy; or (2) the claim is based on an indisputably meritless legal theory.”

Livingston v. Adirondack Beverage Co., 141 F.3d 434, 437 (2d Cir. 1998) (internal quotation marks and citation omitted).

District courts “remain obligated to construe a *pro se* complaint liberally.” *Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009). Thus, courts should read *pro se* complaints with “special solicitude” and interpret them to raise the “strongest [claims] that they suggest.”

Triestman v. Fed. Bureau of Prisons, 470 F.3d 471, 474-75 (2d Cir. 2006) (internal quotation marks and citations omitted)...

The Clerk of the Court is directed to enter judgment dismissing the Complaint.
SO ORDERED.

Dated: May 2, 2013

US COURT OF APPEALS FOR THE
SECOND CIRCUIT 20-1986 Order August 11,
2022

Appellant pro se moves to recall the mandate based on issuance of a continuation patent on August 2, 2022 [Gurvey US Patent No. 11403566] that was delayed based on alleged misconduct of the defendants before the United States Patent and Trademark Office. 06cv1202 (Schofield J., Pitman, J.J.) . ORDERED that the motions are DENIED.

US v. Redd, 735 F. 3d 88,90 (2013) explaining that this Court's power to recall mandate is "exercised sparingly" and reserved for "exceptional circumstances".

Bennett v. Mukasey, 525 F. 3d 222, 224, (2d Cir. 2008) (observing that "showing of 'manifest injustice' [is] normally required to

warrant recall of a mandate)(quoting Fed. R. App. P. 2 Advisory Comm. Note)]. Petitioner is hereby warned that the continued filing of duplicative vexatious or clearly meritless appeals, motions or petition could result in imposition of a sanction that would require Appellate to obtain permission from this Court prior to filing any further submissions (a leave to file sanction".

US COURT OF APPEALS FOR THE
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, on the 29th day of May, two thousand eighteen.

Before: Ralph K. Winter
 Rosemary S. Pooler
 Barrington D. Parker,

 Circuit Judges

ORDER #17-2760

Amy R. Gurvey, Plaintiff/Appellant, v.
Cowan Liebowitz & Latman, PC,
Clear Channel Communications, Inc.,
Live Nation, Inc., Instant Live Concerts,
LLC, Does I-X, Inclusive, Defendants.

Appellant, pro se, seeks to disqualify Appellee's counsel, certify question to the State Court of Appeals, and transfer this appeal to the Federal Circuit.

ORDERED that Appellant's motion to transfer this appeal to the Federal Circuit is DENIED because the appeal is not from a final decision of a district court in an action arising under "any Act of Congress related to patents." 28 U.S.C. §1295 (a)(1). Although federal district courts have exclusive jurisdiction of cases arising under patent law, 28 U.S.C. §1338(a), legal malpractice claims based on underlying patent matters "rarely, if ever, arise under federal patent law for purposes of §1338(a)". *Gunn v. Minton*, 568 US 251, 258 (2013).

It is further ORDERED that Appellees' cross-motion for sanctions against Appellant is DENIED without prejudice to renewal. However, to prevent further delay of the disposition of this case any future motion filed by Appellant shall be directed to the merits panel that will hear her appeal.

Catherine O'Hagan Wolfe,
Clerk of Court

US COURT OF APPEALS FOR THE
SECOND CIRCUIT Order

September 13, 2023

Before: Eunice C. Lee, Beth Robinson,
Myrna Perez, Circuit Judges

Amy R. Gurvey, Petitioner,
ORDER
Docket No. 22-725

v.

Cowan Liebowitz & Latman, PC, Clear Channel Communications, Inc., Live Nation, Inc., Instant Live Concerts, LLC, Respondents.

Appellant moves to recall the mandate and reinstate appeal. IT IS HEREBY ORDERED that the motion is DENIED.

For the Court: Catherine O'Hagan Wolfe,
Clerk of Court

US COURT OF APPEALS FOR THE
SECOND CIRCUIT

At a Stated Term of the United States
Court of Appeals for the Second Circuit, held
at the Thurgood Marshall United States
Courthouse, 40 Foley Square, in the City of
New York on the 11th day of August, two
thousand twenty-two.

Before: Eunice C. Lee
Beth Robinson, Myrna Perez
Circuit Judges ORDER

Docket No. 22-725
Docket No. 22-840

Amy Weissbrod Gurvey v.
Cowan Liebowitz & Latman, PC, Clear
Channel Communications, Inc., Live Nation,
Inc., Instant Live Concerts, LLC, Does I-X,
Inclusive, Respondents.

Petitioner, pro se, moves to reinstate the mandamus petition in 22-725 and the appeal in 22-840 that removed Petitioner's name from the roster of attorneys. Upon due consideration, it is hereby ORDERED that the reinstatement motions are DENIED because Petitioner has not shown manifest injustice warranting the reinstatement of these matters. See *Lattanzio v. COMTA*, 481 F. 3d 137, 139 (2d Cir. 2007). Specifically, as to the mandamus petition in 22-725, petitioner has not demonstrated that she has a "clear and indisputable right to the issuance of the writ." *In re Steinbeck Partners, LP*, 9 F. 3d 230, 233, (2d Cir. 1993). Further the appeal in 22-840 "lacks an

arguable basis either in law or in fact". *Nietzke v. Williams*, 490 US 319, 325 (1989); see al., *Pillay v. INS*, 45 F 3d 14, 17 (2d Cir 1995) (*per curiam*)(holding that this Court has "inherent authority" to dismiss a frivolous appeal).

It is further ORDERED that the motion to supplement the record on appeal is DENIED as moot.

In light of Petitioner's litigation history since this Court affirmed the judgment in 2018, see *Gurvey v. Cowan, Liebowitz & Latman, PC*, 757 F. Appx. 62, 64, 65 (2d Cir. 2018), she is hereby warned that the continued filing of duplicative, vexatious or clearly meritless appeals, motions or petitions could result in the imposition of a sanction that would require Petitioner to obtain the permission from this Court prior to filing any further submission in this court (a "leave to file" sanction). See *In re Martin-Trigona*, 9 F. 3d 226, 229 (2d Cir 1993);

Sassower v. Sansverie, 885 F. 2d 9, 11 (2d Cir. 1989)(*per curiam*).

For the Court: Catherine O'Hagan Wolfe,
Clerk of Court

NEW YORK COURT OF APPEALS ORDER
M-587

In the Matter of Amy R. Gurvey
[M-5775 1st Dept.]

Petitioner/Appellant appearing pro se
having moved for leave to appeal an order of
the 1st Dept. entered April 21, 2016 and the
Court having considered the application, the
Court finds the order nonfinal within the
meaning of NY's Constitution, does not
finally determine the action and no
constitutional issue is directly involved.

At a Term of the Appellate Division of the
Supreme Court held in and for the First

Judicial Department in the County of New York on April 21, 2016

Present – Hon. Peter Tom,
Justice Presiding, David Freidman, David B.
Saxe, Rosalyn H. Richter, Sallie Manzanet-
Daniels, Justices

An order of this Court having been entered on December 4, 2012 (M-667/M-1340) inter alia suspending respondent (who as Amy Rebecca Weissbrod) was admitted to practice as an attorney to the Third Judiciary Dept. on June 4, 1985 the practice of law for a period of six months, effective January 3, 2013 ...

And respondent pro se having moved this Court on December 8, 2013 for an order vacating the order directing that a retraction order be published in relevant legal publications, compelling the Committee to make certain files available to her, and for other relief,

And Hinshaw & Culbertson LLP (Richard Supple of counsel) having submitted an in opposition to the motion And respondent

having submitted a reply affirmation. Now upon reading and filing the papers with respect to the motion and due deliberation having been had thereon, it is

ORDERED that the motion is denied. It is further directed *sua sponte* that the clerk of the court not accept further filings from respondent without prior leave of this Court.
ENTER: S. Rojas, Clerk At a Term of the NY Court of Claims entered August 13, 2016

PRESENT: HON. RICHARD E. SISE

AMY R. GURVEY, US PATENTEE Claim No.
135611

vs.

THE STATE OF NEW YORK,

Upon relive of the Order of the Hon Frank P. Milano files June 23, 2023 and the decisions and orders cited therein, precluding movant from filing further actions, claims,

options or other proceedings without prior authorization of the court,

And upon review of the Movant's recent submission received by the Court on August 9, 2023, it is hereby ORDERED that permission to file the proffered claim is denied. The Clerk of the Court of Claims is directed to return Movant's papers with this Order.

HON. RICHARD E. SISE
Acting Presiding Judge August 15, 2023

NY Court of Appeals 20 Eagle Street
Albany, NY 12207-1095 135611

Amy R. Gurvey, US Patentee NY Ct. Cl.
2023-138 v. State of New York
An appeal being filed to the order of the
NY Court of Claims entered August 15, 2023
denying Petitioner's motion to vacate a *sua
sponte* order entered by Judge Frank T.
Milano entered June 23, 2023 denying access
to the court to recover damages against the

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State of New York for violations of her constitutional rights, Petitioner having previously moved for permission to file the motion, and Petitioner having moved for disqualification of the NYS Attorney General from defending State of New York in the appeal, Ordered that the motion is denied.
October 17, 2024, Lisa LeCours, Clerk

315 Highland Avenue
Montclair, N 07043
January 11, 2008

FAX 973-655-0992

FAX 518-471-4749

Daniel Brennan, Esq.
Appellate Division Third Dept.
Justice Bldg, Empire State Plaza
Albany, NY 12227

**Re: Amy R. Weissbrod Third Dept.
Voluntary Resignation 1998**

Dear Mr. Brennan:

As a follow up to yesterday's letter that I faxed you, I have spoken with Attorney Registration in NYC and they admit additional errors in my record as follows:

First they don't know how my name was changed from "Weissbrod" to "Gurvey" when I was married in 1996.

Second, they show an address for me of PO Box 1523, New York NY 10013 since 2001. This is not a law office address. It was a residential mailing address after the World Trade Center for the months my husband and I were in forced eviction in Times Square. I contend it was your responsibility to advise OCA that I noticed voluntary resignation from the Third Dept. in 1998, was granted resignation by you and also by Denise Rajpal of OCS itself and never requested reinstatement. My Battery Park City apartment was damaged during the WTC disaster and I had to move to NJ in April 2022. I was in medical school in 1996 and changed career.

The facts are that I received an award from the Dept. of Justice Victim Compensation Fund and had to open a PO residence mailbox to file with the Fund. The Chase Bank in the World Trade Center where I had a personal account was demolished. The PO Box of 1523 was opened while the building was quarantined. I have no document from the First Dept. with this PO Box as a letterhead showing the practice of law. The 2016 order said I would be deprived of all documents so all the forged and sham documents are self-serving to the state.

You also told me my posted screens from the Third Dept. say I was voluntary resigned. I requested copies of these screens and you never produced them. I was never admitted in the First Dept., had no office there ever. If any ethics complaint was ever filed against me it had to be filed in the Third Dept. and you advised that none were filed. Each Dept. of the Appellate Division had its own rules. The rules are clear that the First Dept. never had jurisdiction over me. 22 NYCRR 600.

Third, I notified Third Dept., the only Dept. I was ever admitted to, of my resignation several times. The State cannot force me to continue as an attorney because I had no job in NY. I contend it was your responsibility to notify the Office of Court Administration, Attorney Registration and correct all records and send me copies. OCA seems to have inserted a delayed date because they are on a staggered 2-yr calendar. They say I retired in 2000 after my birthday in April. I say I resigned in 1998. However, they admit I have paid no dues since 1998 and I show no office address. The PO Box is a sham fabricated by the First Dept.

I request your prompt attention to sending me my complete records including screens at the Third Dept. I seek that you permanently correct my records as to resignation, retirement and name. I seek that you enter some notation that I am a World Trade Center victim and that the PO Box 1523 NYC was not temporary residential mailbox.

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Ms. Rajpal assured me that my screens have a certificate of good standing. I need this document as well. Thank you very much.

Yours truly,

Amy R. Weissbrod
Cellular 917-733-9981

315 Highland Avenue Montclair, NJ
07043 January 13, 2012

Previous Correspondence January 11, 2008

Previous Correspondence January 2003

FROM: FAX 973-655-0992

FAX 518-471-4749

Daniel Brennan, Esq.
Attorney Registration
Appellate Division Third Dept.
Justice Bldg, Empire State Plaza
Albany, NY 12227

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Re: Amy R. Weissbrod Third Dept.
Voluntary Resignation 1998

Dear Mr. Brennan:

This is my fifth request for all state records opened under my name. PO Box 1523 NYC 10013 opened in 2001 is not a law office but a residential PO Box opened after the World Trade Center Disaster.

Ms. Rajpal did assure me that 1999-2001 screens say I resigned in good standing. As soon as possible, I request a copy of my complete files including both Third Dept. and Office of Court Administration screens posted since 1999. Thank you very much for your prompt attention.

Yours truly,

Amy R. Weissbrod
CEO LIVE-Fi Technologies
Cellular 917-733-9981

Hon. Elizabeth Garry May 3, 2025
Chief Judge, Appellate Division Third Dept.
PO Box 7288 Capitol Station
Albany, NY 12224-7288

Re: Amy Weissbrod Gurvey

Dear Judge Garry:

I have written and called the Court more than 15 times and my housekeeping matters at the Third Dept.; are not resolved after 25 years. Documents you are withholding unlawfully incriminate state officers in forgery crimes and theft of my US ticketing patents. The documents must be produced. NY's Judiciary Law Part 1240.7

I was admitted to the Third Dept. in 1985 from California, my original barred state because my first husband was assigned a residency in NYC. He left NYC. I was remarried in 1996. My records were amended to add the name "Gurvey" by Dan Brennan of your office. I formerly voluntarily resigned my commission in NY in 1998 when I was in medical school and permanently changed

careers. My online screens entered by Brennan of the Third Dept. and Denise Rajpal of the NYS Office of Court Administration in NYC in 1999 provided that I was voluntary resigned in NYS. After 1998, I only maintained bar membership in California.

A NYC law firm Cowan Liebowitz & Latman paid my bar dues to California in 2002 after 9-11. They knew I was not admitted in NYS. They wanted me to refer patent work from my own company LIVE-Fi® Technology Holdings (formerly EClickTix) and from other patent clients in California. Their attempt to hire me was short lived – four months - when it was confirmed that the firm, Cowan Liebowitz & Latman was stealing my patents and my clients. The firm had to pay a one-year salary to me in SDNY Arbitration in 2009.

Cowan lawyers were cited by the USPTO with ethics violations notice filed before the First Dept. attorney grievance committee (AGC). The claims included defective patent applications before the

USPTO under my name, abandoning those applications, withholding my files and never withdrawing the holdings of abandonment, losing me patent rights against its trademark clients that included Live Nation and MLB. The defense attorney hired by Cowan, Hinshaw & Culbertson, had several attorneys serving on the First Dept. attorney grievance committee forging unserved documents. Attorney J. Richard Supple worked with state counsel Jorge Dopico, and removed the USPTO ethics violation notices from state consideration. Both manufactured forged documents that were ordered permanently concealed by the First Dept., in violation of due process of law. The limited documents I was able to uncover that were manufactured in 2011 affixed the signature of a 2002 former AGC chief counsel Paul Curran who left the state in 2002 and died of cancer in 2007.

I have written the Third Dept. each year since 2008 and never heard from your office to compel production of all documents. The matter is pressing because the State of NY

and City of NY have been stealing my patents and I have been denied constitutional access to the SDNY and NY Court of Claims to get infringement hearings for 13 years in violation of the Fourteenth Amendment.

In 2018, Shawn Kerby of the OCA wrote a letter to the Federal Circuit clerk Peter Marksteiner that I am disbarred in NYS. Because of this fraudulent and actionable letter not discovered until 2025, I got no hearings my patents from the SDNY and no appellate hearings in 13 years. **I was never disbarred and never sanctioned as an attorney in my life.** Only the Third Dept. had jurisdiction for the short time I was admitted and any ethics complaint had to be filed in your court. I was told by Brennan I was voluntary resigned in good standing and there were no ethics complaint. Your office owes me all documents or a signed certification. The acts of state officers are fraudulent. They constitute unprivileged defamation and malicious abuse of process with threats of

quasi-criminal prosecution that subject state officers to liability without immunity.

I want all my records produced immediately. They are mandated by NY's Judiciary Law Part 1240.7. A previous Article 78 proceeding was filed in the Third Dept. in 2018 (529146) and *sua sponte* transferred without comment and dismissed *sua sponte* without motion on notice by the Fourth Dept. (19-01094) A similar petition was filed in the First Dept. (132-17) that was transferred to the Second Dept. (01366-18) and also dismissed *sua sponte* without motion on notice. These orders are per se unconstitutional and defy state precedents. *Wells Fargo Bank v. St. Louis*, 2024 WL 2737961 (NYAD 2d Dept. 2024).

Both orders were the subject of a complaint seeking injunctive relief before the SDNY and also dismissed *sua sponte*. 18-2206. A direct appeal was filed before the NY Court of Appeals that held the orders "nonfinal" and "that no constitutional issue was directly

involved". This order defies Court of Appeals precedent. *Sholes v. Meagher*, 100 NY 2d 333 (NY 2003).

Bottom line: I have been deprived of all remedies by the State to correct frauds by state officers not protected by immunity. The NY Court of Claims then also denied me blanket access in August 2023 to get damages against NYS for promulgating unconstitutional protocols in both patent cases and attorney grievance committee proceedings and this proceeding was transferred to your court 18 months ago and is hanging on the docket. 24-1238.

All orders are now the subject of a mandamus petition before the US Supreme Court. The State of NY has deprived me access to all courts in defiance of due process of law – federal and state.

I want all my records including the screens posted by Dan Brennan accepting my voluntary resignation in 1998. The State cannot engage in forgery crimes as a means to

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steal my patents in violation of the Fourteenth Amendment. Nothing in the state files proves any sanction against me as an attorney in the Third Dept. Also no law office exists at the fabricated Box 1523, NYC 10013. The documents continue to be forged and altered by the OCA clerk Sam Younger.

Thank you.

Amy R. Weissbrod Gurvey

cc: Hon. Rowan Wilson,
Chief Judge
NY Court of Appeals

Petitioner is admitted to practice law in California, is not admitted in New York, attended medical school in New York City and voluntary resigned a temporary commission granted by the Third Dept. in 1998 – 27 years

ago.¹⁹ Petitioner only appeared as a pro se patentee in the SDNY lawsuit since 2011, 13 years after she was granted resignation.

¹⁹ Voluntary resignation was accepted by the Third Dept.'s Dan Brennan and Office of Court Administration (OCA) officer Denise Rajpal both in 1998.



US011403566B2

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End

(12) **United States Patent
Gurvey**

(10) Patent No.: **US 11,403,566 B2**
(45) Date of Patent: ***Aug. 2, 2022**

(54) **ELECTRONIC TICKET MANAGEMENT AND LIVE EVENT MAXIMIZATION SYSTEM COUPLING EVENT TICKETING, ADMISSION DATA AND PLACED BETS, ACCESSIBLE FROM USER DEVICES AND LOCATION BASED INTELLIGENT APPARATUS MACHINES**

(76) Inventor: **Amy R. Gurvey**, Upper Montclair, NJ (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.

