

APPENDIX

EXHIBIT 1: NDNY *Amy Weissbrod Gurvey v. Hon. Kathi Hochul et al.*, Case No. 24cv211 September 5, 2025, Doc. #85 Order Granting Hearing on Injunction

EXHIBIT 2: NDNY 24cv211 Follow-up Claim Charts September 13, 2025; Addendum to Amended Complaint. Motion to Vacate January 2025 Judgment closing case based on injunction not yet adjudicated.

EXHIBIT 3: Certificate of Good Standing from State Bar of California with Active Status Confirmation

EXHIBIT 4: 2018 *Ex parte* Letter to Federal Circuit from NYS Office of Court Administration Attorney Shawn Kerby resulting in three patent appeals being transferred *sua sponte* to the 2d Circuit. The Federal Circuit never served Petitioner with the *ex parte* documents received.

EXHIBIT 5: Motion for Reconsideration to Denial of Motion to Intervene *echangingbarcode v. MLB/MLB Advanced Media, et al.*, SDNY Case No. 24cv2930 (PAE) w/Cropped Patent List and Order entered in *US v. Live Nation Entertainment, Inc.*, 24cv3973 (SDNY) granting Petitioner's motion to appear *Pro Hac Vice* (Doc. #638)

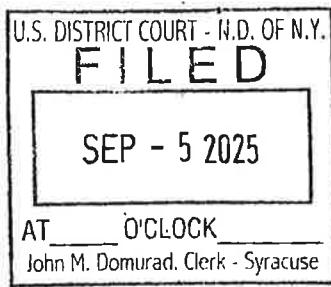
EXHIBIT 6: DCD 25cv3257 (JMC) *LIVE-Fi® and Amy Weissbrod Gurvey v. Live Nation and Ticketmaster* Revised Complaint to enforce 2010 Antitrust Judgment Provisions and 2020 Amended Judgment appending Order of Judge Lauren Alikhan falsely stating that Petitioner is not admitted to any bar.

EXHIBIT 7: Petitioner's Response to EXHIBIT 6

EXHIBIT 8: DCD 23cv3549 (JMC) *Amy Weissbrod Gurvey v. Secretary of Commerce*, Amended Complaint Seeking Patent Term Adjustment for Violations of Administrative Procedures Act, 5 USC §§551, 701 et seq.

EXHIBIT 9: Gurvey US Patents D647910S; 11403566, 7603321

EXHIBIT 1



Live-Fi™ Technology Holdings

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August 31, 2025

Hon. Brenda Sannes
Chief Judge
Northern District of NY
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cc: Hon. Anne Nardacci
NDNY 445 Broadway
Albany, NY 12207

Gurvey v. Hon(s). Gov. Kathy Hochul, Letitia James, Joseph Zayes, Port Authority of NY and NJ, NYS Thruway, et al.
(AMN)(CFH)(PJE) Docket # 24cv211 (NDNY)

Motion to sequester NYS files by Injunction, Vacate Orders under FRCP Rule 60(b) and order recusal

Dear Judge Sannes:

This past Tuesday, August 26, 2025, after fourteen (14) years, the undersigned US patentee of standard essential apparatus and method patents for direct-to-user live event ticketing management and health care delivery, also a California attorney in excellent standing, was finally given first access to New York State files ordered "concealed" by the Appellate Division First Dept. in an order entered April 21, 2016. That order was found nonfinal by the NY Court of Appeals and could not be applied by any subsequent court.

The files were stated as unlawfully opened in 2007 by NYS staff counsels J. Richard Supple, an attorney O. Lee Squitieri under the supervision and control of Jorge Dopico chief counsel at the First Dept. attorney grievance committee (AGC) and presiding AGC administrative justice Luis Gonzalez. The files were also opened in violation of the Administrative Procedures Act, 5 USC §§551- 559, 701-706 (APA) without jurisdiction over me in the capacity of an attorney because I am not admitted to practice law in New York State.

The files demonstrate malicious abuse of process, unprivileged defamation and retaliatory harassment to prevent me from enforcing my US patents in NY. Supple and his former firm Hinshaw & Culbertson, AGC staff counsels, were dually serving as defense attorneys for Live'Nation Entertainment and Cowan Liebowitz & Latman of NY in a parallel SDNY patent infringement, unfair competition and conflicts of interest lawsuit proving motive.

On August 26, 2025, eight First Dept. armed officers serving at 27 Madison Avenue including five marshals carrying guns finally gave me access. Two marshals also carrying guns were protecting a room with 12-14 overstuffed Redwells in adjoining offices at 41 Madison Avenue. After initial inspection, I only completed 1/3 of the review and must return.

I now seek that the NDNY order sequestration of these files by injunction and vacate all orders in this NDNY lawsuit. Judge Nardacci must recuse herself because impartiality can seriously be questioned. 28 USC 455(a) in copying the fraudulent Internet notices that the undersigned is "disbarred". It should now be obvious Plaintiff's constitutional rights continue to be seriously violated by RICO conspiracy violations by state officers. Declaratory determinations must be entered by this Court.

In 15 years, I never got a single hearing on my US patents in violation of the Fourteenth Amendment from the SDNY or this Court. Moreover, other courts are copying documents posted on the Internet by Office of Court Administration attorney Shawn Kerby and clerk Sam Younger, *sua sponte* without motions on notice when the documents are fraudulent. In violation of due process five Appellant Division First Dept. justice ordered that the files would remain concealed in an order entered April 21, 2015.

Members of the Office of the Letitia James were also implicated in the elaborate RICO corruption scandal including Michael Berg with AGC staff counsels Thomas Cahill (deceased), staff attorneys James T. Shed, Orlando Reyes, Raymond Vallejo and Naomi Goldstein, Dopico, First Dept. staff attorney Ms. Holmes, several clerks and former justice Gonzalez.

It was in 2011 that I first filed a NYS mandamus lawsuit under Article 78 of the CPLR. That petition was dismissed *sua sponte* on January 3, 2014 by the First Dept. without motion on notice after *sua sponte* transfer from the Supreme Court of NY. (110774-2011) My 2017 follow-up petition was also not heard. It was transferred to the 2d Dept. and again *sua sponte* dismissed without motion on notice in 2018. [132-17 (1st Dept.)] became 01366-18 (2d Dept.)] These orders were also appealed as of right to the NY Court of Appeals that found them "*nonfinal, that they did not finally determine an action and that no constitutional issue was directly involved*". Parallel petitions filed before the SDNY seeking prospective injunctive relief and declaratory determinations against NYS presiding justices were also dismissed *sua sponte* without motions on notice. 13cv2565 (JMF), 18-cv-2206 (AT). *Ex parte Young*, 209 US 123 (1908); *Wells Fargo Bank v. St. Louis*, 2024 WL 2737961 (NYAD 2d Dept. 2024). I was then forced to move for a writ of mandamus petition before the US Supreme Court. This petition is pending. #24-7441.

In 2025, the smoking gun was discovered. Since 2018, OCA's Kerby had been writing *ex parte* letters to the US Court of Appeals for the Federal Circuit that I not be granted "arising under" patent appeals to orders of the SDNY denying me infringement hearings and inducing infringement hearings against Live Nation Entertainment (LNE) and Cowan Liebowitz & Latman since 2017. *Mindy's Cosmetics v. Dakar*, 611 F. 3d 590 (9th Cir. 2010). LNE is now the subject of an antitrust divestiture petition before the SDNY (24cv3973).

The court had no justification to dismiss defendant Port Authority of NY and NJ from infringement claims and an amended complaint. The Port Authority is a private entity using the patents without permission.

In response to Kerby's *ex parte* fraud and unprivileged defamation including because OCA was not a party to the SDNY lawsuit, the Federal Circuit in response transferred three patent appeals to the Second Circuit [18-2076, 20-1620, 23-134] proving monumental damages. The Second Circuit has no jurisdiction to hear an arising under patent appeal. Supremacy Clause, Art. VI, Cl. 2; *Haywood v. Drown*, 556 US 729 (2009); *Christianson v. Colt Industries Operating Corp.*, 486 US 800 (1988).

Multiple venture partners of NYC such as the new Yankee Stadium, MTA and MetroCard are also using the patents without permission and reaping millions of dollars a week in revenues. Although I can sue the City and its partners directly, I continue to be unlawfully denied access to all district court courts in NY. *Monell v. Dept. of Social Services*, 436 US 658 (1978). The reason is OCA clerk Younger's fraudulent postings on the Internet since 2013 that "I was disbarred in NY". Younger has not taken these postings down after

several requests. There is no other remedy at law but injunction from the district court.

OCA attorney Kerby sent the same fraudulent notices to the Federal Circuit *ex parte* since 2018. The Federal Circuit never served me with Kerby's unlawful *ex parte* proffers in violation of due process and ABA Rule 2.9 on *Ex parte* Communications. Kerby had no standing under the APA to write *ex parte* letters to an appeals court seeking to deny me infringement appeals to orders of the SNDY.

In this 24cv211 NDNY lawsuit, I continue to be the innocent victim of RICO conspiratorial fraud, malicious abuse of process and retaliatory harassment by NYS officers for ulterior motives.

The files I just got access to on August 26 proved an elaborate RICO concealment practice by state officers. Forged AGC documents were first mailed to me without CPLR service in 2007 affixing the signature of a former First Dept. chief counsel Paul Curran. Curran left the state office in 2002 and died of cancer in 2007. Curran never signed these documents. Curran's name was forged onto photocopies of old AGC letterhead. In addition, the names of more recent AGC counsels - Ralph Riordan and Charlotte Moses Fischman - were superimposed on the same photocopied letterhead and are much darker in type in comparison with the other roster names. The Redwells establish that many forged documents were manufactured by AGC court officers.

Supple harboring conflicts of interest. As staff counsel to the AGC where the USPTO Commissioner had filed ethics violations against Hinshaw's Cowan Liebowitz clients, Supple could never accept the Cowan firm's SDNY retainer. NY's Judiciary Law Part 1240.6d, 1240.18. No AGC officer could give Supple and Squitieri *ex parte* access to enter unserved and forged documents into the confidential Appellate

Division files. A *sua sponte* order of the First Dept. entered in 2012 and then the SDNY entered in 2013 (13-cv-2565)(JMF)) both say my license in NYS was suspended for six months on December 4, 2012. **There was no license to suspend in New York State existing in 2012.** My temporary commission granted by the Appellate Division Third Dept. was voluntarily resigned in 1998, 14 years earlier, when I was in medical school and changed careers. Resignation was approved by Third Dept. officer Dan Brennan and OCA's Denise Rajpal immediately. I never thereafter paid bar dues or requested reinstatement. There are notations from state officers in these files seeking to get me to move for reinstatement to confer faux jurisdiction in favor of the AGC but I never did.

The files proves there existed clear additional motives for NYS officers to attempt to falsely discredit me and ruin my career and patent company. In 2006, the Cowan firm had been placed under conflicts of interest investigation by the former USPTO Commissioner of Patents, Wynn Coggins. Conflict of interest and unilateral abandonment violations were found during a seven-year investigation and under the APA I had the constitutional right to be served with the results. I was never served. Damages are proven. In the interim, fourteen of my US patent applications were taken out of the queue also in violation of the APA and never reinstated. The Cowan firm was also found to have breached of my attorney client privilege and the Defend Trade Secrets Act (18 USC §1836) to Legend Films of San Diego, Live Nation Entertainment, and the Commissioner of Major League Baseball (MLB). Based on undisclosed conflicts with the concealed AGC staff counsel posts, pursuant to NY's Judiciary Law Part 1240.6d Supple and Hinshaw & Culbertson could never accept the Cowan firm's SDNY retainer or continue in that retainer.

In addition, my first US patent infringement complaint date-stamped and filed by the SDNY on April 22, 2010 was also unilaterally

deleted *sua sponte* from the docket in Case No. 06cv1202. My 11403566 US continuation patent that issued on August 2, 2022 - twelve years later - is considered the standard essential patent for ticketing management. It did not issue for seventeen years from the 2005 filing date in violation of *Wyeth v. Kappos*, 591 F. 3d 1364 (Fed Cir. 2010). The deadline is three years. That patent still in term It is being infringed by private entity Port Authority of NY and NJ, and the NYS Thruway and NYS Gaming Commission defendants in this lawsuit.

OCA's Kerby got Supple's forged documents from Younger in 2013 who previously admitted he got them from Supple and SDNY magistrate Henry Pitman (no longer serving). None of the *ex parte* proffers were ever ordered served by SDNY judges Barbara Jones, Jesse M. Furman, Lorna Schofield, Laura Taylor Swain and Analisa Torres or by the circuit attorney Julie Allsman.

In 2025, Judge Nardacci in this lawsuit copied Younger's fraudulent postings. The Judge found that Plaintiff was disbarred *sua sponte* without motion on notice or due process. The order must be vacated and Judge Nardacci must recuse herself.

In 2024, OCA's Younger admitted that in 2013 he uploaded fraudulent disbarment notices to the Internet. I WAS NEVER DISBARRED IN ANY COURT AND NEVER SUSPENDED IN ANY FINAL ORDER IN NYS. A judge cannot copy data from the Internet without ordering a hearing. If an attorney cited did the same and cited in a brief to cases from Copilot, the attorney would be severely sanctioned or disbarred. No judge can do the same.

I am resigned from the practice of law since 1998, emphatically clear in the Redwells I reviewed. I was never admitted to the First Dept. and never appeared on behalf of a client in that court even before 1998.

US Supreme Court decisions are clear that no attorney jurisdiction exists over me. *Middlesex County Ethics Committee v. Garden State Bar Association*, 457 US 423 (1982). The NY Court of Appeals orders entered in 2018 and 2023 already determined nonfinality of *ex parte* orders entered by the First Dept. and could not be copied because OCA officers Kerby and Younger are engaging in unconstitutional fraud. **SINCE 1998, THERE WAS NO LICENSE IN NY IN EXISTENCE TO SUSPEND.** Moreover, I was also denied verbatim hearing transcripts. *Cleavinger v. Saxner*, 474 US 193 (1985).

In 2024, Younger finally admitted that he accepted *ex parte* documents in 2013 from SDNY circuit attorney Julie Allsman and from the chief 2d Circuit clerk Catherine O'Hagan Wolfe who coincidentally previous served as the chief clerk of the First Dept. AGC when justice Gonzalez was presiding. Allsman admitted that in 2013 she unilaterally removed my out-of-state California certifications from the SDNY roster in violation of due process.

There are references in the 12-14 Redwells to a former 1997 HUD housing proceeding concerning my HUD protected apartment at Gateway Plaza in Battery Park City. NYC L&T 60941-97. The lease was offered in 1995 when I was in medical school. The landlords Hudson Towers Housing and 1/3 owner Lefrak Organization (2/3 financed by the US Government) were sanctioned by the SDNY Judge Charles Brieant in 1985 for HUD violations and illegal evicting tenants in violation of HUD mandates. 24 CFR §966; 83CV0519 (CEB) The case files can be ordered from the National Archives. Sultzer v. Pierce, 85 CV 0519 (CES). Another Supreme Court file sanctioned Battery Park City Authority officers. Sultzer v. BPCA, 13906/86. Former NY Justice Sheila Abdus-Salaam issued an injunction to protect my HUD apartment and belongings when the landlords had taken illegal consideration from an outsider not on the building project's wait list, a

coterminous lease to my HUD protected apartment was issued, and I was never notified.

I was never an attorney in the HUD proceeding because I had an attorney retained, Jay Stuart Dankberg, a former NYC Civil Court Judge. This fact precluded any faux jurisdiction falsely claimed by the First Dept. AGC. In addition, in the file is a 2001 destruction order targeting certain HUD audiotapes entered by NYS OCA clerk Jane Chin and NYC Civil Court clerk Ernesto Belzaguy with notice that a civil court transcriber Linda Sears was also contacted by members of NYS Attorney General to destroy completed transcripts. NYC housing judges are not constitutional judges in NYS and cannot preside over jury trials, a constitutional right of a HUD tenant. 24 CFR §966.66. Mr. Dankberg, however, was unjustly sanctioned \$5000 when he properly moved for a HUD jury trial after I was denied HUD mandated notice and to transfer this case to Civil Court Judge Peter Wendt. These documents prove lack of jurisdiction per se, continuing harassment without jurisdiction and malicious abuse of process by AGC officers. There is an order from the NY of Claims entered in 2023 in Claim No. 135611, denying me access to recover damages against NYS.

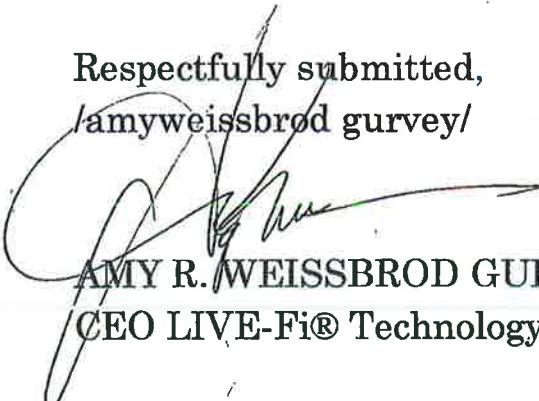
In summary, the State of NY has denied me constitutional access to all district courts and state courts to prevent me from enforcing my valuable US patents, to continue in combined use HUD housing since 2007 and to be awarded damages. The US Supreme Court has held that if a state deprives a patentee of complete access to all courts in the state to file infringement lawsuits, may the patentee abrogate the state's sovereign immunity. *Florida Prepaid Post Secondary Expense Board v. College Savings Bank*, 527 US 627 (1999)

The acts of NYS court officers establish an elaborate RICO coverup involving forgery of state files, concealment of files, allowing *ex parte* access to unauthorized individuals with a warrant by Supple

and Hinshaw lawyers, APA violations, unprivileged defamation, retaliatory harassment and malicious abuse of process without jurisdiction, RICO fraud, and attorney in-court fraud and deceit by NYS staff counsels dually serving as defense lawyers for private willful infringers of my patents. The forgery of state documents warrants disbarment by all attorneys who participated in the fraud. *US v. Reich*, 479 F. 3d 179 (2d Cir. 2007)

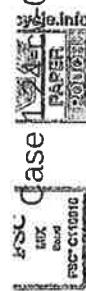
WHEREFORE, for these reasons, the orders of the NDNY must be vacated and Judge Nardacci must recuse herself because impartiality can seriously be questioned. 28 USC §455(a). Injunctive relief must be ordered against the First Dept. AGC state officers and an evidentiary hearing immediately convened.

Respectfully submitted,
/amyweissbrod gurvey/


AMY R. WEISSBROD GURVEY
CEO LIVE-Fi® Technology Holdings

cc: Noah Engelhart, Esq.
Asst. NYS Attorney General

5 FINALLY TO SEAL



USPS Case 11-20211-AMWESSTMLD0444785

File 09/05/25

Page 11 of POSTAGE REQUIRED



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FROM:
John M. Domurad, Clerk
25th District Court
17362 Washington City Hall
Director of Clerks (ANW) (PTE)



RECEIVED:

Hon. Brenda Janice
Chief Clerk of Court
100 Northern Dist. of N.Y.
Postbox 7367
100 S. Clinton Street
Syracuse, New York
13261-7367

pickup,

CKED!

05/29/2025	79	MEMORANDUM-DECISION and ORDER. The Court hereby ORDERS that Plaintiff's Motions, Dkt. Nos., <u>64</u> , <u>65</u> and <u>72</u> are DENIED. The Court further ORDERS that Plaintiff's frivolous and vexatious litigation practices are REFERRED to Chief United States District Judge Brenda K. Sannes for consideration of a possible pre-filing order. The Court further ORDERS that Defendants' request for leave to file a motion to enjoin Plaintiff from further filings is DENIED as moot in light of this Court's referral of Plaintiff's litigation practices to Chief United States District Judge Brenda K. Sannes. The Court further ORDERS that the Clerk serve a copy of this Memorandum-Decision and Order on the parties in accordance with the Local Rules. Signed by U.S. District Judge Anne M. Nardacci on 5/29/2025. (Attachments: # 1 Unpublished Decisions) (Copy served upon pro se plaintiff by regular mail). (mab) (Entered: 05/29/2025)
06/09/2025	80	MOTION to Set Aside Judgment re <u>62</u> and <u>79</u> filed by Amy R. Weissbrod Gurvey, Pro Se Plaintiff. Motion returnable before Judge Paul J. Evangelista. Response to Motion due by 7/2/2025. Reply to Response to Motion due by 7/9/2025 (bas) (Entered: 06/11/2025)
06/11/2025	81	Letter Motion from Noah C. Engelhart for Frank Hoare, Kathy Hochul, Letitia James, Brian O'Dwyer, State of New York, Joseph A. Zayas requesting motion response deadline to be held in abeyance submitted to Judge Paul J. Evangelista . (Engelhart, Noah) (Entered: 06/11/2025)
06/11/2025	82	US PATENTEE PETITIONERS MOTION TO VACATE JUDGMENT filed by Amy R. Weissbrod Gurvey, Pro Se Plaintiff. Motion returnable before Judge Paul J. Evangelista. Response to Motion due by 7/2/2025. Reply to Response to Motion due by 7/9/2025. (bas) (Entered: 06/11/2025)
06/13/2025	83	ADDENDUM IN SUPPORT of the # <u>82</u> US PATENTEE PETITIONERS MOTION TO VACATE JUDGMENT filed by Amy R. Weissbrod Gurvey. Motion returnable before Judge Paul J. Evangelista. ADDENDUM filed by Amy R. Weissbrod Gurvey, Pro Se Plaintiff. (bas) (Entered: 06/16/2025)
07/10/2025	84	Courtesy copy of Petition for a Writ of Mandamus. (bas) (Entered: 07/10/2025)
09/05/2025	85	MOTION to sequester NYS files by Injunction, Vacate Orders under FRCP Rule 60(b) and Order for Recusal filed by Amy R. Weissbrod Gurvey, Pro Se. Response to Motion due by 9/26/2025. Motions referred to Judge Paul J. Evangelista. (bas) (Entered: 09/05/2025)
09/08/2025	86	Letter Motion from Noah C. Engelhart for Frank Hoare, Kathy Hochul, Letitia James, Brian O'Dwyer, State of New York, Joseph A. Zayas requesting motion response deadline to be held in abeyance submitted to Judge Paul J. Evangelista . (Engelhart, Noah) (Entered: 09/08/2025)
09/09/2025	87	CERTIFICATE OF SERVICE by Frank Hoare, Kathy Hochul, Letitia James, Brian O'Dwyer, State of New York, Joseph A. Zayas re <u>86</u> Letter Motion from Noah C. Engelhart for Frank Hoare, Kathy Hochul, Letitia James, Brian O'Dwyer, State of New York, Joseph A. Zayas requesting motion response deadline to be held in abeyance submitted to Judge Paul J. Evangelista < (Engelhart, Noah) (Entered: 09/09/2025)

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EXHIBIT 2



Live-Fi™ Technology Holdings

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September 13, 2025

Hon. Paul J. Evangelista
United States Magistrate Judge
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James T. Foley US Courthouse
445 Broadway
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cc: Hon. Brenda Sannes
Chief Judge
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cc: Hon. Anne Nardacci
NDNY 445 Broadway
Albany, NY 12207

Gurvey v. Hon(s). Gov. Kathy Hochul, Letitia James, Joseph Zayes, Port Authority of NY and NJ, NYS Thruway, et al. (AMN)(CFH)(PJE) Docket # 24cv211 (NDNY)

Reply to Doc. #86 Letter seeking delay of hearing from Noah Engelhart, Esq. after hearing on injunction entered Docket #85

Dear Magistrate Evangelista:

In compliance with Judge Brenda Sannes' order granting a hearing on Plaintiff's right to injunctive and declaratory relief entered September 5, 2025 for continued violations of constitutional rights by

NYS officers (Docket #85), Plaintiff US Patentee Amy Weissbrod Gurvey, a California attorney in good standing, files this response to a follow-up letter by Noah Engelhart (Docket #86). That letter further defames Plaintiff and her stellar reputation and seeks a delay of hearing. This abhorrent letter must be stricken from the record and denied in its entirety.

As of today, Plaintiff US patentee Amy Weissbrod Gurvey continues to be stymied in her constitutional right guaranteed by the Fourteenth Amendment to enforce her standard essential ticketing management patents before the district courts in New York. The cause is *ex parte* crimes including RICO fraud and forgeries entered in ordered concealed state files by First Dept. attorney grievance committee (AGC) staff counsel J. Richard Supple. At all times Supple was dually serving as Plaintiff's adversary in a parallel SDNY patent litigation, and in an order entered in 2016, was identified as the forger. Supple was given *ex parte* access to the state archives by First Dept. AGC chief counsel Jorge Dopico and clerk Ms. Holmes without a warrant proving wrongful state action. The forged and fraudulent documents were kept under seal at 41 Madison Avenue, NY 10010. After fourteen years Plaintiff got first access on August 26, 2025. As proven by other documents destroyed in these files the incriminating document will surely disappear if any further delay is granted.

The SDNY court officers accepted *sua sponte* proffers after Plaintiff won reversal of an *ex parte* stay of patent discovery before the SDNY. 462 Fed. Appx. 26 (2d Cir 2012). Plaintiff never got that patent discovery or infringement hearings in 13 years. Supple's *ex parte* proffers were never ordered served on Plaintiff by any SDNY judge. ABA Rule 2.9 *Ex parte Communications*. The NY Legal Assistance Group, a state agency designated as the pro help unit for the SDNY, refused to assist Plaintiff file motions for continuing civil rights violations.

At all times relevant, Supple was dually serving as Plaintiff's adversary in a SDNY patent litigation, retained as defense attorney for willful infringer Live Nation Entertainment merged with Ticketmaster and Cowan Liebowitz & Latman, Plaintiff original patent practitioners. The Cowan lawyers who were found to engaged in conflict of interest practitioner violations before the USPTO remain liable to Plaintiff for patent delay and inducing infringement by its clients Live Nation Entertainment, MLB/MLB Advanced Media (that firm's principal trademark client), Phish and Legend Films of San Diego. 35 USC §271, 284. The Cowan lawyers knew that Plaintiff was not admitted in NYS. In 2002, they paid Plaintiff's bar dues to California when they asked Plaintiff to refer patent work from her California clients. Supple's actual knowledge of these facts is imputed from his clients and also from SDNY arbitration that Plaintiff won in 2009.

Supple and the Cowan defendants are under the disciplinary jurisdiction of the First Dept. whereas Plaintiff is not. Supple's crimes include forgery, malicious abuse of process without jurisdiction, retaliatory harassment and unprivileged defamation. Foreseeable damages include forfeiture of strict liability infringement damages before the SDNY for 13 years.

Conflict of interest, abandonment and withholding violations were found by the US Commissioner of Patents Wynn Coggins who placed the Cowan defendants under conflict of interest investigation for seven years. The USPTO's notice was filed with the First Dept. AGC but the results were also not served on Plaintiff in violation of the Administrative Procedures Act, 5 USC §§500-596. Supple removed the ethics violation notice *ex parte* from state consideration and was then given unlawful access by Dopico to insert forged and unserved documents into the concealed file room proving retaliatory harassment without jurisdiction. These acts are proscribed by NY's Judiciary Law Part 1240.6d, 1240.18. The facts prove malicious abuse of process and

unprivileged defamation. The files include documents forgeries affixing the signature of a 2002 former AGC chief Counsel Paul Curran who died of cancer in 2007 onto photocopies of older letterhead. At the same time, Plaintiff's date stamped and filed infringement complaint disappeared from the SDNY docket and in 2023, the clerk, Dionisio Figueroa, was convicted of taking bribes by the US Attorney.

The derivative damages suffered by Plaintiff pervade several courts out of NYS. The culpable attorneys are liable for *ex parte* obstruction of justice. They include Supple, Cowan lawyers Midge Hyman, Simon Gerson, C. Christopher Jensen, Mark Montague, Peter Porcino and O. Lee Squitieri. Each should be forced to answer for disbarment with AGC staff attorneys Thomas Cahill (deceased), Dopico, Naomi Goldstein, Raymond Vallejo, Orlando Reyes and OCA/Assistant AG attorneys Shawn Kerby and Sam Younger, Micheal Berg and the former AGC presiding judge Luis Gonzalez.

In 2007, the 2d Circuit found that the penalty for forgery of court documents is disbarment. *US v. Reich*, 479 F. 3d 179 2d Cir. 2007)(Sotomayor, J.). None of the wrongful state acts undertaken without jurisdiction are protected by immunity because the acts are deemed breach of a purely administrative nonjudicial function. *Forrester v. White*, 484 US 219 (1989)

Plaintiff appends her recent motion seeking Intervention filed before the SDNY in a 2024 patent litigation against Cowan clients MLB and MLBAM. 24-CV-2930 (PAE) Most respectfully, this motion highlights the multiple levels of conflicts of interest that had to be pierced to get the NDNY to grant injunction and declaratory relief.

Respectfully, Plaintiff seeks that the order of Judge Nardacci *sua sponte* dismissing this action based on copying fraudulent documents

from the Internet without motion on notice be vacated. The judge must be recused and all her orders vacated as a matter of law.

The following claim charts proving infringement damages were filed before the DC District Court to enforce the conditions of merger against Cowan client Live Nation Entertainment in *US v. Ticketmaster and Live Nation*, 2010 WL 975407, 975408 (January 25, 2010), Amended Judgment January 8, 2020. No infringement or taking hearings were allowed by this Court against the Port Authority of NY and NJ (a private entity that is a venture partner of NYS), the NYS Thruway and NYS Gaming Commission.

Plaintiff seeks that she be granted ECF filing privileges in this action. ECF benefit were already granted to Plaintiff by five circuit courts of appeal.

Plaintiff is willing to work on a venture agreement with NYS for her patented health care delivery patents if the state will negotiate in good faith.

OVERVIEW OF PATENT 11,403,566

Summary: Overlay System for Live Event Environments

A system and method for deploying ticketholder authentication, privacy-first and transmission matrices across live entertainment venues, enabling secure data exchange, resale and exchange of tickets, real-time analytics, user-controlled interaction, content transmissions, merchandise orders and visibility.

Inventor: Amy R. Weissbrod Gurvey assigned to Plaintiff LIVE-Fi®

Issued: August 2, 2022

1. Claim Chart – Infringement by defendant LNE

Claim Language (Simplified)	Accused Instrumentality	Infringement Basis
A system comprising a venue-integrated overlay that preserves user privacy while enabling real-time data analytics	Ticketmaster's SafeTix, TM+, and Live Nation's venue apps	These systems collect and analyze user data during events, without user-controlled privacy toggles, violating the claim's privacy-preserving requirement
The overlay system includes a modular architecture enabling third-party integration without disclosing user identity	TM+ integrations with third-party advertisers and sponsors	Live Nation's integrations expose user data to third parties without anonymization, breaching modular privacy constraints
A method for deploying the overlay across multiple venues with centralized control and decentralized privacy enforcement	Live Nation's centralized ticketing and venue management system	Centralized control overrides venue-level privacy enforcement, contrary to the claim's decentralized model
The system includes a consent-based data sharing protocol with audit trails	Ticketmaster's data sharing with partners and affiliates	No user-facing consent logs or audit trails are provided, violating the claim's transparency and consent requirements
A venue-specific implementation that adapts to crowd density and user behavior in real time	Live Nation's crowd analytics and behavioral targeting	These features mirror the patented adaptive overlay but lack privacy safeguards, constituting unauthorized use

LIVE-Fi® ISSUED PATENTS AND PENDING PATENTS DELAYED BY DEFENDANTS' EX PARTE MISCONDUCT

Claim Element	LIVE-Fi Patent Feature	Accused Instrumentality	Venture Partners (DoE Liability)	Infringement Basis
1(a) Authentication of ticketing data for live event interaction and other benefits	Encrypted credentialing with dynamic access tokens	SafeTix, TM+, Verified Fan, Presence	Salesforce (CRM), Oracle (event data), Okta (auth), ROKT	Replicates dynamic token issuance and credentialing logic

Claim Element	LIVE-Fi Patent Feature	Accused Instrumentality	Venture Partners (DoE Liability)	Infringement Basis
1(b) Ads packaged with live events	Contextual ad delivery tied to ticket metadata	Ticketmaster Ads, Live Nation Sponsorships	Google Ads, Meta, Roku, Spotify	Uses ticket-linked targeting and ad delivery pipelines
2(a) Transmission of event content	Real-time streaming and venue-linked content	Veeps, Live Nation livestreams, TM+ content	Veeps, Hulu, YouTube, Meta	Mirrors transmission logic and venue-linked content routing
2(b) Transmission of ordered merchandise/services	In-event commerce tied to ticket ID	Ticketmaster Merch, LN VIP Packages	Shopify, Stripe, PayPal, Square	Implements ticket-linked ordering and fulfillment logic
3(a) Hybrid encryption of ticketing and user data	Layered symmetric/asymmetric encryption	SafeTix QR, TM+ behavioral tracking	Cloudflare, AWS KMS, Akamai	Substantially similar encryption layering and routing
3(b) Routing logic for ticket-linked services	Modular routing based on user role and venue	TM+, LN Touring, TM One	Twilio, Segment, Snowflake	Replicates modular routing and role-based access
4(a) Transmission matrices for venue and artist data	Structured data flow across artist, venue, fan	TM+, LN Touring dashboards	Tableau, Salesforce, Oracle	Uses matrixed data routing and analytics dashboards
4(b) AI analytics for ticketing behavior and fraud	ML-based anomaly detection and fan segmentation	TM+, SafeTix, LN Analytics	Palantir, AWS SageMaker, Google Cloud AI	Implements equivalent ML models and segmentation logic

Doctrine of Equivalents: Partners like Salesforce, Oracle, Google, StubHub, ROKT and Palantir contribute materially to infringing

systems through equivalent functionality—especially in authentication routing, encryption, resale and exchange, and analytics.