(21) Appl. No.: **12/587,759**

(22) Filed: **Oct. 11, 2009**

(65) **Prior Publication Data**

US 2018/0114147 A1 Apr. 26, 2018

Related U.S. Application Data

(63) Continuation of application No. 11/253,912, filed on Oct. 15, 2005, now Pat. No. 7,603,321, which is a (Continued)

(51) **Int. Cl.**
G06Q 10/02 (2012.01)
G06Q 20/04 (2012.01)

(Continued)

(52) **U.S. Cl.**
CPC **G06Q 10/02** (2013.01); **G06Q 20/045** (2013.01); **G06Q 20/367** (2013.01); (Continued)

(58) **Field of Classification Search**

None

See application file for complete search history.

(56) **References Cited**

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			455/3.06
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			704/E19.009
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			725/86

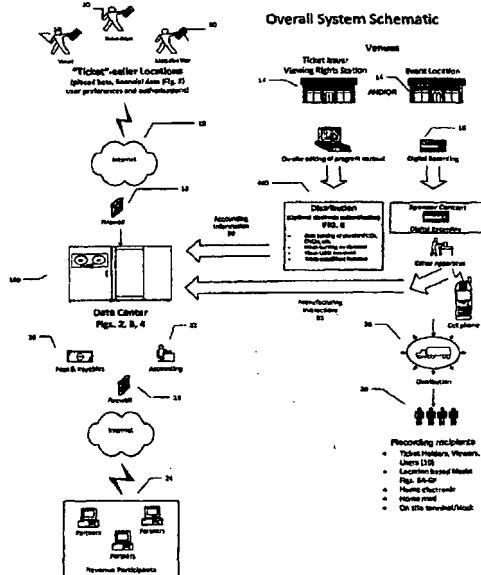
(Continued)

Primary Examiner — Scott A Zare

ABSTRACT

The present disclosure provides a ticketing management system accessible by apparatus terminals (separately claimed). Disclosed is a system and method of electronically associating one or any combination of the production, packaging, order, transmission and distribution of live and event content “Recordings” with issuance or sale of a “ticket” or other event viewing rights [“ticket” defined to include any admission/registration data, payment, receipt, tournament entrance fee or logged placed bet] such that both an audience ticket holder and a non-ticketed holder such as a viewer or end user are able to automatically acquire a Recording and get other benefits separate from admission or viewing from and delivered to a terminal when connected to the Internet or other network. The systems disclosed also allow for authenticated event interaction to generate more content into the system. Distribution and/or retrieval of Recordings may occur when the Recordings are embodied in a fixed medium of expression, in digital format or other encoded format.

5 Claims, 21 Drawing Sheets

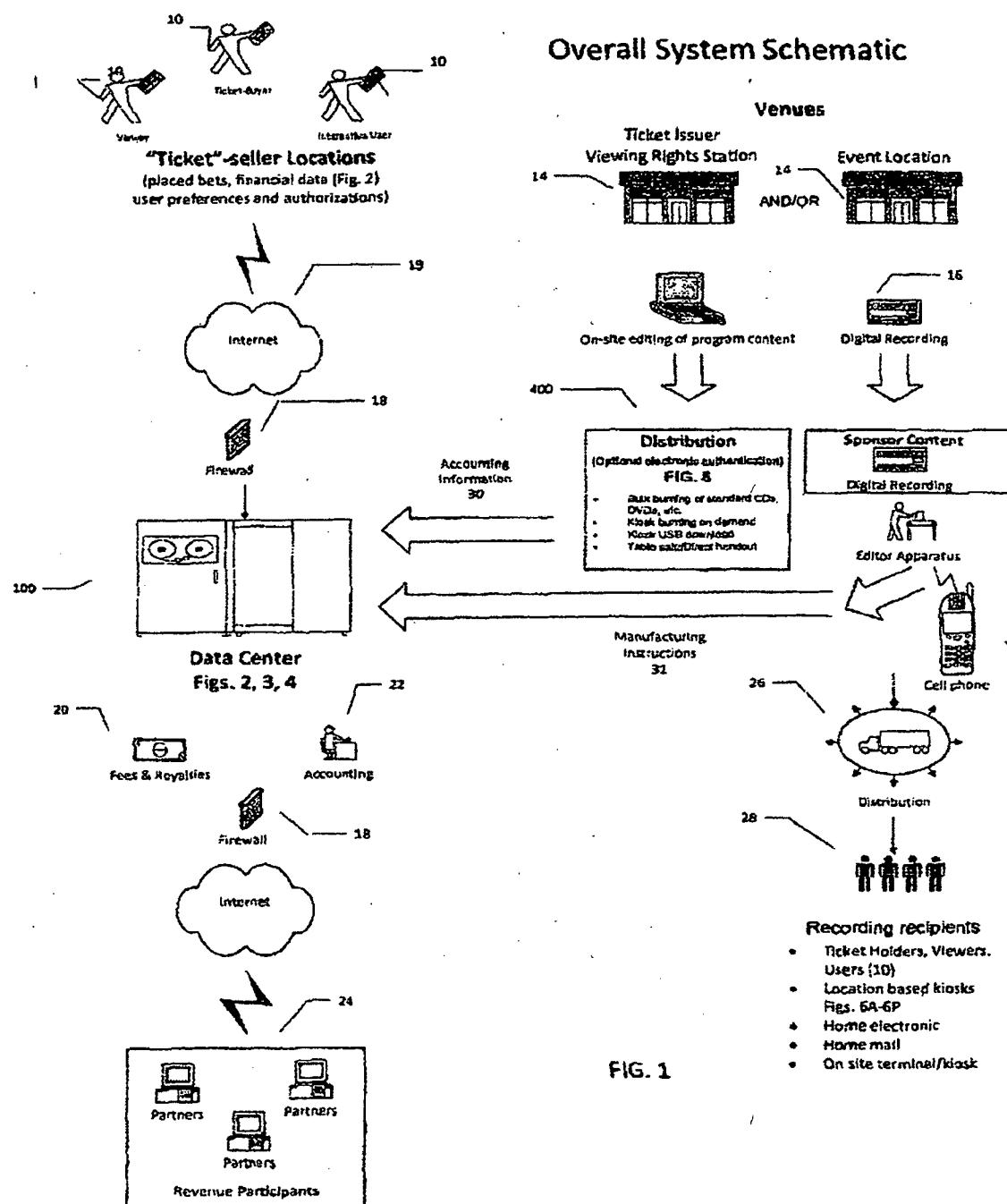


US 11,403,566 B2

Page 2

Related U.S. Application Data	(56)	References Cited
continuation-in-part of application No. 10/442,468, filed on May 20, 2003, now abandoned.		U.S. PATENT DOCUMENTS
(60) Provisional application No. 60/619,754, filed on Oct. 18, 2004, provisional application No. 60/382,949, filed on May 24, 2002, provisional application No. 60/382,710, filed on May 22, 2002.		2001/0018660 A1* 8/2001 Sehr G06Q 10/02 705/5
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(52) U.S. Cl. CPC <i>G06Q 20/3674</i> (2013.01); <i>G06Q 20/382</i> (2013.01); <i>G06Q 30/00</i> (2013.01)		2002/0077712 A1* 6/2002 Safaei G06Q 50/34 700/93
		2002/0107016 A1* 8/2002 Hanley G06Q 30/06 455/3.04
		2002/0199198 A1* 12/2002 Stonedahl G06Q 30/0601 725/86
		2003/0097307 A1* 5/2003 Greene G06Q 20/20 705/26.1
		2003/0135464 A1* 7/2003 Mourad G06F 16/958 707/E17.116
		2005/0289338 A1* 12/2005 Stadlman G06Q 30/06 713/153

* cited by examiner



Transaction Processing

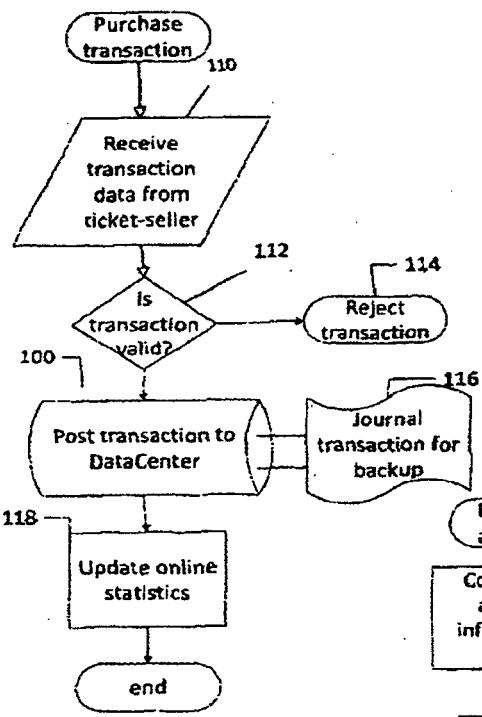


FIG. 2A

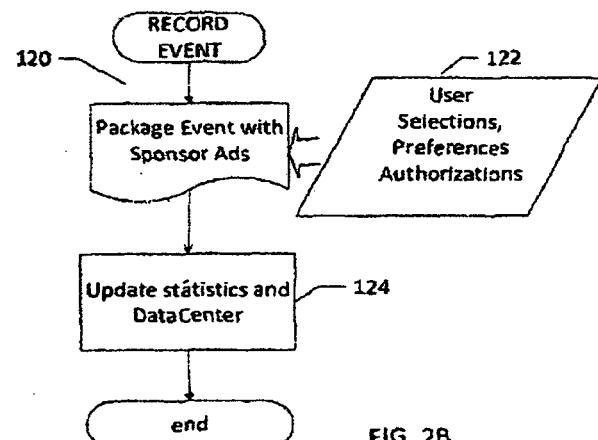


FIG. 2B

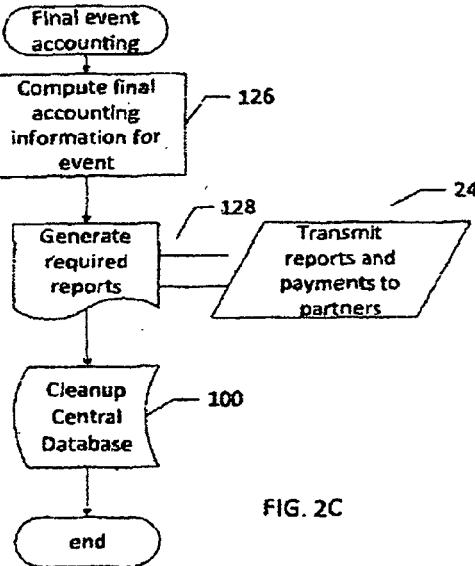


FIG. 2C

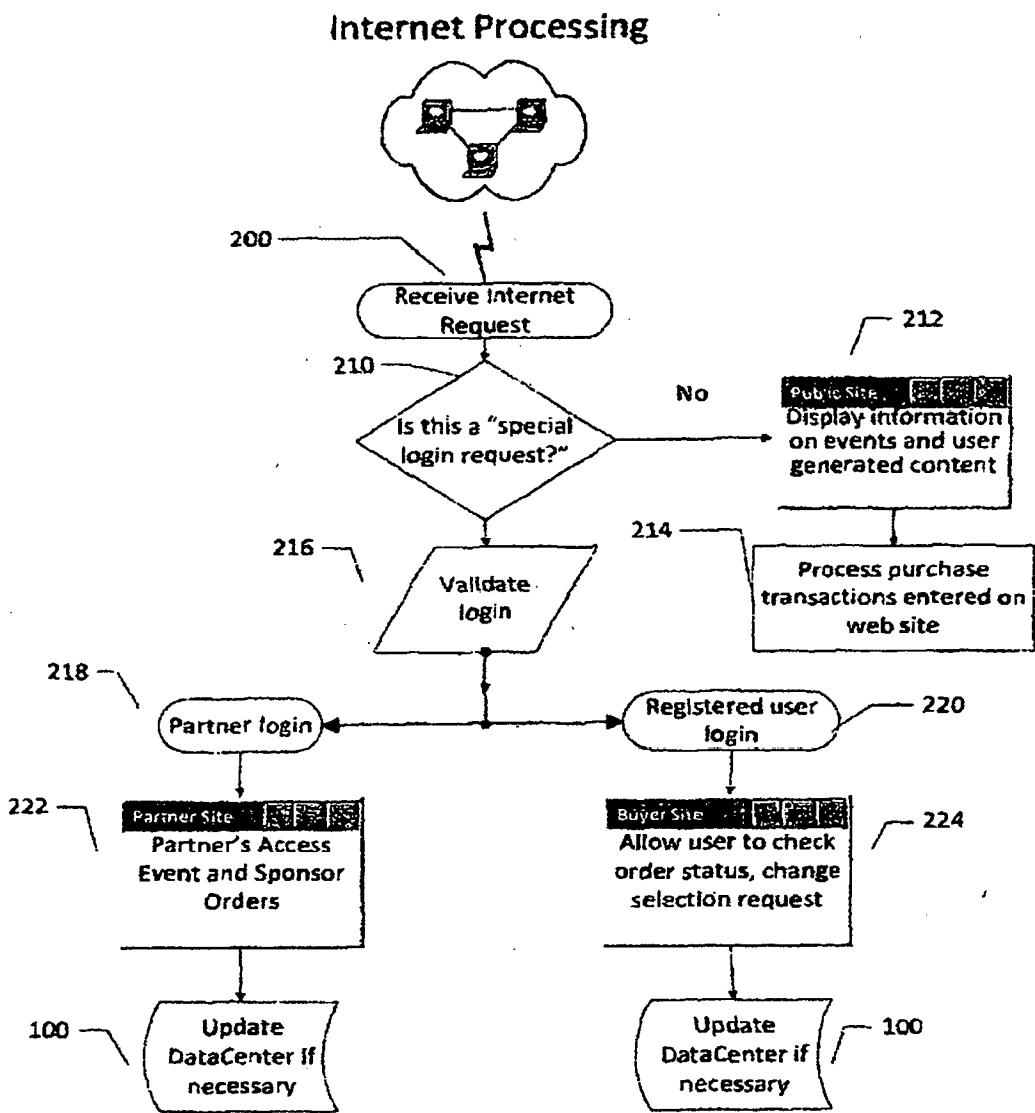


FIG. 3

Manufacturing Process

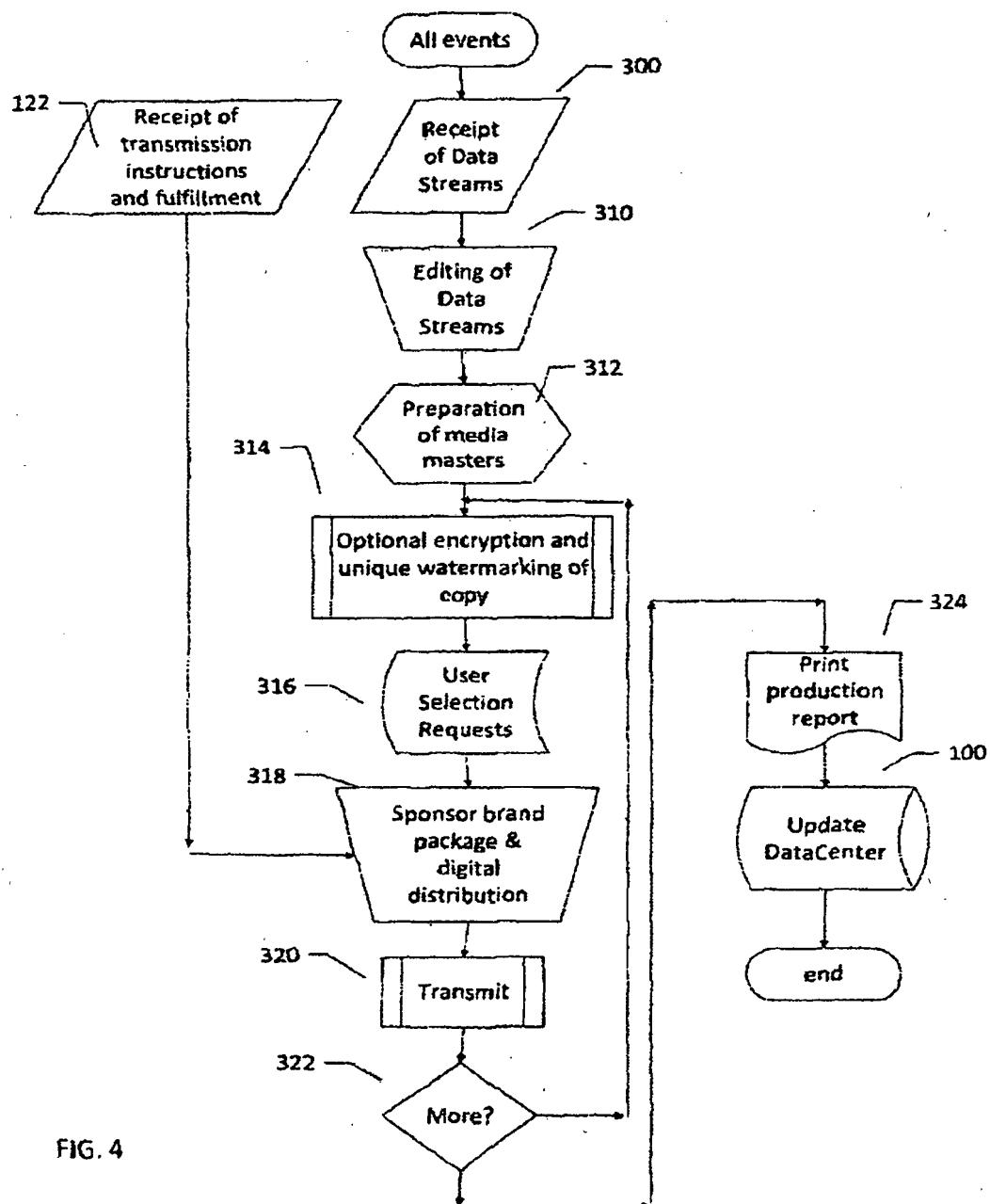


FIG. 4

DISTRIBUTION

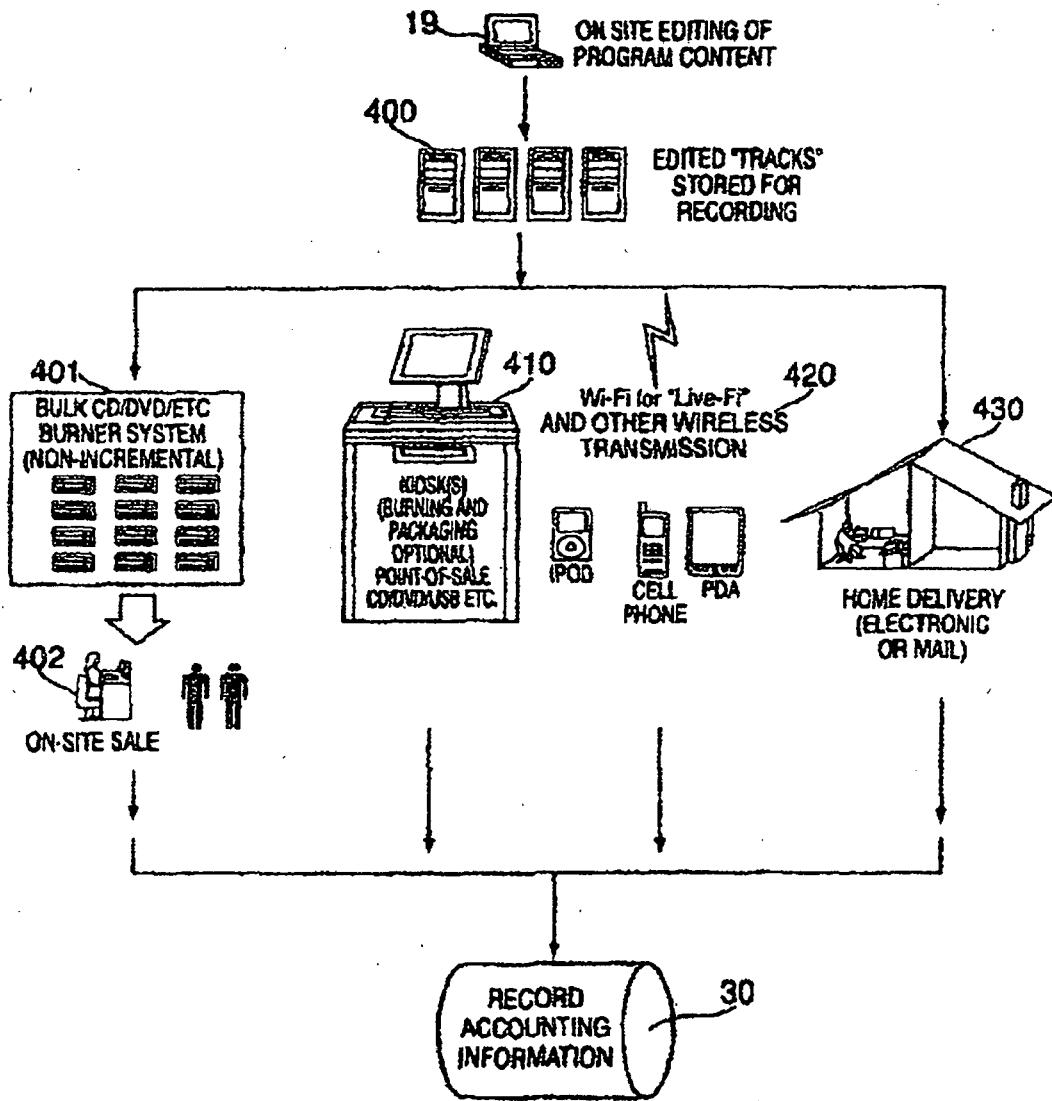
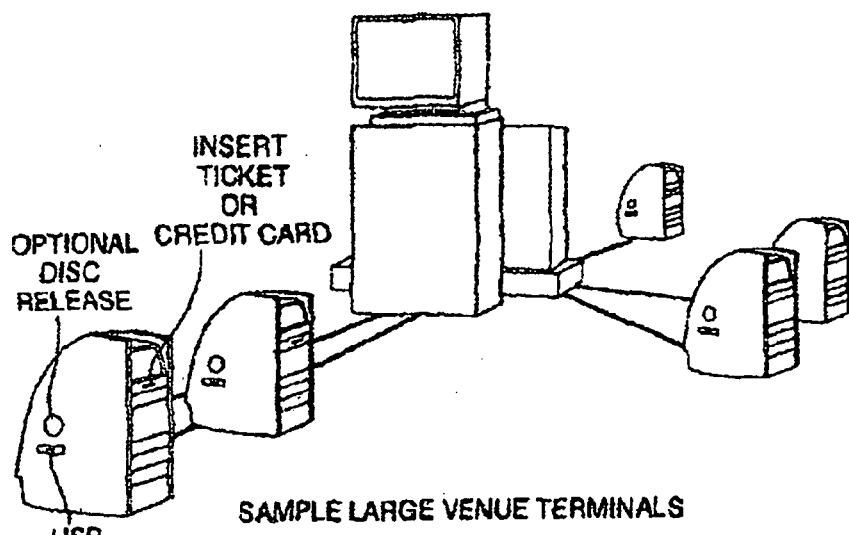


FIG. 5

SAMPLE LOCATION-BASED
TERMINALS

VENUES, ATMs, SHOPPING MALLS, AIRPORTS



SAMPLE LARGE VENUE TERMINALS

INSTALLATION IN LOBBIES OR
COMMON AREAS NEAR CONCESSIONSINSTALLATION ALSO AT OFF-SITE
MALLS, AIRPORTS, RETAIL OUTLETS,
ATM/BANKS

FIG. 6A

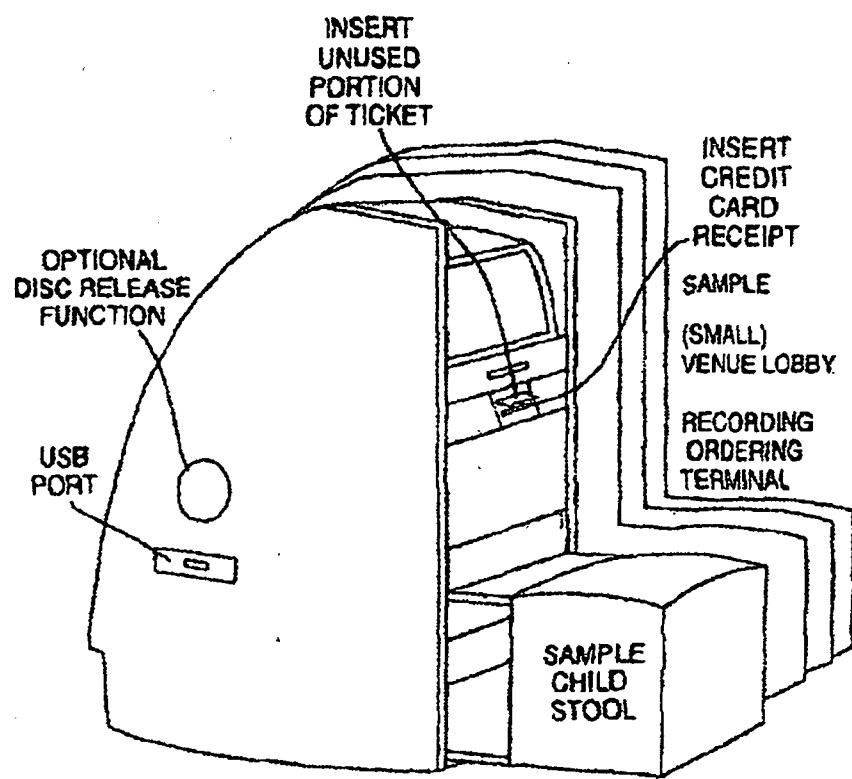
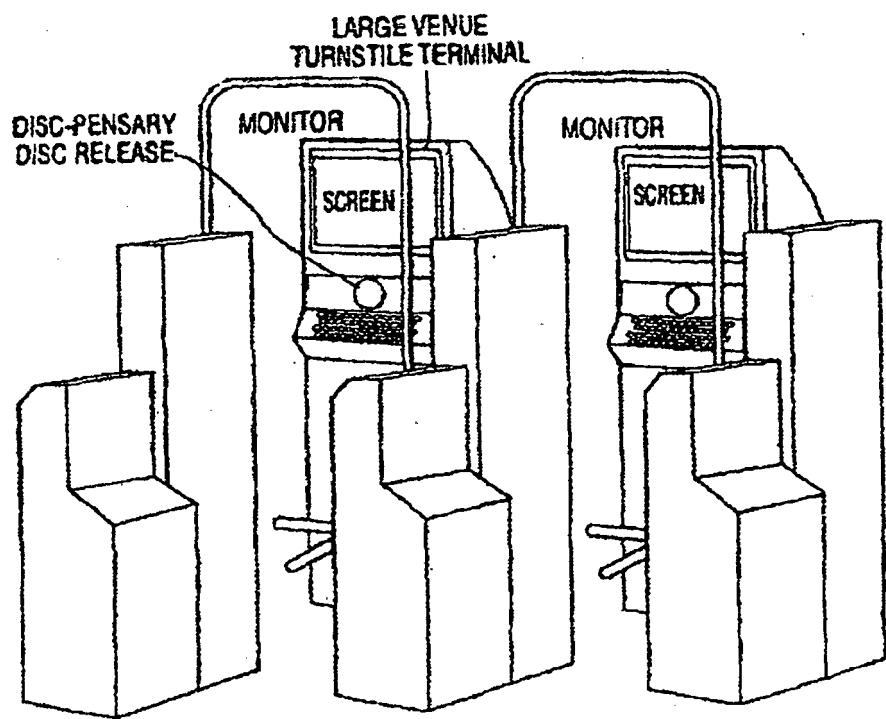
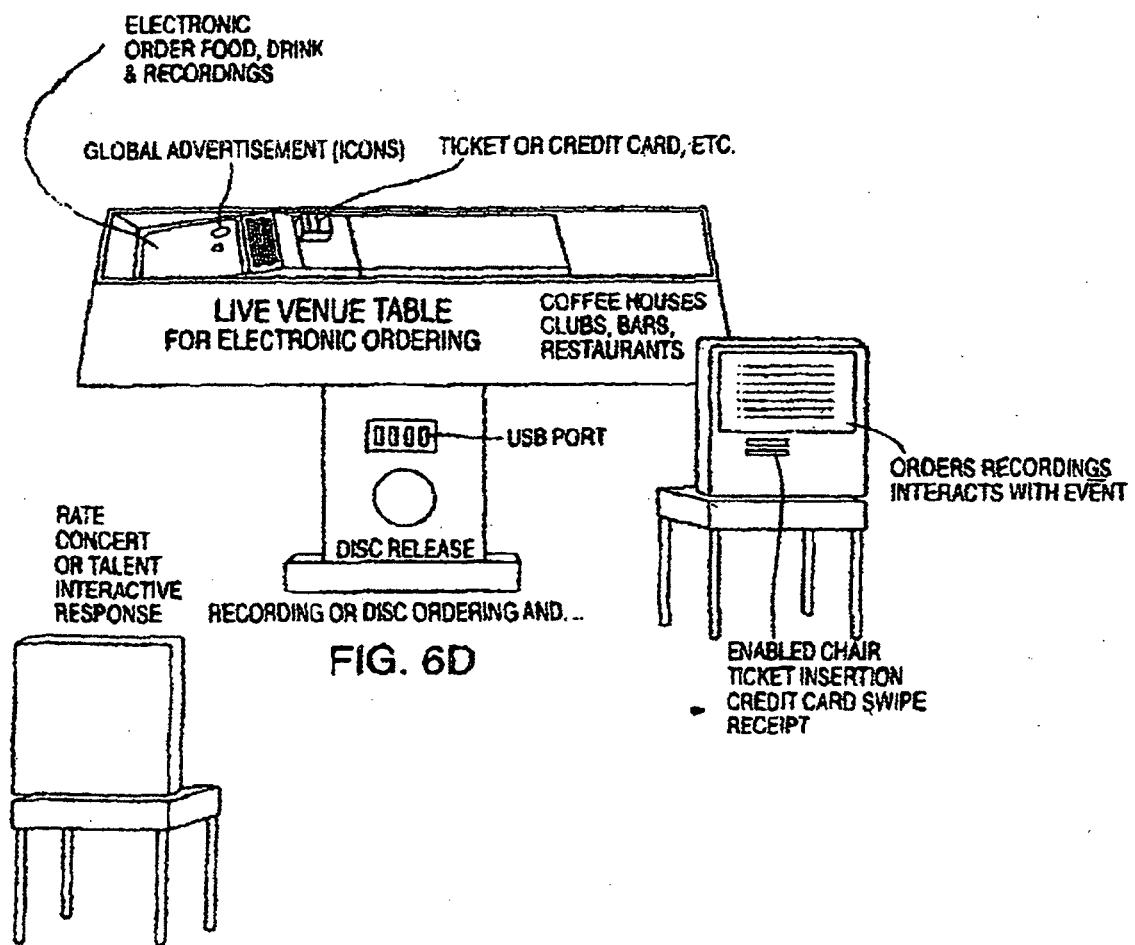


FIG. 6B





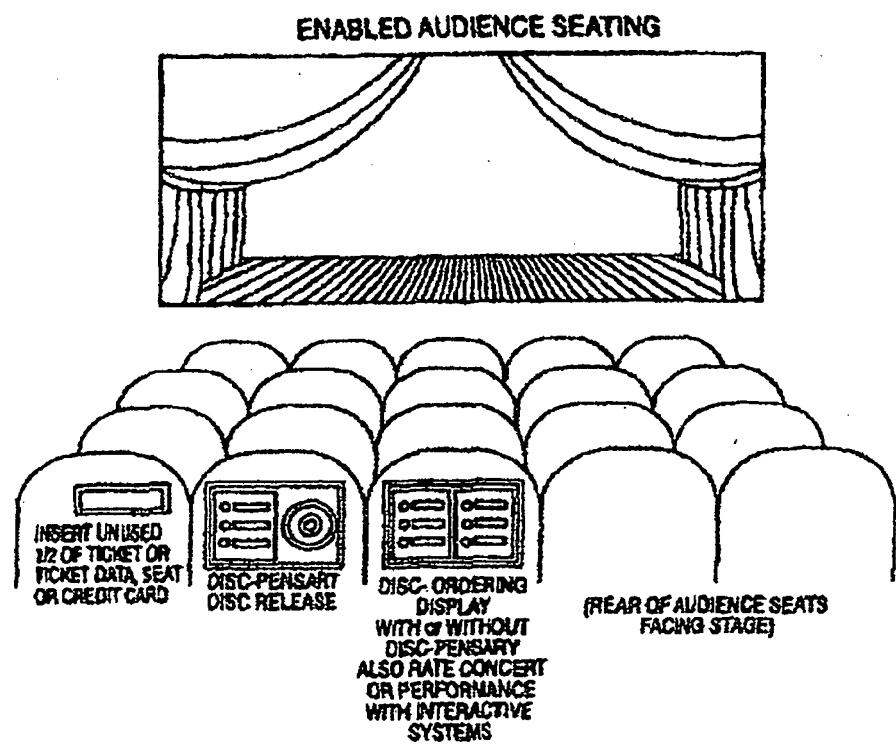
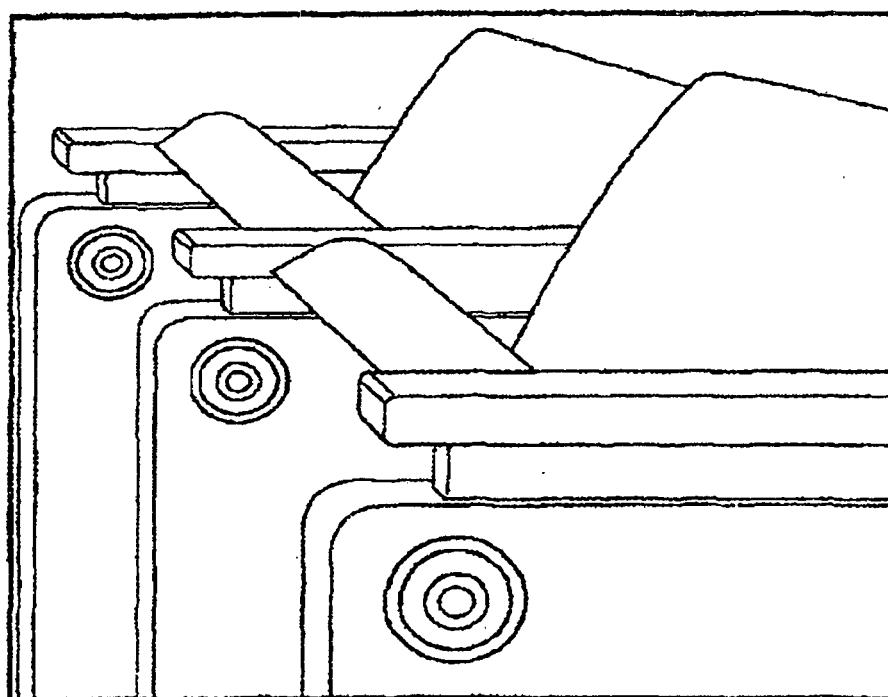