Consent Decree Violations: Overlaps also support your APA and antitrust assertions, especially where the consent decree and competitive impact statement are also violated.

VENUE PARTNER CLAIM CHARTS

Claim Element	Amy & LIVE-Fi Patent Feature	Accused NYC Partner Instrumentality	Infringement Basis / Equivalent Functionality
1(a) Authentication of ticketing data for live event interaction	Dynamic encrypted ticket tokens	Yankee Stadium (Ticketmaster Verified Fan, SafeTix)	Uses TM credentialing for access control and fan segmentation
1(b) Ads packaged with live events	Contextual ad delivery tied to ticket metadata	MTA digital kiosks, MetroCard-linked promotions	Ad delivery based on transit-linked event metadata and ticketing
2(a) Transmission of event content	Real-time streaming and venue-linked content	Port Authority event feeds, Yankee Stadium livestreams	Venue-linked content routing via TM+ and partner APIs
2(b) Transmission of ordered merchandise/services	Ticket-linked commerce and fulfillment	MetroCard-linked retail offers, stadium concessions	Uses ticket ID or transit ID to trigger merchandise delivery
3(a) Hybrid encryption of ticketing and user data	Layered symmetric/asymmetric encryption	MetroCard backend, TM+ QR codes, MTA mobile apps	Implements equivalent encryption for ticketing and user profiles
3(b) Routing logic for ticket-linked services	Modular routing based on user role and venue	TM+ integrations with MTA, Port	Replicates routing logic across transit,

Claim Element	Amy & LIVE-Fi Patent Feature	Accused NYC Partner Instrumentality	Infringement Basis / Equivalent Functionality
4(a) Transmission matrices for venue and artist data	Structured data flow across artist, venue, fan	Authority, stadiums	venue, and ticketing layers
4(b) AI analytics for ticketing behavior and fraud	ML-based anomaly detection and fan segmentation	TM+ dashboards used by Yankee Stadium, MTA analytics	Matrixed data routing and performance dashboards

- **Yankee Stadium:** Uses Ticketmaster's Verified Fan and SafeTix systems, which mirror your encrypted credentialing and routing logic.
-
- **MTA & MetroCard:** Integration with Ticketmaster for event-linked promotions and mobile ticketing may infringe routing and ad-packaging claims.
-
- **Port Authority:** If venue access or event-linked services are routed through TM+ or partner APIs, they may be liable under equivalents.
-
- **Indirect Infringement:** These partners may be liable if they knowingly benefit from or enable infringing systems, especially where TM+ or SafeTix are embedded

WHEREFORE, assistant AG's letter motion seeking a further delay of hearing must be denied in its entirety.

Dated: September 13, 2025

Princeton, NJ

AMY WEISSBROD GURVEY

Plaintiff US Patentee

cc: Noah Englehart, Asst. AG

05/29/2025	<u>79</u>	MEMORANDUM-DECISION and ORDER. The Court hereby ORDERS that Plaintiff's Motions, Dkt. Nos., <u>64</u> , <u>65</u> and <u>72</u> are DENIED. The Court further ORDERS that Plaintiff's frivolous and vexatious litigation practices are REFERRED to Chief United States District Judge Brenda K. Sannes for consideration of a possible pre-filing order. The Court further ORDERS that Defendants' request for leave to file a motion to enjoin Plaintiff from further filings is DENIED as moot in light of this Court's referral of Plaintiff's litigation practices to Chief United States District Judge Brenda K. Sannes. The Court further ORDERS that the Clerk serve a copy of this Memorandum-Decision and Order on the parties in accordance with the Local Rules. Signed by U.S. District Judge Anne M. Nardacci on 5/29/2025. (Attachments: # 1 Unpublished Decisions) (Copy served upon pro se plaintiff by regular mail). (mab) (Entered: 05/29/2025)
06/09/2025	<u>80</u>	MOTION to Set Aside Judgment re <u>62</u> and <u>79</u> filed by Amy R. Weissbrod Gurvey, Pro Se Plaintiff. Motion returnable before Judge Paul J. Evangelista. Response to Motion due by 7/2/2025. Reply to Response to Motion due by 7/9/2025 (bas) (Entered: 06/11/2025)
06/11/2025	<u>81</u>	Letter Motion from Noah C. Engelhart for Frank Hoare, Kathy Hochul, Letitia James, Brian O'Dwyer, State of New York, Joseph A. Zayas requesting motion response deadline to be held in abeyance submitted to Judge Paul J. Evangelista . (Engelhart, Noah) (Entered: 06/11/2025)
06/11/2025	<u>82</u>	US PATENTEE PETITIONERS MOTION TO VACATE JUDGMENT filed by Amy R. Weissbrod Gurvey, Pro Se Plaintiff. Motion returnable before Judge Paul J. Evangelista. Response to Motion due by 7/2/2025. Reply to Response to Motion due by 7/9/2025. (bas) (Entered: 06/11/2025)
06/13/2025	<u>83</u>	ADDENDUM IN SUPPORT of the # <u>82</u> US PATENTEE PETITIONERS MOTION TO VACATE JUDGMENT filed by Amy R. Weissbrod Gurvey. Motion returnable before Judge Paul J. Evangelista. ADDENDUM filed by Amy R. Weissbrod Gurvey, Pro Se Plaintiff. (bas) (Entered: 06/16/2025)
07/10/2025	<u>84</u>	Courtesy copy of Petition for a Writ of Mandamus. (bas) (Entered: 07/10/2025)
09/05/2025	<u>85</u>	MOTION to sequester NYS files by Injunction, Vacate Orders under FRCP Rule 60(b) and Order for Recusal filed by Amy R. Weissbrod Gurvey, Pro Se. Response to Motion due by 9/26/2025. Motions referred to Judge Paul J. Evangelista. (bas) (Entered: 09/05/2025)
09/08/2025	<u>86</u>	Letter Motion from Noah C. Engelhart for Frank Hoare, Kathy Hochul, Letitia James, Brian O'Dwyer, State of New York, Joseph A. Zayas requesting motion response deadline to be held in abeyance submitted to Judge Paul J. Evangelista . (Engelhart, Noah) (Entered: 09/08/2025)
09/09/2025	<u>87</u>	CERTIFICATE OF SERVICE by Frank Hoare, Kathy Hochul, Letitia James, Brian O'Dwyer, State of New York. Joseph A. Zayas re <u>86</u> Letter Motion from Noah C. Engelhart for Frank Hoare, Kathy Hochul, Letitia James, Brian O'Dwyer, State of New York, Joseph A. Zayas requesting motion response deadline to be held in abeyance submitted to Judge Paul J. Evangelista < (Engelhart, Noah) (Entered: 09/09/2025)

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09/10/2025 07:17:00

Amy Weissbrod Gurvey
CEO LIVE-Fi® Technology Holdings
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

AMY R. WEISSBROD GURVEY, US Patentee.

CASE NO. 24cv211 (AMN)(PJE)

Plaintiff, v.

CIVIL ACTION

Hon(s). Kathy Hochul, Letitia James, Joseph Zayas, et al.

**ADDENDUM TO AMENDED
COMPLAINT SEEKING
ADDITIONAL DECLARATORY
AND INJUNCTIVE RELIEF
UNDER THE
ADMINISTRATIVE
PROCEDURE ACT (APA),
5 U.S.C. § 701 et seq.**

X.

Plaintiff Amy R. Weissbrod Gurvey, a US Patentee and California in-house intellectual property and business development attorney in good standing, declares to the truth of the following statements in moving to file and serve the instant Addendum to her amended complaint after attorneys of record for respondents failed to serve a response to the order of the NDNY Chief Judge Hon. Brenda Sannes entered September 5, 2025 (Docket #85) ordering a hearing on injunction. **Responses from NYS AG were due September 26, 2025 and none were served.**

One month earlier, after 13 years, on August 26, 2025, Plaintiff was given first access by armed security guards to “ordered concealed” New York State Unified

Court System (UCS) files. The inspection session at 41 Madison Avenue NYC 10010 produced a shocking 12-14 Redwells of documents, only 5 of which could be reviewed in the time allotted. Review established forgery and fraud crimes by NYS UCS officers in confidential state files since 2007, circulation of fraudulent and unserved documents to other courts, malicious abuse of process of Plaintiff without jurisdiction and unprivileged defamation that continues. Findings were reported to the Chief Judge of the NDNY, Hon. Brenda Sannes, resulting in the order for hearing on injunction (Docket #85)

Plaintiff files this Addendum under the Administrative Procedure Act (APA), 5 U.S.C. § 701 et seq., to challenge [continuing] arbitrary, capricious, unlawful and criminal conduct by DOES UCS officers, acting both under color of state law and in a quasi-federal capacity impairing Plaintiff's federally protected rights including hearings on her US patents before the SDNY and before other district courts out of NYS.

“UCS DOES defendants” include NYS attorney Shawn Kerby serving at all times relevant at the NYS Office of Court Administration (OCA) under supervisor John McConnell. Kerby also acted under color of state law and under the supervision and control of the named NYS government respondents herein including members of NYS AG’s Office (Michael Berg).

In July 2025 it was discovered that Kerby an attorney had been writing unserved letters *ex parte* to the US Court of Appeals for the Federal Circuit since 2017 in violation of Plaintiff's constitutional rights pleading that the court not grant hearing on Plaintiff's arising under patent appeals to three orders of the SDNY denying Plaintiff infringement hearings because “Plaintiff was disbarred” in NYS. Three arising under appeals that were under the exclusive appellate jurisdiction of the Federal Circuit were not heard and transferred to the 2d Circuit that has no jurisdiction to hear the appeals. Supremacy Clause, Art. VI, Cl. 2; *Haywood v. Drown*, 556 US 729 (2009) Plaintiff was never disbarred nor was Plaintiff ever sanctioned by the NY Court of Appeals and files inspected proves this fact. Also in 2025, the OCA clerk Sam Younger admitting that since 2013 he had been posting notices *sua sponte* on the Internet that are also per se defamatory and false.

The files established that UCS DOES defendants acted in consort as part of an elaborate enterprise to steal Plaintiff's patents and suppress federal causes of action. UCS defendants engaged in a pattern of defamatory, exclusionary, and procedurally defective actions that have obstructed Plaintiff's access to judicial remedies, prevented her constitutional access to federal courts to protect her patents, and allowed other courts to copy *sua sponte* faux state notices and a single 2012 order that was entered without motion on notice and was found nonfinal by the NY Court of Appeals and remains on appeal. It could never be copied *sua sponte* as a final order by any subsequent court.

It was in fact the conspiratorial additional work of Plaintiff's SDNY adversary at Hinshaw & Culbertson, J. Richard Supple, a concealed AGC staff member who created and circulated many of the forged and fraudulent documents *ex parte* to UCS court officers including First Dept. judges. This was found in an order entered April 21, 2016. Fraudulent and defamatory documents were also circulated to SDNY officers and Plaintiff's good standing certifications from California were removed *sua sponte* from the SDNY roster in 2013 by circuit attorney Julie Allsman without due process of law. They were also posted by OCA defendant Younger on the Internet and Copilot at the same time. The postings were intended to be copied and were copied *sua sponte* by other courts in an out of NYS, and suppressed Plaintiff's intellectual property and other civil rights claims. The postings materially distorted the public records in violation of APA § 706(2)(A), (C), and (D) while Plaintiff continued to be denied constitutional access thereto.

The facts proven by the files were that Plaintiff was admitted to the Third Dept. from California in 1987 and Plaintiff voluntarily resigned in 1998 when Plaintiff was enrolled in medical school and changed careers. In 1998, Third Dept. membership attorney Dan Brennan and OCA officer Denise Rajpal accepted Plaintiff's voluntary resignation from NY practice. Plaintiff thereafter never paid bar dues to NYS and never requested reinstatement. Most important, Plaintiff was never admitted to the First Dept. and never its disciplinary jurisdiction. NY's Judiciary Law Part 1240; 22 NYCRR 600.

Plaintiff seeks declaratory and injunctive relief to correct the record, expunge defamatory statements, and restore procedural integrity across federal and state venues.

UCS DOES defendants intentional concealment of Kerby's *ex parte* letters prevented Plaintiff's earlier discovery of wrongful state action and serious APA violations and tolls all prevailing statutes of limitation.

The totality of acts perpetrated prove unconstitutional practices by the State of New York in patent and other federal property matters that must be cited by this Court in a declaratory order.

II. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 1331 (federal question), § 1361 (mandamus), and 5 U.S.C. § 702 (Administrative Procedures Act (APA) waiver of sovereign immunity).

III. PARTIES (RESTATEMENT)

Plaintiff is a US patentee, entrepreneur inventor and CEO of LIVE-Fi® Technology Holdings and a federal petitioner, owning valuable intellectual property. Issued and pending US patents include apparatuses and utility disclosures for event ticketing management, ticket and registration data authentication, ticket resale and exchange, hybrid encryption, routing logic, multifunctional code technology, content transmission matrices and AI analytics. The patents enable most ancillary sources of non-ticketing revenues at venues in pro sports, concerts, airport travel, live and virtual conferences, Broadway/reality television, and sports betting.

In 2010, defendants Live Nation Entertainment, Live Nation and Ticketmaster signed conditions of merger before the DC District Court, Hon. Rosemary M. Collyer, that included a mandate that the merged entity is precluded from withholding ticketing data from entities and individuals seeking to conduct non-ticketing businesses at the merged entity's dominant share of owned, serviced and operated venues. This mandate was contumaciously defied and was expanded in the Amended Judgment entered in 2020. *US v. Ticketmaster and Live Nation*,

2010 WL 975407, 975408 (DCD January 25, 2010)(Amended Judgment January 8, 2020). The Cowan Liebowitz & Latman firm who sought Plaintiff's first patent prosecution retainer in 2002 under false pretenses and Supple then of Hinshaw & Culbertson were representing defendant Live Nation Entertainment in Plaintiff's first SDNY lawsuit including for willful infringement and Clayton Act violations. Supple was also defense counsel for the Cowan defendants in the same case wherein the Cowan firm was potentially liable for inducing infringement by Live Nation, Phish and Legend Films.

Plaintiff's US patents were delayed in prosecution well beyond the three-year deadline and many claims did not issue for 17 years, almost the full term of patent. See *Wyeth v. Kappos*, 591 F. 3d 1364 (Fed. Cir. 2010). This is unheard of. A conflicts of interest investigation was opened *sua sponte* by the US Commissioner of Patents Wynn Coggins in or about 2006 against the Cowan Liebowitz & Latman defendants who at all times who were under the disciplinary jurisdiction of the First Dept. whereas Plaintiff was not.

In violation of equal protection, Plaintiff never received orders to compel return of her USPTO patent files in violation of federal statutes when the Cowan defendants abandoned her patent retainer without USPTO approval. 37 CFR 2.10, 2.19, 10.66, 11.108, 11.116, 37 CFR 1.324. The Cowan defendants also filed defective applications under Plaintiff's name no in sync with her formal applications and allowed publication of these application in breach of fiduciary duty and attorney client privilege. In addition, the Cowan defendants improperly accepted a stock for service patent retainer from Plaintiff's California company Legend Films of San Diego for which Plaintiff was general counsel without notice to Plaintiff losing Plaintiff \$330,000 in vested stock as her 3-year salary from Legend based on Cowan defendants' conflicts of interest. Supple and Hinshaw & Culbertson were never allowed to accept a SDNY retainer for the Cowan lawyers after Supple removed the USPTO Commissioner's ethics violation notices from state consideration that were filed at the First Dept. This is when the forged and fraudulent documents concerning Plaintiff began being manufactured and circulated *ex parte* in retaliation. Supple was under the disciplinary supervision of UCS DOES defendants as concerns his staff post at the First Dept. The SDNY

never ordered Supple's withdrawal or disqualification from the Cowan firm's representation in violation of administrative duty.

Based on ongoing misconduct by DOES UCS defendants, Plaintiff was forced to appear as a pro se litigant before the SDNY for 15 years and never got a single hearing on her patents on the merits in violation of the Fourteenth Amendment. Plaintiff never got a hearing on any claim for which an issued patent is a condition precedent to recovery. In a separate civil rights action, the SDNY also breached its duty to award Plaintiff prospective injunctive relief against UCS officers for continuing to violate her civil rights. *Ex parte Young*, 209 US 123 (1908)

Unknown to Plaintiff, Supple and DOES UCS officer Kerby began circulating fraudulent, forged and unserved documents to the First Dept., the SDNY court officers, and to the Federal Circuit in 2011. Those acts before the Federal Circuit caused the Federal Circuit not to hear Plaintiff's direct patent appeals. Plaintiff has suffered APA-based injuries to her patent rights, her patent business and reputational harm due to misconduct of DOES UCS officers.

UCS DOES defendant is a NYS entity subject to APA review when acting in coordination with federal agencies or obstructing federally protected rights.

UCS DOES defendants include judges, clerks, administrators, court attorneys and supervising personnel responsible for docketing, recordkeeping, and issuing public orders.

IV. FACTUAL ALLEGATIONS

Plaintiff has filed multiple federal and state actions asserting patent infringement, APA violations, and antitrust injuries tied to Live Nation, Ticketmaster, and coordinated misconduct by state actors.

In retaliation, UCS officers have:

- Published orders falsely labeling Plaintiff's filings as "frivolous," "delusional," or "abusive" without evidentiary basis;
- Fraudulently labelled Plaintiff as "disbarred" when she is not.

- Concealed or omitted complete docket entries, sealed filings, and procedural rulings;
- Ordered unilateral destruction of critical audiotapes and transcripts;
- Circulated defamatory characterizations to third parties, including to the Federal Circuit and the USPTO;
- Coordinated with external actors to suppress Plaintiff's IP claims in multiple courts;
- These actions constitute constructive agency conduct under federal oversight and violate APA § 706(2)(A) (arbitrary and capricious), § 706(2)(C) (*ultra vires*), and § 706(2)(D) (procedural defect).
- Plaintiff has suffered serious and extended reputational harm, economic injury, and obstruction of federally protected rights, including access to courts, speech, and due process.
-

V. AMENDED CLAIMS FOR RELIEF

Supplementary Count I – Violation of APA § 706(2)(A): Arbitrary and Capricious Conduct

Defendants' defamatory orders and concealment of filings lack factual basis and reflect reckless disregard for truth and procedural integrity.

Supplementary Count II – Violation of APA § 706(2)(C): Ultra Vires Action

Defendants exceeded their statutory authority by issuing defamatory orders and coordinating suppression of Plaintiff's federal claims.

Supplementary Count III – Violation of APA § 706(2)(D): Procedural Fraud in NYS files.

Defendants failed to follow required procedures for sealing, docketing, and adjudicating Plaintiff's filings, impairing her ability to seek redress from the SDNY and state courts in NYS.

VI. PRAYER FOR RELIEF

Plaintiff respectfully requests that this Court accept these amended claims and

- Order injunction to produce all USC records regarding Plaintiff;
- Because a judge in this court, Hon. Anne M. Nardacci, copied Kerby and Younger's fraudulent ex parte proffers sua sponte without motion on notice, respectfully ordering Judge Nardacci's recusal from this lawsuit.
- Declare Defendants' conduct unlawful under the APA;
- Order expungement or correction of defamatory records;
- Enjoin further procedural misconduct and reputational harm;
- Restore access to sealed filings and docket entries;
- Grant a filing injunction against all UCS officers;
- Award costs and any other relief the Court deems just and proper.

VII. DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

DATED: September 26, 2025

Princeton, NJ

/amyweissbrodgurvey/

AMY R. WEISSBROD GURVEY

EXHIBIT 3



Supreme Court of California

JORGE E. NAVARRETE

Clerk and Executive Officer of the Supreme Court

CERTIFICATE OF THE CLERK OF THE SUPREME COURT OF THE STATE OF CALIFORNIA

AMY WEISSBROD GURVEY

I, JORGE E. NAVARRETE, Clerk and Executive Officer of the Supreme Court of the State of California, do hereby certify that AMY WEISSBROD GURVEY, #87419, was on the 20th day of September 1979 duly admitted to practice as an attorney and counselor at law in all the courts of this state, and is now listed on the Roll of Inactive Members of the bar of this state in good standing.

*Witness my hand and the seal of the court
on the 24th day of June 2025.*

JORGE E. NAVARRETE
Clerk and Executive Officer of the Supreme Court

By: 
Priscilla Tang, Assistant Deputy Clerk

**Amy Weissbrod Gurvey #87419****License Status: Active**

Address: LIVE-Fi Technologies (TM) LLC, 7302 Woodstone Cir, # 7302, Princeton, NJ 08540-1025

Phone: 917-733-9981 | Fax: 609-917-2663

Email: amygurvey@gmail.com | Website: www.live-fi.com

More about This Attorney ▾

The table below shows an attorney's license status changes, disciplinary actions, and administrative actions. Some administrative suspensions are subject to automatic removal from the attorney profile page pursuant to the State Bar's **policy on removal of administrative actions**. Administrative suspensions are non-disciplinary actions resulting from noncompliance with administrative requirements, such as the requirement to pay licensing fees or comply with Minimum Continuing Legal Education. Administrative suspensions that meet the criteria in the State Bar's policy on removal of administrative actions would not be displayed below.

Date	License Status	Discipline	Administrative Action
Present	Active		
10/30/2025	Active		
4/19/2011	Inactive		
4/11/2002	Active		
1/1/1988	Inactive		
9/20/1979	Admitted to the State Bar of California		

Additional Information:

- [About the disciplinary system](#)

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EXHIBIT 4



Live-Fi™ Technology Holdings

7302 Woodstone Circle
Princeton, NJ 08540
amyg@live-fi.com
917-733-9981

March 8, 2025

Hon. Kimberly Moore, Chief Judge
Mr. Jarrett Perlow, Chief Clerk
US Court of Appeals Federal Circuit
717 Madison Place, NW
Washington, DC 20439

cc: US Attorney SDNY
US Dept. of Justice
26 Federal Plaza 37th FL
New York, NY 10278

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)

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 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.

Dated: March 11, 2025

Princeton NJ 07043

Yours etc.,

/amyweissbrodgurvey/

Amy R. Weissbrod Gurvey
US Patentee



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS
CHIEF ADMINISTRATIVE JUDGE

JOHN W. McCONNELL
COUNSEL

November 30, 2018

Hon. Peter R. Marksteiner
Circuit Executive & Clerk of Court
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, DC 20439

Re: Weissbrod Gurvey v. State of N.Y., et al.
No. 18-2076

Dear Mr. Marksteiner:

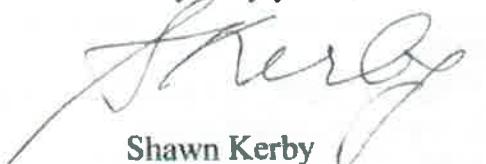
We submit this letter on behalf of the defendant-appellees OCA and Hearing Panel IV in response to plaintiff-appellant's November 25, 2018 letter seeking permission to appeal from an Order of the Southern District of New York, dated October 2, 2018, denying appellant's motion for reconsideration of that 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.

As set forth in appellees' briefs, there is no federal patent law cause of action presented by the June 5, 2018 Order, where the claims challenge State related attorney disciplinary matters resulting in plaintiff'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 upon 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

TO: **David Lawrence, Esq.**
David.lawrence@ag.ny.gov

Nicole Feder, Esq.
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Kathy Chang Park, Esq.
kpark@law.nyc.gov

Susan Paulson, Esq.
spaulson@law.nyc.gov

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UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Amy Weissbrod-Gurvey v. State of N.Y., et. al.

Case No. 18-2076

CERTIFICATE OF INTEREST

Counsel for the:

 (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)**Shawn Kerby**

certifies the following (use "None" if applicable; use extra sheets if necessary):

1. Full Name of Party Represented by me	2. Name of Real Party in interest (Please only include any real party in interest NOT identified in Question 3) represented by me is:	3. Parent corporations and publicly held companies that own 10% or more of stock in the party
Office of Court Administration	Office of Court Administration	None
Hearing Panel IV	Hearing Panel IV	None

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court (and who have not or will not enter an appearance in this case) are:

FORM 9. Certificate of Interest

Form 9
Rev. 10/17

5. The title and number of any case known to counsel to be pending in this or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. *See Fed. Cir. R. 47.4(a)(5) and 47.5(b).* (The parties should attach continuation pages as necessary).

11/30/2018

/s/ Shawn Kerby

Date

Signature of counsel

Please Note: All questions must be answered

Shawn Kerby

Printed name of counsel

cc: Amy Weissbrod-Gurvey; David Lawrence; Nicole Feder; Susan Paulson; Kathy Chang Park

EXHIBIT 5



Live-Fi™ Technology Holdings

7302 Woodstone Circle

Princeton, NJ 08540

amyg@live-fi.com

917-733-9981

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

Alan Amron, echangingbarcode, LLC,
Plaintiffs.

Case No. 24-cv-2930 (PAE)

MOTION FOR
RECONSIDERATION
[FRCP Rule 59(e)]

MLB, MLB ADVANCED MEDIA (MLBAM),
[Live Nation Entertainment (LNE), Inc.
merged with Ticketmaster, LLC, StubHub, Inc.]
AND 30 NATIONAL BASEBALL TEAMS AND
STADIUMS, and DOES I-X, Defendants¹.

X

October 24, 2025

Dear Judge Engelmayer:

Most respectfully, US Patentee/Proposed Intervenor Amy Weissbrod Gurvey, CEO and General Counsel of patent loan out company LIVE-Fi® Technology Holdings and a California attorney in good standing not admitted in New York State, moves for reconsideration of the order of the SDNY entered yesterday 10-23-25

¹ [Defendants LNE and StubHub noticed as voluntarily terminated by the Plaintiff]

denying intervention into plaintiff Amron's infringement lawsuit against defendants MLB and MLB Advanced Media (MLBAM).

It is alleged that the SDNY misapplied the prevailing law and failed to follow the extensive factual record, both proper grounds for reconsideration under Rule 59(e). Directly contrary to the court's order, Petitioner was in fact granted *pro hac vice* status by this court in SDNY lawsuit 24cv3973 (Doc. #638 entered August 22, 2025, Exhibit appended). The citations by the court are in bad faith.

Moreover, plaintiff Amron is infringing Petitioner's patent claims and committed fraud before the USPTO by failing to cite to Weissbrod Gurvey's issued US patent claims as prior art when applying for a subset patent and cannot be rewarded for his crimes. Weissbrod Gurvey's patents are more comprehensive ticket authentication and ticketing management platform. Amron's is but a subset technology that should not have been granted by the Government. Whether plaintiff Amron is infringing Petitioner's patent is a question of fact that cannot be decided *sua sponte* without motion on notice.

In addition, based on the unique facts, the Government cannot adequately represent Petitioner's patent interests as proven by Petitioner's litigation pending since 2023 against the Secretary of Commerce/US Commissioner of Patents before the DC District Court. 23cv3549 (JMC).

FRCP RULE 59(e) RECONSIDERATION

(1) Directly contrary to the court's order, Weissbrod Gurvey was in fact granted *pro hac vice* status by this court in SDNY lawsuit 24cv3973 (Doc. #638 entered August 22, 2025, Exhibit appended). The citations by the court are in bad faith.

(2) Even if Gurvey had not been granted *pro hac vice* status, she is entitled to refile her motions in both the 24cv3973 lawsuit

and in this lawsuit as a *pro se* patentee. This is because under the US Supreme Court's six-year relate back limitation pertaining to the filing of infringement claims, Petitioner was the sole patent inventor and holder of the issued patents and portfolio patents pending during the relevant six-year period (2018-2024) [*SCA Hygiene Products v. First Quality Baby Products*, 137 S. Ct. 954 (2017)]. Ergo, it is alleged that Amron is infringing Petitioner's patents as is MLB and MLB Advanced Media (MLBAM)

(3) The Government cannot protect Petitioner's interests. Weissbrod Gurvey is also the plaintiff in two (2) DC District Court lawsuits . The 2025 lawsuit (25cv3257) is an antitrust enforcement/willful infringement lawsuit against Live Nation Entertainment, Inc., Live Nation, Inc. and Ticketmaster LLC. These defendants and their venture partners, defendants herein MLB and MLBAM are infringers of Petitioner's patented platforms by the doctrine of equivalents.

(4) Petitioner's other 2023 DCD lawsuit 23cv3549 (JMC) seeks injunctive relief against the Secretary of Commerce/US Commissioner of Patents for violations of the Administrative Procedures Act, 5 USC §§551, 701, et seq. (APA). The claims against the Government include delaying Petitioner's patents 13 years beyond the 3-year deadline set by the Federal Circuit [*Wyeth v. Kappos*, 591 F.3d 1364 (Fed Cir. 2010)] and unlawfully taking Weissbrod Gurvey's published patent applications out of the queue in due course *sua sponte without motion on notice* since 2007 to conduct a conflicts of interest investigation against MLB's and Weissbrod Gurveys' common intellectual property practitioners at Cowan Liebowitz & Latman of NYC. The published applications were able to be copied before they were unlawfully removed from the queue and it appears that is exactly what plaintiff Amron has done.

(5) Because conflicts of interest violations were found by the Commissioner and admitted to by the Cowan practitioners, pursuant to APA the USPTO was required to serve Petitioner with the results of the investigation and failed to do so since 2013. Petitioner's FOIA requests remained unanswered for over 10 years. In addition, during the 13-year delay between the date of Petitioner's first issued patent on October 13, 2009 (7603321) and the continuation patent on August 2, 2022 (11403566) with 25 additional apparatus and method claims, the USPTO improperly awarding a subset patent to plaintiff Amron, an act that is expressly challenged as unlawful in the 23cv3549 DCD lawsuit.

(6) Further, Weissbrod Gurvey argues that plaintiff Amron committed USPTO fraud by failing to cite to Gurvey's issued US patent claims as prior art. This means his patent cannot be enforced by this court.

(7) This court found in its order that plaintiff Amrom claims a method that prevents unauthorized duplication of credentials. So does Petitioner. In *Monsanto Co. v. Bayer Bioscience N.V.*, 514 F.3d 1229 (Fed. Cir. 2008), the Federal Circuit affirmed the unenforceability of Bayer's patent due to inequitable conduct—*i.e.*, Bayer's failure to disclose material prior art during prosecution. In this case, plaintiff Amron failed to cite Petitioner's earlier-filed applications and published disclosures when prosecuting overlapping patent claims. This omission violates the duty of candor under 37 CFR § 1.56 and supports a finding of unenforceability.

(8) Contrary to court's order, special rules pertain to intervention in combined ongoing infringement and antitrust proceedings involving overlapping patented technologies. In *Trbovich v. United Mine Workers*, 404 U.S. 528 (1972), the Supreme Court held that a party whose interests are inadequately represented by the Government may intervene to protect those interests. Petitioner's interests in enforcing her patent rights and challenging procedural misconduct are not adequately represented by the USPTO or its counsel

especially given the *ex parte* removal of her applications for an extended period of time.

(9) *Cascade Natural Gas Corp. v. El Paso Natural Gas Co.*, 386 U.S. 129 (1967) affirms that private parties may intervene in antitrust proceedings when they are directly harmed by exclusionary conduct. Petitioner's exclusion from the patent queue and downstream platforms warrant intervention. The Cowan lawyers were MLB's USPTO lawyers harboring a conflict even before they solicited Petitioner's patent prosecution retainer and abandoned that retainer without USPTO permission. This caused further publication of defective applications. In addition, defendants MLB and MLBAM sued by plaintiff herein are venture partners of Live Nation Entertainment and Ticketmaster, Petitioner's adversaries in the 25cv3257 DCD lawsuit.

(10) There is no dispute Petitioner's patent applications were removed from the USPTO queue without notice, hearing, or written justification, violating 5 USC §§ 555(b), 558(c), and 706(2)(A)–(D). The former Commissioner of Patents Wynn Coggins acted *ultra vires* in removing Petitioner's filings, which were timely, complete, and compliant with statutory requirements. The removals were performed *sua sponte* without motion or notice and obstructed Petitioner's ability to assert her rights and enforce her patents in a timely manner. The acts constitute final agency actions subject to judicial review.

(11) Petitioner has suffered concrete injury due to:

- Loss of priority and enforceability of her inventions.
- Exclusion from federally-regulated platforms and markets.
- Procedural misconduct by USPTO and downstream monopolists who are being sued in a class action before this court and their venture partners who are defendants in this lawsuit.

These injuries are traceable to agency and private conduct and redressable through intervention and declaratory relief.

(12) Petitioner's issued patents and *sua sponte* removed patent applications authenticate ticket data and prevent unauthorized

duplication of credentials including in the resale and exchange of tickets, premium performance tickets and in sports betting. 17 applications were removed from the queue by the Commissioner.,

(13) The 2d Circuit decisions cited by the court are of no significance.

(14) The Federal Circuit has exclusive jurisdiction over arising under patent appeals where the claims are defined by patent statutes. *Gunn v. Minton*, 133 S. Ct. 1059 (USSC Tex. 2013) Plaintiff Amron's breach of the duty of candor and good faith to the USPTO rendered his patent unenforceable. The Federal Circuit held in *Monsanto*, *supra*, that the district court has jurisdiction to declare his patent unenforceable.

(15) The record is also undisputed that Apple, Inc., plagiarized Petitioner's published applications in 2008 when filing for its own ticketing management patent, #2008-82491. Apple was denied a patent for eight years but on appeal to the Patent Trial and Appeals Board was granted a single near field claim in or about 2017. This is now the same claim in use at the checkpoint of entry by ~~MLB/MLBAM~~ at Yankee Stadium and at all 30 national baseball stadiums. The recent US Open at Arthur Ashe Stadium was also using Apple's single near field claim. This explains why it took over two hours in line to enter the stadium long after the matches began. Petitioner expressly challenges that grant to Apple in the DCD lawsuit, 23cv3549, and she challenges the grant to Amron in 2015.

(16) Weissbrod Gurvey's patents, and the improperly removed published applications include apparatuses, mobile interface designs and utility claims for ticket data authentication, hybrid encryption, transmission matrices for event interaction and content, ticket resale and exchange, direct-to-user targeted advertising by multifunctional bar codes, merchandise/hospitality fulfillment, royalty accounting, AI

analytics and sports betting. The include claims that prevent unauthorized duplication of data in various functions. For example, once a premium performance ticket is activated on a mobile display, it can be exchanged or resold without duplication of ticketing data. Multiple embodiments and permutations are claimed in Petitioner's patents and pending patents.

(17) Petitioner also owns mobile displays that activate electronic readers at venues with multifunctional bar codes. (D647910S) This is but one claim being infringed by the plaintiff Amron.

(18) Petitioner's claims also enable most non-ticketing businesses. Based on the ongoing contumacious breach by defendants Live Nation and Ticketmaster of the competitive impact statement, final judgment and amended judgment in *US v. Ticketmaster and Live Nation*, 2010 W 975407, 975408 (pp. 8 line 10), Petitioner properly seeks injunctive relief from the DCD to get defendant MLB's data and plaintiff's data, if any, from Ticketmaster.

(19) Significant is that Magistrate Tarnofsky was a senior unified court system (UCS) attorney serving on the NY Legal Assistance Group when she refused to assist Petitioner disqualify Live Nation's infringement defense attorneys at Hinshaw & Culbertson from the previous SDNY infringement lawsuit in 2016. H&C counsels were dually serving as UCS attorneys without disclosing conflicts of interest and were found by the First Dept. to have inserted forged and unserved documents into concealed state files engaging in Petitioner's unprivileged defamation.

(20) Moreover, Magistrate Tarnofsky's husband, Antony Ryan, Esq., is a partner at Cravath Swaine and Moore. The Dept. of Justice's DC District Court competitive impact statement, the consent decree, final judgment and amended judgment entered in 2010 and 2020 were spearheaded by DOJ's former Christine Varney who is now a senior

partner at Cravath Swaine and Moore. Varney's switching of hats challenges the entire integrity of the 24cv3973 class action lawsuit pending before this Court.

(21) It was the duty of the SDNY to serve Petitioner with ex parte proffers circulated to the SDNY administrators by H&C's J. Richard Supple. *Twomey v. Ohio*, 273 US 510 (1927); ABA Rule 2.9 *Ex parte* Communications. In 2016, Supple was found to have inserted forged documents into concealed UCS files during Petitioner's previous infringement lawsuit against defendants Live Nation, Phish and Cowan Liebowitz & Latman.

(22) It was the duty of the SDNY to order injunctive relief against the State and its officers since 2013, not deny Petitioner infringement hearings.

(23) The end result was that Weissbrod Gurvey never got a hearing on her patents before the SDNY since 2010, in violation of the Fourteenth Amendment.

(24) In 2018, UCS's Office of Court Administration attorney Shawn Kerby began writing *ex parte* letters to the Federal Circuit only discovered in 2025 tolling all statutes. Kerby sought to prevent Weissbrod Gurvey from getting arising under patent appeals to unconstitutional orders of the SDNY denying infringement hearings including on the anticipated 11403566 patent that issued on August 2, 2022.

(25) The injunction issued by the US District Court for the Northern District of New York on September 5, 2025 against NYS UCS officers should have been entered by this Court in 2013. It is astounding that an injunction did not ever issue from this Court.

(26) An order of the Federal Circuit in 25-1954 has upheld Petitioner's infringement claims against defendant MLB.

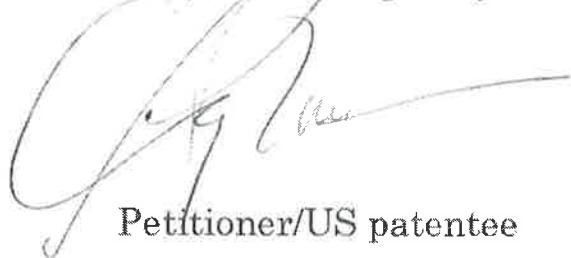
WHEREFORE, Petitioner Amy Weissbrod Gurvey respectfully requests:

1. Leave to intervene in relevant federal proceedings under Fed. R. Civ. P. 24(a)(2) and (b)(1)(B).
2. A declaratory judgment that plaintiff's patents are unenforceable under *Monsanto*.
3. A stay pending determination by the DC District Court on Petitioner's motion to restore Petitioner's applications to the queue.
4. Injunctive relief to prevent further exclusionary conduct and retaliation.

Dated: October 24, 2025

Princeton, NJ

/amyweissbrodgpurvey/

A handwritten signature in black ink, appearing to read "Amy Weissbrod Gurvey".

Petitioner/US patentee



Live-Fi™ Technology Holdings

7302 Woodstone Circle

Princeton, NJ 08540

amyg@live-fi.com

917-733-9981

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

X

UNITED STATES OF AMERICA, et al.,
Plaintiffs,

Case No. : 1:24-CV-03973-AS

v.

NOTICE OF MOTION FOR
ADMISSION TO APPEAR
PRO HAC VICE FROM
CALIFORNIA ON BEHALF
OF LIVE-FI TECHNOLOGY
HOLDINGS, LLC

LIVE NATION ENTERTAINMENT, INC.
et al., Defendants.

X

Pursuant to Rule 1.3 of the Local Rules of the United States District Court for the Southern District of New York (SDNY), Amy Weissbrod Gurvey, a California attorney, hereby moves this Court for an Order granting admission to appear *pro hac vice* as counsel for LIVE-FI® Technology Holdings, LLC. LIVE-FI® is an interested party as it owns and controls the standard essential US patents for ticketing, ticket resale and authenticated content management and interaction, patents being willfully infringed by defendants Live Nation and Ticketmaster. Defendants since 2010 have also continued to breach material provisions of the competitive impact statement both signed as a condition of merger in 2010 before

To Clerk Scott Harris
Attention: Ms. Angela Jimenez

Dear Ms. Jimenez:

Petitioner Amy Weissbrod Gurvey, California counsel of loan out company LIVE-Fi® Technology Holdings, LLC who is not admitted to practice law in New York State since 1998, and US patentee of standard essential ticketing management patents and confidential patents pending that include priority disclosures for ticket data authentication, hybrid encryption, content transmission and merchandise fulfillment matrices, routing logic, ticket resale and exchange, and AI analytics, petitions the Supreme Court of the United States to add updated orders to the Appendix of the pending Petition seeking a Writ of Mandamus.

Petitioner declares to the truth of the following statements in support of this application.

The orders include: (1) a hearing on injunction entered September 5, 2025 (Docket #85 et seq.) ordered by the Northern District of New York in Case No. 24-cv211 against NYS executive officers of the courts and unified court system (UCS) (inspection of the ordered concealed NYS UCS files was first granted to Petitioner on August 26, 2025 and inspection is not yet complete; (2) An order returning an updated Notice

of Claim by the NY Court of Claims received on October 4, 2025; and (3) an order denying intervention by the SDNY in the antitrust divestiture proceeding against defendant willful patent infringers Live Nation and Ticketmaster and denying striking Cravath Swaine and Moore's frivolous and fraudulent opposition #633 in Case No. 24cv3973 entered by the SDNY in clear abuse of discretion and denying that the order in (1) granting hearing on injunction by the NDNY (Docket #85) was ever entered.

Petitioner also requests that ECF filing privileges to upload papers directly on the Supreme Court docket be granted with instructions on whether the instant application requires ten copies for docketing.

Dated: October 11, 2025

Princeton, NJ

/amyweissbrodgurvey/

AMY WEISSBROD GURVEY
US PATENTEE
CALIFORNIA COUNSEL
LIVE-Fi® TECHNOLOGY HOLDINGS

cc: US District Court Northern District of NY, 24cv211
New York Court of Claims
US District Court Southern District of NY, 24cv3973



Live-Fi™ Technology Holdings

7302 Woodstone Circle

Princeton, NJ 08540

amyg@live-fi.com

917-733-9981

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

X

UNITED STATES OF AMERICA, et al.,
Plaintiffs,

Case No. : 1:24-CV-03973-AS

V.

NOTICE OF MOTION FOR
ADMISSION TO APPEAR
PRO HAC VICE FROM
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OF LIVE-FI® TECHNOLOGY
HOLDINGS, LLC

LIVE NATION ENTERTAINMENT, INC.,
et al., Defendants.

X

Pursuant to Rule 1.3 of the Local Rules of the United States District Court for the Southern District of New York (SDNY), Amy Weissbrod Gurvey, a California attorney, hereby moves this Court for an Order granting admission to appear *pro hac vice* as counsel for LIVE-FI® Technology Holdings, LLC. LIVE-FI® is an interested party as it owns and controls the standard essential US patents for ticketing, ticket resale and authenticated content management and interaction, patents being willfully infringed by defendants Live Nation and Ticketmaster. Defendants since 2010 have also continued to breach material provisions of the competitive impact statement both signed as a condition of merger in 2010 before

the DC District Court. *U.S. v. Ticketmaster and Live Nation*, 2010 WL 975407, 975408 (DCD January 25, 2010) That provision expressly stated that defendants Live Nation and Ticketmaster cannot withhold ticketing data from companies seeking to conduct non-ticketing businesses. 2010 WL 975408, pp 8, line 10. This makes LIVE-Fi® a proper interested party to this lawsuit.

Petitioner is in good standing before the Supreme Court of California since 1979.

A notarized certification of good standing is annexed hereto as Exhibit A. Petitioner has never been convicted of a felony and has never been censured, disbarred or denied admission or readmission to any court. Petitioner was suspended for six months on December 4, 2012 by the First Dept. *without jurisdiction over Petitioner* who was voluntarily resigned in NYS since 1998 and granted permission to resign by the Third Dept. and NYS Office of Court Administration. That six month order remains on appeal and was found nonfinal by the NY Court of Appeals such that it cannot be used collaterally in any other lawsuit.

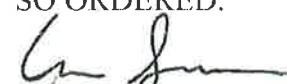
A proposed order for admission *pro hac vice* is annexed hereto as Exhibit B. The declaration pursuant to Local Rule 1.3 is annexed hereto as Exhibit C.

Petitioner's contact information is as follows:

Amy R. Weissbrod Gurvey
CEO and Counsel
c/o LIVE-Fi™ Technology Holdings LLC
7302 Woodstone Circle, Princeton, NJ 08540
amyg@live-fi.com Phone: (917) 733-9981

The motion is GRANTED, but by separate order, the Court notes the denial of the related motion for joinder.

SO ORDERED.


Arun Subramanian, U.S.D.J.
Date: August 22, 2025

Pursuant to 28 USC §1746, Petitioner declares that the foregoing is true and correct.

(By, 
AMY WEISSBROD GURVEY

'20/2003	Electronic system and method coupling live event ticketing with sale of event recordings	WORJLOH,JALATEE	GURVEY, AMY R.
'18/2005	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	WORJLOH,JALATEE	GURVEY, AMY R.
'19/2006	Electronic System and Apparatuses Coupling Ticketing on Mobile Devices with Event Sponsorship and Interaction	CHOU,ALAN	GURVEY, AMY R.
'07/2009	Electronic system & method coupling live event ticketing & interactive entries with the sale distribution & transmission of event recordings, mastering system & intellegent terminal designs	,	GURVEY, AMY R.
'07/2009	Interactive electronic apparatuses for live events	,	GURVEY, AMY R.
'11/2009	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	,	GURVEY, AMY R.
'25/2008	USER INTERFACE FOR A PORTION OF A DISPLAY SCREEN TARGETED FOR LIVE EVENTS OR TRAVEL	LEE,SUSAN	GURVEY, AMY R.
'10/2009	Intelligent seating table with chairs apparatus design enabling electronic menu ordering, event viewing and interaction, play, order and release of recordings and linking with off-site terminals	,	GURVEY, AMY R.
'10/2009	Intelligent turnstiles and control terminals	CLARK,DORIS	GURVEY, AMY R.
'22/2002	Premium performance ticket	,	GURVEY, AMY R.
'24/2002	Premium performance ticket	,	GURVEY, AMY R.
'18/2004	Electronic system and method coupling live event ticketing with sale of event recordings with optional balancing system and encasement designs	,	GURVEY, AMY R.
'19/2007	Electronic system and method for the direct resale and exchange of mobile and premium tickets	WORJLOH,JALATEE	GURVEY, AMY REBECCA
'19/2007	Electronic system and method for the direct resale and exchange of mobile and premium tickets	,	GURVEY, AMY REBECCA
'08/2008	Electronic system, method & designs providing advertising solution from value added ticketing	,	GURVEY, AMY REBECCA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

eCHANGING BARCODE LLC,

Plaintiff,

-v-

MLB ADVANCED MEDIA L.P.,

Defendants.

24 Civ. 2930 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

Before the Court is a motion to intervene in this patent infringement lawsuit by LIVE-Fi Technology Holdings (“LIVE-Fi”). For the following reasons, that motion is denied.

The Court assumes familiarity with the background of this case. In brief, plaintiff eChanging Barcode, LLC (“eChanging”) is the sole patentholder of U.S. Patent No. 9,047,715 (the “715 Patent”), which embodies a technology that prevents the unauthorized duplication of credentials, such as event tickets, through screenshots or static copies. Dkt. 41 ¶¶ 9–10, 17–18. eChanging alleges that the barcoding technology used by defendant Major League Baseball Advanced Media L.P. (“MLBAM”) infringes on the ‘715 Patent. *Id.* ¶¶ 26–40. eChanging seeks damages and injunctive relief under 35 U.S.C. § 271 for the alleged infringement. *Id.* ¶¶ 43, 47–48.

On September 13, 2025, LIVE-Fi moved, through counsel Amy Rebecca Gurvey, to intervene under Federal Rule of Civil Procedure 24. Dkt. 74 (“Motion to Intervene”). It did so on the grounds that Alan Amron, the owner of eChanging, “improperly failed to cite” Live-Fi’s patents and that MLBAM is using LIVE-Fi’s patents “without permission.” *Id.* The motion to intervene also raised numerous other issues unrelated to intervention, including the “recusal of magistrate Robyn Tarnofsky,” *id.* at 3, and the alleged entry of “forged and unserved documents”

by state court officers, *id.* at 5. On September 29, 2025, eChanging opposed the motion to intervene. Dkt. 80. On September 29, 2025, MLBAM likewise opposed the motion. Dkt. 83. On October 7, 2025, LIVE-Fi replied. Dkt. 84.

At the outset, the Court notes that Gurvey, who claims to be licensed to practice law in California (a proposition eChanging disputes), has not been admitted *pro hac vice* in this Court. She claims to have been so admitted by the Honorable Arun Subramanian of this Court, but the docket of the cited case reflects that her motion to appear *pro hac vice* was never granted. *See United States v. Live Nation Ent. Inc. et al.*, No. 24 Civ. 3973, Dkt. 598 (S.D.N.Y. July 2, 2025). Accordingly, Gurvey is not admitted to practice before this Court, and her motion can be denied on that basis alone. *See Erbacci, Cerone, & Moriarty, Ltd. v. United States*, 923 F. Supp. 482, 486 (S.D.N.Y. 1996) (“It is axiomatic that unless and until [a *pro hac vice*] motion is granted, plaintiffs’ attorneys may not practice before this Court.”).

Even were LIVE-Fi’s motion procedurally proper, it is meritless. LIVE-Fi argues that it satisfies the requirements for intervention as of right and permissive intervention. Motion to Intervene at 15–21. For the reasons stated in the opposition briefs, LIVE-Fi does neither. *See* Dkts. 80, 83.

Rule 24(a)(2) governs intervention as of right. It states that “[o]n timely motion, the court must permit anyone to intervene who . . . claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.” LIVE-Fi argues that its interest in this case includes: “(a) enforcement of its patent rights against all name[d] parties; (b) protection of its trade secrets before the USPTO and proprietary data; and (c) prevention of further unauthorized use of its

proprietary technology.” Motion to Intervene at 20. But LIVE-Fi does not claim that it holds or has ever held an interest in the ‘715 Patent. Nor does it describe how its “patent rights” or “trade secrets” at all relate to this dispute. Because LIVE-Fi fails to demonstrate an “interest relating to the property or transaction that is the subject of the action,” it does not have a right to intervene. *See N.Y. News, Inc. v. Kheel*, 972 F.2d 482, 486–87 (2d Cir. 1992) (affirming denial of motion to intervene where proposed intervenor “does not have a protectable interest in the action”); *Cont'l Indem. Co. v. Bulson Mgmt., LLC*, No. 20 Civ. 3479, 2020 WL 6586156, at *3 (S.D.N.Y. Nov. 10, 2020) (same); *see also United States v. State of N.Y.*, 820 F.2d 554, 558 (2d Cir. 1987) (“[A] failure to meet *any* of Rule 24(a)(2)’s requirements provides sufficient grounds to deny a motion to intervene as of right.” (emphasis in original))).

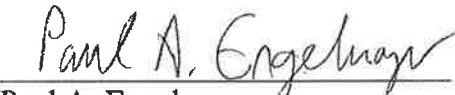
LIVE-Fi’s arguments for permissive intervention fare no better. Rule 24(b) states that the court “[o]n timely motion, may permit anyone to intervene who . . . has a claim or defense that shares with the main action a common question of law or fact.” LIVE-Fi argues that its claims share common questions with the main action, including: “(a) [the] use and dissemination of ticketing data; (b) the scope and application of LIVE-Fi’s patented technologies; and (c) the contractual and regulatory obligations stemming from the Live Nation-Ticketmaster merger.” Motion to Intervene at 21. But none of these questions are implicated by the present case, which concerns eChanging’s claim that MLBAM infringed the ‘715 Patent, and will therefore focus on the validity of the ‘715 Patent and whether it was in fact infringed by MLBAM’s product. Accordingly, the Court denies LIVE-Fi’s motion for permissive intervention. *See, e.g., Eddystone Rail Co., LLC v. Jamex Transfer Servs., LLC*, 289 F. Supp. 3d 582, 595 (S.D.N.Y. 2018) (denying motion to intervene where proposed intervenors “fail to demonstrate that their claim or defense shares a common question of law or fact with this . . . proceeding”);

Tymoshenko v. Firtash, No. 11 Civ. 2794, 2011 WL 5059180, at *3 (S.D.N.Y. Oct. 19, 2011) (same).

CONCLUSION

For the foregoing reasons, LIVE-Fi's motion to intervene is denied. The Clerk of Court is respectfully directed to terminate the motion at Docket 74 and, to the extent LIVE-Fi's filings hold it out as a party to this action, to terminate LIVE-Fi as a party to this action.

SO ORDERED.


Paul A. Engelmayer
Paul A. Engelmayer
United States District Judge

Dated: October 21, 2025
New York, New York

EXHIBIT 6



Live-Fi™ Technology Holdings

7302 Woodstone Circle
Princeton, NJ 08540
amyg@live-fi.com
917-733-9981

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

X

LIVE-FI® TECHNOLOGY
HOLDINGS, LLC and AMY
WEISSBROD GURVEY,

CASE NO.

Plaintiffs, v.

[REVISED] COMPLAINT TO
ENFORCE 2010 COMPETITIVE
IMPACT STATEMENT AND 2020
AMENDED JUDGMENT; FOR
INJUNCTIVE AND
DECLARATORY RELIEF AND TO
DAMAGES FOR WILLFUL
PATENT INFRINGEMENT,
INDUCING INFRINGEMENT,
COPYRIGHT INFRINGEMENT,
FRAUD, WRONGFUL STATE
ACTION AND RICO CONSPIRACY
WITH NYS OFFICERS OF THE
UNIFIED COURT SYSTEM

ALSO MOTION TO APPEAR
PRO HAC VICE AS CALIFORNIA
COUNSEL FOR LIVE-FI®

LIVE NATION ENTERTAINMENT, INC.;
LIVE NATION, INC.; TICKETMASTER, LLC;
and DOES I-X, Inclusive,

Defendants.

X

STATEMENT OF THE CASE

Plaintiffs LIVE-Fi® Technology Holdings LLC (LIVE-Fi®) and Amy Weissbrod “Gurvey”, Plaintiff Survey appearing *pro se* and moving this court to appear *pro hac vice* as California counsel for Plaintiff LIVE-Fi®, brings this action seeking injunctive and declaratory relief to enforce the terms of the Antitrust Judgment and Amended Judgment entered by the DC District Court in 2010 and 2020 respectively against defendants Live Nation Entertainment, Live Nation and Ticketmaster (collectively “LNE”). *US v. Ticketmaster and Live Nation*, 2010 WL 975407, 975408. Both judgments were contumacious defied by defendant LNE, the merged entity. LIVE-Fi®’s strict liability damages became manifest over time. This is because by defying the mandates, defendants and their venture partners such as the Commissioner of Major League Baseball (MLB), MLB Advanced Media, NBA, NFL, StubHub, sports betting companies and concert promoters/agents were jointly infringing Plaintiffs’ US ticketing management patents and inducing infringement of Plaintiffs’ patents with more venture partners and licensees.

The 2010 judgment included both a Consent Decree and a Competitive Impact Statement (CIS). At CIS pp. 8 line 10, the court “so ordered” that the merged entity is precluded from “*withholding ticket data from entities and individuals seeking to conduct non-ticketing businesses at the merged entity dominant share of owned,*

operated and serviced event venues”.¹ This provision continues to be breached.²

Plaintiffs now also seek strict liability damages for willful infringement and inducing infringement of Plaintiff’s US patents and copyrights. Infringement damages are owed also under the doctrine of equivalents with damages for fraud, unfair competition, wrongful state action and RICO conspiracy. Plaintiffs also seek punitive damages.

In 2025, it was confirmed that defendant LNE’s RICO partners include administrative officers of the NYS Unified Court System (UCS). Unknown to Plaintiffs, LNE defendants retained patent prosecution and litigation lawyers Cowan Liebowitz & Latman of NYC (USPTO prosecution) and Hinshaw & Culbertson (SDNY litigation defense). At all times relevant, the Hinshaw & Culbertson firm had partners dually serving as concealed Unified Court System (UCS) officers. In 2016, the Hinshaw attorneys got caught inserting forged, fraudulent and unserved documents into concealed UCS files. The manufactured forged and fraudulent documents affixed signature of a dead 2002 First Dept. counsel Paul Curran who died of cancer in 2007 proving 15 years of unprivileged defamation and malicious abuse of Plaintiff Gurvey without jurisdiction over Gurvey in the capacity of an attorney in NYS,

¹ Certain additional monopolistic practices including unlawful tying of a venue’s right to feature high-tier acts managed by defendant LN with an agreement by the venue to continue defendant Ticketmaster’s long term ticket service contracts. Breach of that provision is the subject of an action filed by the Dept. of Justice and 35+ US states pending before the SDNY. 24cv3973 (AS)(SDNY).

² There is a further action just filed against defendant LNE brought by the Federal Trade Commission before the Central District of California. The claims include unfair competition in restraint of trade and that multiple layers of fees above and beyond the advertised ticket price are being charged nationally that result in a final ticket price 40% higher than the advertised price.

to delay and steal of her patent. The fraudulent UCS documents were circulated *ex parte* to SDNY administrative officers for 13 years with the result being that Plaintiffs were deprived of constitutional access to the court and infringement hearings against defendant LNE.

In 2025, it was discovered that since 2018 fraudulent documents had also been circulated *ex parte* to the Federal Circuit by NYS UCS officers serving at the NYS Office of Court Administration (OCA) that Plaintiff Amy Gurvey was “disbarred in NYS”. **PLAINTIFF WAS NEVER DISBARRED.** The result of this FRAUD was that Plaintiffs’ “arising under” infringement appeals to three orders of the SDNY denying both infringement hearings and disqualification of Hinshaw & Culbertson were not heard and transferred *sua sponte* to the Second Circuit that has no jurisdiction to hear the appeals. Supremacy Clause Art. VI, Cl. 2; *Haywood v. Drown*, 556 US 729 (2009).

The SDNY also denied Plaintiffs injunctive relief under the Civil Rights Ace, 42 USC §1983, 1985, 1988, against UCS and First Dept. officers and told Plaintiffs not to come back to that court. This requiring a separate lawsuit before the NDNY seeking declaratory and injunctive relief. It should be noted that the unconstitutional *sua sponte* orders were entered without motions on notice and continue to be copied *sua sponte* by other courts including out of NYS impeding Plaintiffs’ constitutional rights guaranteed by the Fourteenth Amendment to enforce her patent interests.

On September 5, 2005, the NDNY in Case No. 24-211 issued an order to show cause that was answered by Plaintiffs and then a hearing on injunction against the UCS officers including by OCA chief judge Joseph Zayas. Opposition papers were due on September 26, 2025. Defense attorneys at the Office of the NYS Attorney General (AG) defaulted in response to the order and never filed opposition papers.

Since 2010, defendants' malicious abuse of process and unprivileged defamation and wrongful state action with UCS officers without jurisdiction over Plaintiff Gurvey were relentless, heinous and abhorrent and warrant the maximum punitive damages permitted by law.

Plaintiff Gurvey is the sole-named inventor of US Patent Nos. 11403566, D647910S, 7603321 and fourteen patents pending before the USPTO. The patents and pending patents been assigned to Plaintiff LIVE-Fi®. Plaintiffs' patents disclose apparatus and algorithms for conducting "non-ticketing businesses" as this term is defined in this Court's final judgments. The valuable proprietary properties enable authentication of ticket data, hybrid encryption, routing logic, electronic user interaction, content transmissions, royalty administration, resale and exchange of tickets, transmission matrices, and AI analytics. They manage sports, concerts, live and virtual events including direct to ticketholder targeted advertising. New CIP applications disclose essential health care delivery systems.

There is a parallel petition pending before this Court, 23cv3549 seeking damages for violations of the Administrative Procedures Act, 5 USC 551 et seq. 701 et seq. (APA) by UCS and USPTO officers including continuing failure of the USPTO Office of Enrollment and Discipline (OED) to produce the complete USPTO files from the Commissioner of Patents' seven-year conflict of interest investigation against the Cowan Liebowitz & Latman practitioners representing defendant LNE and Plaintiff at the same time without disclosing conflicts of interest. At this time, the Cowan lawyers were also representing MLB. During the investigation, the Commissioner advised that Plaintiffs' patent application would be taken out of the queue and her prosecution rights delayed, acts not authorized by the APA.

The 2010 Competitive Impact Statement (CIS), pp. 8 line 10, provided that "***LNE defendants are precluded from withholding***

ticketing data from entities seeking to conduct non-ticketing businesses at the merged entity's dominant share of owned, operated and serviced event venues”. This provision was contumaciously defied and continues to be breached. Revenues generated by so-called “non-ticketing businesses” represent the principal sources of profits for defendant LNE in the evolving market from events staged at its dominant share of owned serviced and operated venues, including direct to ticketholder targeting advertising contracts with OEMs. Defendant Ticketmaster’s Terms of Use require customers to release full right to ticketholder data on its webpage or the customer will be precluded from purchasing a ticket to a desired event.

Defendant LNE and individual defendants Live Nation and Ticketmaster have continue to refuse Plaintiffs access to their ticketing data to conduct non-ticketing businesses at their dominant share of owed, operated and service venues.

There is no dispute that defendant LNE authorized its attorneys and agents to engage in fraud, malicious abuse of process, retaliatory harassment and unprivileged defamation of Plaintiff’s LIVE-Fi®’s California counsel, Amy Weissbrod Gurvey, and both prejudiced and delayed Gurvey’s patent prosecution interests before the USPTO.

There is no dispute that criminal acts including forgery of UCS documents were perpetrated in consort with NYS officers of the courts and circulated *ex parte* to the SDNY, the USPTO and before the Appellate First Dept. in New York State since 2012.

There is no dispute that NYS UCS officers **had no jurisdiction** over Plaintiff Gurvey in the capacity of an attorney and therefore the acts undertaken are *not* protected by immunity. *Forrester v. White*, 484 US 219 (1989); *Stump v. Sparkman*, 435 US 349 (1978); *Cleavenger v. Saxner*, 474 US 193 (1985). All statutes of limitation are tolled based on calculated intent to delay discovery. A discovery order entered by the

2d Circuit in 2012 was defied by SDNY officers and a magistrate and a judge left the case and the court. 462 Fed. Appx. 26. In addition, Plaintiffs' first infringement complaint was deleted *ex parte* from the SDNY Docket by a clerk convicted in 2024 of taking bribes after it was date-stamped and filed on April 22, 2010.

In the signed 2010 CIS, defendant LNE *admitted* that defendant owned, operated and serviced live event venues in NYC – House of Blues, Irving Plaza and Roseland Ballroom since 2005 - and was importing a ticketing service from CTS Eventim of Germany to service those venues. The acts constituted infringement when Plaintiffs' first patent issued on October 13, 2009 (Gurvey US Patent #7603321). However, before the SDNY, defendant LNE and its agents swore under oath that defendant had “no NY contacts” and could not be compelled to any infringement claims before the SDNY. Now since Senate Judiciary Committee hearings on January 24, 2023, defendant LNE was sued by the US Dept. of Justice and 35+ US states for antitrust violations and divestiture. 24cv3973 (SDNY). It should be obvious that no fraudulent jurisdictional papers that “no NY contacts exist” were filed in the Government’s lawsuit.

By the time of merger in 2010, LNE defendants were already using LIVE-Fi® patented apparatuses and algorithms without permission and were liable for strict liability infringement and inducing infringement. 35 USC §271, 284; *SCA Hygiene Products Aktiebolag v. First Quality Baby Products*, 137 S. Ct. 954 (2017). Defendant LNE also owns iHeart Radio, 106.7 WLTW Lite FM at 1133 Avenue of the Americas, NYC 10036 in the same building where their Cowan Liebowitz & Latman prosecution attorneys had their offices. Defendant also owns radio station Z100.

A recording patent acquired by defendant LNE in 2005, Griner US Patent No. 6614729, was invalidated by the USPTO in 2007 for lack of utility and fraud. That patent never gave defendant LNE a monopoly on

distributing live concert records as was falsely represented in international press releases issued ordered and placed by defendant LNE or ten years. This fact proves other monopolistic misconduct. Lanham Act, 15 USC §1. The fraudulent statements allowed defendant LNE to became a live record label and lure major artists Madonna, Jay-Z and Shira from their respective labels. In addition, defendant LNE ties the right of a venue to hire defendant top-tier artists with a commitment by the venue to continue defendant Ticketmaster long term servicing contracts. That defendant Ticketmaster's terms of use requires a customer seeking to buy tickets on its website to release to defendant the unfettered right to use the ticket data to conduct non-ticketing businesses is expressly proscribed by the 2010 and 2020 Judgments that Plaintiffs seek to enforce herein.

FACTS IN SUPPORT OF ALL CLAIMS

Plaintiff LIVE-Fi® seeks herein injunctive and declaratory relief and damages for continuing breaches of the final judgment, amended judgment, for damages for other monopolistic violations, for causing by adhesion contract loss of Plaintiffs' right to contract with top-tier acts to stage benefit concerts at defendants owned, operated and serviced venues, for *ex parte* obstruction of justice, wrongful state action with UCS officers of the NY Courts and willful infringement of LIVE-Fi® patents. Plaintiffs also seek damages for delay of prosecution of Plaintiffs' patents and enforcement rights therein because an issued patent is required as a condition precedent to sue for infringement or inducing infringement. 28 USC §1331; 35 USC §271, 284; 42 USC §§1983, 1985, 1988. Separate civil rights liability is based on discovery in 2025 of 15 years unconstitutional acts by defendant LNE'S agents in consort with New York State (NYS) UCS officers.

Unknown to Plaintiff, defendant LNE's retained law firm, Hinshaw & Culbertson, had several attorneys serving as staff counsels on the Appellate Division First Dept. in New York. In 2016, Hinshaw lawyer J. Richard Supple, following defendant LNE's instructions forged and inserted fraudulent documents into "ordered concealed" state confidential files. This was found in a First Dept. order entered April 21, 2016. Supple was also given unlawful access into the UCS files without a warrant by the NYS First Dept. counsel Jorge Dopico. Plaintiff LIVE-Fi® was denied constitutional access to the files for fourteen years until 2 1/2 weeks ago **on August 26, 2025, when first access was granted by armed securities guards at 41 Madison Avenue, NYC.**

Plaintiff LIVE-Fi®'s California counsel, Amy Gurvey was just allowed her first inspection of the "ordered concealed" NYS files **on August 26, 2025.** LIVE-Fi®'s California counsel was accompanied into the files by six armed officers serving at the Appellate Division First Dept. The results are shocking. There are 12-14 Redwells containing forged documents and incriminating evidence proving *ex parte* obstruction of justice by defendant LNE's attorneys in consort with NYS officers of the courts and wrongful state action. The documents that were never ordered served on Plaintiffs by any SDNY officer since 2012 in violation of law. ABA Rule 2.9 Ex parte Communications.