FIG. 6E

ENABLED AUDIENCE OR AIRLINE SEAT

LARGE AUDIENCE SEATING TERMINALS



ALTERNATIVE AISLE DISC RELEASE

FIG. 6F

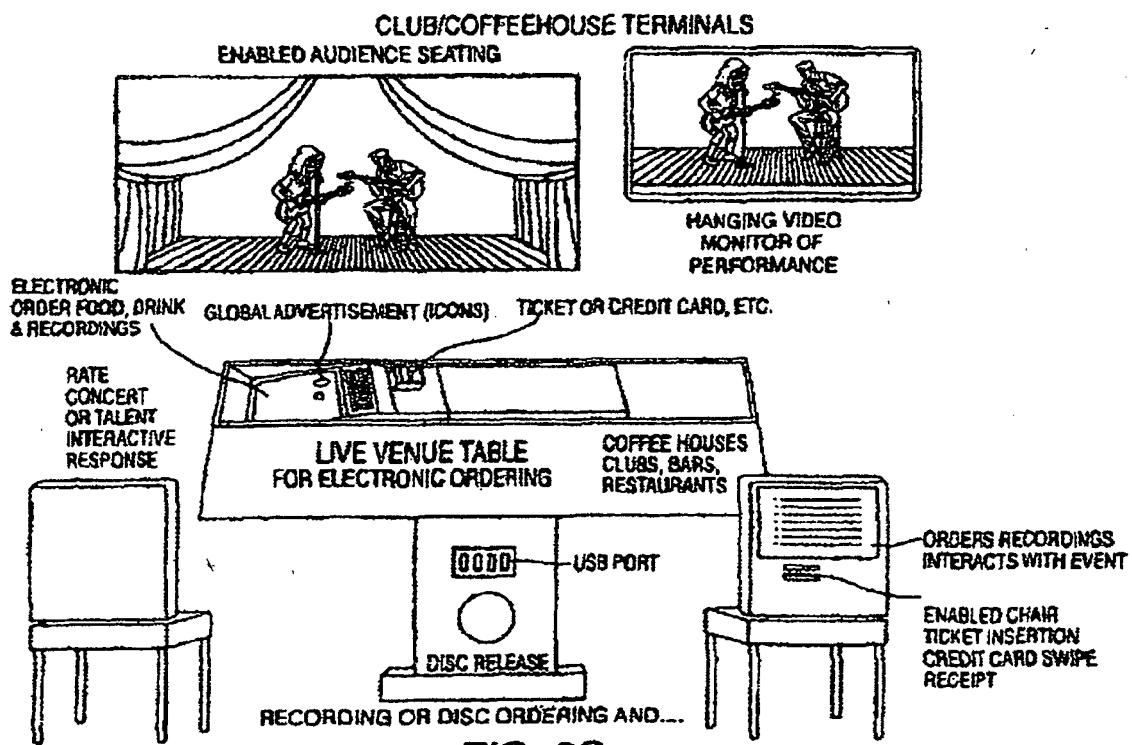


FIG. 6G

BIRDSEYE VIEW
CLUB/COFFEEHOUSE RESTAURANT
TABLE TOP COMPUTER SCREEN

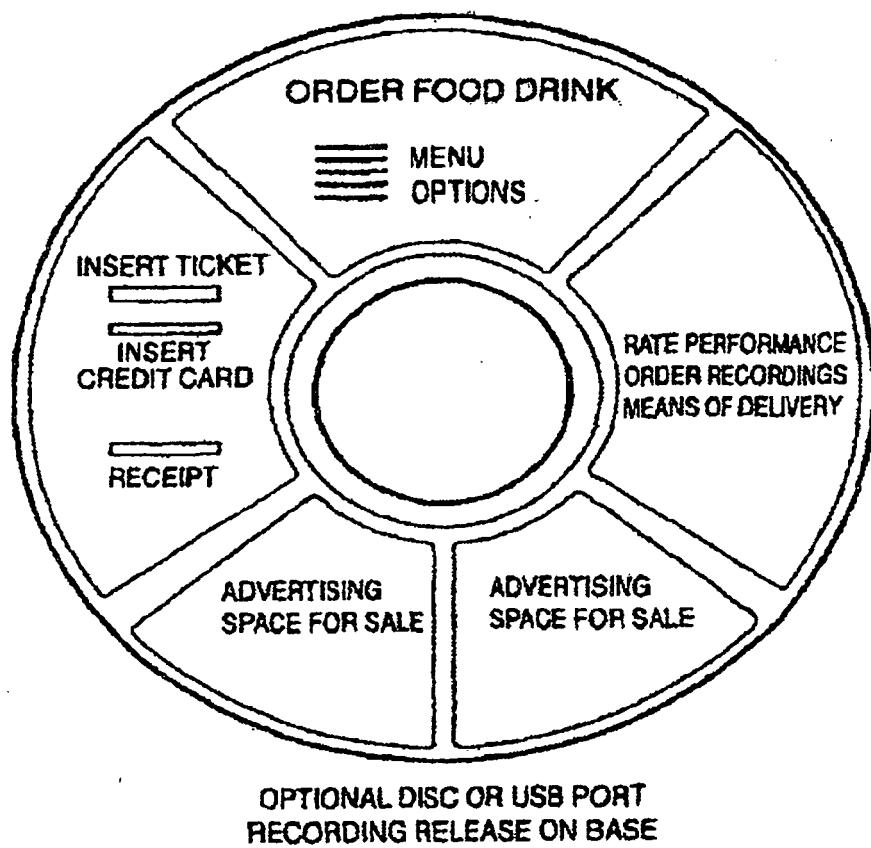


FIG. 6H

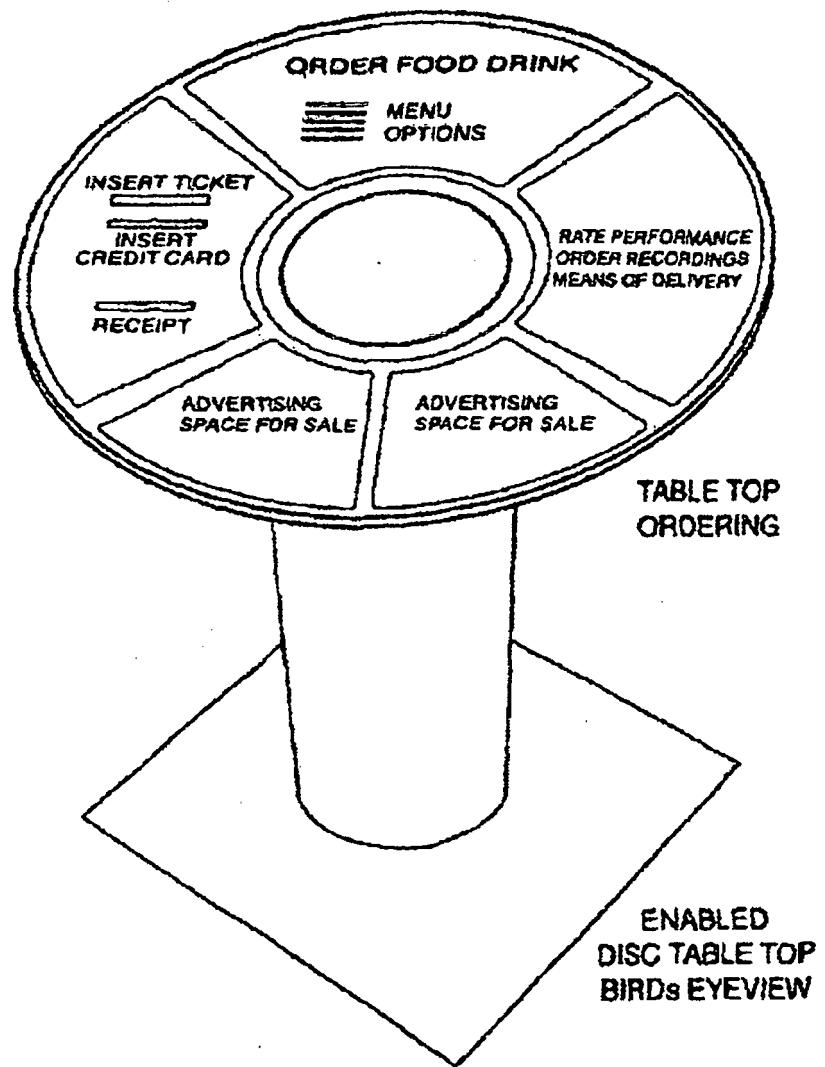


FIG. 61

ENABLED AUDIENCE OR AIRLINE SEAT
SEPARATE INTERACTIVE CAPABILITY
PC OR MOBILE PHONE DEVICE

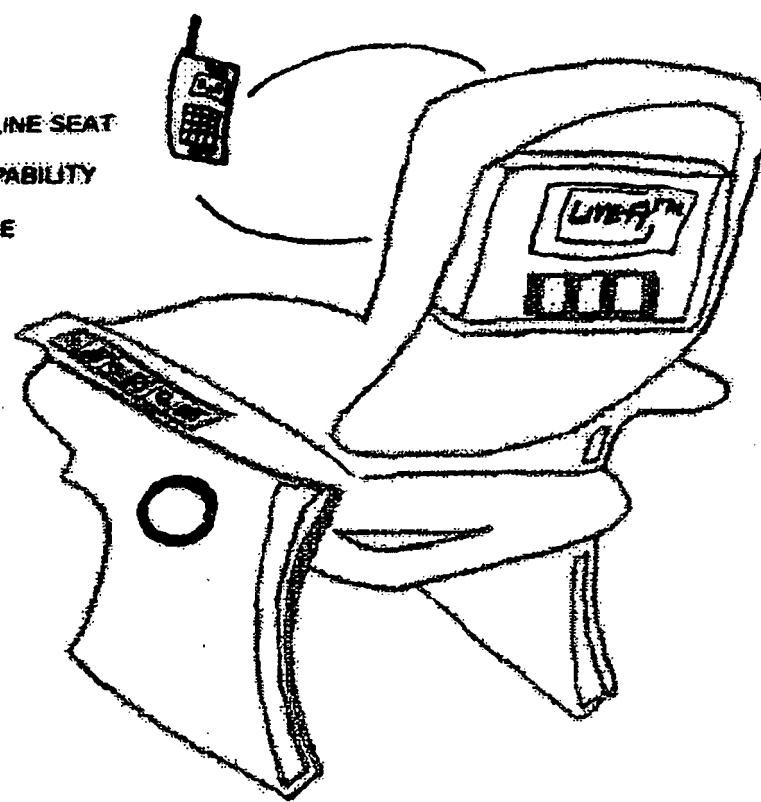
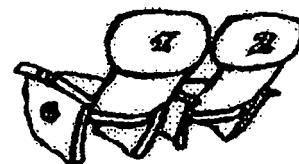