The complete state files have now been ordered sequestered by injunction by the US District Court for the Northern District of New York (24cv211) Docket #85. The SDNY never gave Plaintiff LIVE-Fi® constitutional access to the state files or hearings on patent infringement for 13 years. Certain discovered documents affixed the signature of a dead former First Dept. attorney grievance committee (AGC) chief counsel Paul Curran who left the First Dept. in 2002 and died of cancer in 2007. His signature was forged onto photocopied documents of old letterhead. The NY Court of Appeals found the First

Dept. sua sponte orders nonfinal such that the orders could not be copied sua sponte by any subsequent court.

To date, Plaintiff LIVE-Fi®, an enterprise holding and controlling valuable standard essential apparatus and method platform patents for non-ticketing businesses that remain in term, has suffered fifteen (15) years of unconstitutional ouster and forfeiture of infringement rights based on defendants' collusive crimes and monopolistic practices. There is no such thing as laches with respect to Plaintiffs' right to file infringement claims. *SCA Hygiene Products Aktiebolag v. First Quality Baby Products*, 137 S. Ct. 954 (2017).

The first filed and date-stamped by the SDNY on April 22, 2010. This complaint suspiciously vanished from the SDNY docket by 2013. Any new claims filed herein won't be a totally adequate remedy because the new complaint can only recover infringement damages retroactive to a date six years back from the date the new complaint is filed. *Ibid*. However, defendants continuing antitrust violations still entitle Plaintiff to injunctive relief and damages. Loss of the past infringement damages before the SDNY based on defendants' fraud and *ex parte* obstruction of justice is a claim pending now before the US Supreme Court. #24-7441.

Demonstrating malice aforethought, it has been established that defendant LNE's attorneys at H&C and Cowan Liebowitz & Latman did stage or otherwise participate substantially in California counsel Plaintiff Gurvey's retaliatory harassment, unprivileged defamation and malicious abuse of process **WITHOUT JURISDICTION**. The reviewed NYS UCS files now prove these heinous acts. The forgery crimes by defendant LNE's attorneys warrant disbarment and should be referred by this Court to the relevant disciplinary offices. *US v. Reich*, 479 F. 3d 179 (2d Cir. 2007).

A single *ex parte* sanction order entered without motion on notice by the First Dept. on December 4, 2012 was found nonfinal by the NY Court of Appeals. It said that Weissbrod Gurvey's New York license to practice law was suspended for six months. **THERE WAS NO LICENSE IN NY IN EXISTENCE IN 2012 TO SUSPEND and Plaintiff Gurvey was never disbarred.** Plaintiff Gurvey has not been admitted in NY since 1998 as proven by the UCS. Plaintiff Gurvey was granted voluntary resignation in good standing by the Third Dept.'s Dan Brennan and Office of Court Administration clerk Denise Rajpal in 1998 when she was in medical school and changed careers. No dues were thereafter paid to NYS and no reinstatement was ever sought.

However, since 2013, additional fraudulent documents were uploaded to the Internet by Office of Court Administration (OCA) attorney Shawn Kerby and clerk Sam Younger who engaged in Plaintiff's Gurvey's unprivileged defamation *ex parte* without motions on notice. These frauds including in *ex parte* letters to the Federal Circuit since 2018 were perpetrated by Kerby and by Younger by defamatory Internet postings since 2013. Defendants have refused to stop their unprotected abuse and take down the postings.

These documents, found nonfinal by the NY Court of Appeals and before the US Supreme Court (#24-7441), were then circulated *ex parte* since 2013 to SDNY judges and since 2018 to the US Court of Appeals for the Federal Circuit. In response, the Federal Circuit transferred three of LIVE-Fi®'s arising under patent appeals to orders of the SDNY - 18-2076, 20-1620, 23-134 -- to the Second Circuit. The Federal Circuit has exclusive jurisdiction over these appeals. The Second Circuit has no jurisdiction, power or authority to hear the appeals and therefore to date, Plaintiffs have gotten no hearings on their patents. Supremacy Clause Art. VI, Cl.2, US Constitution; *Haywood v. Drown*, 556 US 729 (2009); See also, *Christianson v. Colt Industries Operating Corp.*, 486 US 800 (1988)

Most damaging was the Federal Circuit's transfer order to a 2023 order of the SDNY denying a hearing on LIVE-Fi®'s delayed continuation patent, 11403566, that issued August 2, 2022 patent, 11403566. That patent is considered a standard essential patent for non-ticketing businesses. It was mysteriously delayed in USPTO prosecution an unprecedented 17 years for issuance since the corresponding patent application was filed in 2005. The deadline is three years from the date the application is filed. *Wyeth v. Kappos*, 591 F. 3d 1364 (Fed Cir. 2010). Both the law of the Federal Circuit and liberal pleading rules of the 2d Circuit required a hearing by the SDNY against defendant LNE on this patent and none was allowed. *Anza Technology v. Mushkin*, 934 F. 3d 1349 (Fed. Cir. 2019); *Metzler Investments GmbH v. Chipotle Mexican Grill*, 970 F. 3d 133 (2d Cir. 2020)(citing *Grant Williams v. Citicorp*, 659 F. 3d 208 (2d Cir. 2011)). In addition, the USPTO OED has continued to deny Petitioner FOIA responses for over ten years based on APA violations by the former Commissioner Wynn Coggins.

Defendants' joint venture partners continue to use LIVE-Fi® patents without permission nationwide. Many users are venture partners of the City of New York including the new Yankee Stadium and Citifield and the State of New York including the Port Authority of NY and NJ. The patents enable hundreds of millions of dollars a week in revenues. Defendant LNE's partners that have exclusive ticketing contracts signed with defendant Ticketmaster include MLB/MLB Advanced Media, Madison Square Garden, the MTA, Metrocard, the ROKT, ROKU, Google, Meta and sports betting concerns.

LIVE-Fi®'s California Counsel Plaintiff Gurvey confirmed in 2024 that her good name and vested commission before the SDNY entered in 1987, 28 years ago, were deleted *ex parte* by SDNY circuit attorney Julie Allsman and clerk Catherine O'Hagan Wolfe in 2013. Plaintiffs were never notified. *Bradley v. Fisher*, 80 US 335 (1872); *Marbury v. Madison*, 5 US 137 (1803). Only one bar admission is required for

SDNY roster listing that need not be NYS. *In re Gouiran*, 58 F. 3d 54 (2d Cir. 1995).

Law firms Hinshaw & Culbertson, Cowan Liebowitz & Latman and Baker Botts are contended strictly and jointly liable for inducing defendant LNE's willful infringement and Cowan Liebowitz for violations of the Defend of Trade Secrets Act, 18 USC §836. Four SDNY judges accepted Supple's forged and unserved UCS proffers since 2012 and never ordered service on Plaintiff LIVE-Fi® in violation of ABA Rule 2.9 *Ex parte Communications*.

In addition, defendant Baker Botts attorney Steven Schortgen conspired with defendant H&C's Supple to file fraudulent jurisdictional documents before the SDNY that defendant LNE "had no NY contacts" and could not be compelled to answer Plaintiffs' claims. These motions were granted and denied reconsideration. LIVE-Fi®'s Rule 60(b) vacatur motion was confirmed also deleted from the SDNY docket with the first infringement complaint.

Defendant LNE and its defendant agents also engaged in fraud before the United States Patent and Trademark Office (USPTO) after defendant Cowan Liebowitz & Latman was placed under investigation by the USPTO Commissioner of Patents Wynn Coggins. The investigation was based on the Cowan lawyers' practitioner conflict of interest and abandonment violations that delayed prosecution of Plaintiffs' patents. The investigation ensued for seven years.

Cowan defendants and its trademark clients MLB and MLB Advanced Media are additional venture partners of defendants LNE and Ticketmaster. These venture partners of defendant LNE are currently the named defendants in a patent infringement lawsuit pending before the SDNY brought by Alan Amron related to US patent 9047715. There is no dispute that the plaintiff Amron unlawfully failed to cite to LIVE-Fi®'s issued and pending patents as prior art when he

filed file for barcode patent. This fact may warrant revocation of Amron's patent. Certain of Amron's claims are included in LIVE-Fi®'s issued claims. *See, e.g., Echangingbarcode v. MLB Advanced Media*, 24-cv-2930 (PAE)(SDNY). Plaintiff LIVE-Fi® did not get a first office action on its continuation patent filed October 11, 2009, #12587759 for nine years and the remaining patent claims owed in 2008 in three years from the 11253912 patent, did not issue until August 2, 2022, fourteen years later. None of Amron's application cited to Plaintiffs' patents and pending patents as prior art, and Amron's patent is contended to have been improperly issued by USPTO officers in violation of the APA.

US DISTRICT COURT NDNY, 24cv211
ORDER TO SHOW CAUSE

The following letter was written by LIVE-Fi®'s counsel and appears on the NDNY docket (#85) entered by the Chief Judge Brenda Sannes of the Northern District of NY on September 5, 2025. A hearing on injunction with all responses due by September 26th, 2025 was not answered by the NYS Attorney General.



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August 31, 2025

Hon. Brenda Sannes
Chief Judge
Northern District of NY
PO Box 7367

cc: Hon. Anne Nardacci
NDNY 445 Broadway
Albany, NY 12207

100 S. Clinton Street
Syracuse, New York 13261-7367

Curvey v. Hon(s). Gov. Kathy Hochul, Letitia James, Joseph Zayes, Port Authority of NY and NJ, NYS Thruway, et al. (AMN)(CFH)(PJE) Docket # 24cv211 (NDNY)

Motion to sequester NYS files by Injunction, Vacate Orders under FRCP Rule 60(b) and order recusal

Dear Judge Sannes:

This past Tuesday, August 26, 2025, after fourteen (14) years, the undersigned US patentee of standard essential apparatus and method patents for direct-to-user live event ticketing management and health care delivery assigned to LIVE-Fi® Technology Holdings, LLC and in excellent standing in California, was finally given first access to New York State files. The files were “ordered concealed” by the Appellate Division First Dept. in an order entered April 21, 2016. That order was found nonfinal by the NY Court of Appeals and could not be copied or applied *sua sponte* by any subsequent court.

The files state they were unlawfully opened in 2007 by NYS staff counsel J. Richard Supple of Hinshaw & Culbertson, and another NYC attorney O. Lee Squitieri under the supervision and control of Jorge Dopico chief counsel at the First Dept. attorney grievance committee (AGC) and a former presiding AGC administrative justice Luis Gonzalez. The files were opened in violation of the Administrative Procedures Act, 5 USC §§551- 559, 701-706 (APA) without jurisdiction over the undersigned in the capacity of an attorney because I am not admitted to practice law in New York State.

The files demonstrate malicious abuse of process, unprivileged defamation and retaliatory harassment to prevent enforcement of LIVE-Fi® patents in NY. Supple and other lawyers at his former firm

Hinshaw & Culbertson were at all times AGC staff counsels. They were dually serving as defense attorneys for defendants Live Nation Entertainment and Cowan Liebowitz & Latman of NY in a parallel SDNY patent infringement, unfair competition and conflicts of interest lawsuit proving motive. Because the US Commissioner of Patents violation notices were filed at the AGC, the Hinshaw firm or any of its lawyers could never accept the Cowan defendants' retainer. NY Judiciary Law Part 1240.6d, 1240.7, 1240.18.

On August 26, 2025, eight First Dept. armed officers serving at 27 Madison Avenue including five armed marshals finally gave me access. Two marshals also carrying guns were protecting a room with 12-14 overstuffed Redwells in adjoining offices at 41 Madison Avenue. After initial inspection, I only completed 1/3 of the review and must return.

I now seek that the NDNY order sequestration of these files by injunction and vacate all orders in this 2024 NDNY lawsuit. Judge Nardacci must recuse herself because impartiality can seriously be questioned. 28 USC 455(a). The judge *sua sponte* copied without due process a fraudulent Internet notice that the undersigned is "disbarred". **The undersigned has never been disbarred.** The posting is fraudulent and my constitutional rights continue to be seriously violated by RICO conspiracy acts undertaken by state officers. Declaratory determinations must be entered by this Court. This order cannot stand or be left hanging.

In 15 years, LIVE-Fi® never got a single hearing on US ticketing patents invented by me personally in violation of the Fourteenth Amendment from the SDNY or this Court. Moreover, other courts are copying the fraudulent documents posted since 2013 uploaded to the Internet by Office of Court Administration (OCA) attorney Shawn Kerby and clerk Sam Younger, *sua sponte* without motions on notice In violation of due process five Appellant Division First Dept. justices

ordered that the files would remain concealed in an order entered April 21, 2016.

Members of the Office of the Letitia James were also implicated in the elaborate RICO corruption scandal including Michael Berg with AGC staff counsels Thomas Cahill (deceased), staff attorneys James T. Shed, Orlando Reyes, Raymond Vallejo and Naomi Goldstein, Dopico, First Dept. staff attorney Ms. Holmes, several clerks, former justice Gonzalez and Hinshaw & Culbertson counsel J. Richard Supple, a concealed AGC staff counsel.

It was in 2011 that I personally first filed a NYS mandamus lawsuit under Article 78 of the CPLR when I received what appeared to be forged documents in the hard mail in New Jersey. The petition was dismissed *sua sponte* on January 3, 2014 by the First Dept. without motion on notice after *sua sponte* transfer from the Supreme Court of NY. (110774-2011) My 2017 follow-up petition was also not heard. It was transferred to the 2d Dept. and again *sua sponte* dismissed without motion on notice in 2018. [132-17 (1st Dept.)] became 01366-18 (2d Dept.)] These orders were appealed as of right to the NY Court of Appeals that found them "*nonfinal, that they did not finally determine an action and that no constitutional issue was directly involved*". Parallel petitions filed before the SDNY seeking prospective injunctive relief and declaratory determinations against NYS presiding justices were also dismissed *sua sponte* without motions on notice. 13cv2565 (JMF), 18-cv-2206 (AT). *Ex parte Young*, 209 US 123 (1908); *Wells Fargo Bank v. St. Louis*, 2024 WL 2737961 (NYAD 2d Dept. 2024). I was then forced to move for a writ of mandamus petition before the US Supreme Court. This petition is pending. #24-7441.

In 2025, the smoking gun was discovered. Since 2018, OCA's Shawn Kerby had been writing *ex parte* letters to the US Court of Appeals for the Federal Circuit that I not be granted "arising under"

patent appeals to orders of the SDNY denying me infringement hearings and inducing infringement hearings against Live Nation Entertainment (LNE) and Cowan Liebowitz & Latman since 2017. *Mindy's Cosmetics v. Dakar*, 611 F. 3d 590 (9th Cir. 2010). LNE is now the subject of an antitrust divestiture petition before the SDNY (24cv3973).

The NDNY had no justification to dismiss defendant Port Authority of NY and NJ from infringement claims and deny an amended complaint. The Port Authority is a private entity using the patents without permission.

In response to Kerby's *ex parte* fraud and unprivileged defamation including without standing because OCA was not a party to the SDNY lawsuit, the Federal Circuit transferred three patent appeals to the Second Circuit [18-2076, 20-1620, 23-134]. This proves concrete monumental damages. The Second Circuit has no jurisdiction to hear an arising under patent appeal. Supremacy Clause, Art. VI, Cl. 2; *Haywood v. Drown*, 556 US 729 (2009); *Christianson v. Colt Industries Operating Corp.*, 486 US 800 (1988).

Multiple venture partners of NYC such as the new Yankee Stadium, MTA and MetroCard are also using the patents without permission and reaping millions of dollars a week in revenues. Although LIVE-Fi® can sue the City and its partners directly, the underprivileged defamation that was perpetrated by defendant LNE and its lawyers continued to deny me constitutional access to the SDNY. *Monell v. Dept. of Social Services*, 436 US 658 (1978). Another reason was *ex parte* fraud by Hinshaw & Culbertson and OCA clerk Younger's fraudulent postings on the Internet since 2013 that "I was disbarred in NY". No court officer can enter a sua sponte order copied from the Internet. If an attorney copied briefs from Copilot of Chat GPT he would be sanctioned. Younger has not taken these postings down

after several requests. There is no other remedy at law but injunction from the district court.

OCA attorney Kerby then sent these same fraudulent notices to the Federal Circuit *ex parte* since 2018. The Federal Circuit never served me with Kerby's unlawful *ex parte* proffers in violation of due process and ABA Rule 2.9 on *Ex parte* Communications. Kerby as a NYS officer had no standing under the APA to write *ex parte* letters to an appeals court seeking to deny me infringement appeals to orders of the SDNY. This proves unconstitutional practices by NYS court officers.

In the instant 24cv211 NDNY lawsuit, I continue to be the innocent victim of RICO conspiratorial fraud, malicious abuse of process and retaliatory harassment by NYS officers for ulterior motives.

The files I just got access to on August 26 proved an elaborate RICO concealment practice by state officers with defendant Live Nation's defense attorneys. Forged AGC documents were first mailed to me without CPLR service in 2007 affixing the signature of a former First Dept. chief counsel Paul Curran. Curran left the state office in 2002 and died of cancer in 2007. Curran never signed these documents. Curran's name was forged onto photocopies of old AGC letterhead by a First Dept. attorney Jorge Dopico. In addition, the names of more recent AGC counsels - Ralph Riordan and Charlotte Moses Fischman - were superimposed on the same photocopied letterhead and are much darker in type in comparison with the other roster names. The Redwells establish that many forged documents were manufactured by AGC court officers.

Supple of Hinshaw & Culbertson harbored conflicts of interest. As staff counsel to the First Dept. attorney grievance committee (AGC) where the USPTO Commissioner had filed ethics violations against Hinshaw's Cowan Liebowitz clients, Supple could never accept the

Cowan firm's SDNY defense retainer. NY's Judiciary Law Part 1240.6d, 1240.18. Moreover, no AGC officer could give Supple and Squitieri *ex parte* access to enter unserved and forged documents into the confidential Appellate Division files.

A *sua sponte* order of the First Dept. entered in 2012 and then the SDNY entered in 2013 (13-cv-2565)(JMF)) both say my license in NYS was suspended for six months on December 4, 2012. **There was no license to suspend in New York State existing in 2012.** My temporary commission granted by the Appellate Division Third Dept. was voluntarily resigned in 1998, 14 years earlier, when I was in medical school and changed careers. Resignation was approved by Third Dept. officer Dan Brennan and OCA's Denise Rajpal immediately. I never thereafter paid bar dues or requested reinstatement. There are notations from state officers seeking to get me to move for reinstatement to confer faux jurisdiction in favor of the AGC but I never did.

The files prove there existed clear motives for NYS officers to attempt to falsely discredit me and ruin my career and patent company. In 2006, the Cowan firm had been placed under conflicts of interest investigation by the former USPTO Commissioner of Patents, Wynn Coggins. Conflict of interest and unilateral abandonment violations were found during a seven-year investigation and the APA required that I had the constitutional right to be served with the results. I was never served. Damages are proven. Fourteen of my US patent applications were taken out of the queue also in violation of the APA and never reinstated. The Cowan firm was also found to have breached of my attorney client privilege and the Defend Trade Secrets Act (18 USC §1836) to Legend Films of San Diego, Live Nation Entertainment, and the Commissioner of Major League Baseball (MLB)/MLB Advanced Media. Based on undisclosed conflicts with concealed AGC staff counsel posts, pursuant to NY's Judiciary Law Part 1240.6d, Supple and

Hinshaw & Culbertson could never accept the Cowan firm's SDNY retainer or continue in that retainer.

In addition, my first US patent infringement complaint date-stamped and filed by the SDNY on April 22, 2010 was also unilaterally deleted *sua sponte* from the docket in Case No. 06cv1202. My 11403566 US continuation patent that issued on August 2, 2022 - twelve years later - is considered the standard essential patent for ticketing management and ticketholder direct marketing. It did not issue for seventeen years from the 2005 filing date in violation of *Wyeth v. Kappos*, 591 F. 3d 1364 (Fed Cir. 2010). The deadline is three years. That patent is still in term. It is being infringed by private entity Port Authority of NY and NJ, and the NYS Thruway and NYS Gaming Commission, named defendants in this lawsuit.

OCA's Kerby got Supple's forged documents from Younger in 2013 who previously admitted he got them from Supple and SDNY magistrate Henry Pitman (no longer serving). None of the *ex parte* proffers were ever ordered served by SDNY judges Barbara Jones, Jesse M. Furman, Lorna Schofield, Laura Taylor Swain and Analisa Torres or by the circuit attorney Julie Allsman.

In an order entered in 2025, Judge Nardacci copied Younger's fraudulent postings *sua sponte*. The Judge found that Plaintiff was disbarred without motion on notice or due process. This is not allowed. The undersigned was never disbarred. The order cannot stand, it must be vacated and Judge Nardacci must recuse herself.

In 2024, OCA's Younger also admitted that in 2013 he uploaded fraudulent disbarment notices to the Internet that were never entered by any court. I am resigned from the practice of law since 1998, emphatically clear in the Redwells I reviewed. I was never admitted to

the First Dept. and never appeared on behalf of a client in that court even before 1998.

US Supreme Court decisions are clear that no attorney jurisdiction exists over me in favor of NYS. *Middlesex County Ethics Committee v. Garden State Bar Association*, 457 US 423 (1982). The NY Court of Appeals orders entered in 2018 and 2023 already determined nonfinality of *ex parte* orders entered by the First Dept. These orders could not be copied because they are not final orders. OCA officers Kerby and Younger continued to engage in unconstitutional fraud. **SINCE 1998, THERE WAS NO LICENSE IN NY IN EXISTENCE TO SUSPEND.** Moreover, I was also denied verbatim hearing transcripts. *Cleavinger v. Saxner*, 474 US 193 (1985).

In 2024, Younger finally admitted that he accepted *ex parte* documents in 2013 from SDNY circuit attorney Julie Allsman and from the chief 2d Circuit clerk Catherine O'Hagan Wolfe who coincidentally previous served as the chief clerk of the First Dept. AGC when justice Gonzalez was presiding. Allsman admitted that in 2013 she unilaterally ~~removed my out-of-state California certifications in good standing from~~ the SDNY roster in violation of due process. Only one bar is required that need not be the NY bar. *In re Gouiran*, 58 F. 3d 54 (2d Cir. 1995)

There are references in the 12-14 Redwells to a former 1997 HUD housing proceeding concerning my HUD protected apartment at Gateway Plaza in Battery Park City. NYC L&T 60941-97. A HUD lease was offered in 1995 when I was in medical school. The landlords Hudson Towers Housing and 1/3 owner Lefrak Organization (2/3 financed by the US Government) were sanctioned by the SDNY Judge Charles Brieant in 1985 for HUD violations and illegal evicting tenants in violation of HUD mandates. 24 CFR §966; 83CV0519 (CEB) The case files can be ordered from the National Archives. *Sultzzer v. Pierce*, 85 CV 0519 (CES). Another Supreme Court file sanctioned Battery Park City

Authority officers. *Sultz v. BPCA*, 13906/86. Former NY Justice Sheila Abdus-Salaam issued an injunction to protect my HUD apartment and belongings when the landlords had taken illegal consideration from an outsider not on the building project's wait list, and issued a coterminous lease to my HUD protected apartment and I was never notified.

I was never an attorney in the HUD proceeding because I had an attorney retained, Jay Stuart Dankberg, a former NYC Civil Court Judge. This fact precluded any faux jurisdiction falsely claimed by the First Dept. AGC.

In addition, in the file is a 2001 destruction order targeting certain HUD audiotapes entered by NYS OCA clerk Jane Chin and NYC Civil Court clerk Ernesto Belzaguy with notice that a civil court transcriber, Linda Sears, was also contacted by members of NYS Attorney General to destroy completed transcripts. NYC housing judges are not constitutional judges in NYS and cannot preside over jury trials, a constitutional right of a HUD tenant. 24 CFR §966.66. Mr. Dankberg, however, was unjustly sanctioned \$5000 when he properly moved for a HUD jury trial after I was denied HUD mandated notice. Mr. Dankberg sought to transfer this case to Civil Court Judge Peter Wendt. These documents prove lack of jurisdiction *per se*, continuing harassment without jurisdiction and malicious abuse of process by AGC officers. There is an order from the NY of Claims entered in 2023 in Claim No. 135611, denying me access to recover damages against NYS.

In summary, the State of NY has denied me constitutional access to all district courts and state courts to prevent me from enforcing my valuable US patents, to continue in combined use HUD housing since 2000 and to be awarded damages. The patents have been assigned to LIVE-Fi® Technology Holdings, LLC. The US Supreme Court has held

that if a state deprives a patentee of complete access to all courts in the state to file infringement lawsuits, only then may the patentee abrogate the state's sovereign immunity. *Florida Prepaid Post Secondary Expense Board v. College Savings Bank*, 527 US 627 (1999)

The acts of NYS court officers establish an elaborate RICO coverup involving forgery of state files, concealment of material documents, allowing *ex parte* access to unauthorized individuals without a warrant by Supple, defendant Hinshaw lawyer and Squitieri, APA violations, unprivileged defamation, retaliatory harassment and malicious abuse of process without jurisdiction. They also prove RICO fraud, and attorney in-court fraud and deceit by NYS staff counsels dually serving as defense lawyers for private willful infringers of my patents. The forgery of state documents warrants disbarment by all attorneys who participated in the fraud. *US v. Reich*, 479 F. 3d 179 (2d Cir. 2007)

WHEREFORE, for these reasons, the orders of the NDNY must be vacated and Judge Nardacci must recuse herself because impartiality can seriously be questioned. 28 USC §455(a). Injunctive and declaratory relief must be ordered against the First Dept. AGC state officers and an evidentiary hearing immediately convened.

Respectfully submitted,
/amyweissbrodgurvey/

AMY R. WEISSBROD GURVEY
CEO LIVE-Fi® Technology Holdings

cc: Noah Engelhart, Esq.
Asst. NYS Attorney General

LIVE-Fi®'S CLAIMS FOR PATENT INFRINGEMENT

Plaintiff LIVE-Fi® issued patents and pending patents include methods, apparatuses and designs. The patents have early priority dates that predate the America Invents Act.³ The issued patents disclose the standard essential algorithms, platforms, apparatuses and designs for authentication of ticket data, secured event content interaction and transmissions, priority-first confidentiality of data, royalty administration, transmissions of user generated content (UGC), ticket resale and exchange, and hybrid encryption of user data. Pending patents disclose essential continuation in part systems for routing logic, transmission matrices and artificial intelligence (AI) analytics. Other continuation in part applications disclose expanded systems for direct-to-patient health care delivery and diagnosis of disease.

To date, named defendants have thwarted any attempts by Plaintiffs to license their patents or create a joint venture. There remains no dispute that defendants have continued to deny Plaintiffs access to ticketing data and to allow Plaintiff LIVE-Fi® to enter and conduct nonticketing businesses at defendants' dominant share of owned, operated and serviced event venue. There is no doubt that defendant LNE perpetrated forgery and fraud crimes via its agents and lawyers serving as concealed UCS officers of the courts to prevent LIVE-Fi® patented systems from entering the relevant market and cutting into defendants' event revenues.

Defendant Ticketmaster in retaliation has also locked out LIVE-Fi® executives from accessing its webpages to purchase event tickets and to get access to the deeper pages that advertising promotions. The promotions are non-ticketing businesses infringing Plaintiff LIVE-Fi® patents. In 2021, defendant Ticketmaster was prosecuted by the EDNY for placing spiders on competitors' webpages to steal ticket data for its

³ Title 35 of the US Code, Stat. at Large, 284-341; Publ. Law 112-29 (Sept.16, 2011).

own marketing database. *US v. Ticketmaster*, 21-CR-22, 24 (EDNY 2021).

JURISDICTION AND VENUE

Jurisdiction is proper conferred under 28 U.S.C. §§1331, 1338, and 1367.

Venue lies in this District pursuant to 28 U.S.C. § 1391(b) because the Competitive Impact Statement, Consent Decree and Amended Judgment to which defendants LNE, LN and TM are bound were entered by this Court.

PARTIES

Plaintiff LIVE-Fi® Technology Holdings is the inventor and owner of US patents and copyrights including US Patent Nos. 11403566, D647910S, 7603321 and US copyright TXu001265644 being used and infringed by LNE defendants without permission.

Plaintiff LIVE-Fi®'s California Counsel, Amy R. Weissbrod Gurvey is an inventor, legal strategist, and pursuant to a loan out agreement with LIVE-Fi®, invented patented privacy-first overlay systems designed for deployment across live entertainment venues including AI systems that conduct non-ticketing businesses. There is and has never been any conflict of interest between Plaintiffs LIVE-Fi® and Gurvey. Plaintiff Gurvey was granted access to the SDNY roster of attorneys in 1987 based on her California bar certifications in good standing and is properly granted pro hac vice status by this Court.

Defendant Live Nation Entertainment, Inc. is a Delaware corporation with its principal place of business at 9348 Civic Center Drive, Beverly Hills, California.

Defendant Ticketmaster LLC is a merged partner of Live Nation, operating ticketing services nationwide and located at the same address.

Hinshaw & Culbertson, LLP is national law firm with its principal place of business in Chicago, Illinois and at all times relevant was retained as attorneys for LNE and Cowan Liebowitz & Latman defendants before the SDNY, and could never accept the Cowan firm's defense retainer. NY's Judiciary Law Part 1240.6d.

Cowan Liebowitz & Latman, PC is an intellectual property law firm that without disclosing conflicts of interest dually represented Plaintiff LIVE-Fi®'s California attorney Gurvey and defendant LNE before the United States Patent and Trademark office and was placed under investigation by the Commissioner of Patents. USPTO ethics violation notices against the Cowan firm were filed with the Appellate Division First Dept. that has attorney disciplinary jurisdiction over the Cowan lawyers and not over Plaintiff Gurvey. Hinshaw & Culbertson had partners dually serving as UCS staff counsels at the First Dept., removed the patent practitioner ethics complaints against the Cowan lawyers and could never accept the Cowan firm's SDNY retainer when Plaintiffs sued for inducing infringement damages. NY's Judiciary Law part 1240.6d; *Mindy's Cosmetics v. Dakar*, 611 F. 3d 590 (9th Cir. 2010)

Baker Botts, LLP is a national law firm with its principal place of business located at 910 Louisiana Street, Houston, Texas 77002 and at times relevant was also representing defendant LNE in response to Plaintiffs' claims for antitrust violations, unfair competition and patent infringement before the SDNY. During that retainer defendant Baker Botts engaged in RICO corruption with the Hinshaw and Cowan lawyers and with UCS court officers to prevent infringement hearings guaranteed by the Fourteenth Amendment.

FACTUAL SUMMARY ALLEGATIONS

I. Breach of Consent Decree and Competitive Impact Statement

1. The 2010 Final Judgment prohibited defendant LNE from retaliating against or withholding ticketing data from companies

seeking to conduct non-ticketing businesses at its owned, operated and serviced venues. The Amended Judgment entered in 2020 affirmed this mandate.

2. Plaintiff sought access to ticketing data to deploy her patented overlay system at defendant LNE's dominated venues to conduct non-ticketing businesses.
3. Defendants withheld such data, obstructing Plaintiff's business model and violating the decree's core non-retaliation and data-sharing provisions.
4. The US Dept. of Justice (COJ) and Senate Judiciary Committee confirmed repeated violations of the decree, prompting the 2020 Amended Final Judgment to extend enforcement and impose penalties and then supported an antitrust and divestiture action before the SDNY filed in 2024. 35+ US states joined as plaintiffs in the pending action.
5. The US DOJ did file an antitrust action against defendants to divest defendant LNE of Ticketmaster in 2024. That action remains pending. And 35+ US states have joined as plaintiffs. 24cv3973 (AS)(SDNY)
6. Defendants' conduct directly contravenes the Competitive Impact Statement and conditions so ordered by the DC District Court.
7. The 2010 Final Judgment prohibited Live Nation from retaliating against companies or withholding ticketing data from companies seeking to conduct non-ticketing businesses at venues under its control.
8. Plaintiff LIVE-Fi® sought access to ticketing data to deploy a patented overlay system at defendant LNE dominated venues.
9. Defendants withheld such data, obstructing Plaintiff's business model and violating the decree's core non-retaliation and data-sharing provisions.
10. The DOJ confirmed repeated violations of the decree, prompting the 2020 Amended Final Judgment to extend enforcement and impose penalties.
11. Defendants' conduct directly contravenes the Competitive Impact Statement filed with the original merger approval.

II. Patent Infringement and Wrongful State Action

12. Plaintiff holds U.S. Patent Nos 11403566, D647910S, 7603321 and [confidential] pending patents covering ticket data authentication, hybrid encryption, privacy-preserving, routing logic and AI-enabled overlay systems for live event environments.
13. Defendants have deployed materially similar systems across their venues alone and with venture partners without permission, license or authorization.
14. Defendants' agents and attorneys have engaged in wrongful state action with NYS officers of the courts and members of the UCS to deprive Plaintiff of access to district courts in New York and to state courts.
15. Plaintiffs have served cease-and-desist notices and filed declarations documenting infringement including of three infringement complaints that were suspiciously deleted *ex parte* from the SDNY docket and never given hearing for 13 years.
16. Defendants engaged in wrongful state action by instructing NY officers of the courts to engage in fraud, malicious abuse of process, unprivileged defamation and *ex parte* obstruction of justice before the First Dept., SDNY and the Federal Circuit to prevent competition in the marketplace.
17. Defendants' continued use constitutes willful infringement under 35 USC § 271, 284 warranting treble damages.
18. Plaintiff never got a single hearing on issued patents in violation of the Fourteenth Amendment.

III. *Ex Parte* Fraud and Constitutional Denial of Access to SDNY

19. Plaintiff's filings before SDNY were *sua sponte* denied without motions on notice, violating procedural due process and the APA caused by defendant LNE and its attorneys' *ex parte* obstruction of justice.
20. NYS officers of the courts and UCS that included attorneys at Hinshaw & Culbertson never disclosed conflicts of interest, engaged in *ex parte* communications with adverse parties, entered confidential state files without a warrant and inserted unserved documents, and concealed state files relevant to Plaintiff's claims.
21. These actions constitute fraud on the court and were intended to and did cause *ex parte* obstruction of access by federal

and state forums in violation of 42 USC § 1983, 1985, 1988, the Fourteenth Amendment's guarantee of infringement hearings, and the First Amendment right to petition.

22. NYS UCS defendants serving at the NYS office of Court Administration (OCA) were discovered in 2025 to have engaged in *ex parte* communications since 2018 before the Federal Circuit that in turn transferred three arising under patent appeals – 18-2076, 20-1620, 23-134 - to the Second Circuit that has no jurisdiction to hear these appeals, proving damages.

OVERVIEW OF PATENT 11,403,566

23. Summary: Overlay System for Live Event Environments

A system and method for deploying ticketholder authentication, privacy-first and transmission matrices across live entertainment venues, enabling secure data exchange, resale and exchange of tickets, real-time analytics, user-controlled interaction, content transmissions, merchandise orders and visibility.

Inventor: Amy R. Weissbrod Gurvey assigned to Plaintiff LIVE-Fi® **Issued:** August 2, 2022

24. Claim Chart – Infringement by defendant LNE

Claim Language (Simplified)	Accused Instrumentality	Infringement Basis
A system comprising a venue-integrated overlay that preserves user privacy while enabling real-time data analytics	Ticketmaster's SafeTix, user data during events, without TM+, and Live Nation's venue apps	These systems collect and analyze user data during events, without user-controlled privacy toggles, violating the claim's privacy-preserving requirement
The overlay system includes a modular architecture enabling third-party integration without disclosing user identity	TM+ integrations with third-party advertisers and sponsors	Live Nation's integrations expose user data to third parties without anonymization, breaching modular privacy constraints
A method for deploying the overlay across multiple venues with centralized control and decentralized privacy enforcement	Live Nation's centralized ticketing and venue management system	Centralized control overrides venue-level privacy enforcement, contrary to the claim's decentralized model

Claim Language (Simplified)	Accused Instrumentality	Infringement Basis
The system includes a consent-based data sharing protocol with audit trails	Ticketmaster's data sharing with partners and affiliates	No user-facing consent logs or audit trails are provided, violating the claim's transparency and consent requirements
A venue-specific implementation that adapts to crowd density and user behavior in real time	Live Nation's crowd analytics and behavioral targeting	These features mirror the patented adaptive overlay but lack privacy safeguards, constituting unauthorized use

LIVE-Fi® ISSUED PATENTS AND PENDING PATENTS DELAYED BY DEFENDANTS' EX PARTE MISCONDUCT

Claim Element	LIVE-Fi Patent Feature	Accused Instrumentality	Venture Partners (DoE Liability)	Infringement Basis
1(a) Authentication of ticketing data for live event interaction and other benefits	Encrypted credentialing with dynamic access tokens	SafeTix, TM+, Verified Fan, Presence	Salesforce (CRM), Oracle (event data), Okta (auth), ROKT	Replicates dynamic token issuance and credentialing logic
1(b) Ads packaged with live events	Contextual ad delivery tied to ticket metadata	Ticketmaster Ads, Live Nation Sponsorships	Google Ads, Meta, Roku, Spotify	Uses ticket-linked targeting and ad delivery pipelines
2(a) Transmission of event content	Real-time streaming and venue-linked content	Veeps, Live Nation livestreams, TM+ content	Veeps, Hulu, YouTube, Meta	Mirrors transmission logic and venue-linked content routing
2(b) Transmission of ordered merchandise/services	In-event commerce tied to ticket ID	Ticketmaster Merch, LN VIP Packages	Shopify, Stripe, PayPal, Square	Implements ticket-linked ordering and fulfillment logic
3(a) Hybrid encryption of ticketing and user data	Layered symmetric/asymmetric encryption	SafeTix QR, TM+ behavioral tracking	Cloudflare, AWS KMS, Akamai	Substantially similar encryption

Claim Element	LIVE-Fi Patent Feature	Accused Instrumentality	Venture Partners (DoE Liability)	Infringement Basis
3(b) Routing logic for ticket-linked services	Modular routing based on user role and venue	TM+, LN Touring, TM One	Twilio, Segment, Snowflake	layering and routing Replicates modular routing and role-based access
4(a) Transmission matrices for venue and artist data	Structured data flow across artist, venue, fan	TM+, LN Touring dashboards	Tableau, Salesforce, Oracle	Uses matrixed data routing and analytics dashboards
4(b) AI analytics for ticketing behavior and fraud	ML-based anomaly detection and fan segmentation	TM+, SafeFix, LN Analytics	Palantir, AWS SageMaker, Google Cloud AI	Implements equivalent ML models and segmentation logic

Doctrine of Equivalents: Partners like Salesforce, Oracle, Google, StubHub, ROKT and Palantir contribute materially to infringing systems through equivalent functionality—especially in authentication routing, encryption, resale and exchange, and analytics.

Consent Decree Violations: Overlaps also support your APA and antitrust assertions, especially where the consent decree and competitive impact statement are also violated.

VENUE PARTNER CLAIM CHARTS

Claim Element	Amy & LIVE-Fi Patent Feature	Accused NYC Partner Instrumentality	Infringement Basis / Equivalent Functionality
1(a) Authentication of ticketing data for live event interaction	Dynamic encrypted ticket tokens	Yankee Stadium (Ticketmaster Verified Fan, SafeTix)	Uses TM credentialing for access control and fan segmentation
1(b) Ads packaged with live events	Contextual ad delivery tied to ticket metadata	MTA digital kiosks, MetroCard-linked promotions	Ad delivery based on transit-linked event metadata and ticketing
2(a) Transmission of event content	Real-time streaming and venue-linked content	Port Authority event feeds, Yankee Stadium livestreams	Venue-linked content routing via TM+ and partner APIs
2(b) Transmission of ordered merchandise/services	Ticket-linked commerce and fulfillment	MetroCard-linked retail offers, stadium concessions	Uses ticket ID or transit ID to trigger merchandise delivery
3(a) Hybrid encryption of ticketing and user data	Layered symmetric/asymmetric encryption	MetroCard backend, TM+ QR codes, MTA mobile apps	Implements equivalent encryption for ticketing and user profiles
3(b) Routing logic for ticket-linked services	Modular routing based on user role and venue	TM+ integrations with MTA, Port Authority, stadiums	Replicates routing logic across transit, venue, and ticketing layers
4(a) Transmission matrices for venue and artist data	Structured data flow across artist, venue, fan	TM+ dashboards used by Yankee Stadium, MTA analytics	Matrixed data routing and performance dashboards
4(b) AI analytics for ticketing behavior and fraud	ML-based anomaly detection and fan segmentation	TM+, MTA fare evasion analytics, stadium access logs	Equivalent ML models for fraud detection and segmentation

- **Yankee Stadium:** Uses Ticketmaster's Verified Fan and SafeTix systems, which mirror your encrypted credentialing and routing logic.
- **MTA & MetroCard:** Integration with Ticketmaster for event-linked promotions and mobile ticketing may infringe routing and ad-packaging claims.
- **Port Authority:** If venue access or event-linked services are routed through TM+ or partner APIs, they may be liable under equivalents.
- **Indirect Infringement:** These partners may be liable if they knowingly benefit from or enable infringing systems, especially where TM+ or SafeTix are embedded.

PRAYER FOR RELIEF

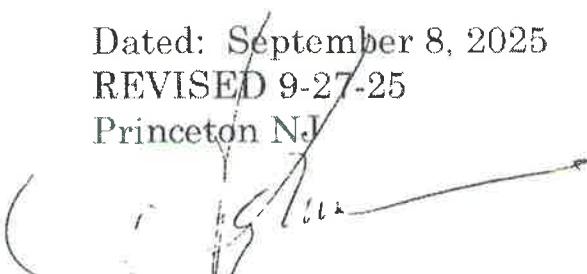
Plaintiff LIVE-Fi® respectfully requests that the Court:

- Declare LNE Defendants in breach of the competitive impact statement and consent decree
- Enjoin further violations and compel data access;
- Award damages for violations;
- Awarded damages for patent infringement and willful infringement;
- Award damages for wrongful state action, unprivileged defamation and ex parte corruption with NYS UCS officers;
- Vacate improper SDNY orders and restore access;
- Refer judicial and attorney misconduct to appropriate authorities;
- Grant such other relief as the Court deems just and proper.

Dated: September 8, 2025

REVISED 9-27-25

Princeton N.J.


/amyweissbrodgurvey/

California Counsel LIVE-Fi® Technology Holdings, LLC

EXHIBIT 7



Live-Fi™ Technology Holdings

*7302 Woodstone Circle
Princeton, NJ 08540
amyg@live-fi.com
917-733-9981*

October 17, 2025

Hon. Jia M. Cobb
cc: Judge Lauren Alikhan
District of Columbia District Court
333 Constitution Avenue NW
Washington DC 20001

Re: (1) *Amy Weissbrod Gurvey v. Secretary of Commerce/US Commissioner of Patents* **23cv3549 (JMC)**

(2) *LIVE-Fi® Technology Holdings, LLC and Amy Weissbrod Gurvey v. Live Nation Entertainment, Inc.*, **25cv3257 (LLA)**(transferred *sua sponte* to JMC)

LETTER REQUESTING PERMISSION AND A 30-DAY EXTENSION OF TIME

Dear Judge Cobb:

This letter is in response to a *sua sponte* order entered 10-17-25 without motion on notice requiring that Plaintiff seek prior permission before filing any application in each of the above two lawsuits. This order is unconstitutional and was improperly entered after Case No. (2) (above-captioned) was transferred to this court *sua sponte* by district court Judge Alikhan, the original judge assigned to Case No. (2). Plaintiff is a party-plaintiff appearing *pro se* in each of the lawsuits, but somehow the amended complaint duly served and filed in Case No. (2) within the statutory deadline and in full compliance with Rule 15 is now missing from the docket. The failure to docket or the act of unilaterally removing a properly filed first amended complaint violates due process of law.

Moreover, in her order in Case No. (2), Judge Alikhan included a *sua sponte* fabricated statement that “*Plaintiff is not admitted to practice law before any*

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Clerk, U.S. District & Bankruptcy

court”. This statement is a fraud and cannot stand. It must be vacated. What is true is that Plaintiff is not admitted to practice law in New York State. That fact is relevant to the unlawful acts of Federal Circuit officers in consort with NYS Unified Court System (UCS) attorneys (without standing) violation of the Administrative Procedures Act, 5 USC §551, 701 et seq. (APA). UCS officers could not legally interfere in Plaintiff’s arising under patent appeals to the SDNY’s denial of infringement hearings against private entity Live Nation Entertainment and its attorneys. Thereafter since 2018 the Federal Circuit accepted *ex parte* forged, fraudulent and *per se* defamatory proffers from UCS attorney Shawn Kerby that said that Plaintiff was disbarred. The Federal Circuit never served Plaintiff with these *ex parte* proffers in violation of APA. **Plaintiff was never disbarred in any state and never sanctioned by the NY Court of Appeals.** The relevant documents are in the appendix to Plaintiff’s mandamus petition pending before the US Supreme Court. (Docket #24-7441) The Federal Circuit defied its administrative duties by failing to serve Plaintiff, allowing malicious and unprivileged defamation to continue at the federal appeals level. *Twomey v. Ohio*, 273 US 510 (1927).

This instant letter application now seeks adjudications on both amended complaints at the same time the court hears the motions to dismiss, not after. Because Plaintiff is a pro se co-plaintiff in both cases, each amended complaint cannot be dismissed *sua sponte* without an opportunity to be heard. Any such order would violate Plaintiff’s constitutional rights. *Link v. Wabash R. R. Co.*, 360 US 626 (1962).

Please also be advised that Case No. (2) is a lawsuit against private monopolists and willful infringer defendants Live Nation Entertainment, Inc. (LNE), Live Nation, Inc. and Ticketmaster LLC seeking injunctive and declaratory relief to enforce an antitrust judgement and an amended judgment entered by this Court in 2010 and 2020 respectively with willful infringement claims added.

LNE defendants are infringing Plaintiff’s patents in this district alone and with venture partner MLB by the doctrine of equivalents at Nationals Park. They are also continuing to withhold Ticketmaster’s ticketing data at this venue and at the Kennedy Center. The DCD mandate entered in 2010 and contumaciously defied [2010 WL 975408, pp. 8, line 10] precluded the merged entity from “*withholding ticket data from anyone or entity seeking to conduct a non-ticketing business at the*

merged entity's dominant share of owned, operated and serviced venues". Plaintiff invented and owns virtually all the priority patent claims that conduct non-ticketing businesses at event venues. Plaintiff's patents and pending patents enable ticket authentication, hybrid encryption, content transmission matrices including for user generated content, ticket resale and exchange, multifunctional bar code technology, targeted advertising, apparatus platforms, sports betting and AI analytics of user data. They were delayed an unprecedented 13 years by the Commissioner of Patents' separate APA violations. Antitrust violations preventing enforcement of Plaintiff's patents is exactly what this court had in mind when it required merged entity LNE not to withhold ticket data from individuals and entities seeking to conduct non-ticketing businesses.

Conversely, Case No. (1) is a lawsuit seeking injunctive and declaratory relief against federal agencies – the USPTO and Federal Circuit for multiple APA violations during Plaintiff's USPTO delayed patent prosecutions. The two cases are not parallel and cannot be decided together.

The urgent matter is Judge Alikhan improper entry of a *sua sponte* order in Case No. (2) without motion on notice falsely finding that Plaintiff is not admitted to any state bar. This statement is a blatant falsehood and a clear abuse of discretion disproven by the records of the State Bar of California.

The Cal Bar records will be corrected within 30 days and Plaintiff is entitled to this extension of time. There can be no prejudice to defendants. In recent emails, Cal Bar admitted it misplaced Plaintiff's original set of fingerprints filed in 1979 that were required to change Plaintiff's status back to active in 2020.

Since 2020, however, Plaintiff was issued three Certificates of Good Standing by Cal Bar. However, Cal Bar Dept. of Regulations recently admitted in emails that it lost Plaintiff's fingerprints.

Per the State's regulations, only one set of prints is required at the time of bar admission. Plaintiff was duly admitted in 1979, prints were received and never disputed. Moreover, another set of prints was taken and filed in 2020 when Plaintiff was appointed emergency temporary guardian for her loving mother Laura by the 17th Circuit Court in Broward County Florida and first moved to be returned to active status in California.

There can be no prejudice to defendants if this 30-day extension is granted.

ARGUMENTS

1. This court will have abused discretion and engaged in constitutional violations if it follows Judge Alikhan's *sua sponte* order in Case No. (2) falsely finding that "*Plaintiff is not admitted to any court*" and allows that heinous statement to remain on the docket. The order will be copied by other courts. The only true and relevant statement that could be entered is that Plaintiff is not admitted in NYS. NYS is where since 2018 Unified Court System (UCS) officers were improperly writing ex parte fraudulent letters to Federal Circuit that Plaintiff was somehow disbarred and the Federal Circuit did not serve Plaintiff with these proffers. **PLAINTIFF WAS NEVER DISBARRED IN ANY STATE AND NEVER SANCTIONED BY THE NY COURT OF APPEALS. THE RELEVANT ORDERS ARE IN THE PENDING US SUPREME COURT PETITION, DOCKET #24-7441.**

2. Plaintiff's discovery of these emails allows Plaintiff to sue the state of NY and its officers for wrongful state action, tolls all prevailing statutes, and even allows Plaintiff to sue the Federal Circuit administration officers for violations of Plaintiff's constitutional rights and recover fees and costs. *Pulliam v. Allen* 466 US 522 (1984).

3. This court has separately violated Plaintiff's constitutional rights by ordering in essence a filing sanction, when no sanction order was or is warranted.

4.. Plaintiff is CEO and sole-named inventor of standard essential ticketing management patents with early priority dates. She can appear in this court as a pro se litigant with or without LIVE-Fi® as a co-plaintiff.

5. This court requires an attorney admitted to the DC District Court to approve a *pro hac vice* petition for Plaintiff to appear as California counsel for LIVE-Fi® in Case No. (2). There are over 150 law firms reporting conflicts of interest with infringers of Plaintiff's patents including defendant LNE and MLB, NFL, NBA, and sports betting companies based on the USPTO Commissioner's APA violations and 13-year delay in issuing enforceable claims. *Wyeth v. Kappos*, 591 F. 3d 1364 (Fed Cir. 2010). Plaintiff has found two law firms in California each willing to represent her claims, but each of these would have to retain and locate separate DCD counsel to support their *pro hac vice* petitions, just as Plaintiff would.

6. There is a mandamus petition filed by Plaintiff pending before the US Supreme Court (24-7441). That petition is based on the undisputed fact that Plaintiff was deprived her constitutional right to affirm her patents in the market before the SDNY for 13+ years against private willful infringers LNE, subsidiary Instant Live Concerts, LLC (now dissolved) and the parties common patent attorneys at SDNY defendant Cowan Liebowitz & Latman. The earliest possible time Plaintiff could file a SDNY infringement complaint was October 13, 2009 when her first “incomplete” patent claims issued in a portfolio when an examiner broke up her application. (7603321) This is an APA violation. Then there was a 13-year inexcusable delay in patent prosecution after the date a continuation application was filed two days before patent issuance on October 11, 2009 (12587759). The 11403566 US continuation patent did not receive an office action for 9 years when the deadline is 14 months, and the remaining 25 patent claims owed in 2012 did not issue until August 2, 2022.

7. The Cowan Liebowitz & Latman SDNY practitioner defendants were at all times serving as USPTO trademark counsel to defendant LNE and to MLB without disclosing conflicts of interest. The Cowan defendants abandoned Plaintiff’s defective patent applications the firm filed, published those applications and withheld all Plaintiff’s inventorship files. MLB became a venture partner of defendants LNE and Ticketmaster and is also infringing Plaintiff’s patents at Nationals Park by the doctrine of equivalents. However, defendant Live Nation Entertainment continues separate antitrust violations in violation of the competitive impact judgment by withholding the ticketing data from MLB customers in this district.

8. It is a bad faith ploy for district courts to attempt to frame a *pro se* litigant for crimes of attorneys. However, this is how district court administrators insulate themselves from collusive RICO damages whenever attorneys engage in ex parte misconduct against the *pro se* litigant. The instant case is a quintessential case.

9. In an arising under patent case, there is a conflict between federal practitioner mandates and state laws concerning malpractice of attorneys. While practitioners will engage in state malpractice by missing a USPTO filing deadline, per the US Supreme Court, this act does not arise under the patent laws and can only be heard before state courts unless there is an independent basis for federal jurisdiction such as diversity of citizenship. [see, *Gunn v. Minton*, 133 S. Ct. 1059

(2013)]. Conversely, acts of USPTO fraud and conflicts of interest violations are defined by patent statutes (37 CFR 2.10, 2.19, 10.66, 11.108, 11.116; 35 USC 1.324, 256). When a practitioner engages in abandonment of defectively filed applications and published applications, files fraudulent declarations of inventorship, and engages in conflicts of interest violations in favor of another competing client, these claims do arise under the patent laws. The damages for inducing infringement by a competing client against a law firm can be enforced for the full term of patent and six years beyond the term for acts within the term subject to a six-year relate back limitation. *SCA Hygiene Products Aktiebolag v. First Quality Baby Products*, 137 S. Ct. 954 (2017); *Mindy's Cosmetics v. Dakar*, 611 F. 3d 590 (9th Cir. 2010)

10. Defendant LNE continues both to withhold ticket data and willfully infringe Plaintiff's patents in bad faith including in this district.

11. Defendant LNE is also the named defendant in the Dept. of Justice's antitrust and divestiture action pending before the SDNY (24cv3973) with 40 US states joined as co-plaintiffs, and in FTC's deceptive trade practices lawsuit pending before the CACD (25cv08884). The Government's SDNY lawsuit seeks to divest LNE of Ticketmaster. The crimes perpetrated by defendant LNE and its venture partners against Plaintiff and willfully continuing to use her patents without permission in this district warrant punitive damages. None of the Live Nation defendants have answered the complaint or otherwise moved to dismiss the complaint. Therefore there is no ground for this court to dismiss the amended complaint in Case No. (2).

12. JUDGE ALIKAHN'S SUA SPONTE ORDER AND STATEMENTS THEREIN CONSTITUTE CLEAR ABUSE OF DISCRETION. THE STATEMENT THAT PLAINTIFF IS NOT ADMITTED TO ANY BAR IS PER SE DEFAMATORY, FALSE AND NOWHERE SUPPORTED BY STATE RECORDS. Judge Alikahn's clerical errors cannot be followed by this court to entry a prior restraint, filing sanction or to frame this Plaintiff for crimes by her patent practitioners, her LNE infringers and their counsel. LNE'S SDNY defense attorneys at Hinshaw & Culbertson were dually serving as NYS UCS staff counsels without disclosing conflicts of interest and manufactured the forged documents that Kerby circulated sine 2018 to the Federal Circuit.

13. Plaintiff is in excellent standing in California since 1979, a graduate of the UCLA School of Law with a Masters of Law in Health Policy and Management from the Harvard TH Chan School of Public Health. Plaintiff also attended medical school. Plaintiff is a scientist, mathematician, musician and inventor working in these areas of entrepreneurship. But Plaintiff did attend law school nonetheless and submitted a Certificate of Good Standing from the Cal Bar to this Court. That Certificate was first issued in 1987 and entitled Plaintiff to be listed as an out-of-state attorney on the SDNY roster. The SDNY vested commission could only be terminated voluntarily by Plaintiff or with notice and due process of law. Plaintiff did not terminate the commission and no due process was received. *In re Gouiran*, 58 F. 3d 54 (2d Cir. 1995). Yet Plaintiff's good name was admittedly deleted *ex parte* by UCS and SDNY administrative officer Julie Allsman who became complicit with Hinshaw defense lawyers in the *ex parte* fraud and wrongful state action perpetrated before the SDNY and by Kerby before the Federal Circuit.¹

14. The end result was that Plaintiff was denied and continues to be denied her constitutional right guaranteed by the Fourteenth amendment to affirm her patents in the market and get hearings on the merits of infringement claims.

15. Before this court is undisputed evidence that the former Commissioner of Patents granted unilateral withdrawal to three of Plaintiff's prosecution attorneys, Allan Chan of NYC, Charles Ruggiero of Stamford, CT and Robert D. Fish of Irvine, CA without motion on notice. USPTO officers continued to serve the withdrawn attorneys with notices and office actions. Plaintiff's updated email on file with the USPTO Business Center was never used to contact Plaintiff after written authorization. Plaintiff's email and other personal data were never updated

¹ Plaintiff's good name was admittedly deleted *ex parte* from the out-of state SDNY roster by the SDNY administrative attorney Julie Allsman after accepting *ex parte* proffers from Hinshaw & Culbertson and magistrate Henry Pitman no longer serving on the court. In 2023, the SDNY Clerk Dionisio Figueroa was convicted of taking bribes for deleting docket entries including Plaintiff's first infringement complaint that was filed and date-stamped by the court clerk on April 22, 2010.

in 2016 when Plaintiff received a customer number from USPTO Business Center chief James Stewart.

16. In the interim, the USPTO Commissioner improperly issued patents to individuals and companies who did not cite to Plaintiff's issued patents or published applications as prior art in their own applications. These acts violate the APA.

17. Plaintiff's valuable 11403566 continuation patent issued on August 2, 2022 after a delay of 13 years from the date the continuation application was filed, October 11, 2009. That application did not receive its first office action until 2018 for nine years in defiance of *Wyeth v. Kappos*, 591 F. 3d 1364 (Fed Cir. 2010) (12587759) when the deadline is 14 months. Then the remaining 25+ patent claims owed in 2012 did not issue until 2022. Plaintiff is therefore entitled to declaratory determinations of APA violations by the USPTO officers and injunctive relief granting a patent term adjustment on the 566 patent.²

18. USPTO officers have violated the APA by failing to docket Plaintiff three continuing in part applications, the first filed on August 1, 2022, the second June 14, 2022 and the third in 2025.

19. Because Plaintiff never got a single infringement hearing on the merits before the SDNY for 13 years, Plaintiff as a pro se litigant can file infringement claims against the same LNE defendants before this court. There is no issue of claim preclusion allowable. *Lucky Brand Dungarees v. Marcel Fashions*, 590 US ____ (2020)

² The examiner Dipen Patel's office action entered in 2018 said that the continuation was filed *after* the date of the first issued patent 7603321 (October 13, 2009)(when it was filed before), and denied full faith and credit for the claims that issued in that patent in 2009. A petition was filed and never answered. The continuation patent, 11403566, based on application 12587759 proved that the application contained claims that should have issued in 2012 in three years but for the Commissioner's separate APA violations.

UNDISPUTED FACTS

20. This court has been hearing Case No. (1) against the Secretary of Commerce/ [former] Commissioner of Patents Kathi Vidal (now Coke Morgan Stewart) since 2023. That complaint filed by Plaintiff as a *pro se* patentee was amended by motion. The amended complaint properly seeks injunctive and declaratory relief based on APA violations by the USPTO Commissioner and other USPTO officers. It is properly further amended not that it was confirmed in 2025 that Federal Circuit officers in collusion with NYS UCS officers accepted unserved fraudulent documents and transferred three of Plaintiff's arising under patent appeals to the 2d Circuit that had no jurisdiction to hear the appeals. Supremacy Clause, Art. VI Cl. 2; *Haywood v. Drown*, 556 US 729 (2009). In addition, pursuant to *Christianson v. Colt Industries Operating Corp.*, 486 US 800 (1988). By such constitutional violations, Plaintiff was denied her constitutional right to affirm her patents in the market at the earliest possible time. This allowed other companies to copy her published patent applications creating a nightmare of infringers in the market. The collusive crimes, was first discovered in 2025, tolling all statutes. NYS UCS officers had no standing to interfere in Plaintiff's SDNY patent appeals because the State was not a party to the SDNY infringement lawsuit.

21. This court's 10-17-25 order is unconstitutional and abuse of discretion. It cannot adjudicate defendant's pending motion to dismiss in Case No. (1) without adjudicating at the same time whether the docketed amended complaint has merit. It cannot issue a filing preclusion without a motion on notice. The amended complaints clearly have merit. They are based on newly-discovered evidence and adverse parties' continuing fraud – both proper statutory grounds under FRCP Rule 15. In response Plaintiff was damaged. The Federal Circuit transferred three arising under patent appeals to the Second Circuit since 2018 in response to UCS fraudulent proffers. The Second Circuit had no jurisdiction to hear the appeals and did not hear the appeals. Therefore Plaintiff got no hearing on the merits of her patents and was deprived of her constitutional right to affirm the patents in the market.

22. The only overlapping issue between Cases Nos. (1) and (2) is that Plaintiff's SDNY adversaries at Hinshaw & Culbertson who were representing both LNE and the Cowan practitioners before the SDNY were dually serving as NYS UCS staff attorneys without disclosing conflicts of interest. Because the same attorneys

deleted the Commissioner's ethics violation notices against the Cowan lawyers from the First Dept. attorney disciplinary files, the Hinshaw attorneys were required to be disqualified by the SDNY in 2016 under NY's Judiciary Law Part 1240.6d. The attorneys were not disqualified. The Federal Circuit then had exclusive arising under appellate jurisdiction to issue mandamus orders in aid of **that jurisdiction to disqualify the Hinshaw lawyers and failed to hear the appeal based on Kerby's fraud without jurisdiction and unprivileged defamation. NYS UCS officers began malicious retaliatory harassment and unprivileged defamation of Plaintiff without jurisdiction, acts not protected by immunity. NYS and its court officers had no jurisdiction over Plaintiff in the capacity of an attorney. Plaintiff is not admitted to practice law in NYS since 1998 when she was granted voluntary resignation by the Third Dept. and Office of Court Administration attorneys.**

23. These facts proves the misconduct or at least prejudicial mistakes by Judge Alikhan in Case No. (2) in finding that Plaintiff is not admitted to any bar. Plaintiff is admitted since 1979 to the State Bar of California in good standing.³

24. There are additional forgery crimes by another UCS officer Sam Younger posted on the Internet since 2024. Forged documents were confirmed as manufactured in 2011 by Hinshaw lawyers in their concealed state post. These documents affixing the signature of a dead 2002 former First Dept. counsel Paul Curran who died in 2007. The Federal Circuit never served Plaintiff with these *ex parte* proffers in violation of *Twomey v. Ohio*, 273 US 510 (1927); ABA Rule 2.9 *Ex parte* Communications.

25. On September 5, 2025, Plaintiff was granted an injunction against the NYS and UCS officers by the US District Court for the Northern District of NY. 24cv211. Circulation of forged and unscrupled documents was confirmed.

26. There is no dispute that the former US Commissioner of Patents, Wynn Coggins, found violations and others admitted to by the Cowan practitioners.

27. The Commissioner violated the APA when she took 14+ of Plaintiff's pending patent applications out of the queue for prosecution in due course to conduct this investigation. In addition, the Commissioner violated the APA by failing to serve Plaintiff with the results of the investigation. Moreover, during the

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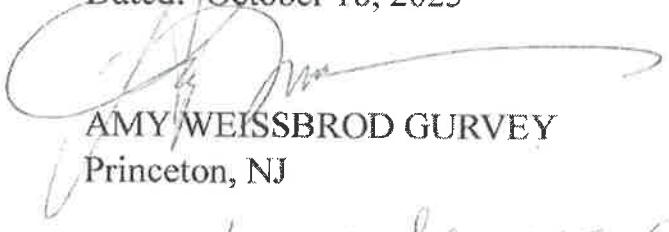
delay, the Commissioner issued patents to individuals whose applications were fraudulent in that they failed to cite to Plaintiff's pending applications and issued patents as prior art. Virtually all of these improper patentees are infringing Plaintiff's patents.

28. Plaintiff's petitions filed with the Office of Petitions and FOIA requests were not answered to date.

29. In 2025, USPTO Office of Petitions noticed a hold had been placed on all Plaintiff's pending applications based on this lawsuit in further violation of the APA.

WHEREFORE, a 30-day stay on adjudications on both captioned lawsuits is sought by permission to correct ministerial mistakes and to vacate unconstitutional sua sponte orders entered without motions on notice with a grant of ECF filing privileges.

Dated: October 18, 2025


AMY WEISSBROD GURVEY
Princeton, NJ

*cc: Kimberly Stratton Esq.
USPTO Legal Counsel
District of Columbia*

EXHIBIT 8

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UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

AMY R. GURVEY,
Petitioner/US Patentee,

CASE NO. 23-cv-3549 (JMC)

**PETITIONER'S LETTER
APPLICATION AND
ADDENDUM TO AMEND
PENDING MOTION TO
SERVE SECOND AMENDED
COMPLAINT BASED ON APA
VIOLATIONS AND
OPPOSITION TO
DEFENDANT'S MOTION TO
DISMISS**

v.

**SECRETARY OF COMMERCE
USPTO COMMISSIONER
HON. KATHI VIDAL (now Coke
Morgan Stewart),**
Defendant/Respondent.

To Judge Cobb:

September 9, 2025

Petitioner US Patentee Amy Gurvey respectfully petitions the Court based on shocking new evidence to file and serve the instant Addendum and add claims to her pending motion to file and serve a Second Amended Complaint and in further support of Petitioner's opposition to defendant's motion to dismiss.

Petitioner understands that Kim Stratton of the US Attorney's Office has been replaced. Petitioner will investigate the new attorney's contact information for service.

This motion is based on critical new evidence proving an elaborate RICO conspiratorial enterprise in which USPTO officers participated and instituted a coverup to delay and prevent enforcement of Petitioner's US ticketing patents. The three issued US patents under Petitioner's name, Gurvey US Patent Nos. 7603321, D647910S and 11403566, were delayed a total of 17 years from the date the single, relevant application was filed on October 18, 2005 (11253912). The best essential claims did not issue for 17 years until August 2, 2022 in Gurvey US Patent 11403566. The earlier apparatus and method and design patents that issued on October 13, 2009 and November 1, 2011 respectively did not include the best claims owed since 2008. This is because an examiner, Jalatee Broker, divided up the 912 application *sua sponte* for prosecution. The Administrative Procedures Act, 5 USC §500-509 does not permit an examiner to divide up an application and delay prosecution.

The deadline for all claims to issue from the initial filing date is three years. *Wyeth v. Kappos*, 591 F. 3d 1364 (Fed. Cir. 2010).

As to new evidence, a recent August 31, 2025 order from the Chief Judge of US District Court for the Northern District of New York, Hon. Brenda Sannes in Docket #24cv211, granted hearing on Petitioner's response to a June 2025 order to show cause and corresponding cross-motion to sequester by injunction NYS files "ordered concealed" by the Appellate Division First Dept. since 2011. Due process and NY's Judiciary law Part 1240.7 mandated production of the files in 2011. The documents reviewed thus far prove forgery, RICO fraud crimes and *ex parte* corruption by NYS court officers before the SDNY, the Federal Circuit and the United States Patent and Trademark Office (USPTO). Crimes were perpetrated *ex parte* by Hinshaw & Culbertson attorneys, who were defense attorneys for willful infringer Live Nation Entertainment, Inc. (LNE) merged with Ticketmaster LLC and also for the parties' common intellectual property practitioners at defendant Cowan Liebowitz & Latman. The Hinshaw lawyers were also dually serving as staff attorneys on the Appellate Division First Dept. in NYC and never disclosed conflicts of interest and could never represent the Cowan lawyers.