FIG. 6J



STAGE FOR PERFORMANCE OR CONFERENCE
WITH ENABLED SEATS

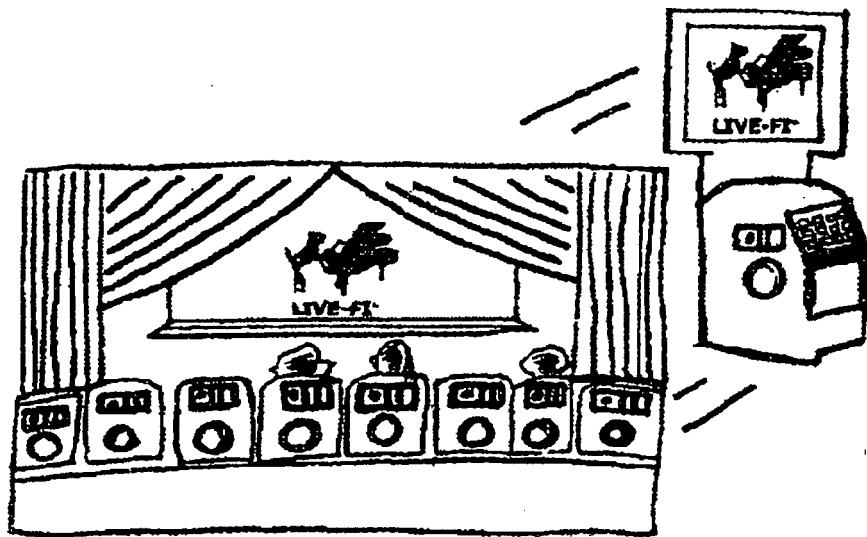


FIG.6K

SCREENED VIDEOGAME OR BILLIARDS
IMPLEMENTED INTO POINT GRAPHICS

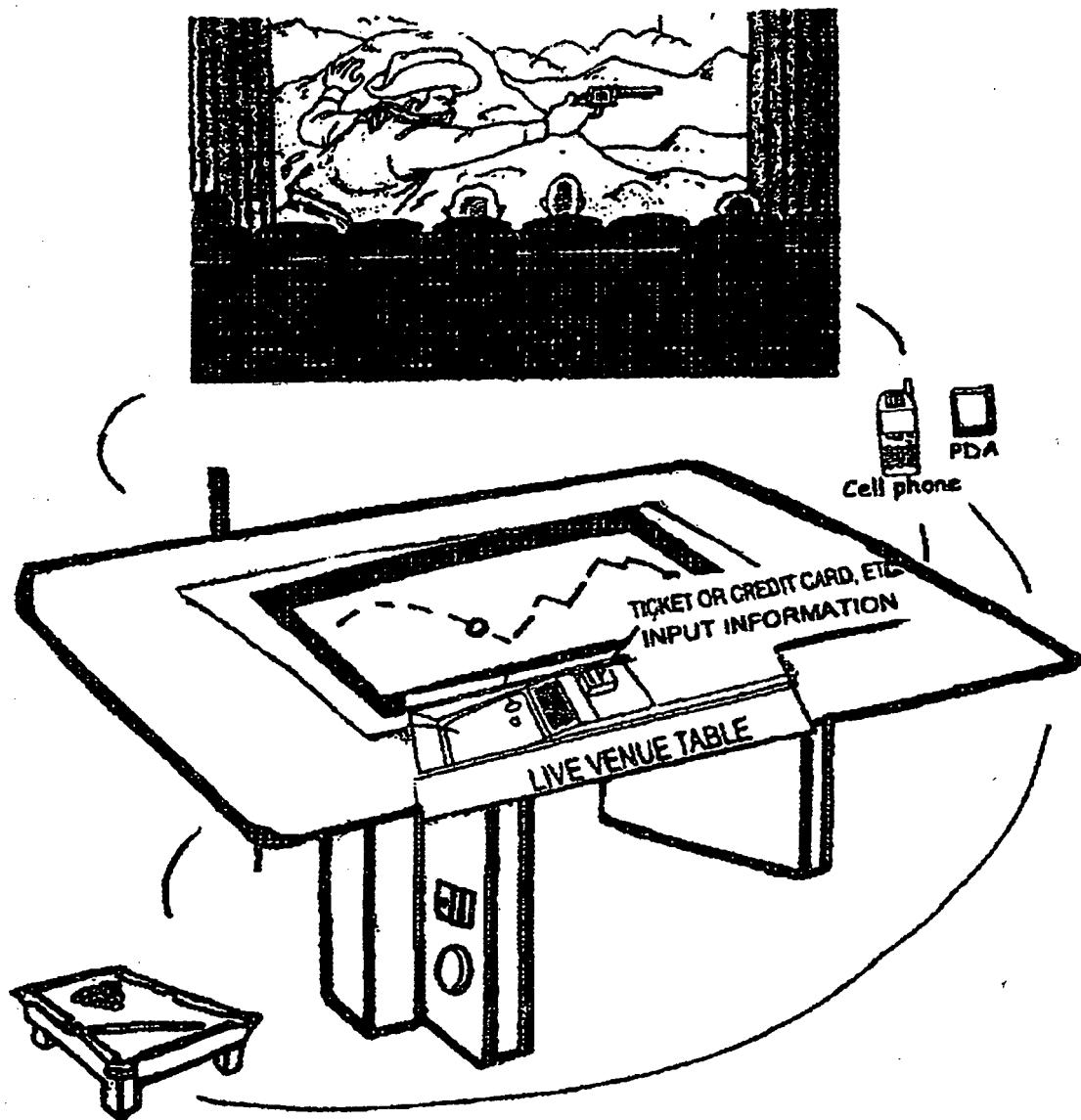


FIG. 6L

PAYS CHECKS AND PARKING
INPUT BY TABLE KEYPAD OR CELL PHONE DEVICE

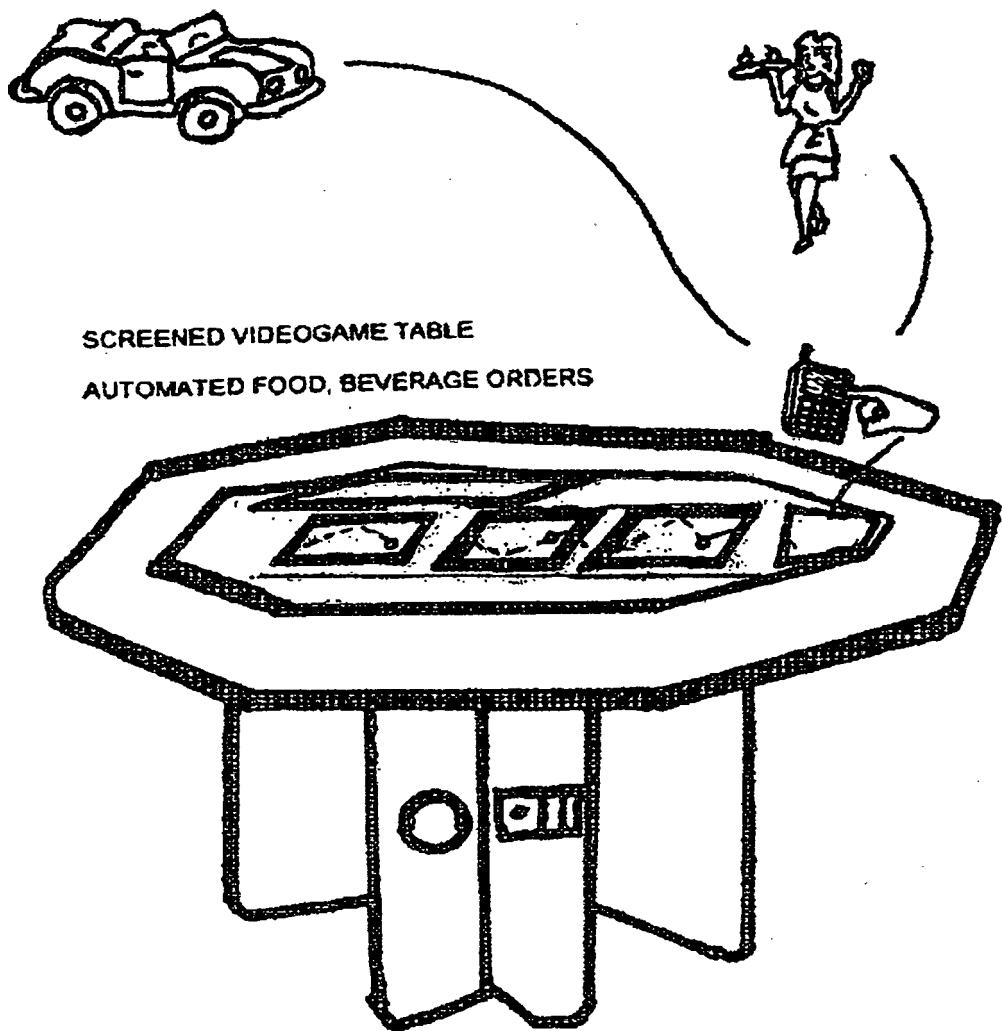
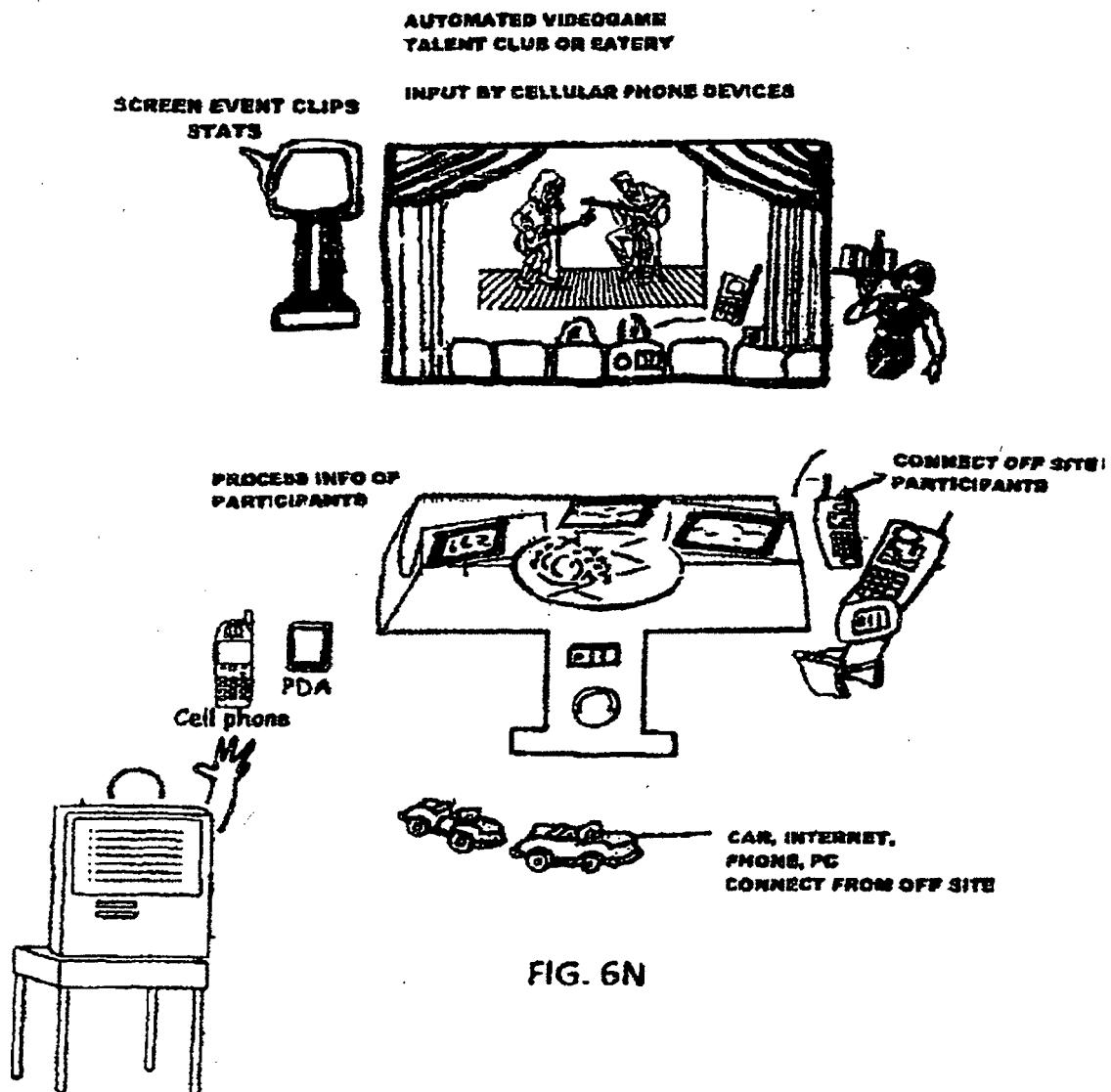
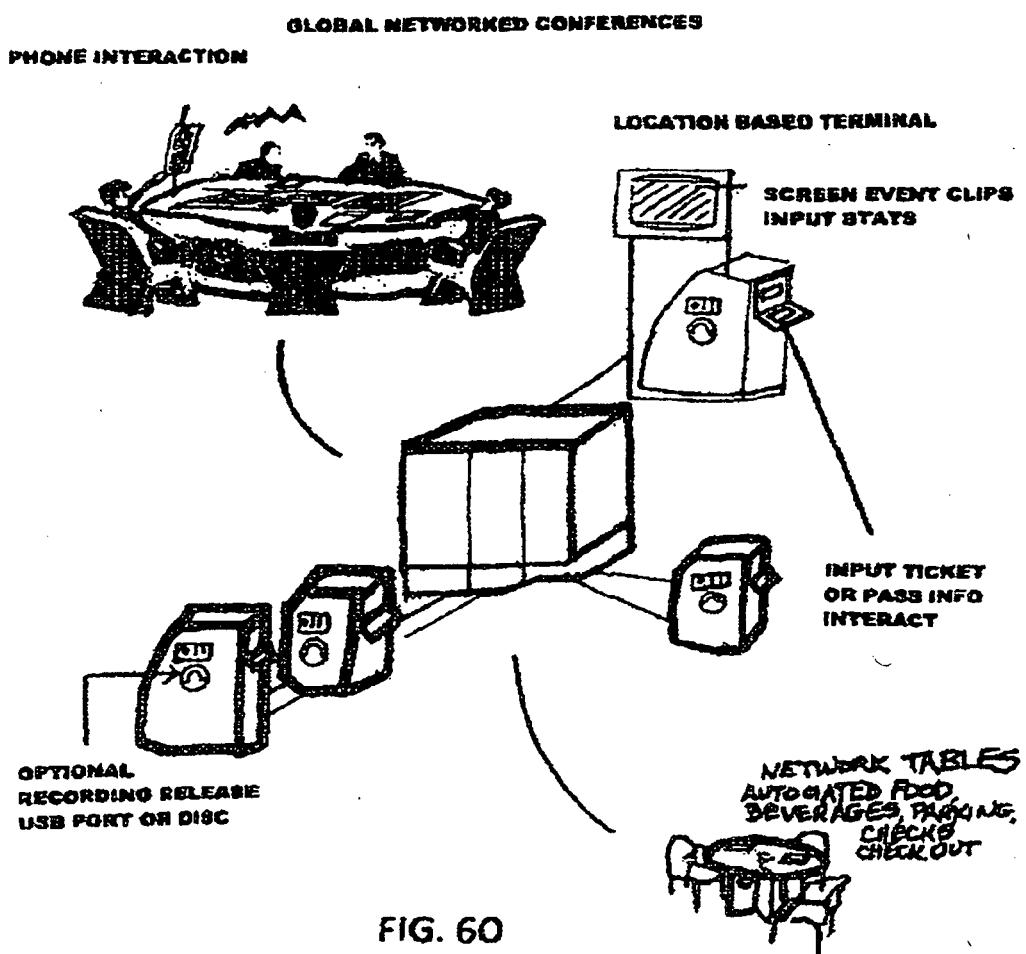
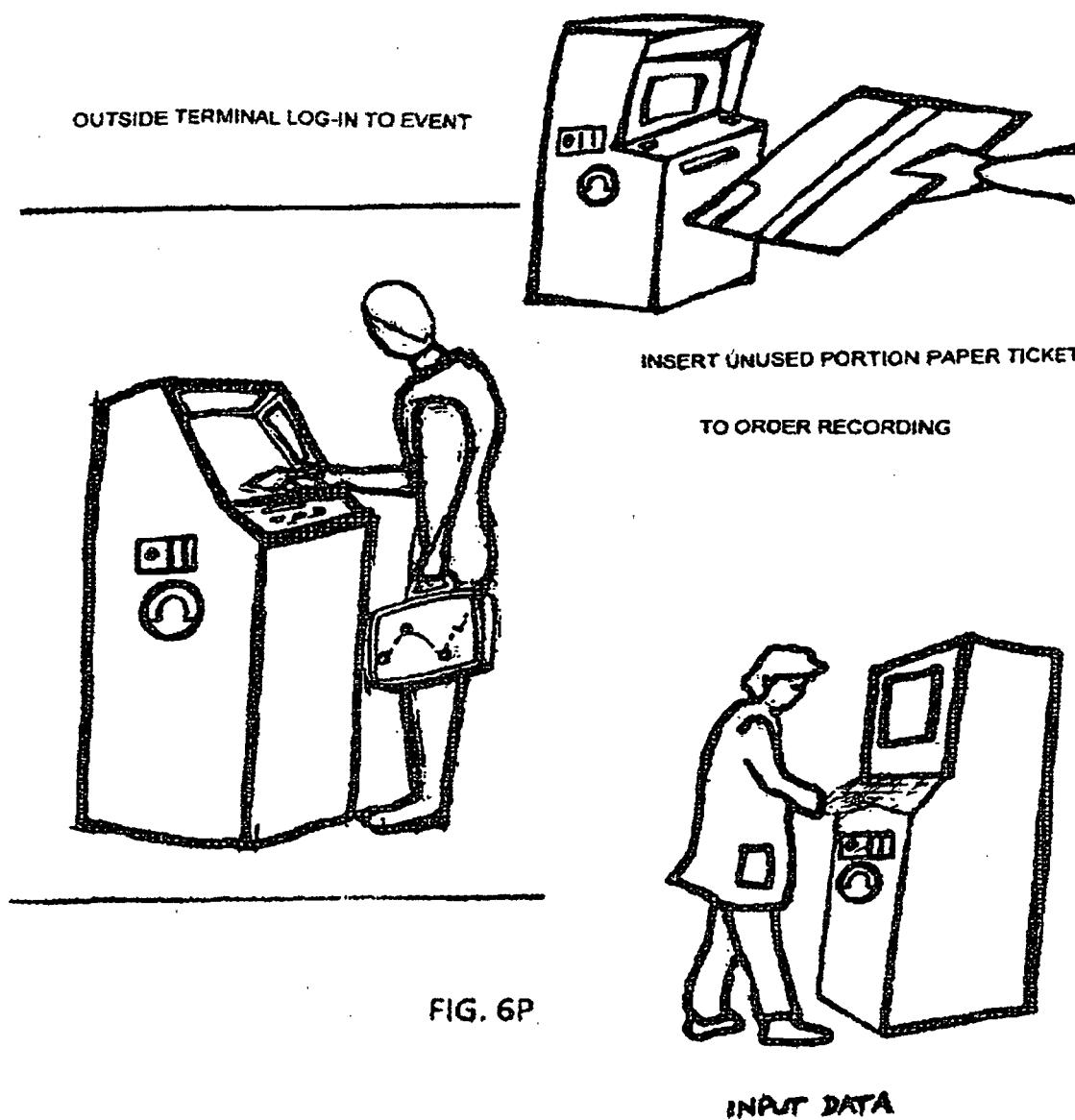


FIG. 6M







**ELECTRONIC TICKET MANAGEMENT AND
LIVE EVENT MAXIMIZATION SYSTEM
COUPLING EVENT TICKETING,
ADMISSION DATA AND PLACED BETS,
ACCESSIBLE FROM USER DEVICES AND
LOCATION BASED INTELLIGENT
APPARATUS MACHINES**

RELATED APPLICATIONS

This application is a continuation of application Ser. No. 11/253,912 which claims the benefit of continuation-in-part of application Ser. No. 10/442,468 filed May 20, 2003 which claims the benefit of U.S. Provisional Application No. 60/382,710 filed May 22, 2002 and U.S. Provisional Application No. 60/382,949 filed May 24, 2002, all incorporated herein by reference. This application also claims priority to provisional application Ser. No. 60/619,754 filed Oct. 18, 2004.

FIELD OF INVENTION

This invention pertains to a system and method of producing and distributing recordings of live performances.

BACKGROUND OF THE INVENTION

The advent of the digital age has demonstrated that any content or event (including live as performed content) that can be recorded and transformed into "bits" is a valuable, marketable commodity. In the past, major studios, record labels and production companies controlled what live content would be produced for distribution to the public. Except for live or tape-delayed grandiose television/cable productions, certain news coverage and special radio broadcasts, the live experience was limited to ticket holders/audience members.

Now, however, live content is inexpensive to digitally record. Virtually any lay person can create a quality digital live recording of any event of public or private interest on simple equipment and then upload the recording over a telecommunications network. Such upload will result in free content ownership not only for the recorder, but also for any other interested user. Telecom-connected third parties can then, for example, burn their own CD's on home components or store the content onto a hand held music player. Once the recording is uploaded, then, it is game for others to copy and own it without payment.

The unauthorized digital transmission and retransmission Peer to Peer ("PtoP") or Business to Business ("BtoB") of pre-recorded studio titles, albums, and other derivative tie-in merchandise over the Internet since 1998 has virtually crippled the music industry. "Wi-Fi" now enables hook up to the Internet without a wire. Podcasts carried through Wi-Fi or satellite radio may not be far off. Clipcasts (transmissions of content to mobile phones) will shortly follow.

In spite of the spiraling decline in retail CD sales since 1998, the live concert market is surging. Concert ticket prices have skyrocketed. Coincident market penetration of hand-held music players has necessitated a change within the music industry from an album to a singles oriented business model and the proliferation of on-line subscription services. With use of the instant disclosure, it is anticipated that concerts and recording from live events as well as interactive tournaments will be coveted by consumers and subscription services that reach the global audience.

In spite of this, to date, the full recording impulse buying potential of the live concert audience remains untapped. Concert hall shops still only offer an artist's pre-released studio product usually only in CD disc form and not the performance just attended. At the core are the continuing limitations on technology, the huge cost of recording and packaging productions for immediate on site and multi-media delivery, and the monetary and time constraints including for onsite personnel and staff needed for quality mastering and editing. In addition, for more grandiose live productions that feature multiple performers and whole orchestras, there is an impasse among the creative factions as to the proper royalties payable upon release. Musicians' unions and performing rights societies that collect royalties on behalf of composers and publishers contend that a digital encoded recording transmission over any telecommunications network is a separate "performance" triggering additional payments.

For these reasons, a necessary premise of the instant disclosure is that any viable market solution for live recording release must be inextricably associated with full royalty accounting, rights clearance and the equitable allocation of recording revenues among all those involved in production of the live event. The royalty accounting systems revealed in this disclosure do just this and will be independently licensed by the inventor for the management and administration of concert venues around the world.

At the same time, the present invention foresees that heightening anti-terrorism security systems are shortly to be installed by law or electively in public venues—newly constructed and existing—including Olympic sports arenas, international concert halls and airports. DNA fingerprint systems will be enabled to read the iris of an entrant's eye thumb print, etc., upon ingress or egress from and through the instant disclosure, can be simultaneously used at a venue to process audience recording orders separate from ticketing information.

The present invention further anticipates that with the advent of increasing bandwidth, live events, tournaments and performances as they are recorded and packaged will be electronically transmitted to businesses and computer users with increasing speed. This will help raise the market value of the live recording that is expected to surge immediately after the event ends particularly if it is publicized with pre-event ads issued, ordered and placed by the producers.

The instant disclosure is also premised on the fact that ticket holders will demonstrate a high proclivity for impulse buys if recordings are offered for sale immediately after final curtain at the hosting venue itself. In addition, it is anticipated that even greater sales will result if audience members and global non-audience fans can select their respective preferred means of retrieval. The instant disclosure predicts that adoring fans—regardless of geographic location—will always covet a complete repertoire particularly of a unique or special event. And while the CD is on its way out, for established patrons of the classical arts, it is still very much the preferred recording format.

The current trend in the music and entertainment industries is toward online subscription services. Web sites like iTunes, MSN, CNN, Yahoo, Amazon, AOL and Napster now offer content of all kinds—music, films, TV shows, sports replays, news clips and stock quotes for a fixed fee per month. Some of these sites are contracting with telecom companies to effect content delivery to cell phones. The recent institution of podcasts demonstrates that these sites will also offer live events, single titles and other tie-in merchandise like posters, T-shirts and pin-ups if packaging

can be expedited and delivery effected BtoB or PtoP. They will also offer interactive gaming, response options and tournaments that are related to a live event..

Just by way of example—what if the global advertising campaign for release of a new “Harry Potter” book or movie was associated with an online tournament or offer? What if the coveted prize was an authenticated J. K. Rowling autographed poster? Further, what if the Indianapolis 500 could be instantaneously virtualized such that both audience members and interested fans from around the globe could steer their own cars along with the pack? In each instance, the global response would be huge. Fans would flock to any one or combination of location-based enabled intelligent terminals or enter from hand-held devices, home computers land and mobile phones thereby maximizing the geographic influence and market power of even a local event.

BRIEF DESCRIPTION AND SUMMARY OF THE INVENTION

Methods, systems and intelligent apparatuses.sup.1 are disclosed for the immediate multimedia and electronic global ordering, sale, management, and authenticated distribution of live event content recordings by all means of delivery, transmission and retrieval now known or hereafter devised both on and off site from where the live event takes place. Methods and systems are also disclosed for the global solicitation and processing of authenticated electronic responses at live talent competitions, sporting events, and interactive games including from worldwide non-audience participants through enabled devices. .sup.1 (individually claimed but enabled to be integrated)

With respect to distribution of live music, entertainment and event “Recordings” (as herein defined), the methods and systems disclosed reveal means that expedite and associate necessary and value added steps in the production, packaging, broadcasting and administration process. These include: (i) association of recording orders to ticket sales, subscriptions and/or uniquely identifying information of the holder including credit card number, phone/mobile phone number, subscription or podcast address, for example; (ii) methods for content mastering, balancing and editing; (iii) methods for splicing and packaging single titles, action stills and other unique derivative works; (iv) methods for creating director’s cuts, “best of” versions and other derivative works; (v) methods for automated copyright accounting including calculation of statutory and contractual royalties from the point of every sale; (vi) integration of standard content security systems [e.g., encryption, watermarking and digital rights management (“DRM”)]; (vii) integration of new venue anti-terrorism security systems; and (viii) solicitation and processing of recording orders from non-audience purchasers using any uniquely identifying information that helps directs transmission of content including, without limitation, home or mobile phone number, URL, e-mail or street address, credit card or banking number, personal account, podcast or satellite radio account, Blackberry or text messaging account, Social Security Number, date of birth, mother’s maiden name, and most significantly, a DNA fingerprint.

In the sports and gaming field, entrant’s fees and bets placed are to be used in this disclosure in lieu of or in addition to “tickets”.

The disclosed systems and methods are optimally and immediately designed for use by classical artists, unsigned talent, “E-label” bands, their producers and arts institutions that are permitted to release live recordings without addi-

tional clearances. These groups need strong promotional tools and established distribution channels to test the market for new titles and contemporary works.

The instant invention will allow for the economical production, packaging and multi-media distribution of any live event recording no matter how small (recitals, benefits and special performances, for example) that with the previous art were not made available for release because it was not cost effective to do so at low sales volumes. This content was therefore previously “lost” after performance and could not be re-enjoyed by members of the public at large.

The systems disclosed are also designed for use by interactive game, sports television, film and convergence producers to assist with the solicitation and tabulation of audience and non-audience responses. Such responses serve to expand the types of entertainment experiences offered to the public and geographic influence and promotional value of a particular competition or event.

In addition, the systems are designed for podcast and satellite radio producers, suppliers and consumers who offer and covet audio programming for downloading onto computers or portable music players.

By the means herein described secured and authenticated ordering, packaging, delivery and retrieval of any live performance or event can be effected anywhere in the world at cost low enough to make it economically feasible even at low volumes. This includes release of a recording immediately at the hosting venue as soon as the event ends.

With the instant disclosure, packaging will be in either fixed or encoded format with delivery over any available telecommunications network, by hand or regular mail. By such means, audience members can order recordings either pre-concert with their tickets or after in any desired format including standard CD format by onsite handout or mail or by using a venue-based intelligent terminal, a portable hand-held music, media player, Blackberry or other test messaging device, a land line, mobile phone, other wireless device, or a home computer. With the instant disclosure, non-audience members can independently order the performance or a derivative recording and their orders will be integrated with those from ticket holders.

The present disclosure further describes independent methods that immediately account for and calculate all statutory and contractual royalties due upon release from each point of sale such that the job and expense of payment administration is removed from those individuals and entities authorized to release recordings. For ticket holders, concert venues and arts institutions, this would also include calculation of bonus or promotional discounts if recordings are purchased in advance with tickets or subscriptions. More importantly, the disclosed accounting methods are independent and provide a quick, easy and foolproof method for ensuring proper rights clearances and the equitable allocation of recording revenues among all associated with the live event. These systems will be independently licensed to concert and sports venues around the world.

The instant disclosure further provides wholly independent but integrated means for digitally mastering and balancing live recordings via storage of a plurality of content analysis algorithms that analyze and manipulate audio information with or without video in a database and/or on a “live” basis as additional information is received.

By the means disclosed, a flexible multimedia information analysis apparatus stores a database that includes both audio and video information. At the same time, also stored are a plurality of content analysis algorithms for analyzing the digital information, which can be manipulated by a

mouse. A selected algorithm can then be used to analyze and edit the audio, video or audiovideo data including on a "live" basis as additional information is received. Further content analysis algorithms can be applied in tandem to manipulate the information including splicing out singles titles from a whole concert, for example. By such means, digitized readings that are optimal for audience listening and enjoyment can be automatically converted to optimal readings for a selected recording format. In addition, the disclosed methods will assist in the incorporation of additional content (narration tracks, for example), to produce further purchase options for the consumer including derivative works, "best of", director's cut versions and event-related stills, posters, pin-ups, artist bios, karaoke insertions and playbills. These systems are optionally enabled to be associated with ticketing and independently with non-audience orders. They can also process single title and derive "best of" and director's cuts orders that incorporate supplementary material, including narration tracks, for example, in addition to whole concerts as performed, from any purchaser.

The present disclosure provides additional means for integrating anti-terrorism security systems anticipated to be installed at large sports/Olympic arenas, concert halls, auditoriums and public venues, e.g., airports and shopping malls and to take positive supplementary advantage of these systems by using them to order recordings.

It provides supplemental means for integrating standard content security methods including encryption, watermarking and DRM that track a recording as it is transmitted to an end user PtoP or BtoB. It further describes integrated systems for soliciting and processing audience and non-audience response information (also optionally associated with ticketing, subscriptions and podcast information) to allow for new forms of live interactive entertainment at a particular venue. The responses tabulated by the present invention will include ratings of live competitions without the need for open telephone land lines and will allow for the staging of both real and virtual competitions.

If betting is to be permitted, the systems further describe means of blocking responses from territories where gaming for profit is not permitted by law.

Finally the instant disclosure reveals the inventor's creative designs for venue and public space intelligent terminals that include without limitation, enabled audience seats/chairs, enabled security turnstiles, recording ordering kiosks targeted for arts institutions (lobbies and promenades), and enabled computerized tables that are to be installed at showcase cafes, clubs and gaming bistros. All terminals permit hook up of hand-held music players to USB or equivalent portals, USB keys, etc., take food and beverage orders, and pay checks and parking fees electronically. They also allow the purchaser to order and buy a recording in any desired format with a designated means of retrieval.

For example, a purchaser-ticket holder can insert the unused portion of the audience ticket or swipe a credit card to order a recording for home mail or computer delivery, to start an onsite disc engraving, release an already engraved disc from a machine, or enable immediately hook up of a hand-held music player. In addition, the terminals authorize transmission of follow-up and demographic information back to the recording purchaser, tournament/competition participant, or other individual/entity authorized to receive the information collected at the time of ticket issuance or recording sale.

The present invention discloses methods, systems and apparatuses that electronically associate any one or combination of the global ordering, authentication, sale, recording,

production, mastering/balancing/editing, single title splicing, packaging, transmission, distribution, engraving, optional tracking, protection, and retrieval of "live event 'Recordings'" (as herein defined) with the sale of an event ticket, subscription order and/or other uniquely identifying information of a recording purchaser such as credit card number, phone/mobile phone number or Internet subscription account. In the case of live sports competitions and tournaments when gambling is or may be permitted, the present invention alternatively associates live event recordings with entrance fees and/or placed bets in lieu of or in addition to "tickets" and describes integrated methods that block out responses from territories where gaming for profit is not permitted by law.

15 The present disclosure reveals wholly separate but optionally integrated methods for processing worldwide live Recording orders that are independent of ticketing.

It further reveals integrated systems for ordering and/or delivering the live Recordings in any format including, by

20 way of example, by hard mail, e-mail, over the Internet, to home and portable computers, hand-held music/media players, cellular phones, text messaging devices, podcast addresses and new Wi-Fi devices.

In addition, the instant disclosure reveals independent

25 mastering, balancing, editing and splicing methods that assign numerical values to console and instrument feeds. As herein disclosed, a flexible multimedia information analysis apparatus stores a database that includes both audio and video information including the transposed console and instrument readings. At the same time, also stored are a plurality of content analysis algorithms for analyzing the digital information, which can be manipulated by a mouse.

30 A selected algorithm can then be used to analyze and edit the audio, video or audiovideo data including on a "live" basis as additional information is received. Further content analysis algorithms can be applied in tandem to manipulate the information including splicing out singles titles from a whole concert, and packaging additional derivative tie-in merchandise.

35 40 Further, the instant disclosures describes systems and methods that allow both ticket holders and non-audience members to electronically rate and/or participate in a live staged event over any telecommunications network. The disclosed systems optionally authenticate entries and responses with ticketing or other uniquely identifying information that assists with directing transmission of the content.

Finally, the instant disclosure reveals the inventor's patented designs for intelligent terminals that take recording 45 orders, are enabled to release recordings in fixed and unfixed formats and reroute authorized information back to the purchaser. These are targeted for arts institutions, hosting venues and public and private spaces including airports, banks and shopping malls.

Definitions

"Recording" or "Live Recording" as used in the present disclosure is defined to mean any audio, video, or audiovisual material or data based on signals or content emanating, derived from or representative of the live event or any part thereof, or an occurrence pre or post event that is related to it including, without limitation, as it is packaged for sale and distribution in any medium.

60 65 Without limitation, Recordings may contain/include as examples: audio, music, video, audiovideo, concert feed, recital, sports competition (baseball game, soccer tourna-

ment, etc.), stageplay or showcase presentation, press interview, mime production, literary work, theme park amusement, arcade tournament, game, videogame, display, art exhibition, artwork, autograph, photograph, clip, still, spoken dialogue, soliloquy, reading, lectures, speeches, seminars, classes and sermons, etc.

Typically, a "Recording" is stored, thereafter balanced, edited or otherwise revised in digital, analog or other format, and transmitted by a means of distribution e.g., broadcast signal, radio, over-the-air television, scrambled signal, cable, Internet, text messenger, podcast, satellite radio broadcast, clipcast, regular mail, hand delivery, wire, cellular/wireless (so-called "Wi-Fi"), or by any other means now known or to be hereafter devised.

At some time, a "Recording" may become embodied or stored on a fixed, tangible medium of expression such as film, VCR tape, optical disc (CD, DVD, dual disc, etc.), magnetic cassette, reel-to-reel, LP, local or remote hard drive, mobile music player, or other storage medium, etc., or alternatively may be received, displayed, stored and re-performed without physical embodiment. For purposes of this disclosure, Recordings will be receivable in either a fixed medium of expression or unfixed format by a third-party to include without limitation a consumer, purchaser, third-party seller or licensee in analog or digital format [digital data (if necessary)]. Notwithstanding the foregoing, nothing contained herein is meant to limit the scope of the inventor's claims should other recording formats be made available in the future.

Retrieval of a Recording in any format for purposes of this disclosure will occur on or off site from where the live event takes place including, without limitation, immediately after the event ends at enabled location-based intelligent terminals/kiosks, home terminals (a home PC, media player, Web TV, etc.), portable personal devices (hand-held music/media players, Blackberry or other text messaging device, e.g.,), from a third-party distributor such as an online subscription service, producer or podcaster and on mobile phones. To the extent that order and/or retrieval of a Recording is to be over a telephone wire, cable or cellular telephone or any telecommunications network, the instant disclosure is deemed to work with or incorporate any phone number, address, or other uniquely identifying data including without limitation, a DNA fingerprint, URL, e-mail, podcast or satellite radio address, mobile phone or other account number that assists in directing transmission of the content.

Utility

The utility of the present disclosure is apparent. The systems, individually and collectively, are designed:

(i) For use by arts institutions, performing artists and their production teams, sports organizations, concert venues, and public and private spaces (airports, shopping malls, banks, etc.) to offer a one-stop shop for the worldwide ordering, packaging and/or release of live content recordings in all media;

(ii) To provide new forms of interactive live entertainment experiences in close proximity and time with a live event, regardless of the geographical location of the interested consumer;

(iii) For use by arts institutions, performing artists and producers to assist in the immediate on and off site release of live event recordings;

(iv) To associate recording orders with ticket sales thereby allowing authentication and authenticated retrieval of recordings transmitted and released on and off site;

(v) To allow recordings to be ordered from the time of first ticket issuance thereby offering promotional bonuses and discounts to venue subscribers and global fans;

(vi) To provide a true litmus and market indicator of new talent, a contemporary composer, composition, title or premiered work both from audience members and from the non-attending global market;

(vii) To afford artists and producers additional feedback on an event and optional demographic information on recording purchasers in all media and territories, if authorized;

(viii) To ensure rights clearance and the foolproof equitable allocation of recording revenues in all media;

(ix) To assist with all newly instituted means of audio, video and audiovideo content ordering and transmission methods (including podcasting, for example);

(x) To anticipate heightened anti-terrorism security measures incorporated within public and private venues and to take positive advantage of those systems by using them to assist with the ordering of recordings;

(xi) To record, capture and distribute otherwise lost live content including of smaller, local events that traditionally would not have been released to the mass media or the public at large and with the prior arts, were never capable of being enjoyed by those who were not in actual attendance (either locally or around the world).

Using the instant disclosure virtually all live content can be now be efficiently and effectively preserved, packaged, automatically accounted for and immediately offered for distribution to the adoring audience as well as to fans worldwide. Audience members can now fulfill their need for instant gratification and at cost low enough to make it economical even at low volumes. Ticket holders can either order recordings pre-concert or immediately after it ends at venue-based intelligent terminals, or in the alternative, retrieve and take home a recording in one of several formats right then and there. In addition, those who did attend the event as well as to those who did not, can now own copies virtually in minutes. Discounted recordings can be offered as added perks associated with subscriptions and early ticket purchasers. Those who pre-buy can also be offered the added benefit of the right to receive promo information on future events and releases. After the performance or event, Recordings can also be bought at any intelligent terminal installed at the venue or other public spaces that include airports, shopping malls, retail outlets and banks. In addition, any interested purchaser can order a recording from a home computer, land line, cellular telephone, Blackberry, text messenger or other enabled hand-held device by using a credit card or other unique identifying information of the purchaser including an online subscription account number or mobile phone.

To benefit from the instant disclosure are all parties involved in production of both the Recording and the live event as well as adoring fans that always covets a complete repertoire and new entertainment options. Aside from added revenues, the artists and copyright holders can now have access to what in hindsight proved to be a great or unique performance. And the public at large gets the option to expand its listening library of a favorite artist.

By the means herein described, for the first time, Recordings can be offered for sale by any known means from the time of first ticket issuance.

When physical discs are ordered at any location-based terminal, the systems are designed to work with the latest capacity standard CDR engraving technology (whether incremental or non-incremental) either to start the engraving

of a disc or in the alternative, to release an already burned disc or the signaled information embodying same. If a particular venue elects to install a combination ordering and disc engraving intelligent terminal, with CDR technology now between 40.times. and 52.times., this will allow for authenticated release of even disc formatted Recordings to authorized retrievers immediately at the venue after final curtain. Audience members who have CD players in their cars can then re-experience a concert on the way home.

Global orders from those who did not attend the event can likewise be independently and immediately fulfilled by integration of appropriate systems. This will serve to maximize the market potential and promotional value of the event regardless of the geographic location of the purchaser.

Artists and composers who premier new works at a recital in a smaller locale will realize the added benefit of having these works optimally and quickly marketed particularly if they were not selected for release by a recording label. New bands and other "start-up" talent are likewise afforded the means to get their material immediately out into the marketplace and receive rapid feedback on their original compositions in actual dollars.

With increasing advents in technology that continue to compress the time and physical space needed to record and transmit audience responses to a live event, it is anticipated that at some time in the future, the present disclosure will allow for tabulation of on and off site ratings and responses as well as the public's participation in staged tie-in tournaments including from hand-held devices and cellular telephones. As the interactive response time becomes smaller and smaller over time with increasing bandwidth, both audience spectators and non-attending fans should be able to participate in virtually automatic ratings both from their venues seats and from enabled home computers, hand-held devices and cellular telephones.

The current trend towards reality television demonstrates that interactive viewing is a coveted by the entertainment industry. Shows like Fox's "American Idol" have already proven that there is a premium on interactive response programming because it performs advance market research on new talent. Moreover, because the major TV program suppliers and producers are no longer willing to pay a sitcom star \$1 million per episode, there is increasing demand for less expensive distributable content of any kind particularly that which can be distributed to wireless telephones. This trend will continue to grow as more interactive television, radio devices and offerings (now including podcasts and clipcasts) penetrate the marketplace and the viewing audience can more easily fast forward through a sponsor's commercials.

Submitted for separate patent protection is the inventor's original intelligent terminal designs including, without limitation, those in the form of an enabled venue audience seat, an enabled venue turnstile, an enabled eating or beverage table and chair, and an expanded ATM ordering kiosk targeted for public spaces, concert venues, airports, banks, malls and retail stores. The table terminals are seen for installation in the next wave of restaurants/media clubs/gaining cafes/coffeehouses, etc. They are designed to take food and beverage orders and pay checks and parking electronically without a human waiter or waitress in addition to fulfilling Recording orders. The turnstile version is expected to be a big seller as tightened security systems at Olympic stadiums, venues and airports are installed including those that read DNA fingerprints of audience entrants.

All terminals will incorporate credit card and smart card swipes, rating/interactive systems, disc dispensaries, USB

and equivalent portals for hook up of music players and storage devices, all of which are electronically authenticated and linked to entrance tickets, seat assignments, food and beverage checks, a cellular phone number, URL, e-mail, podcast address, other account, or other identifying information of the purchaser.

The systems herein disclosed are further enabled to process special purchase orders. For example, individual titles (singles) from a live performance with or without accompanying video will be spliced out, specially formatted, accounted for at competitive pricing on the order of \$1.00 per title and offered for sale over the Internet for storage on hand held music players. Live singles will also be offered for sale on Internet subscription services along with event-related interactive games and tournaments. Also to be made available are director's cuts, narrated tracks, "best of" selections from a particular artist's tour and personalized compilations inclusive of audience noise, monologues, artist soliloquies and narration tracks.

20 All Recordings especially the spliced singles tracks—expected to be a big Internet seller—can be optionally watermarked, encrypted and protected with available DRM systems by integrating standard methods. These new live sound recordings of even old titles are expected to compete

25 with the pre-released digital studio recordings that are now being freely shared over the Internet and crippling the recording industry. The inventor believes release of live singles presents one means to reverse spiraling losses attributable to the unauthorized sharing of digital files over the

30 Internet in that it will offer alternative and fresh versions of a favorite artist's titles. Integration of screened video feeds after digitization present an inexpensive means to produce music video downloads at much lower cost that can be transmitted to cellular phones.

35 The inventor's disclosed accounting systems are key to keeping administration costs low. They are enabled to automatically calculate the statutory and contractual royalties payable to all involved in production of the live event and its Recordings. Labels, managers and producers can select any

40 accounting format compatible with their current systems. Each participant's confidential accounting statements will be available 24/7 by secured key over the Internet and will offer information from every point of sale. Singles delivered to a cellular telephone will be accounted for by these same

45 systems.

B. History of the Field

Historically, live entertainment events when recorded for live or tape-delay distribution to the mass media were relatively expensive productions. They were designed with

50 high quality processes and formatted to meet broadcast standards. Originally, live recordings were made on film and/or tape but are now recorded by digital technology, and often with modest equipment. Now, even with advents in technology, tie-in merchandise like T-shirts, autographed

55 pin-ups and cups that are being offered for sale to the public in on-site venue stores and retail outlets are generic, i.e., they do not relate to or symbolize the specific event attended.

In the traditional music industry business model, live performance revenues were reserved in standard label contracts by the artist for their own exploitation. This meant that venues, event producers and promoters made their revenues only from audience ticket sales, commissions from on-site concession and sales of tie-in merchandise as related to the artist's reserved rights, and the artist's label did not share in

65 these sales.

Conversely, the decision as to whether to release an audio or audiovideo recording of the live performance remained in

the exclusive control of the artist's record label. Because the costs associated with broadcast-quality productions were so high and there was an additional concern that new releases might interfere with stable revenue streams from previously released whole albums, very few live events were made available for home release including for those who did not attend the live performance. The on-site stores at the Continental Arena at the Meadowlands, Tanglewood or the Metropolitan Opera, for example, sell only the artists' pre-recorded studio albums, not the CD of the performance actually attended.

In a similar fashion, concerts in smaller municipalities or those given by new, unsigned bands just building a following, solo recitals of classical artists, local stage productions, sporting competitions like horse racing, NASCAR and major/minor league baseball, educational seminars, speeches, etc., have almost never been produced for the mass media or home distribution. The live experience has been limited to the actual audience and spectators, i.e., those lucky enough to get "tickets". One exception is OTB where the live event is televised in specific networked locations for the benefit of all who place bets.

Basic recordings were, however, made of most live performances and sporting events, using simple equipment of modest quality, for reference, study or promotional purposes. Additionally, the press would cover highlights of certain local events (college competitions, e.g.) and archive footage for future stories or ancillary licensing. In the sports field, this business model works because once a competition is over, most of the commercial value of the event is lost.

Such is not the same for the music industry, however. When a great performance or concert has taken place, in hindsight the entire world may relish the chance to see it and even own it.

But even in the music business, tie-in videogames never became a standard part of the business model because of the limitations on technology and the prohibitive costs of production. With the instant disclosure, however, this will change. Any concert can now be the focus of an interactive promotional campaign that is tied to ticket sales and subscriptions. Certainly this advertising strategy is a lot cheaper and will expand geographic interest in the event.

What does this mean in dollars? In a nutshell, it means that with the prior art, most live events—even unique and quality performances and competitions as they continued to be staged around the globe everyday—had the fate of becoming "lost content". Live events are still not being exploited to their maximum potential because the systems in place were designed only to generate revenue from ticket sales and keep venue revenue sources separate from those belonging to the record labels.

In the music field, starting March, 2003 ten months after the preliminary application for the instant disclosure was filed, a handful of disc burning concerns attempted non-automated, non-authenticated physical CD handouts at small performing venues by incrementally transferring single titles onto a master as they were tracked. These companies conceded that with this method they could not fulfill the Recording demand of a large concert audience or any immediate outside orders.

In addition, standard CDR burning technology is now available at 30.times.-52.times. (one CD in little over a minute) even for home components. With standard technology as it may be updated, the on-site methods and systems disclosed herein do not require incremental track transfer to cut disc compression and duplication time (for those that

want discs) and thereby can satisfy any size audience as well as outside orders all at the same time.