The Cowan lawyers had been placed under investigation by the Commissioner of Patents Wynn Coggins for conflicts of interest and abandonment violations. Several violations were

found. USPTO notices were filed with the First Dept. where Hinshaw partners were serving as staff counsels unilaterally deleting these notices from state consideration without due process. The APA required Petitioner to be served with the Commissioner's results. Petitioner was never served. Ten FOIA requests were ignored by the USPTO General Counsel and Office of Enrollment and Discipline (James Payne, David Berdan, William Griffin, Asli Carome and William Covey). Ergo, Petitioner never got the essential patent discovery in discovery based on documents filed *ex parte* by her adversaries from any tribunal.

Petitioner was finally given access to NYS First Dept. files on August 26, 2025 for the first time in 14 years. There were seven armed sheriffs guarding the files. Several past First Dept. orders denied access in violation of due process. These orders were found nonfinal by the NY Court of Appeals and could not be applied *sua sponte* in any order entered by a subsequent court.

In addition, the SDNY also never granted patent discovery ordered against defendants Cowan Liebowitz by the 2d Circuit in 2012. (462 Fed. Appx. 26) On August 31, 2025, the NDNY Chief Judge issued an order for a hearing on Petitioner's constitutional right to sequestering the files by injunction, on the right to declaratory relief and disqualification of the previous judge presiding over the lawsuit. 24cv211 (Docket #85)

Shockingly there are 12-14 Redwells in the First Dept. materially relevant, one third of which prove forgery of material documents by Hinshaw & Culbertson, First Dept. attorney grievance committee counsels and members of the NYS Attorney General's Office.

In violation of the Administration Procedures Act, 5 USC §§500-596, 701-706 (APA), the USPTO never served Petitioner with the results of Commissioner Wynn Coggins' conflicts of interest and abandonment investigation against the Cowan lawyers. Nor did the SDNY ever allow mandatory discovery ordered by the Second Circuit or patent infringement hearings for 13 years. Discovery had been improperly stayed by the SDNY in 2009 and the first judge Barbara Jones was reversed on appeal and withdrew. However the USPTO Commissioner's notice that violations were found required production of all *ex parte* documents by the USPTO. The notice was separately filed with the First Dept. that has disciplinary jurisdiction over the Cowan practitioners. Here federal law preempts the law of the state and both the USPTO and the state had to compel production of the withheld patent documents. They were not produced and the NYS files were ordered permanently concealed.

During the USPTO extended investigation of the Cowan practitioners, the Commissioner admitted she took fourteen (14)

of Petitioner's patent applications out of the queue to conduct the investigation over seven years.

The APA does not allow patent applications to be removed from the queue to conduct an investigation against prosecution practitioners. This caused a huge prejudicial delay in issuance and enforcement rights including infringement claims and inducing infringement claims against both defendants Live Nation Entertainment (LNE) and the Cowan lawyers.

Defendant LNE is a monopolist that Petitioner properly sued for infringement. Not one hearing on infringement was ever allowed by the SDNY for 13 years. This matter is pending before the US Supreme Court. Docket #24-7441. The merged entity defendant LNE is now being sued for divestiture of Ticketmaster before the SDNY. 24cv3973 (AS).

Petitioner was also never served with the with the *ex parte* documents filed before the USPTO by the Cowan practitioners and Hinshaw & Culbertson during the conflicts of interest investigation.

The Hinshaw lawyers could never represent the Cowan practitioners before the SDNY or the USPTO. This is because several Hinshaw partners and of counsel, J. Richard Supple, were dually serving on the First Dept. attorney grievance committee (AGC) as staff counsels without disclosing conflicts of interest. Hinshaw lawyers were serving when the USPTO

ethics complaints were filed with the State. Dual representation of the Cowan defendants before SDNY was not permitted under NY law. NY's Judiciary Law Part 1240.6d.

However, the Hinshaw lawyers were also given unlawful *ex parte* access to insert fraudulent and forged documents into the concealed First Dept. archives without a warrant Hinshaw lawyers were given access by First Dept. counsel Jorge Dopico and Ms. Holmes. The Hinshaw lawyers then circulated the forged documents to SDNY judges during the SDNY lawsuit and to the NYS Office of Court Administration (OCA) which is how Petitioner got no hearings whatsoever on her patents.

The First Dept. AGC officers always knew the State of NY had no jurisdiction over Petitioner in the capacity of an attorney. Forged documents affixing the signature of a dead 2002 First Dept. counsel's signature belonging to Paul Curran were manufactured by Supple and the chief counsel Jorge Dopico on several state admonition notices and a petition. The acts were perpetrated without jurisdiction in breach of administrative duties and there is no immunity. *Forrester v. White*, 484 US 219 (1989).

Hinshaw counsel J. Richard Supple also submitted the forgeries to the NYS Office of Court Administration. Since 2018 NYS OCA attorney Shawn Kerby was writing *ex parte* letters to the Federal Circuit without standing in favor of NYS. The letters were *per se* defamatory and demonstrate malicious

abuse of process. They pleaded that the Federal Circuit not hear Petitioner's patent appeals to three SDNY orders denying Petitioner infringement hearings against defendants Live Nation Entertainment and Cowan Liebowitz because "Petitioner was a disbarred NY attorney". Access to the withheld state documents now proves that PETITIONER WAS NEVER DISBARRED AND NEVER SANCTIONED BY THE NY COURT OF APPEALS and there was a 13-year coverup. Kerby's fraudulent letters constitute retaliatory harassment, malicious abuse of process and unprivileged defamation by NYS officers with federal officers. Wrongful state action and Bivens violations are proven against the USPTO officers.

The Federal Circuit being wrongfully induced, in turn transferred three of Petitioner's arising under patent appeals to orders of the SDNY denying infringement hearings to the Second Circuit that had no jurisdiction to hear the appeals. 18-2076; 20-1620; 23-134; Supremacy Clause, Art. VI, Cl. 2; *Haywood v. Drown*, 556 US 729 (2009) Concrete damages are therefore proven from the conspiracy and the base amount must be trebled to determine the proper recovery.

The First Dept. never had jurisdiction over Petitioner in the capacity of an attorney. Petitioner was granted voluntary resignation in NYS by the Third Dept.'s Dan Brennan and OCA clerk Denise Rajpal in 1998 when Petitioner was in medical school and changed careers. Under NY law, only the Third dept.

had jurisdiction until 1998, and no ethics complaint was ever filed against Petitioner. Ergo, the First Dept. officers' with Hinshaw attorneys acts establish RICO crimes, bad faith and wrongful state action.

In 2024, it was further discovered that OCA clerk Sam Younger was posting malicious and defamatory slurs on the Internet since 2013. These documents were also submitted *ex parte* the USPTO, improperly copied by subsequent courts from the Internet with no independent due process afforded. Yet all First Dept. orders were found to be nonfinal by the NY Court of Appeals and could not be given collateral application or copied and expanded by fraud. However, in continued violation of due process and proving increased retaliatory harassment and malicious abuse, no *ex parte* proffers to the USPTO officers were ever served on Petitioner in violation of APA. See also, ABA Rule 2.9 on *Ex parte Communications*.

It appears the USPTO had a clear motive to delay prosecution of Petitioner's patents and institute a coverup.

Since June 2025, USPTO officers have sent oral voicemail notices to Petitioner's cell phone that prosecution of her pending patent applications and petitions have been stayed in retaliation for Petitioner filing the instant lawsuit. Such *sua sponte* retaliation by the USPTO Commissioner and officers is unlawful and must be determined unconstitutional.

Petitioner still has three (3) applications pending since August 1, 2022 - CIP 17/878898 (placed on hold), provisional application 63/574734 (placed on hold) and 63/867428 filed August 12, 2025 with no response in a month's time. The correct fees were submitted for each application. The 734 CIP application was filed with a check in the proper amount for small entity, the check was cashed by the USPTO, the Commissioner untruthfully sent hard mail notices that no check was included (false) and entered a notice of missing parts. The USPTO then found the check, removed the missing parts notice, and then placed that application on hold for the second time. Five voicemail communications were received from USPTO officers Jason Olson, Cassandra Spiro and the USPTO Ombudsman that can be transcribed for this Court.

However, more important is the discovery that before the improper first office action from Dipel Patel was received in 2018 on the 12587759 continuation patent application filed October 11, 2009, more patents were by the USPTO and Patent Trial and Appeals Board to Apple, Inc. and to one Alan Amron. These patents should not have issued based on Petitioner's prior art and issued patent claims. The time deadline for an office action is 14 months. *Wyeth v. Kappos*, 591 F. 3d 1364 (Fed. Cir. 2010)

Apple, Inc. did cite to Petitioner's pending patent applications in 2008 (Appl. No. 2008-082491). Apple was denied a

patent for 7 years once Petitioner's patents issued, but on appeal in 2017, Apple was granted a single near field claim. That claim should not have issued. It is the patent claim still is in use by Live Nation Entertainment's venture partners including the new Yankee Stadium at the checkpoint of entry.

In addition, US Tennis Association finals on Sunday September 6, 2025, proved that the same patent improperly issued to Apple was in use at the entry point to Arthur Ashe Stadium in Flushing Meadow. This patent is infringing Petitioner's patent without permission because Petitioner's 11403566 patent was unlawfully delayed 17 years in prosecution. This patent claims is issued to Apple, Inc. is being used without permission by defendant Live Nation Entertainment, Inc., Ticketmaster, LLC and their venture partner StubHub and each is infringing of Petitioner's delayed patent with an earlier priority date.

The patent 9047715 should never had issued to applicant Alan Amron because Amron defrauded the USPTO by not citing to Petitioner's patent whatsoever in his applications. Yet Amron was granted a hearing against defendants LNE, StubHub and MLB/MLB Advanced Media on a claim issued to Petitioner in the 2022 patent that should have issued in 2008.

Petitioner's previous prosecution attorneys during the 17-year delay were granting unilateral withdrawal by the USPTO including registered practitioners Allan Chan of New York,

Charles Ruggiero of Stamford, CT and Robert D. Fish of Irvine CA. However, the Cowan Liebowitz defendants were never granted unilateral withdrawal after two attempts. Each of the ordered withdrawn attorneys were under investigation by the USPTO Office of Enrollment and Discipline (OED) for stealing retainer funds, abandoning filed applications without notice, and performing no services.

Pending now before this Court, is Petitioner's separate lawsuit filed to enforce the Antitrust Judgment and Amended Judgment entered against defendants Live Nation and Ticketmaster. *US v. Ticketmaster and Live Nation.* 2010 WL 975407, 975408. The filed documents are appended herein so this Court can reconcile the facts. The documents demonstrate why inventors must be served with all patent documents filed by practitioners moving for unilateral withdrawal under preempting federal mandates.

This case is about the State of NY officers and staff court counsel defying federal patent practitioner mandates in violation of 37 CFR §§2.10, 2.19, 10.66. 11.108, 11.116 at the Appellate Division First Dept. attorney grievance committee and perpetrating RICO fraud, forgery in an elaborate coverup that also involved federal officers. That Live Nation's attorneys were doubling as NYS lawyers at the First Dept. and got caught forging unserved documents into concealed state files is an even bigger problem.

PLEASE TAKE NOTICE THAT ALL PATENTS AND PENDING PATENT APPLICATIONS UNDER PETITIONER'S NAME HAVE BEEN ASSIGNED TO LIVE-Fi® TECHNOLOGY HOLDINGS, LLC. LIVE-Fi®, A DELAWARE LLC WITH PRINCIPAL PLACE OF BUSINESS AT 7302 WOODSTONE CIRCLE, PRINCETON, NJ 08540 SHOULD BE SUBSTITUTED AS THE PETITIONER IN THIS LAWSUIT.

THERE IS NO CONFLICT OF INTEREST BETWEEN PETITIONER AMY WEISSBROD GURVEY AND THE INTERESTS OF LIVE-Fi®.

WHEREFORE, Petitioner moves to amend her motion to file and serve an Second Amended Complaint based on newly discovered evidence of complicit fraud by USPTO officers in an elaborate RICO conspiratorial enterprise and in further opposition to defendant Commissioner's motion to dismiss Petitioner's lawsuit. Petitioner seeks an order of discovery from this Court, attorney's fees and costs.

Dated: September 9, 2025

Princeton, NJ

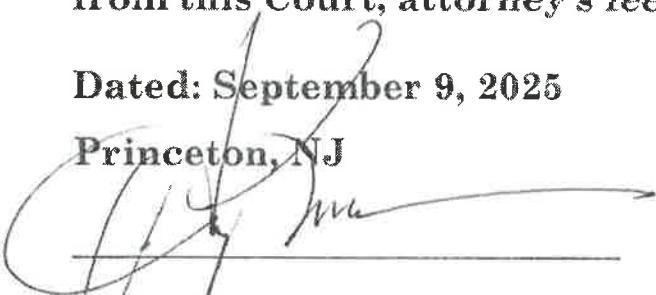

amyweissbrodgurvey/
CEO, LIVE-Fi Technology Holdings

EXHIBIT 9

EXHIBIT 10



US00D647910S

(12) **United States Design Patent**
Gurvey

(10) Patent No.: **US D647,910 S**
(45) Date of Patent: ** *Nov. 1, 2011

(54) **USER INTERFACE FOR A PORTION OF A DISPLAY SCREEN TARGETED FOR LIVE EVENTS OR TRAVEL**

(76) Inventor: **Amy R. Gurvey**, Coconut Creek, FL (US)

(*) Notice: This patent is subject to a terminal disclaimer.

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

(21) Appl. No.: **29/310,547**

(22) Filed: **Aug. 25, 2008**

Related U.S. Application Data

(63) Continuation-in-part of application No. 11/788,314, filed on Apr. 19, 2007, and a continuation-in-part of application No. 11/612,854, filed on Dec. 19, 2006, and a continuation-in-part of application No. 11/253,912, filed on Oct. 18, 2005, now Pat. No. 7,603,321, and a continuation-in-part of application No. 10/442,468, filed on May 20, 2003.

(51) LOC (9) Cl. 32-00

(52) U.S. Cl. D14/485

(58) **Field of Classification Search** D14/485-495; D18/24-33; D19/6, 52; D20/11; D21/324-333; 715/700-867, 973-977; 345/757, 782, 848, 345/852, 850, 809, 837, 798, 752, 163, 156, 345/537, 474, 836, 419, 649, 656, 659, 426, 345/427, 582, 428, 440, 660, 634, 902, 418, 345/629, 700, 744, 747, 473; 705/10, 5; 709/223

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

5,760,773	A	*	6/1998	Berman et al.	715/808
5,973,686	A	*	10/1999	Shimogori	715/746
6,232,970	B1	*	5/2001	Bodnar et al.	715/708
D477,828	S	*	7/2003	Ferguson et al.	D14/486
D480,092	S	*	9/2003	Krekemeier et al.	D14/486
6,731,308	B1	*	5/2004	Tang et al.	715/751
6,750,881	B1	*	6/2004	Appelman	715/733
D495,715	S	*	9/2004	Gildred	D14/486
D533,559	S	*	12/2006	Seo et al.	D14/485
7,171,622	B2	*	1/2007	Bhogal	715/730
D540,336	S	*	4/2007	Kim et al.	D14/485
D553,145	S	*	10/2007	Kim	D14/486
D555,661	S	*	11/2007	Kim	D14/486
D557,268	S	*	12/2007	Fletcher	D14/485
D570,368	S	*	6/2008	Ligameri et al.	D14/489
D573,153	S	*	7/2008	Roever et al.	D14/488
D576,634	S	*	9/2008	Clark et al.	D14/485
D582,928	S	*	12/2008	Blankenship et al.	D14/485
D595,728	S	*	7/2009	Scheibe et al.	D14/486
D598,929	S	*	8/2009	Bhat et al.	D14/486
2007/0271527	A1	*	11/2007	Paas et al.	715/810
2008/0141154	A1	*	6/2008	Balassanian	715/769

* cited by examiner

Primary Examiner — Susan Moon Lee

(74) Attorney, Agent, or Firm — Allan Chan; Allan Chan and Associates

(57) **CLAIM**

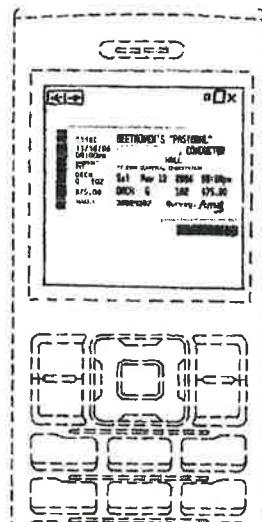
I claim the ornamental design for a user interface for a portion of a display screen targeted for live events or travel, as shown and described.

DESCRIPTION

The FIGURE is a front view of a user interface for a portion of a display screen targeted for live events or travel showing my new design.

The broken line showing of an electronic device is shown for environmental purposes only and is not claimed. Only what is contained within the solid lined frame is claimed.

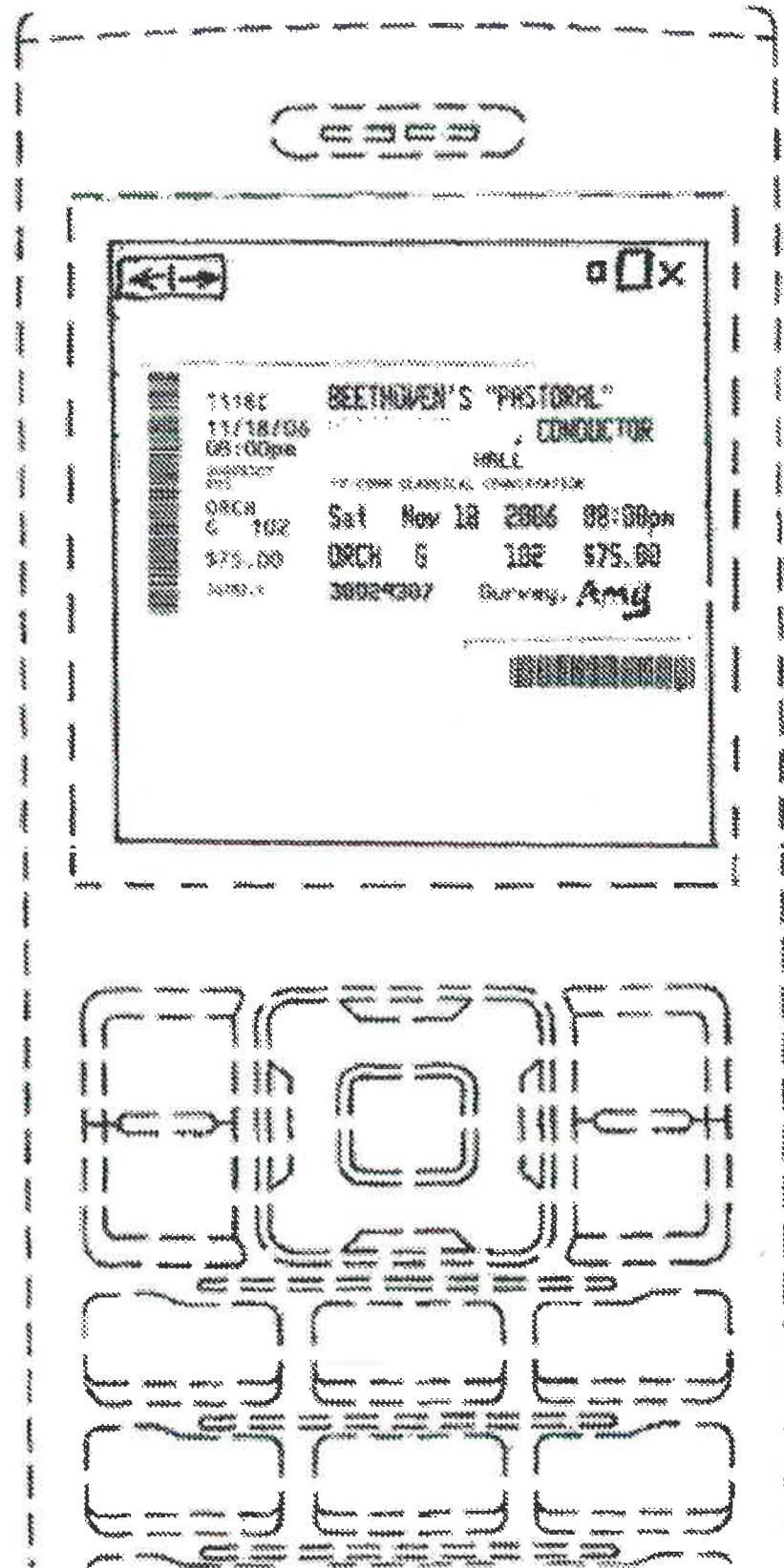
1 Claim, 1 Drawing Sheet



U.S. Patent

Nov. 1, 2011

US D647,910 S





US011403566B2

(12) **United States Patent**
Gurvey

(10) **Patent No.:** US 11,403,566 B2
(b4) **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

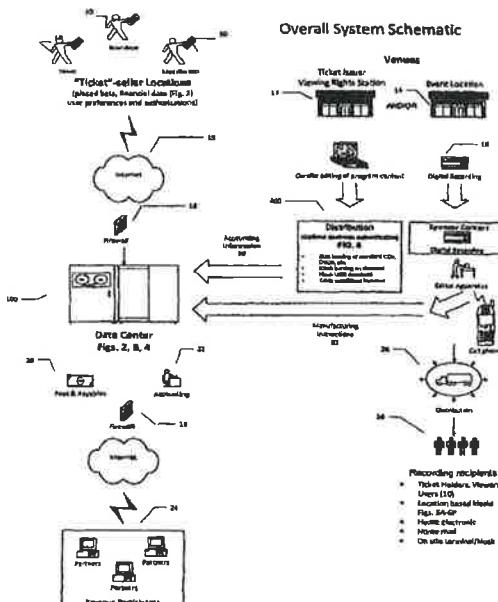
Related U.S. Application Data

(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**

U.S. PATENT DOCUMENTS

6,614,729 B2 *	9/2003	Griner	G11B 27/002
			369/1
6,650,903 B2 *	11/2003	Inselberg	G06Q 30/0242
			455/3.06
6,920,428 B2 *	7/2005	Greene	G06Q 20/20
			705/16
7,363,497 B1 *	4/2008	Ferguson	G10L 19/018
			704/E19.009
7,945,935 B2 *	5/2011	Stonedahl	G06Q 30/0601
			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

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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
			2001/0018660 A1* 8/2001 Sehr G06Q 10/02 705/5
(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.		2002/0029381 A1* 3/2002 Inselberg G06Q 30/0242 725/9
(51)	Int. Cl. <i>G06Q 20/36</i> (2012.01) <i>G06Q 20/38</i> (2012.01) <i>G06Q 30/00</i> (2012.01)	(56)	2002/0077712 A1* 6/2002 Safaei G06Q 50/34 700/93
(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)		2002/0107016 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

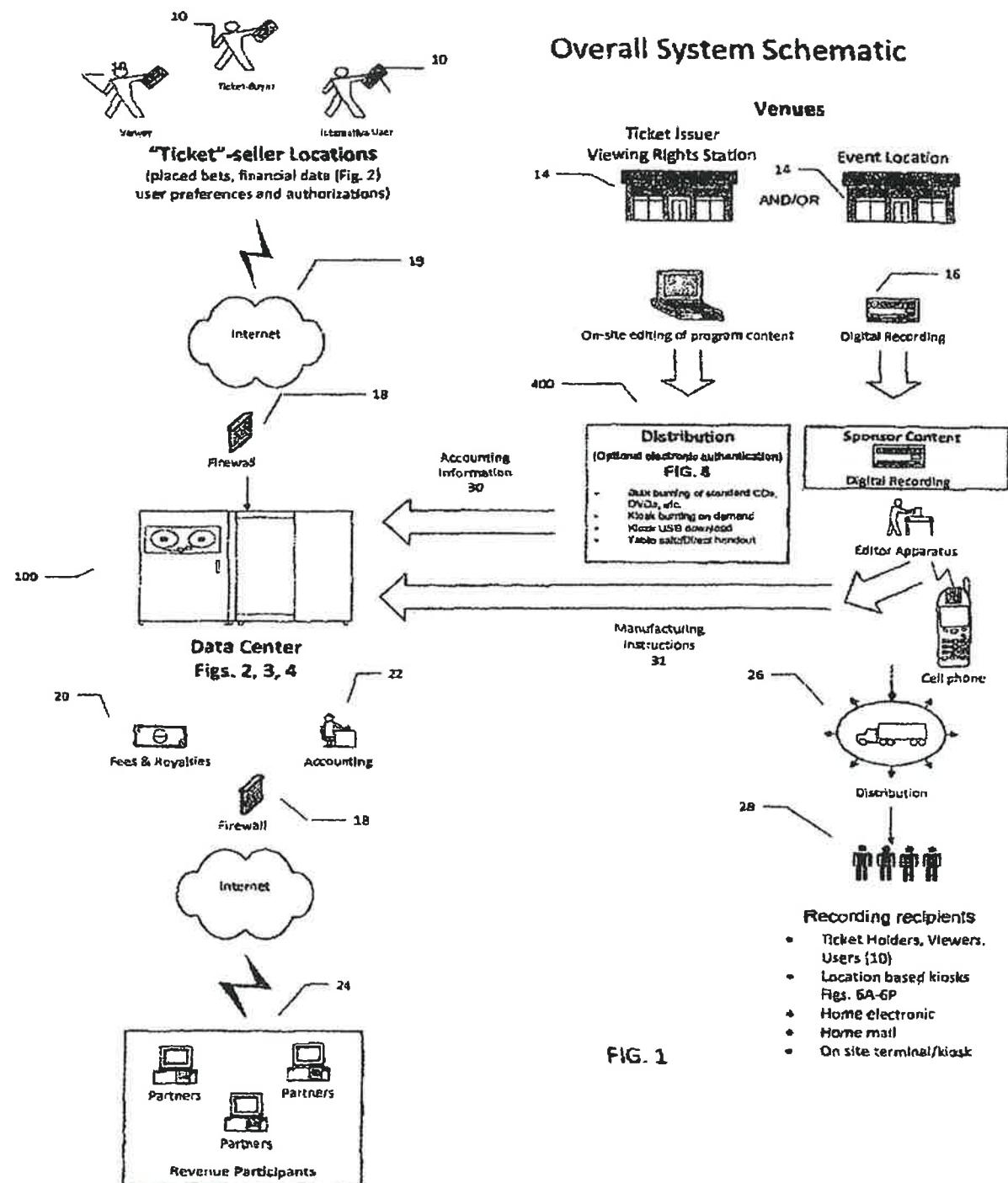
* cited by examiner

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Transaction Processing

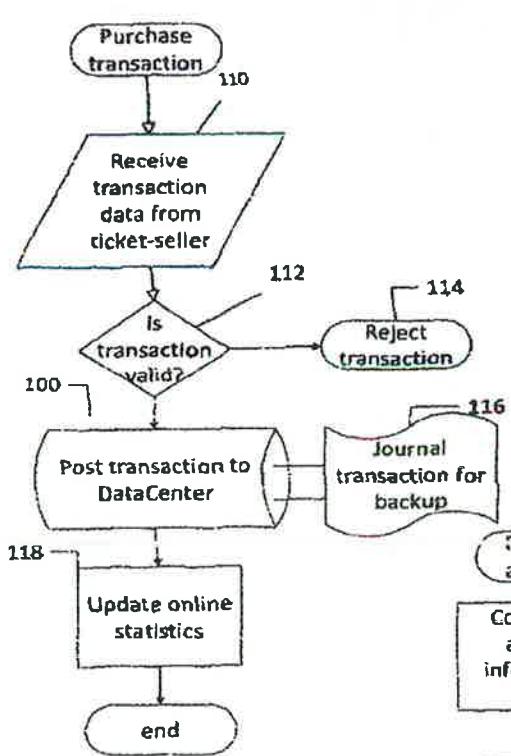


FIG. 2A

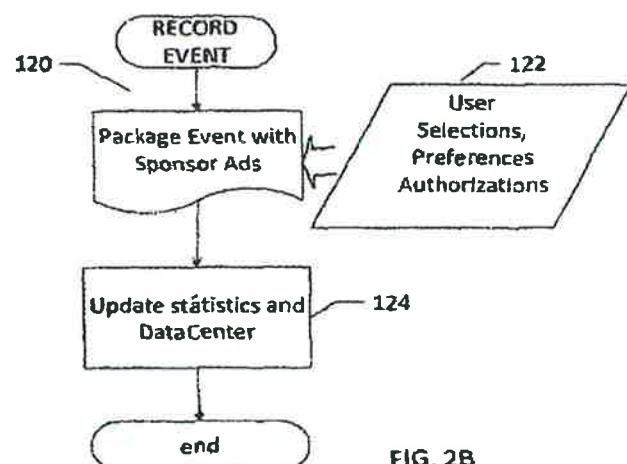


FIG. 2B

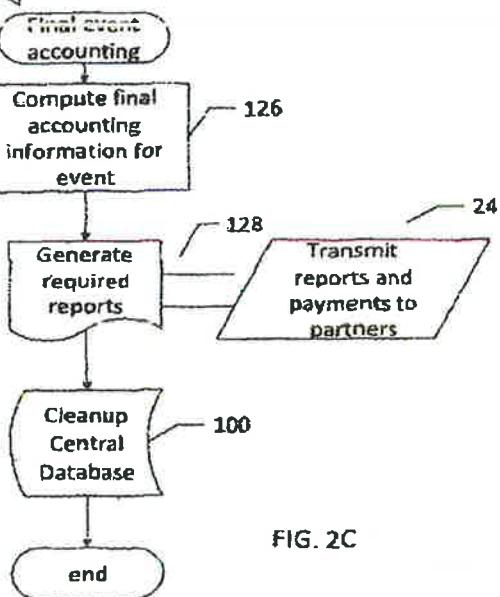


FIG. 2C

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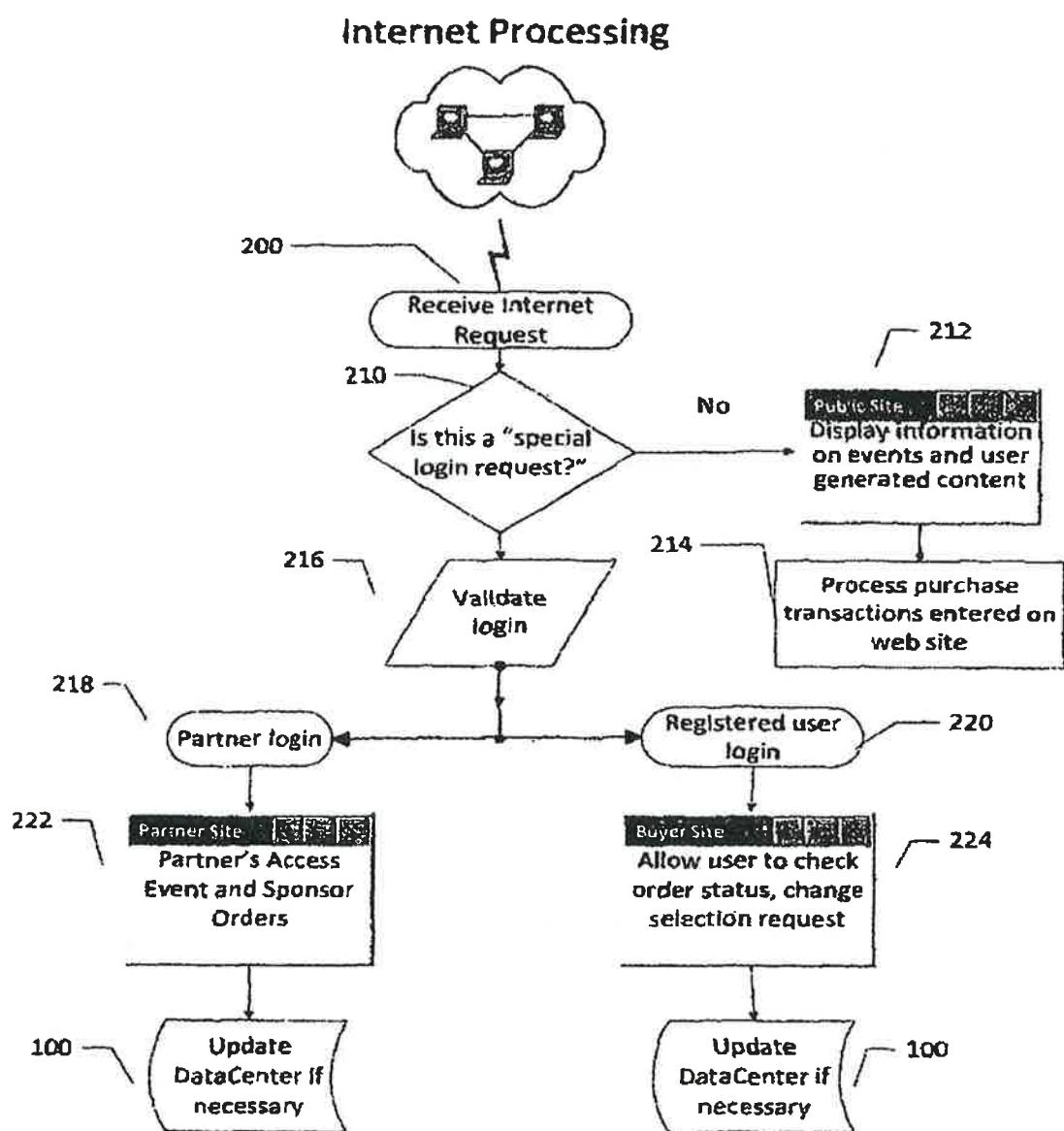


FIG. 3

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Manufacturing Process

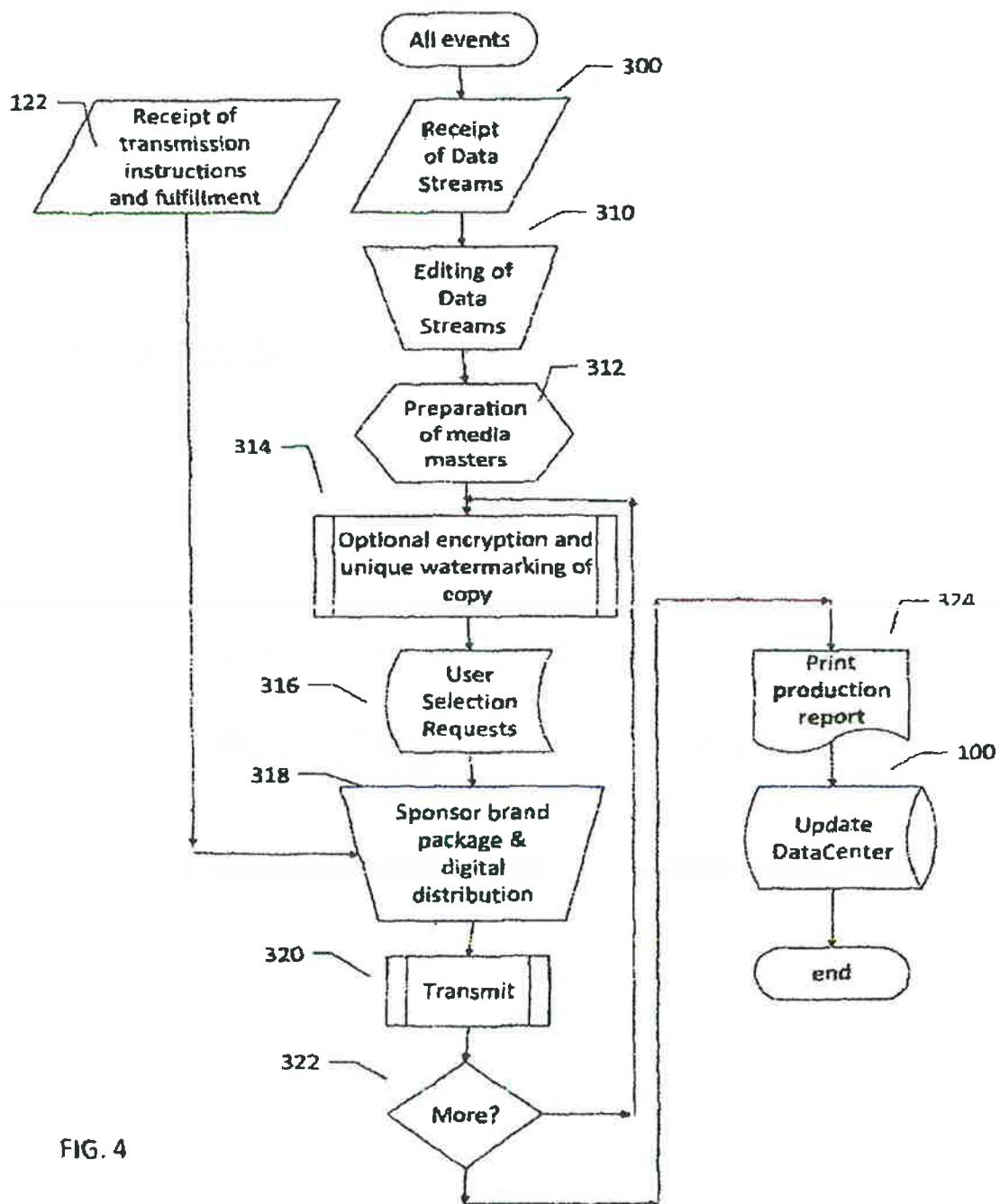


FIG. 4

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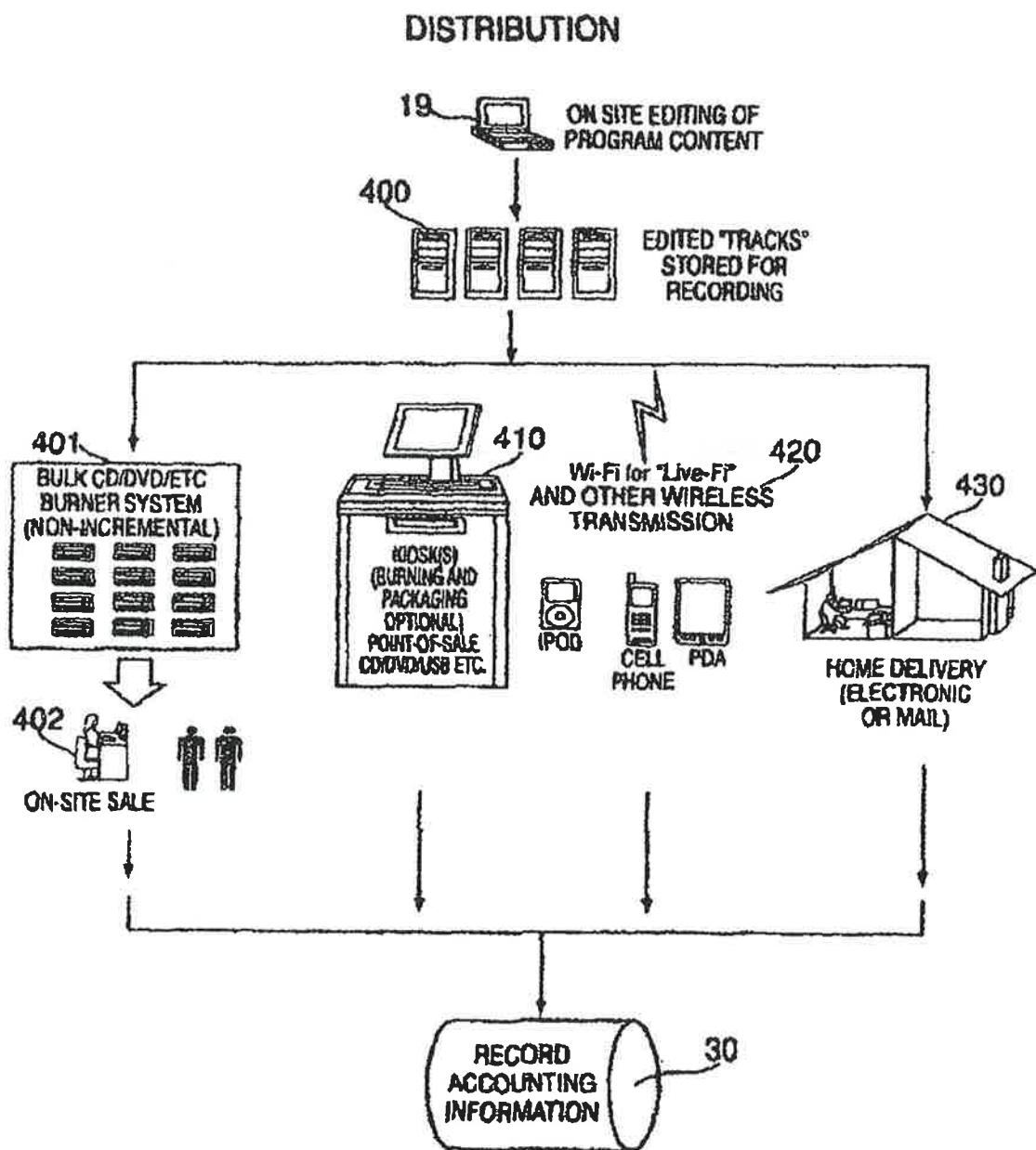


FIG. 5

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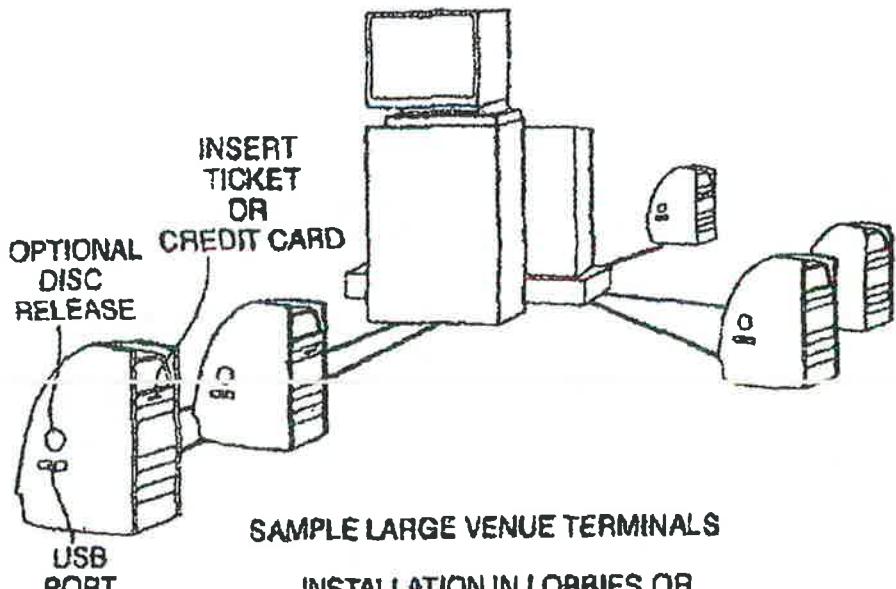
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SAMPLE LOCATION-BASED
TERMINALS

VENUES, ATMs, SHOPPING MALLS, AIRPORTS



SAMPLE LARGE VENUE TERMINALS

INSTALLATION IN LOBBIES OR
COMMON AREAS NEAR CONCESSIONS

INSTALLATION ALSO AT OFF-SITE
MALLS, AIRPORTS, RETAIL OUTLETS,
ATM/BANKS

FIG. 6A

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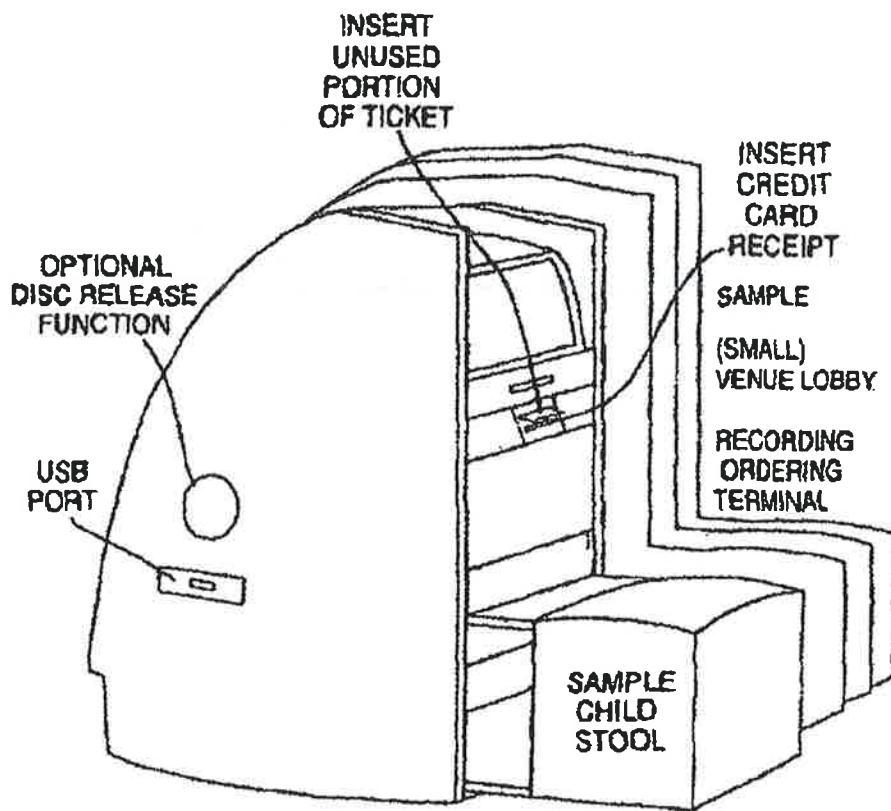


FIG. 6B

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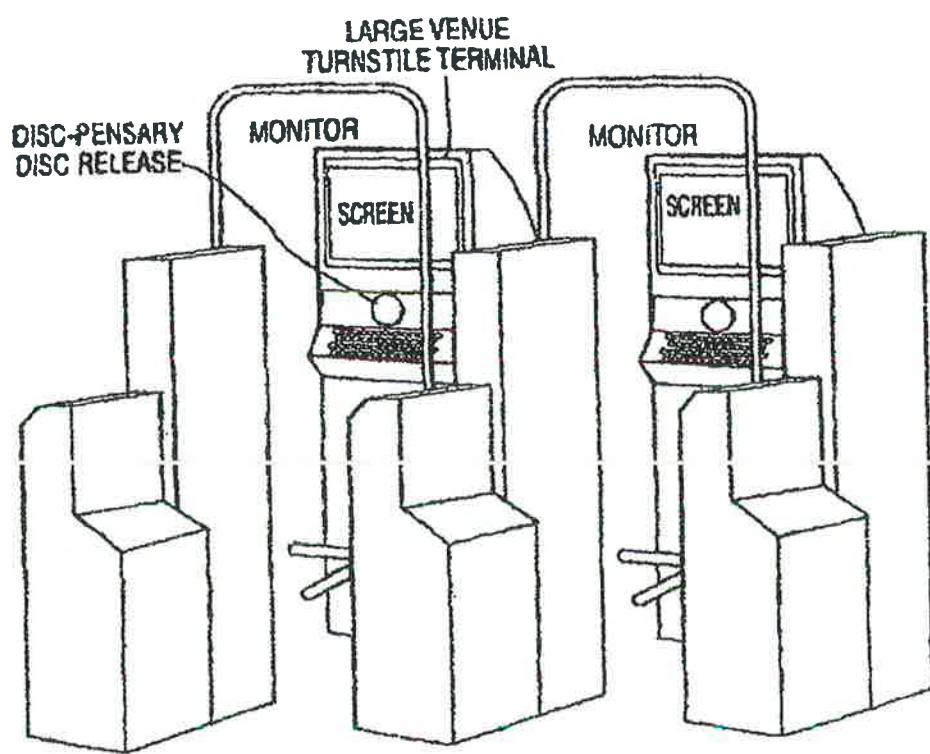


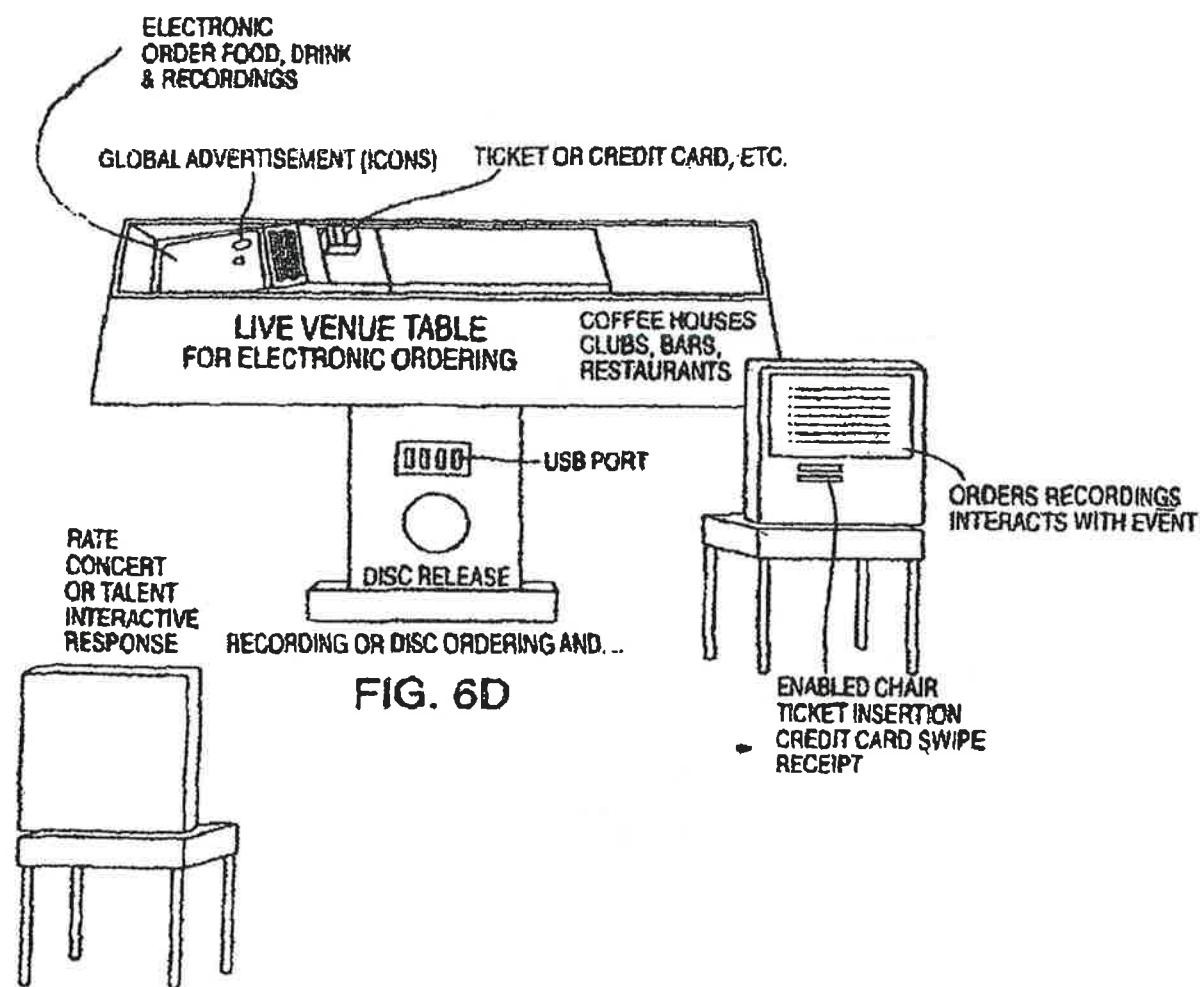
FIG. 6C

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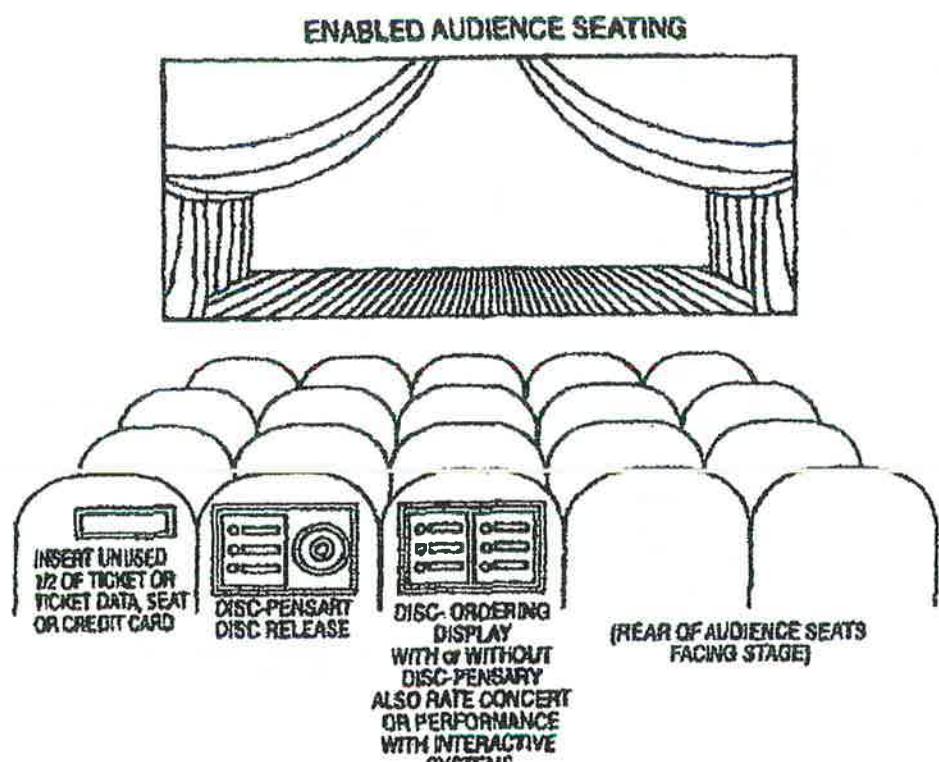


FIG. 6E

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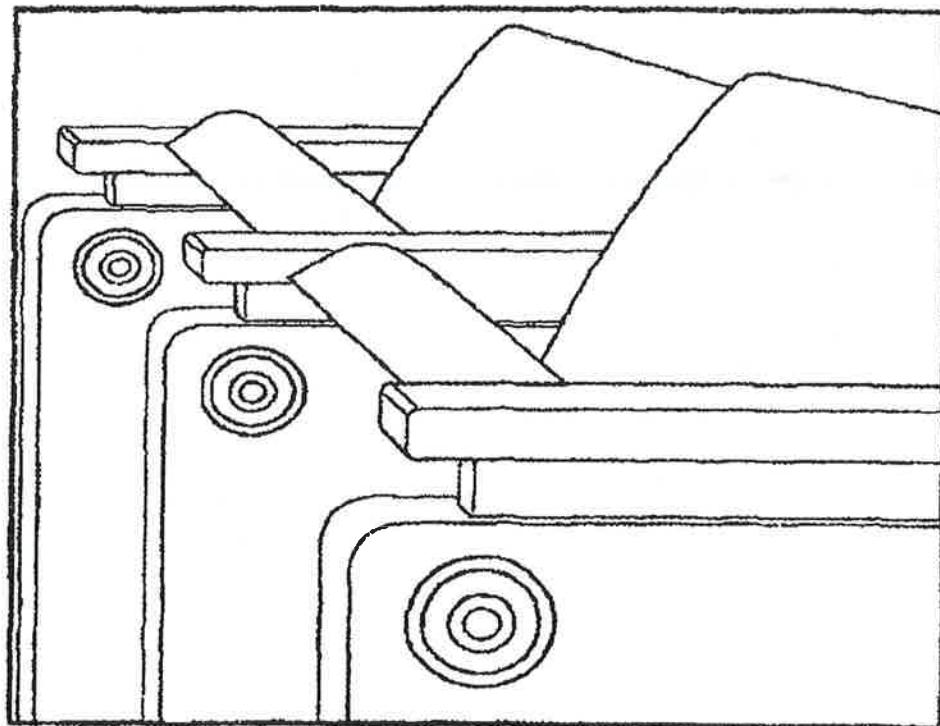
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ENABLED AUDIENCE OR AIRLINE SEAT

LARGE AUDIENCE SEATING TERMINALS



ALTERNATIVE AISLE DISC RELEASE

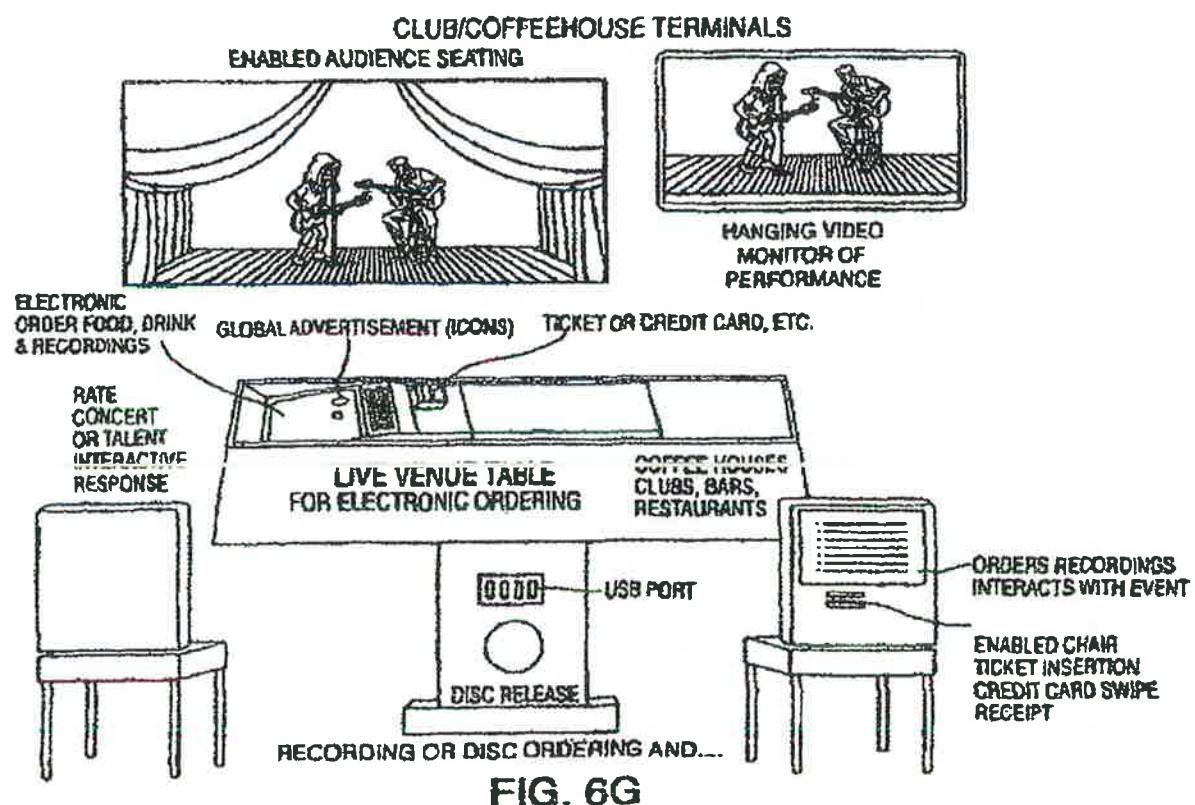
FIG. 6F

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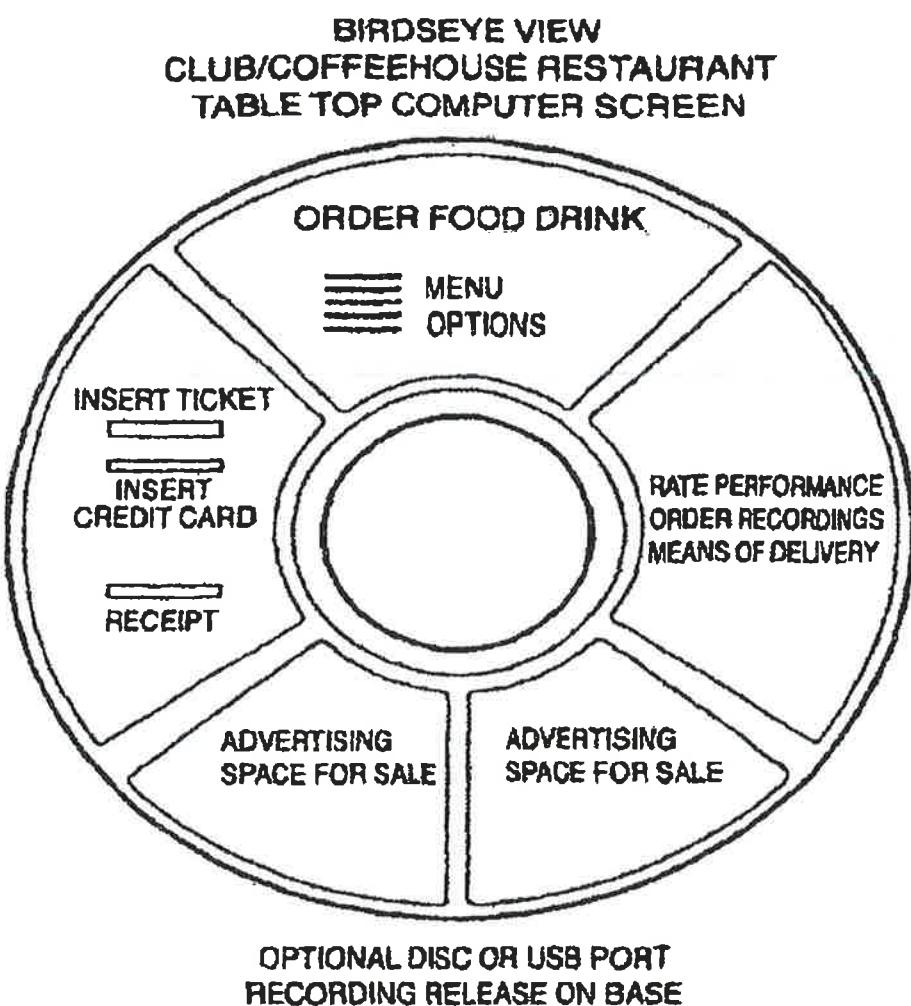


FIG. 6H

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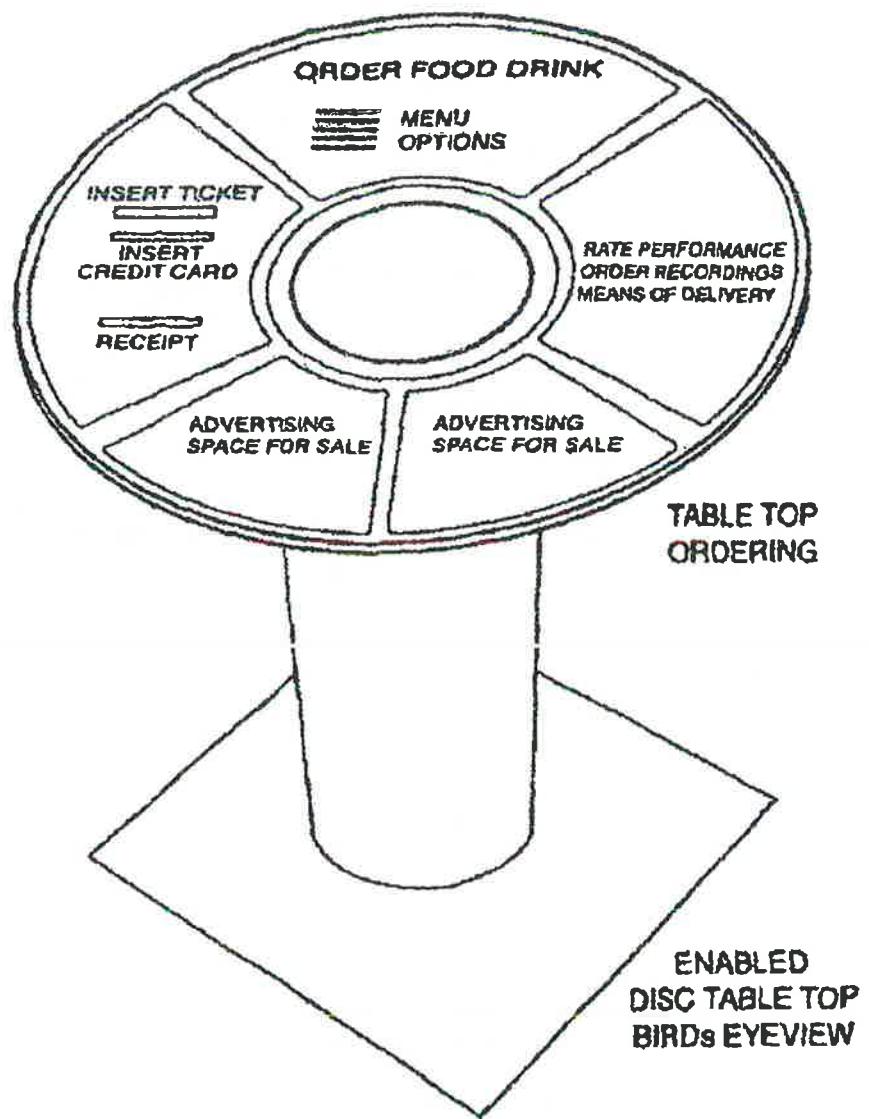


FIG. 61

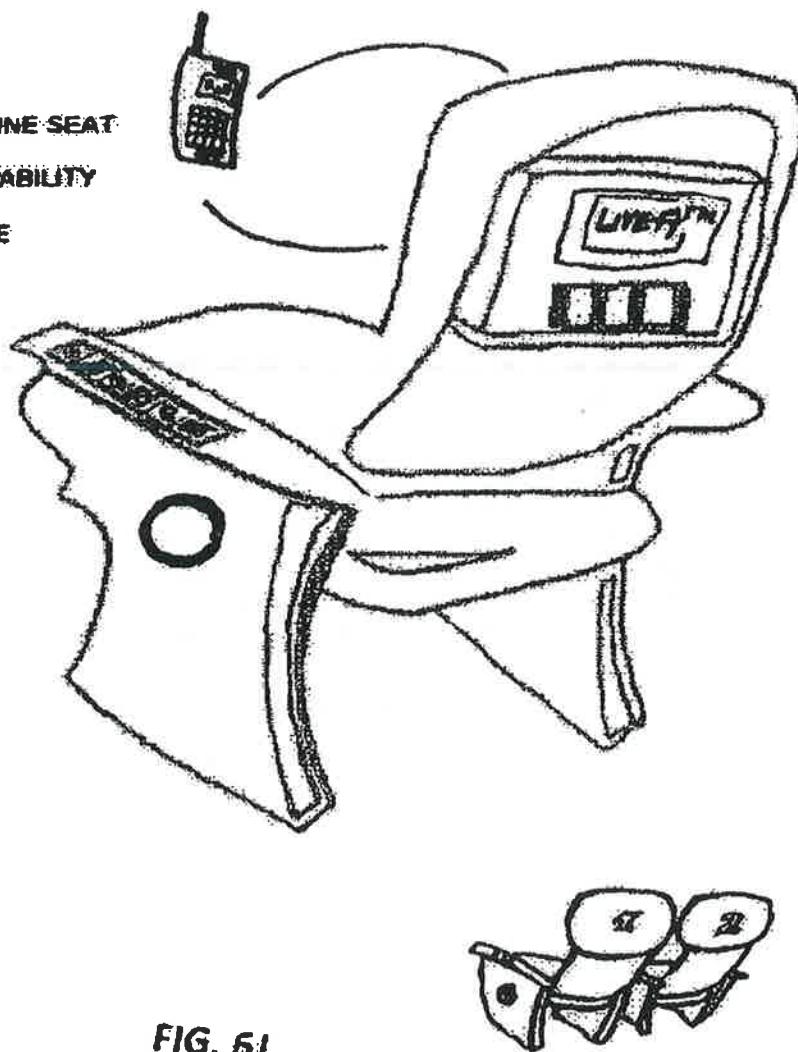
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ENABLED AUDIENCE OR AIRLINE SEAT
SEPARATE INTERACTIVE CAPABILITY
PC OR MOBILE PHONE DEVICE