With the increasing costs of TV programming and the trend towards reality TV, basic digital recordings are now recognized as valuable, marketable content. Now, depending on the particular event, even the most basic recording can increase in value over time. TV shows and theatrical films like "American Idol", "The Apprentice" and "The Truman Show" demonstrate just how valuable even raw content has become. The announcement heard at the beginning of virtually every live event that cameras and recording devices are strictly prohibited, is definitive proof of the value of live Recordings even if they are not optimum quality.

With fast-forwarding options becoming more prevalent on home media players that bypass commercial advertisements, networks are no longer willing to pay a sitcom star \$1 million per episode as they did in the final seasons of "Friends". In January, 2004, Mezzo-soprano Marilyn Horne told a seminar class that she was only able to incorporate a particular song on her 70.sup.th Birthday Album because it had been unlawfully recorded at a concert by an audience pirate. Norah Jones' early primitive recording sessions in solitude are now extremely valuable as background material not only for her own albums but also for the hot selling DVD releases of the Grammy Awards.

The analysis is no different for professional and amateur sports. Wouldn't at least some fans still want to watch Don Larsen's perfect game or receive a clip from a Yankee rally during the post-season superimposed on a T-shirt or autographed poster? If a fan didn't tape a game he attended, isn't it also likely that he may still want to buy a copy for reference or study?

In the music field, statistics show that many find live or "recorded as live" concerts far more satisfying than highly edited and planned "studio" recordings. The audience cheers, applause and artist monologues make the live recording far more exciting and have not been shown to cut into revenues generated by the original album.

Also, fans of an artist usually also covet a complete repertoire. In July, 2004, Business Week reported that 20-30% of an attending audience will order a CD of a concert attended on their way out the door. Whether that should be a physical engraved disc, a download direct to an iPOD or an order for home delivery is a decision this inventor will leave to the purchasers and venue owners to decide for themselves. Both are claimed in this disclosure.

Master classes, seminars and lectures by an adored artist also have inherent value.

And how many unsigned bands have downloaded their original material in hopes that get one of the "illegal" file sharing companies to pick it up even for listening by pirating teenagers? New acts will do almost anything to get free publicity. Now many avoid signing with a label because it has become increasingly clear that the labels are no longer in optimal control of the buying market.

It is not unusual that a great talent, artist, contemporary composer, or ensemble of great talents may appear or premiere works in a unique performance as in a benefit concert, gala, limited tour or opening and/or perform in a smaller market for a particular function or celebration. Many view the failure to offer these concerts as depriving the public of an artist's complete repertoire and/or interfering with a new artist's right to publicity. The May 15, 1999 Carnegie Hall recital of the "New Goldberg Variations" performed by cellist Yo-Yo Ma with a single piano accompanist is such an example. Royalties and guild residuals would have been minimal for release of this recital because

a full orchestra was not involved. Yet it was never released by SONY Classical. Why not?

Renee Fleming and Ruth Ann Swenson, now probably the most marketed American sopranos in the world, formerly appeared on the 1998 program of the Marilyn Horne "New Artist Series" at Carnegie Hall. International classical music fans as well as patrons and subscribers would love to own a copy of this event. Yet the union and creative factions there continue to wrangle over royalties, regardless of the value of the recording.

C. Utility/Marketability

That there is a clear positive market for live recordings, even if of less than optimal quality, therefore, is a given. The proof can be found in the "warning" message to the audience heard before virtually every live performance or professional sports competition informing patrons that recording is illegal and strictly forbidden. Only in the rarer instances when the artist, celebrity or producer has already licensed grander broadcast rights for live or tape delay production will the basic digital recording serve less than an absolute useful purpose, but as demonstrated above, a commercial purpose nonetheless even if only to fulfill tie-in merchandise orders.

Start-up bands are in desperate need of fast and efficient distribution channels for their original material in hopes of discovery. Now, even many veteran artists elect to negotiate with labels and concert venues so that they can offer their live performance recordings for sale in multiple formats.

Within the artistic community are certain rules and mores that using the prior art prevented capitalization of the live content market when the preliminary application for the instant disclosure was first filed in 2002. As aforementioned, the major labels and producers own the exclusive rights to the releases of their signed and featured artists including live performances. Moreover, the standard artist-label contract usually prohibits distribution of a recording without the artist's prior approval. Whether a label may have negotiated an "out clause" for live concert feeds must be analyzed on a case-by-case basis, another expensive administrative hassle for the label.

The only present exception is in the field of classical music because studio releases have never sold as well. Because of this, for the last few years, classical artists have been given "out clauses" to release their live recordings that were not given any artists five years ago. But even with these new contracts, the labels have remained reluctant to share of any part of live Recording sales with the hosting venues because they in turn do not participate in ticket and concession revenues. To help solve the impasse and the continuing decline of the recording industry, both parties along with musicians' unions, performing rights societies and digital rights management organizations may now have to negotiate if they want to keep consumers happy and keep pace with advents in technology.

While in the past the labels feared that new live releases would interfere with their long-standing relationships with retailers and in turn stable revenue streams from classic pre-recorded albums, they affirmatively avoided placing competing releases including live sound recordings into the marketplace. Now, with disc retailers becoming less significant with the marked increase in free digital file sharing and paid downloads to hand-held music players, these prior concerns have no rational basis in dollars.

Royalties, however, remain especially high upon ancillary release of a concert when a full orchestra is involved particularly in a top union house. Royalty payments are a sticky negotiation point for every grandiose music special

packaged for multi-media release. Union engineering contracts make live production costs even more prohibitive at certain major venues like Carnegie Hall. Now we have podcasts and clipcasts where audio programs classically carried only on radio are made available via special software for download to home computers and mobile phones.

Special live concerts broadcast from a Wi-Fi hotspot is almost certain to become the next genre of podcast series and quality systems of management and administration as presented in the instant disclosure will be sorely needed. Whether a digital transmission is a "performance" as defined in the US Copyright Act, will not ultimately prevent a buy-out price per event by each of creative factions. Even other administrative nightmares like paying mechanical royalties when a concert is to include material composed by an individual other than the featured artist or one signed to a different label, are managed by the instant invention.

In 2002, when the preliminary application for the instant disclosure was filed, the news from the Recording Industry was unanimous that labels and copyright holders were avidly searching for new ways to replenish recording revenues lost to Internet piracy and file sharing. Motion picture studios also reported becoming increasingly concerned about digital piracy of theatrical films. The answer, as proven by the subsequent exponential surge in ticket sales and new forms of interactive entertainment, may well be active pursuit of the live content market with implementation of the systems herein disclosed.

Statistics continue to confirm that a significant number of concert goers (20%-30%) will buy a Recording of an attended event if delivery can be expedited. Further statistics show that there is a premium on being able to offer instant gratification to an audience on the way out of the venue. A higher percentage will purchase if a preferred method of retrieval can be designated. A cup or T-shirt is far less attractive than the performance itself. The instant disclosure provides the most comprehensive recording purchase options to the consumer. In addition, the venue selects whether the inventor's intelligent terminals installed onsite will offer authenticated recording ordering, encoded delivery to hand-held devices and also actual CD burning and engraving.

In sports, the videogame industry is itself a multi-billion dollar business. Interactive game(s) are a natural supplement order for a sports entry ticket. If fans in the audience and elsewhere could all participate in a staged virtual tournaments related in time and space to the live competition, the promotional value could be huge. The end result would be broadened geographic interest even in a local event and a ring side seat on a cell phone.

A sport celebrity's and/or artist's pin-ups, posters and T-shirts sell extremely well and may even appreciate over time. Making a still or autographed photograph of a shortstop's great play immediately available would be a certain "hit" almost like catching a foul ball in the stands. All such orders are most efficiently fulfilled when linked to ticketing operations.

The present invention and disclosure conquers these and many other problems traditionally associated with the immediate marketing of live event Recordings. These include but are not limited to: The technological and speed limitations on on-site live recording ordering, balancing/editing, fulfillment, physical disc engraving and authorized retrieval of the live content in fixed, analog, digital and/or other encoded format; The cost of manually gathering the information associated with the sale(s); The huge prototype costs including costs of on-site intelligent terminals; The technological

limitations on authentication; [0102] The technological limitations on editing and balancing; [0103] Integration of technology that ensures confidentiality to purchasers; [0104] Integration of technology that ensures protection of the live content; [0105] The lack of systems that associate mobile phone and other electronic live recording orders with ticketing and/or immediate and subsequent live sales around the world; [0106] The lack of systems that integrate all recording orders pre and post event in all media; [0107] The job of securing clearances of all parties necessary to effect live recording release [0108] The job of securing the artist's prior approval to the live release particularly if required by contract; [0109] The cost of separately producing and advertising; [0110] The cost of high engineering fees particularly in union houses; The cost of the residuals and both statutory and contractual royalties owing to all performers, copyright holders and participants upon ancillary distribution; The cost and clearances required for multimedia of recording delivery including Wi-Fi, satellite radio, podcasting and clip casting; The overhead of music and live recording publishing administration; The overhead of royalty accounting including calculation of participations, copyright royalties and payments to guilds and performing rights societies, and generation of statements as may be audited; The cost of litigation and insuring against it particularly in the gray area of digital distribution; The cost of updating to keep pace with advents in technology; The costs of servicing all systems, terminals and equipment; The loss of impulse business if the customer has to wait a long time to receive a Recording or tie-in merchandise from the event; The technology and speed limitations of already attempted methods of onsite disc burning because the customer must wait for discs to be balanced, edited, burned and physically handed out, rendering the tried methods insufficient to accommodate a large concert or sports audience; Potential losses from unauthorized uploads and digital piracy of the live content including from a previous performance during a particular tour; The technology limitation on integration of all methods and systems needed for financial success; and The lack of systems that organize and process demographic information from purchasers so that future events and releases can be better marketed while still maintaining the confidentiality of those purchasers who so designate; The cost of insurance to guard against infringement and misappropriation.

5 limitations, podcast address and/or uniquely identifying information given by the holder at the time of issuance; (ii) methods for content mastering, balancing and editing; (iii) methods for splicing and packaging single titles, action stills and other unique derivative works; (iv) methods for creating director's cuts, "best of" versions and other derivative works; (v) methods for automated copyright accounting including calculation of statutory and contractual royalties from the point of every sale; (vi) integration of standard content security systems [e.g., encryption, watermarking and digital rights management ("DRM")]; (vii) integration of new venue anti-terrorism security systems; and (viii) solicitation and processing of recording orders from non-audience purchasers using any uniquely identifying information that helps directs transmission of content including, without limitation, home or mobile phone number, URL, e-mail or street address, credit card or banking number, personal account, podcast or satellite radio account, Social 10 Security Number, date of birth, mother's maiden name, and most significantly, a DNA fingerprint.

15 In the sports and gaming field, entrant's fees and bets placed are to be used in this disclosure in lieu of or in addition to "tickets".

20 25 The systems disclosed include but are not limited to coupling "ticket" sales with orders for event content Recordings that also specify the preferred method and/or location of retrieval and can be optionally authenticated and/or protected by the integrated methods herein described. They 30 describe wholly new ticketing/ordering operating systems that can be integrated including without limitation an interface to work with existing ticketing software (even when orders are placed over a phone) which converts the ticketing data into a readable language, XML for example, thereby 35 creating an overlay and allowing for the authentication of information already input. Such coordinate systems equally apply to data input for tournament entrance fees or placed bets as well as or in lieu of "tickets". They further apply to methods authenticating orders to delivery codes including 40 assigned land lines, cellular telephone numbers, URL's, e-mail, text messaging, subscription, podcast and clipcast accounts, DNA fingerprints or any other uniquely identifying information that directs transmission of the content. The term "Tickets" and as used in the instant disclosure, therefore, relates not only to the entrance receipt resulting from the ticket sale transaction but also to tournament entrance fees, bets placed or other information of the ordering or receiving terminal including as example a land or cellular phone number which can be authenticated and/or receipted 45 to uniquely identify the buyer/placer by any electronic or other means now known or hereafter devised.

50 55 The present invention incorporates systems and methods of assigning numerical values to live audience feeds and then converting the digital reading(s) balanced for an audience to those for a CD track mix.

60 The present invention incorporates methods for placing special orders for audio-balanced, spliced, edited and other derivative event Recordings including without limitation single music tracks with or without accompanying video 65 including without limitation from installed video screens at the event, those with and without audience noise and/or artist monologues, sports highlights, "best of" compilations, director's cuts, narration tracks, photographs, stills and tie in merchandise, posters, pin-ups, T-shirts, cups, celebrity endorsed games or videogames, etc., —and associating these with the "ticketing" and other systems herein disclosed.

SUMMARY OF THE INVENTION

The instant disclosure presents novel, useful and unobvious systems, methods and intelligent apparatuses that efficiently, quickly and economically capture and exploit otherwise lost live content. Methods, systems and intelligent apparatuses are disclosed for the immediate multimedia and electronic global ordering, sale, management, and authenticated distribution of live event content recordings by all means of delivery, transmission and retrieval now known or hereafter devised both on and off site from where the live event takes place. Methods and systems are also disclosed for the global solicitation and processing of authenticated electronic responses at live talent competitions, sporting events, and interactive games including from worldwide non-audience participants through enabled devices.

With respect to distribution of live music, entertainment and event "Recordings" (as herein defined), the methods and systems disclosed reveal means that expedite and associate necessary and value added steps in the production, packaging, broadcasting and administration process. These include: (i) association of recording orders to ticket sales, subscrip-

The present invention also incorporates systems wherein the purchaser is given the option to receive promotional material for other subsequent event announcements and merchandise.

With the systems herein disclosed, purchase and retrieval of Recordings embodied in a fixed tangible medium of expression (CD, DVD, VCR tape, etc.), or in non-fixed analog, digital or other signaled format may take place at the venue itself, at location based intelligent terminal kiosks including enabled tables at eateries, coffee houses and showcases and terminals at any other location including airports, malls, and retail stores, at an ATM machine, or at a home personal computer, cellular telephone or other apparatus.

Further disclosed are independent methods and systems for processing outside orders for the live events Recordings from those who did not attend the event and/or who have no access to on-site points of sale. These orders may be placed over the Internet, by regular land line or wireless phone number that pursuant to the instant disclosure may be linked herein to the ticketing operations.

The instant disclosure presents a technological solution to deter the unauthorized sale and/or upload of shared digital files by offering downloaders fresh content of featured artists to compete with their previous studio Recordings that are now being shared for free and crippling the Recording industry.

The present invention discloses integrated methods and systems for prompt, accurate and virtually automatic calculation and payment of statutory, guild and contractual royalties to copyright holders and participants alike by managing accounting from the point and moment of sales. This allows for the immediate equitable allocation of revenues and the tremendous lowering of the overall costs of production and distribution. Disclosed is a system for protected key access by all copyright holders to their royalty accounts and demographic information to the extent that purchasers authorized its disclosure.

The present invention is a complete system and method providing a legal, efficient way to maximize the revenue and the promotional value of the live event, track the content sales, gather the required information and transmit that information to all parties involved in the production, manufacture and fulfillment of sales as well as to those entitled to share in revenues and at cost low enough to make it practical even at low volumes.

Equally important, by returning control of content releases to the copyright holders (which in turn will allow for the offer of discount and promotional tie-in pricing concurrent with ticket sales), the present invention will serve to encourage new and established talent to remain within the structure of the existing system, thereby providing a win-win-solution to all—studios, labels, and participants alike.

Further, the present disclosure offers the public the opportunity for instant gratification and impulse buys at comparatively lower cost to the suppliers without the need for “hand out” sales or additional sales personnel.

The system incorporates rating and interactive systems to enhance the live experience and its geographic influence and also to allow for participation staged tournaments and contests by ticket holders and non-audience members alike.

Optionally, Recordings including single tracks may be separately encrypted, watermarked, formatted and/or rendered destructible by known industry means, integrated with other systems described and offered to consumers over the Internet for a download fee and transfer to hand held players.

Other special purchase orders including “best of” compilations, director’s cuts and narration track versions are anticipated to be especially attractive when multiple performances of a live event take place at the same or different venues, as during a revival or artist’s concert tour. To the extent that pre-event disc production may incorporate already approved performances of certain titles from a prior concert of a current tour, the systems integrate those balanced, edited and production systems as well.

Separate integrated methods and systems are disclosed for automated mastering and editing including digitizing console and instrument feeds through the use of algorithms. These systems and other editing and disc burning/engraving technology that may currently exist or hereafter be devised, are described as to be integrated with the ticketing and Recording ordering systems herein described and/or the system as a whole.

In total, these methods individually and collectively comprise the collection and input of purchaser information starting optimally at the time of first ticket sales, the optional integration and processing of mastering, editing and digitized balancing data, and secured transmittal of that information to all parties responsible for the fulfillment, manufacture and distribution of the Recordings, as well as to those entitled to payment by statute or contract.

In the instance where the Recordings are to be delivered by immediate and/or electronic transmission directly at the venue or devices including a land or cellular telephone or other enabled appliance, methods and systems of authentication of the ticket holder’s or outside purchaser’s information including his assigned phone/cellular numbers, e-mail address and/or bank account are incorporated and disclosed to ensure authenticated delivery to the proper party at the time and/or location of retrieval. Integration of standard secured credit card technologies will allow on and off site sales at any enabled terminal location including without limitation at a home computer or cellular telephone to all who did not pre-buy Recordings. All purchasers and can elect to receive promotional information for upcoming releases, games and other live events. In the systems disclosed, the buyer/orderer will maintain the right to have such information transmitted to the copyright owners as part of an overall demographic package or to keep such information confidential.

Optionally to be added to the system are integrated methods to handle the purchase and/or license of grander scale broadcast productions and home distribution versions. For those cases where the pre-approval of the artists is required prior to release of a Recording, integrated are disclosed systems to block sales until and only if such consent is secured.

Systems for audience participation and ratings, video-game or interactive tournament play or live content merchandise auctions or stock markets, can be optionally integrated into the systems disclosed to enhance the complete live experience and encourage participation by spectators and non-audience members alike.

60 BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 depicts an overall schematic or block diagram of a system constructed in accordance with the present invention.

FIGS. 2A-C depict the transaction flow including processing and administration of Recording orders—claimed both from ticket holders and independently from non-ticket

holders—payments and accountings to all copyright holders and participants (or “partners”).

FIG. 3 shows a flow chart for processing transactions and information requests.

FIG. 4 depicts the method and system of manufacturing/fulfillment including orders for complete, spliced or special purchase Recordings including derivative or edited versions, singles tracks and personalized compilations in fixed, encoded and any other format.

FIG. 5 depicts the methods and systems of On and Off-Site Production and Distribution and authenticated retrieval associated with identifying ticketing information and other uniquely identifying information of a Recording purchaser.

FIG. 6(a)-(p) depict the inventor's original intelligent terminal designs separately submitted for patent protection.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

While the instant invention is susceptible of embodiment in many different forms, there is shown in the drawings and herein described in detail preferred embodiments of the invention with the understanding that the present disclosure is to be considered an exemplification of the principles of the invention and is not intended to limit the principles or scope of the invention to the embodiment.

As is now standard in the industry and in referring to FIG. 1, the system architecture of the preferred embodiment of the present invention is implemented using a Data Center, a plurality of venues using standard point of sale equipment and a plurality of terminals. The Data Center is in communication with each venue and each purchaser or licensee terminal through the Internet or any wireless application. The terminal can be any device through which a user can access a Website, e.g., a personal computer, a personal digital assistant, an Internet-through-television device, a cellular telephone, or any type of many available wireless devices available in the market, or any updates as may now or hereafter be devised.

Referring to FIG. 1, the Data Center (100) preferably comprises database servers, Web servers, a load balancing router and a firewall (18) connected to the Internet (19). The firewall (18) receives messages from the Internet (19) and forwards the messages to the load balancing router and likewise receives messages from the load balancing router and forwards them to the Internet (19) or other similar distributed computer network. The firewall (18) preferably performs a number of filtering functions and network address translations in order to safeguard the Data Center from unauthorized access. The firewall (18) also preferably encrypts and/or watermarks the message using known public key/private key encryption and standard methods and may also integrate Digital Rights Management (“DRM”) tracking. The load balancing router forwards messages received from the firewall (18) to one of the plurality of Web servers. The load balancing router also forwards messages received from the Web servers to the firewall (18) for transmission to other sites through the Internet. In this manner, the load balancing router distributes tasks to be performed to one of the plurality of Web servers in order to distribute processing demands. The Web servers access the database servers (100) to retrieve and store information in response to received messages from the terminals (not shown). The database servers store data tables which contain information about various venues, events, accounting, royalties payable, fixed payment allocations, ticket resources, ticketing software,

user rules, ticket status, ticket holders and tournament entrance fees and bets placed (if applicable).

An end user (10) can access the Data Center (100) by using a standard Web browser on a terminal (not shown). However, non-standard, custom software can also be implemented or Web browser software on the wireless device such as a personal digital assistant or cellular telephone. Terminals (10, FIGS. 6A-P) can log into the Data Center (100) to view events which will take place in the future and purchase tickets, allow patrons to access Recordings from the just-completed live event, interact to rate a new act or the event itself, and/or to buy interactive games to participate in the event itself or is staged tournaments with other users or spectators.

Moreover, other information including user roles, options for Recording retrieval including location, means of retrieval and incorporating burning, engraving, mastering balancing, editing technology as may now exist or hereafter devised including through the use of algorithms as herein disclosed, may be implemented. Choices may include venue, management, artist, record label, team owner, event management, ticket buyer/ancillary purchaser, retrieval immediately at venue by CD or DVD, or for delivery by digital transmission/USB port at a location-based kiosk, at home by mail or by home computer access, on a cellular telephone, or those that order derivative works or elect to input other demographic information for dissemination, i.e., ‘best of’ versions, director's cuts, narration tracks, and request upload of demographic information and promos for upcoming events and other releases, etc.

More particularly, referring to FIG. 1, the system further includes one or more entertainment venues (14), a fulfillment or manufacturing center (FIG. 4), a plurality of information fee recipients (24) and a plurality of Recording recipients (28). The transaction flow is depicted in FIGS. 2A-C.

A ticket buyer makes a purchase transaction in step (110). See FIG. 2A. During this step, the ticket buyer (10) is presented with the option of pre-buying a tie-in Recording. The price of the Recording is added to the price of his ticket purchase to the live event (or other logged entrance fee or bet). In the event the purchaser desires to retrieve his Recording at the venue immediately upon completion of the performance (or prior to in the case of interactive games), standard authentication methods may be employed, including, but not limited to, bar coding and/or information authentication.

The ticket seller, who is already making various allocations for taxes, fees, etc., from the gross receipts, treats the price of the value added Recording similarly. He subtracts his fee, whether fixed or contingent (his incentive to provide this service), and forwards the remainder to the Recording supplier (Recording-seller). Because this is still a single transaction, with the ticket serving as the customer's receipt, the added cost is minimal.

The ticket seller at locations transmits the transaction data over a PC or other standard point-of-sale equipment well known in the art (not shown), which includes the information gathered from the charge card transaction, which identifies the buyer and specifies the address (the charge card address or other address selected by the buyer (10)) to which the Recording is to be sent, to the Data Center (100). This transmission is done in real time, through the Internet (19), using industry standard protocols such as XML and is properly secured using one of many industry standard encryption methods.

Upon receipt at the Data Center (100), the transaction information is immediately loaded into the master system database. The data base system is capable of Recording a multitude of transactions involving a multitude of events simultaneously, while at the same time providing all of the required reporting and processing functions and maintaining both the physical and logical security of the information which is critical to the successful implementation of the method.

The preferred embodiment preferably uses an industry standard database system, e.g., Oracle, Microsoft SQL Server, IBM DB2, XML, etc., which is scalable, and of an industry standard set of server hardware, which is also scalable to ensure that it can handle whatever transaction load is required.

In step (112) the Data Center (100) checks if the transaction is valid. Invalid transactions are discarded (step 114). In step (100) the Data Center transaction is posted with database. In step (116) the transaction is backed up. Next, various data files containing statistical information are updated in the data base (100) to reflect the latest transaction(s) (step 118).

As indicated above, the Data Center also encompasses a series of Web servers providing as Web sites and/or Web services points of access for various interested parties to retrieve information required for their operation. FIG. 2B shows the process for generating the Recordings in fixed media of expression (CD, DVD, USB, e.g.) on site using a suitable Recording subsystem including at location-based kiosks and terminals. (FIG. 1, 28). During or immediately after the event, the Recording subsystem generates a Recording on an appropriate medium using preferably non-incremental methods. In the alternative, Recordings are available to be retrieved on or off site through enabled terminals in digital format through USB port or other methods including hook-up of media players and other storage devices, also authenticated using cellular telephones and Internet subscription accounts. Booklets (if any) are prepared for the buyer together with labels that are affixed to the Recording.

The completed Recording is delivered to the buyer. Finally, the manufacturing and fulfillment details are sent to the Data Center (100) and fulfillment center for accounting and statistical analysis. Using this data, various statistical data bases are updated with the latest transaction(s). FIG. 2C illustrates the final accounting process. Thereafter, the transactions for the event are reconciled and finalized and reports are generated. The reports and payments to various partners are calculated and transmitted. In the last step temporary data in the central data base is cleaned out and the central data base is readied for the next event.

As discussed above and illustrated in FIG. 1, if a user or buyer wants to take home or receive a live Recording directly at the venue upon completion of the event, standard authentication methods, including but not limited to bar coding, may be used. Referring to FIG. 5, the Recordings from the editor apparatus are stored as tracks on servers. Next, the Recordings are transmitted or "burned" on site by updated non-incremental CDR technology generating media (401) in bulk. The media (401) (that may include DVDs, CDs, etc.) are sold by either users or buyers (10), who have prepaid for the media when they bought their tickets, or alternatively to buyers (10) who have not prepaid and pay for the media at a subsequent time including at the end of the event. The bulk Recordings (401) may be sold by a clerk (402).

Alternatively, however, a kiosk or other enabled terminal (410, FIGS. 6A-P) receives the Recording data from servers. FIG. 5. The kiosk (410, FIGS. 6A-P) is an automated kiosk, "vending machine" or enabled table in a nightclub/eatery that either burns or spits out a Recording on demand when presented with authenticating information that may be information on the ticket itself and/or prerecords the tracks on a selected media and provides labels, booklets and other materials associated therewith. The media and associated item(s) are then dispensed when the user/attendee inserts his ticket or inputs other identifying authentication information into the kiosk (410). Alternatively, the kiosk receives the ticket or other input information from a user and, in response, starts the burning of the media or takes order for the mailing or desired home electronic retrieval. In this configuration, the user may be given the choice of customizing his Recording by selecting specific portions or songs of the event that should be burned on the media, their sequence, etc. or may even order "singles". This will be the preferred method if a kiosk is in the form of a patron's audience chair, table or seat at an eatery, nightclub or showcase.

Orders can also be taken at enabled turnstiles or ATM machines at banks, airports, malls and other public venues. (FIGS. 6 A-P).

A user (10) who has not prepaid for the Recording may also obtain one using a kiosk and charging the purchase to his credit card or by using other payment means.

The kiosk (FIG. 5, 410) may also deliver a Recording as a data file that becomes available for downloading by the user (to a PDA, IPOD or other similar device) through a data port (such as USB port) on the kiosk (410).

Finally, after the event is finished, the Recording can be delivered or distributed electronically as a digital file to the home computer of the user and the point-of-sale site may be bypassed. Communications between the various elements of the systems can be implemented over wired or wireless networks. Typical wireless networks that may be employed include Wi-Fi, Bluetooth, etc.

The ticket/Recording buyer (10) can from any terminal, for example, check on the status of his order and perform a limited range of functions, such as changing the delivery address for his order, order additional Recordings, or order that promo information of upcoming concerts and other future releases be sent to him.

Similarly, the entertainment companies and record labels can, for example, check, in real time, to see how many Recordings for their artist have been requested and sold for any event, track the royalty and other payments through the system, and, for example, receive survey responses from those who elected to participate in "new band" ratings. If the buyer opts to allow dissemination of other demographic information including, for example, his order for promos, tickets for upcoming events or releases and other merchandise, the system will accommodate those requests. By integrated methods and systems, it will also allow for ordering and purchase of "best of" releases, director's cuts, narration tracks, and single tracks and compilations emanating from the live event.

The Data Center (100) maintains security and confidentiality through the system. The entertainment entities and "Partners" are issued specific password credentials which are authenticated through standard industry techniques (FIG. 3, 218). In the case of the ticket/Recording buyer, his ticket number along with information not printed on the ticket, such as his billing address or other identifying information

(mother's maiden name, e.g.) is used for verification before he can gain access to the privileged areas of the processing Web site.

As shown in FIG. 1, in addition to users or buyers (10), other entities may also have 10 access to the Data Center (100), including revenue participants (24) that may include several Partners. In addition, specialized servers may also be provided as part of the system. For example, server (20) is used to determine fees and royalties for the various Partners (24). The server (22) provides standard accounting services. These servers can communicate with each other and with other components of the system through standardized networks, such as Internet (19).

Of course, the whole purpose of the system is to manage ordering, packaging and multimedia distribution of live event recordings and to organize and run new types of live events at venues including those to be constructed with new technology regardless of whether they have outside ticketing service companies or their own and help take maximize advantage of the impulse buying potential of the adoring audience and fans. As part of this process, buyers (10) can receive or buy Recordings of the event and other items associated with the event. These materials are available immediately at a point of sale station (or store) (402), as discussed in detail below and shown in FIG. 5. The event is recorded and edited by on-site editing equipment (FIG. 5) to provide the immediate Recording at a station (402). Non-incremental or other burning technology compatible with updated standard CDR technology is preferentially to be used.

In addition, or alternatively, the event is recorded by digital Recording equipment 16. The recorded data inclusive of mastering, editing and balancing data is then sent to an offsite manufacturing site (300) where the Recordings are generated (on CDs, DVDs and other similar media) and then packaged and distributed to the users (10), as discussed in more detail below and illustrated in FIG. 4. Manufacturing instructions (31) to both sites [i.e., station (FIG. 5) and manufacturing site (300)] are provided by the Data Center (100). Moreover, the Data Center (100) receives inventory and accounting information (22) from both sites.

Details of how requests for transactions and information are handled by the Data Center (100) are provided in FIG. 3. A request is received by the Data Center (100) in step (200) via the Internet. In step (210) a check is performed to determine if the request is a special request for information (available only to certain subscribers and partners). If it is not, then in step (212) information is retrieved and sent to the requester indicating what services are available, including lists of future events for which tickets, Recordings, and/or other items can be purchased. Lists of other items related, for example, to Recordings from past events, may also be displayed. In step (214) a request for tickets, Recordings or other items is received from a user (10). The request is processed, the user (10) is issued a ticket and the resulting transaction is processed as described in the flow charts of FIGS. 2A-2C.

If in step (210) a special request is identified, then in step (216), the requester is asked to provide a password and the password is validated. If the requester is identified in step (218), then in step (222) he is directed to a special partner web site where he can access data on various events, including their status, number of orders for received for the events, fees collected, royalties due to the partner, etc. Subsequently, data related to the partners is updated in the Data Center (100), if necessary.

If the requester is identified as a registered buyer, then in step (220) the buyer logs in and is directed to a buyer site in step 224. At this site, the buyer is allowed to check on the status of his order, he is allowed to change his order, provide information for shipping, etc. The information or changes entered by the registered buyer is stored in the Data Center (100).

After a particular event has concluded, the Data Center sends to the fulfillment house (122) information specifying 10 the number of complete and derivative or special order Recordings (120) to produce and the addresses to which those designated to be mailed, should be mailed.

Off-site Recording is performed by manufacturing station or site (FIG. 1, 400). As shown in FIG. 4, after the event, the 15 performance data is received in step (300). This data may be streamed or may be sent electronically in a batch. Alternatively, the data may be recorded on a data storage medium and sent to site.

In step (310) the data is edited. Editing may optionally 20 incorporate the disclosed method of digitized conversion from an audience balanced to disc balanced reading. In step (312) the data is prepared for Recording on a master. In step (314) the data is optionally encrypted, and, if desired, a unique watermark is added for copy protection. In step (316) 25 multiple copies are made from the master by burning or other means. In step (318) labels are applied to the media and the labeled media is boxed and packaged together with other materials, such as booklets, pictures, etc. In step (320) the packaged media are shipped.

In step (322) additional copies of the Recordings are 30 made, if necessary. In step (324) a production document is generated. In step (326) the data files at the Data Center (100) are updated to reflect the Recording produced and shipped.

The Data Center 100 also handles all tasks of reporting 35 and accounting for copyright, and other participants and generates detailed statements and accounts including the amounts of statutory and contractual royalties (20).

To summarize, a Recording live event or any part of a live 40 (including spliced, edited and/or derivative special order versions thereof) is ordered before, during or after the buy a buyer who has attended the event or by a non-attendant buyer by any available means including, but not limited to, by using an appropriate Website or enabled hand-held device 45 including a cellular telephone.

While the specific embodiments have been illustrated and described, numerous modifications come to mind without significantly departing from the spirit of the invention and the scope of protection is only limited by the scope of the 50 accompanying claims.

I claim:

1. A method of providing content and additional benefits to ticketholders and event registrants separate from admission to an event, comprising: providing a data center, the data center comprising database servers that are in communication with a customer terminal and a ticket issuer point-of-sale terminal;

storing venue data, event data, accounting data, and ticketholder and registrant information in data tables 60 stored within the database servers; providing the customer terminal access to the data center to purchase or order tickets, place bets, view and order additional events, order event content recordings and other offered benefits; selling or issuing via the ticket issuer point-of-sale terminal, a ticket or other transaction receipt to a customer 65 or user, wherein the ticket or other transaction receipt

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enables a right to attend the event, place a bet or otherwise participate in the event, experience the event, and get transmission of content related to the event and other offered benefits; receiving by the ticket seller point-of-sale terminal, during or after the purchase of the ticket to attend the event or experience the event, a transaction from the user or customer to order at least one of a content recording and other event benefits, and storing transaction data related to the transaction, wherein the transaction data includes user or customer information, the ticket information, or placed bet information; transmitting, by the ticket issuer point-of-sale terminal, the transaction data to the data center, wherein the transmitted transaction data includes the user or customer information, the ticket information, or placed bet information; upon the data center receiving the transaction data, the data center recording the transaction data, including the user and customer information, the ticket information, the placed bet information, or other order and registration information into the data tables stored within the database servers of the data center; recording at least a portion of the event as packaged for distribution using an audio recorder, a video recorder or both; generating a digital recording of at least a portion of the event or the event as packaged and storing the digital recording in the data center on a non-transitory computer readable medium; receiving at the datacenter or at a location-based networked kiosk, from the user or customer using the customer terminal or the location-based kiosk, the user or customer information, the ticket information, or the placed bet information to authenticate the user or customer; authenticating, by either the datacenter or the location based networked kiosk, the user or customer using the user or customer information, placed bet information or other transaction data or ticket information received at the datacenter or at the location-based kiosk; upon authenticating the user or customer, distributing to the user or customer either (1) the digital recording or (2) a receipt to redeem other benefits, in accordance with a retrieval method chosen by the user or customer. 45

2. The method of claim 1 where the location-based kiosk is any one of an ATM kiosk, a mobile phone, an enabled audience seat, an enabled turnstile, or an enabled hospitality table.

3. An apparatus for providing content and additional benefits to ticket holders, event registrants, customers and those placing bets at an event separate from addition to the event, comprising:

a data center comprising database servers that are in communication with a customer terminal and ticket issuer point-of-sale terminals; wherein the data center is configured to store venue data, event data, accounting data, and ticketholder and registrant information in data tables stored within the database servers; wherein the data center is configured to provide the customer terminal access to the data center to purchase or order tickets, place bets, view and order additional events, order event content recordings and other offered benefits;

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a ticket issuer point-of-sale terminal configured to sell or issue a ticket or other transaction receipt to a customer or user, wherein the ticket or other transaction receipt enables a right to attend the event, place a bet or otherwise participate in the event, experience the event, and get transmission of content related to the event and other offered benefits;

the ticket seller point-of-sale terminal configured to:

receive during or after the purchase of the ticket to attend the event or experience the event, a transaction from the user or customer to order at least one of a content recording and other event benefits, and storing transaction data related to the transaction, wherein the transaction data includes user or customer information, the ticket information, or placed bet information;

transmit the transaction data to the data center, wherein the transmitted transaction data includes the user or customer information, the ticket information, or placed bet information;

the data center configured to:

upon receiving the transaction data, recording the transaction data, including the user and customer information, the ticket information, the placed bet information, or other order and registration information into the data tables stored within the database servers of the data center;

an audio recorder, video recorder, or both an audio recorder and video recorder configured to record at least a portion of the event as packaged for distribution;

an editing computer comprising editing software for generating a digital recording of at least a portion of the event or the event as packaged and storing the digital recording in the data center on a non-transitory computer readable medium;

the datacenter further configured to:

receive from the user or customer using the customer terminal or the location-based kiosk, the user or customer information, the ticket information, or the placed bet information to authenticate the user or customer;

authenticate the user or customer using the user or customer information, placed bet information or other transaction data or ticket information received at the data center or at the location-based kiosk;

upon authenticating the user or customer, distributing to the user or customer either (1) the digital recording or (2) a receipt to redeem other benefits, in accordance with a retrieval method chosen by the user or customer.

4. The apparatus claim 3, wherein the location-based kiosk is any one of an ATM kiosk, a mobile phone, an enabled audience seat, an enabled turnstile, a conference table, or an enabled hospitality table.

5. The apparatus of claim 3, wherein the editing computer is operably connected to the data center and to a customer or user terminal for editing the recorded event as packaged for distribution in response to user or customer selection requests.

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