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**STAGE FOR PERFORMANCE OR CONFERENCE
WITH ENABLED SEATS**

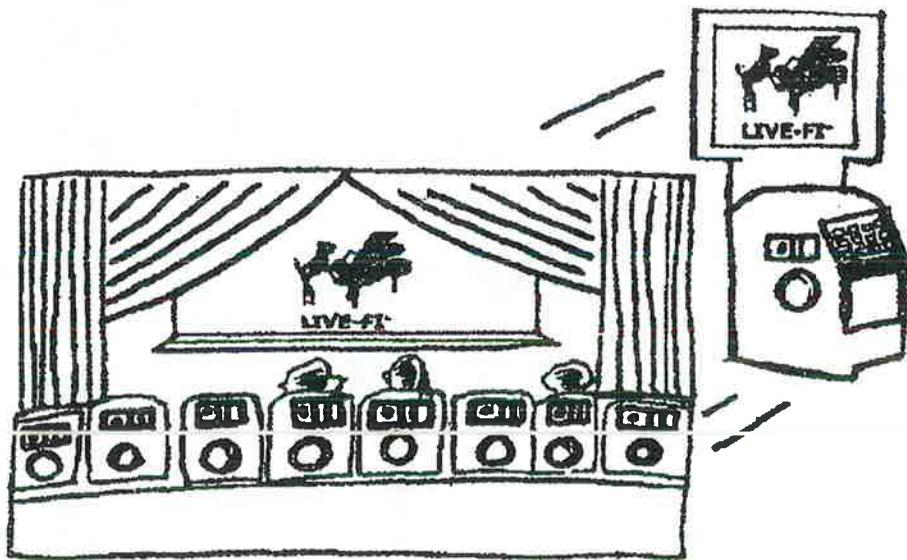


FIG.6K

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SCREENED VIDEOGAME OR BILLIARDS
IMPLEMENTED INTO POINT GRAPHICS

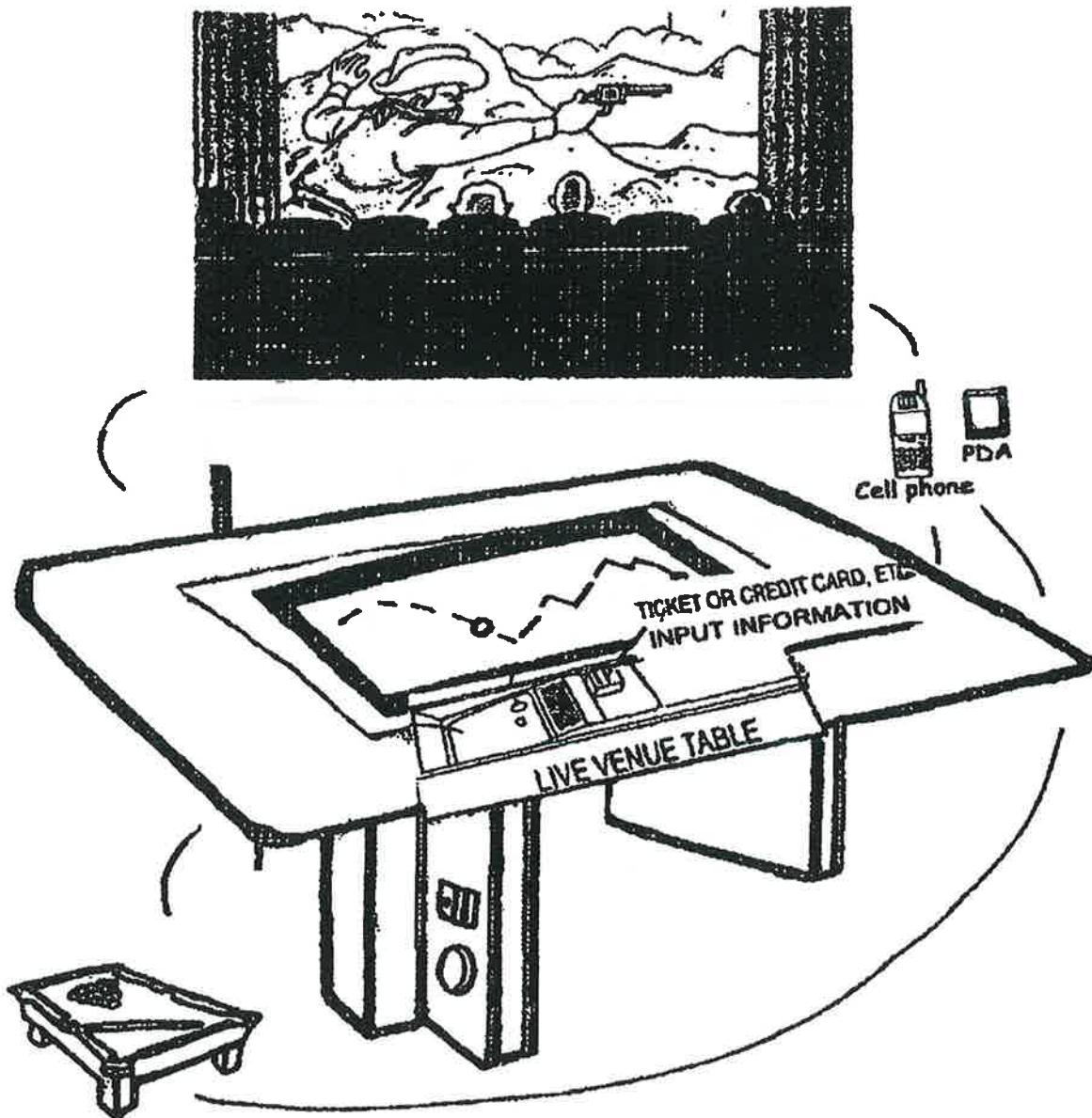


FIG. 6L

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

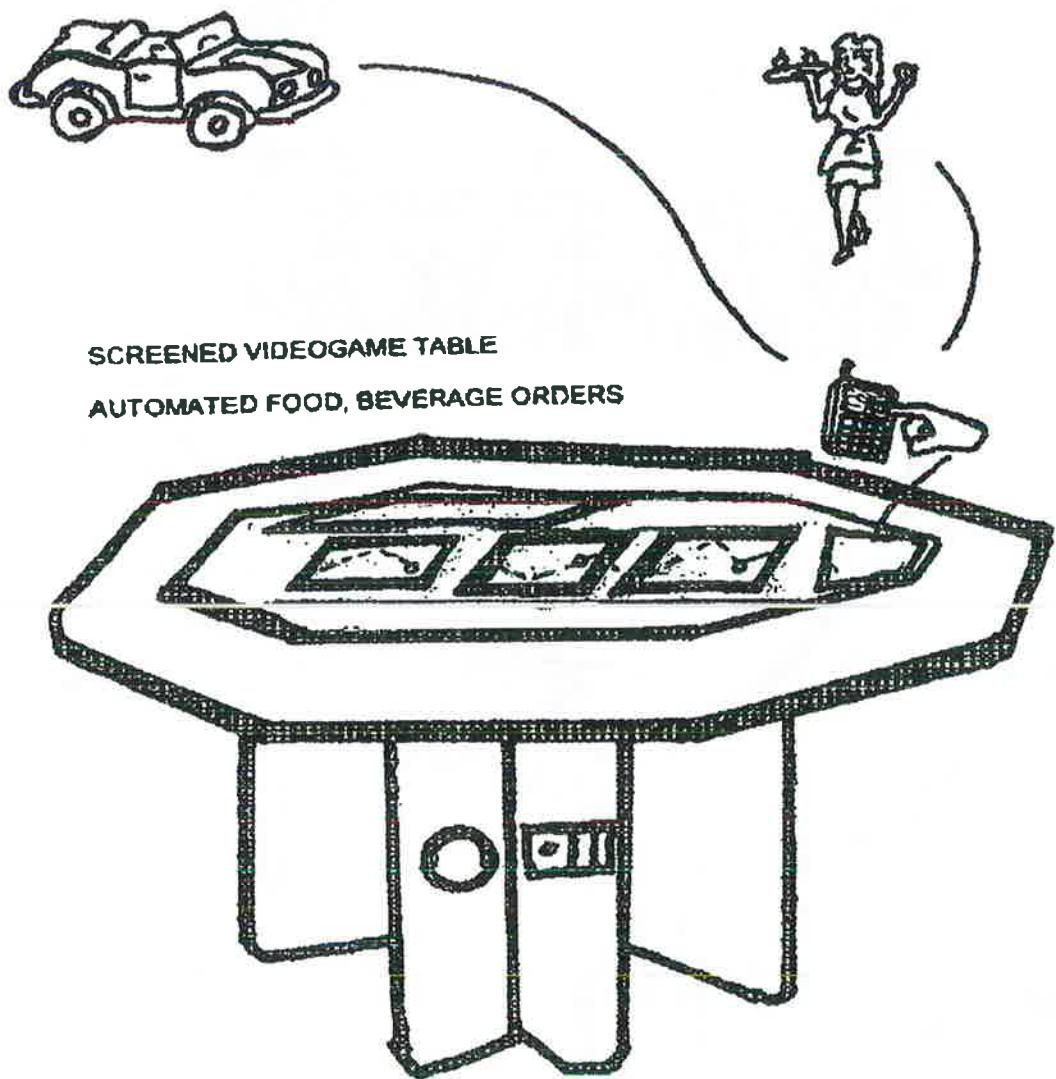


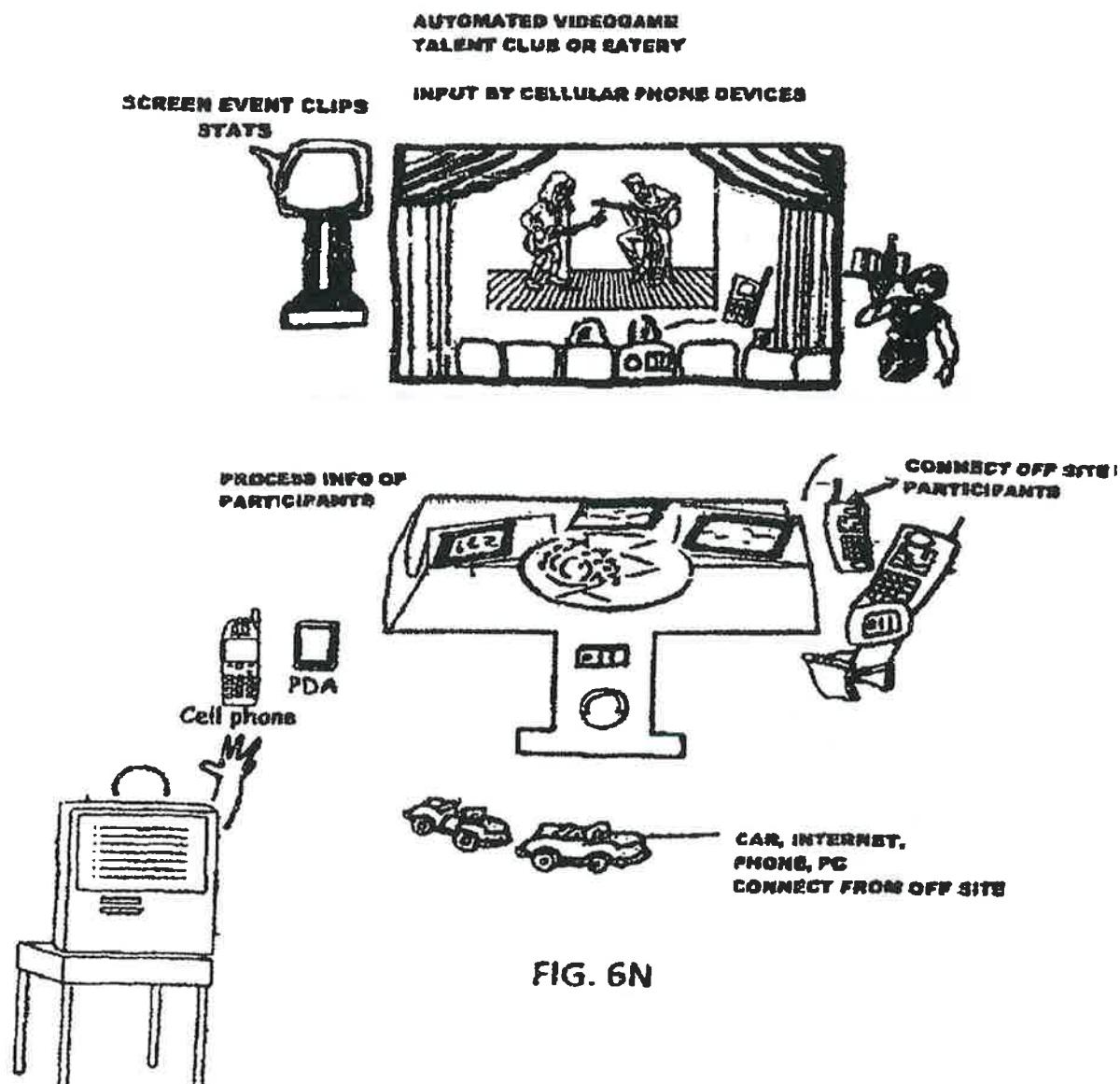
FIG. 6M

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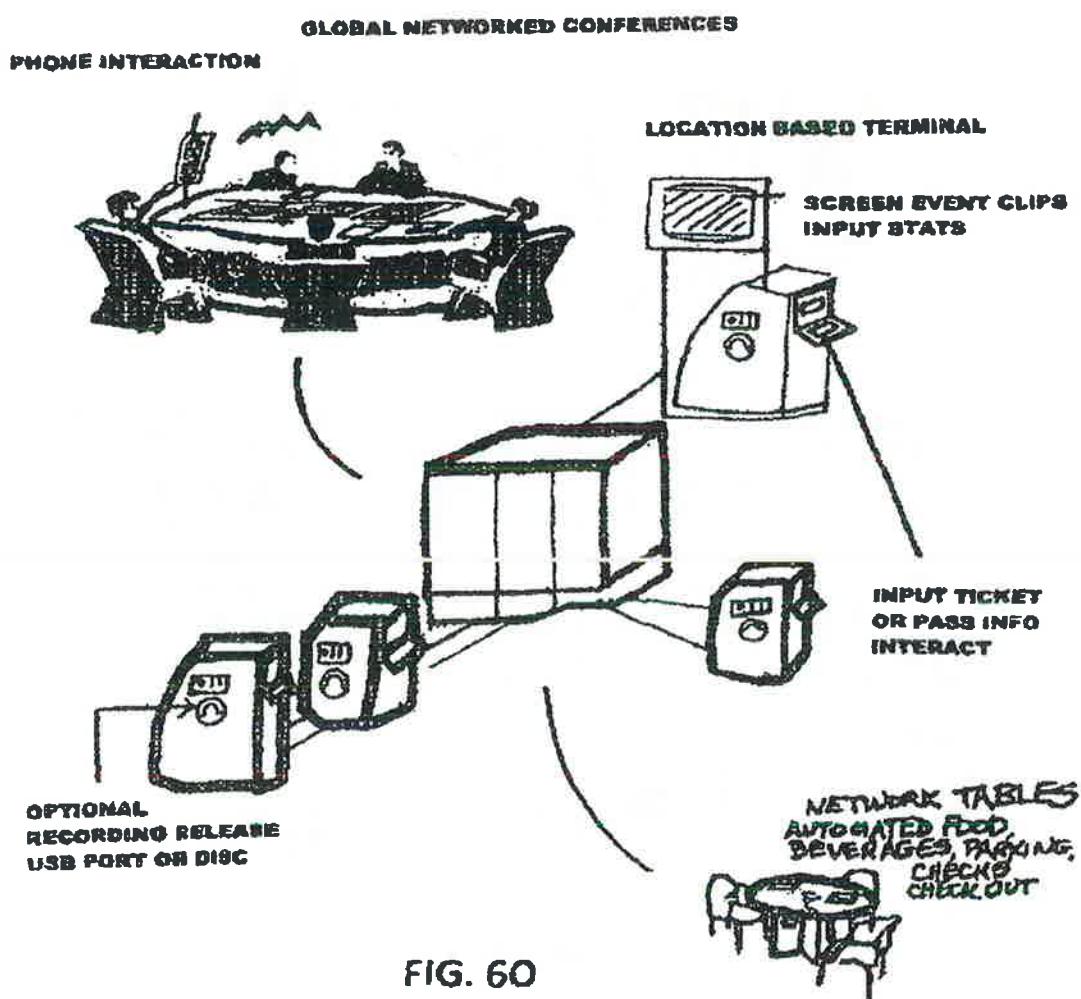


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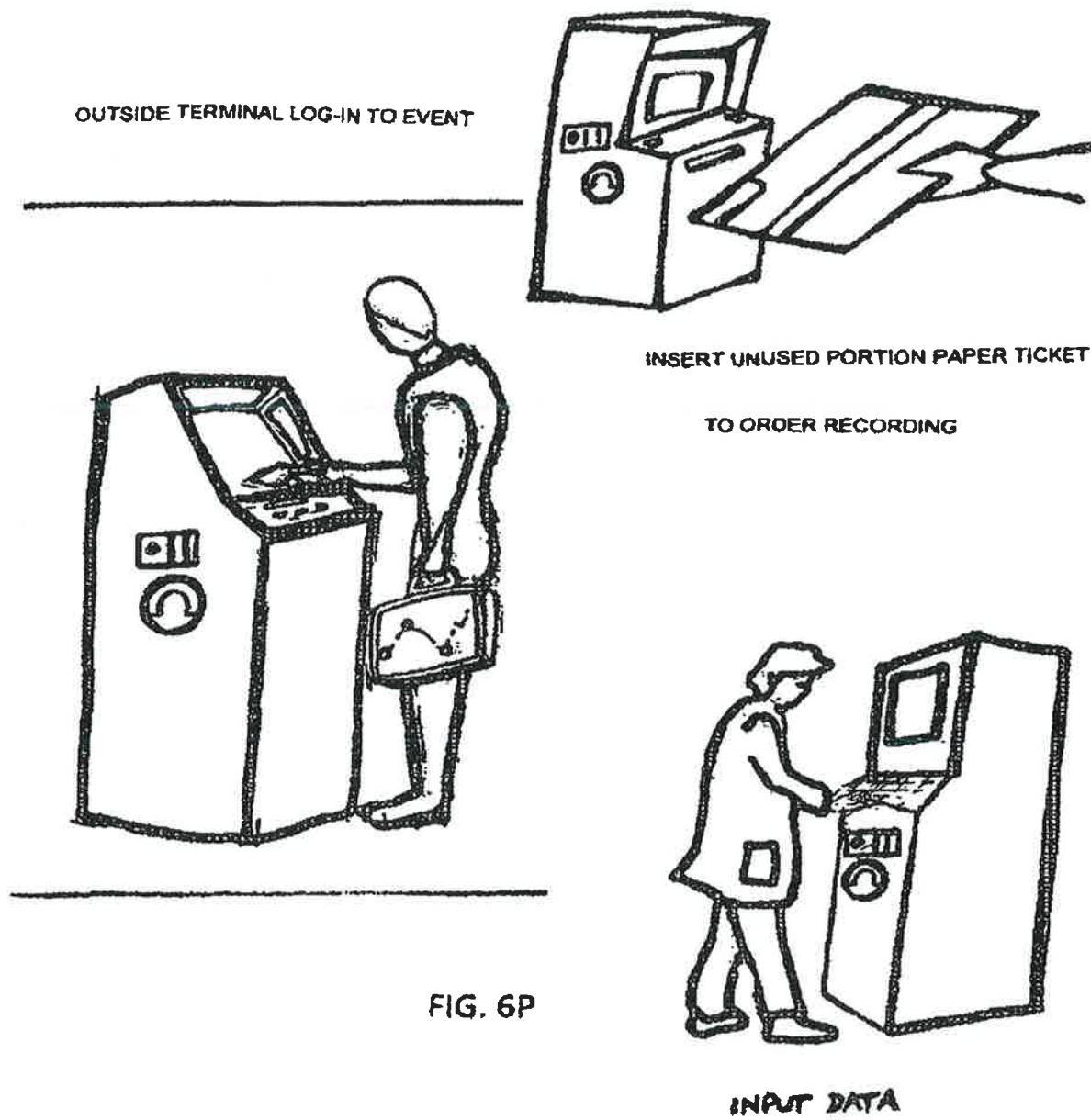


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**ELECTRONIC TICKET MANAGEMENT AND
LIVE EVENT MAXIMIZATION SYSTEM
COUPLING EVENT TICKETING,
ADMISSION DATA AND PLACED BETS,
ACCESSIBLE FROM USER DEVICES AND
LOCATION BASED INTELLIGENT
APPARATUS MACHINES**

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 personal 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 ("P2P") or Business to Business ("B2B") 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.

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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

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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

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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 5 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 10 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 15 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 20 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 25 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 30 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 35 reference or study?

In the music field, statistics show that many find live or 40 "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 45 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 45 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 50 also have inherent value.

And how many unsigned bands have downloaded their original material in hopes that get one of the "illegal" file 55 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 60 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" 65 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

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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

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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

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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.

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-

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tions, 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 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 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 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 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 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 received to uniquely identify the buyer/placer by any electronic or other means now known or hereafter devised.

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.

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 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.

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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.

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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 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.

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

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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,

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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.

25 In addition, the instant disclosure reveals independent 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. A selected algorithm can then be used to analyze and edit the 30 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.

45 50 Finally, the instant disclosure reveals the inventor's patented designs for intelligent terminals that take recording 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.

55 Definitions

60 "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.

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

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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-

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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 text 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

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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, cliecast, 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;

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(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;

5 (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 10 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, 15 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 20 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 25 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 30 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 35 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 40 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 45 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 50 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 55 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 60 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

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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/coffeeshouses, 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

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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.

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 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 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.

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 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 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 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 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 these sales.

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

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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,

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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.

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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).

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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

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(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.

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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 including a cellular telephone.

While the specific embodiments have been illustrated and 45 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 accompanying claims.

I claim:

1. A method of providing content and additional benefits 50 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 55 ticketholder and registrant information in data tables 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;

60 selling or issuing via the ticket issuer point-of-sale terminal, a ticket or other transaction receipt to a customer 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.
 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.

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

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(51) **Int. Cl.**

G06Q 99/00 (2006.01)

(52) **U.S. Cl.** **705/65; 705/50; 705/64; 705/52; 726/26**

(58) **Field of Classification Search** **705/50-59; 369/1; 726/26**

See application file for complete search history.

(56) **References Cited****U.S. PATENT DOCUMENTS**

5,825,876 A * 10/1998 Peterson, Jr. 705/52

6,614,729 B2 * 9/2003 Griner et al. 369/1
2001/0018660 A1 * 8/2001 Sehr 705/5
2002/0199198 A1 * 12/2002 Stonedahl 725/86
2003/0023564 A1 * 1/2003 Padhye et al. 705/54
2003/0097307 A1 * 5/2003 Greene 705/26
2004/0137929 A1 * 7/2004 Jones et al. 455/517
2008/0133416 A1 * 6/2008 Rhoads 705/51

OTHER PUBLICATIONS

"Broadway Television Network Selects On.2.com to Poer Video-On-Demand Webcasts of Broadway Shows", Jun. 15, 2000.*

* cited by examiner

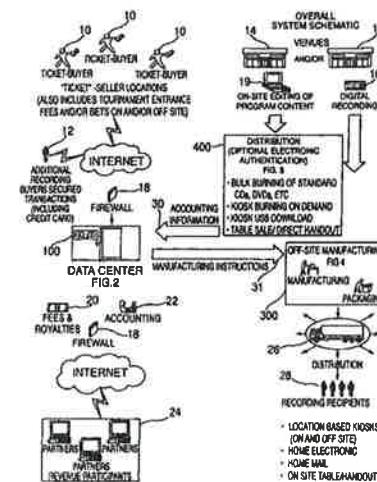
Primary Examiner—Jalatee Worjoh

(74) *Attorney, Agent, or Firm*—Allan Chan; Allan Chan & Assoc

(57) **ABSTRACT**

The present disclosure provides a method and system of electronically associating one or any combination of the production, balancing, editing, transmission, distribution and sale of live event "Recordings" with the sale of a "ticket" [defined to include any entrance payment/receipt, (tournament) entrance fee or logged placed bet] to or during the event, such that both or either of a ticket purchaser and/or non-ticket purchaser are able to automatically acquire a Recording or participate in interactive offerings related to the event by means of [optional] authenticated retrieval systems at a terminal device when connected to the Internet or wireless network. A method for electronically converting a balanced audience feed to the value for optimal Recording balance is also disclosed for optional integration. Distribution and/or retrieval of a Recording by patrons, non-attendee purchasers and/or licensees may occur when the Recording is embodied in a fixed medium of expression and/or when the Recording is in digital or other encoded format.

10 Claims, 9 Drawing Sheets



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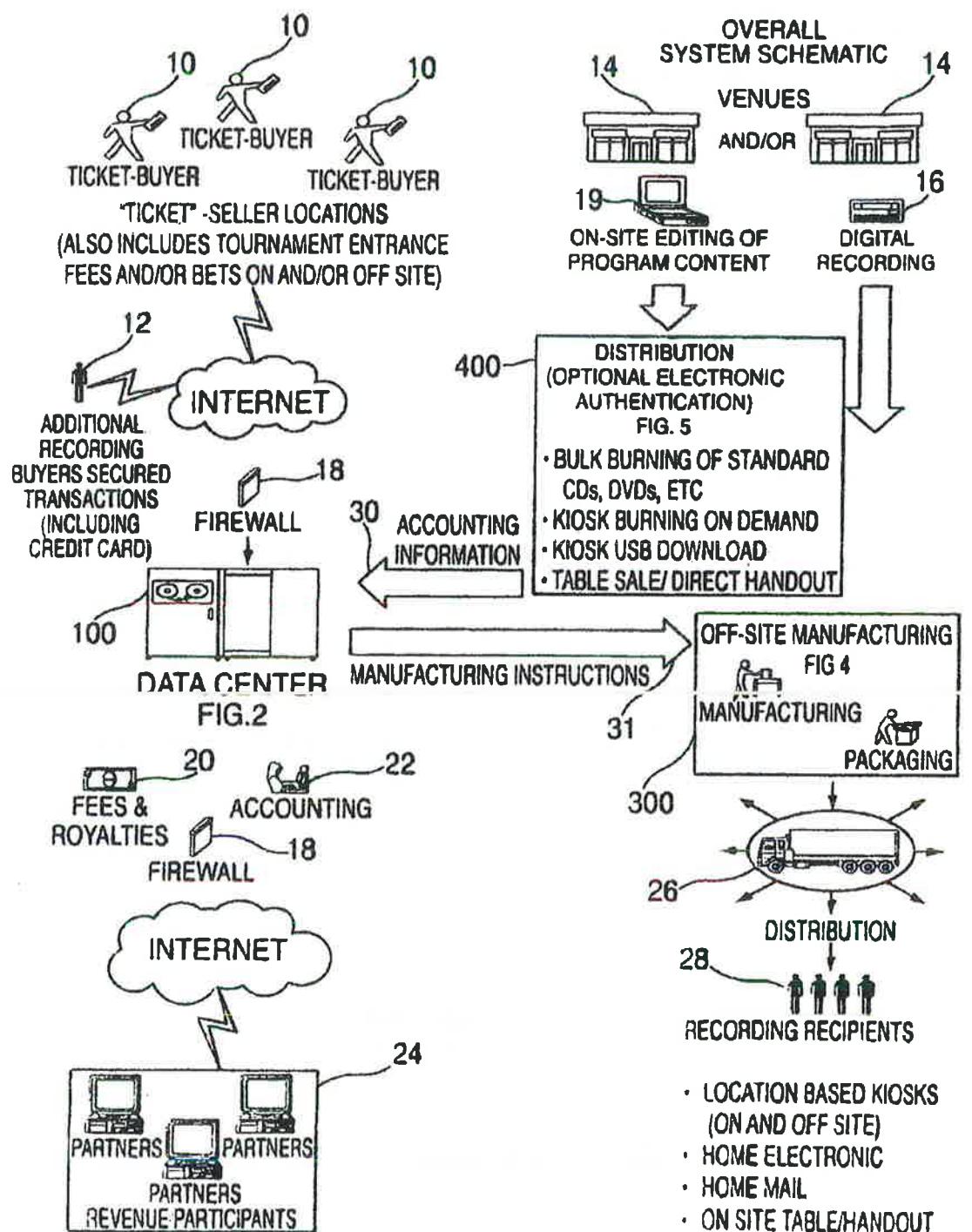


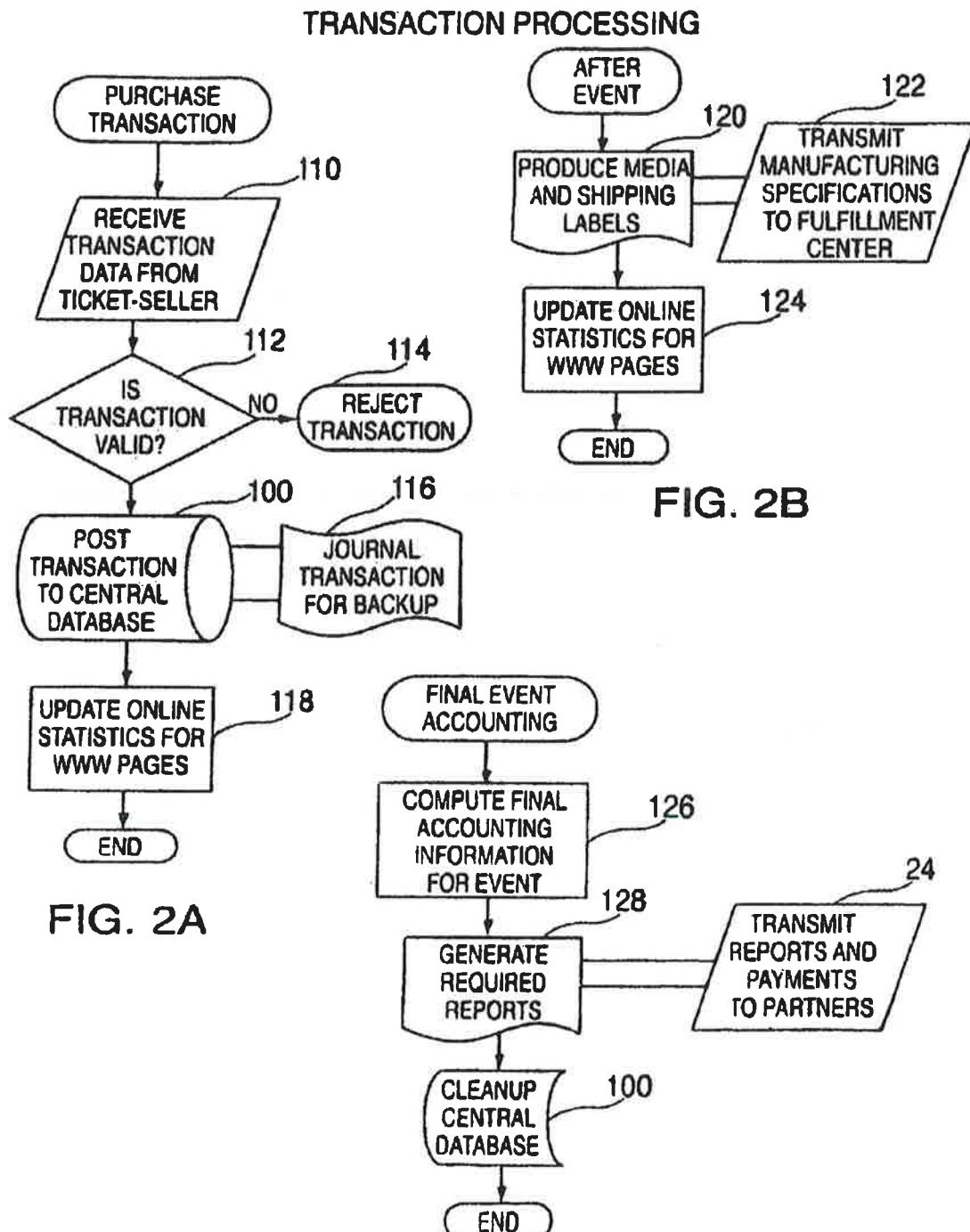
FIG. 1

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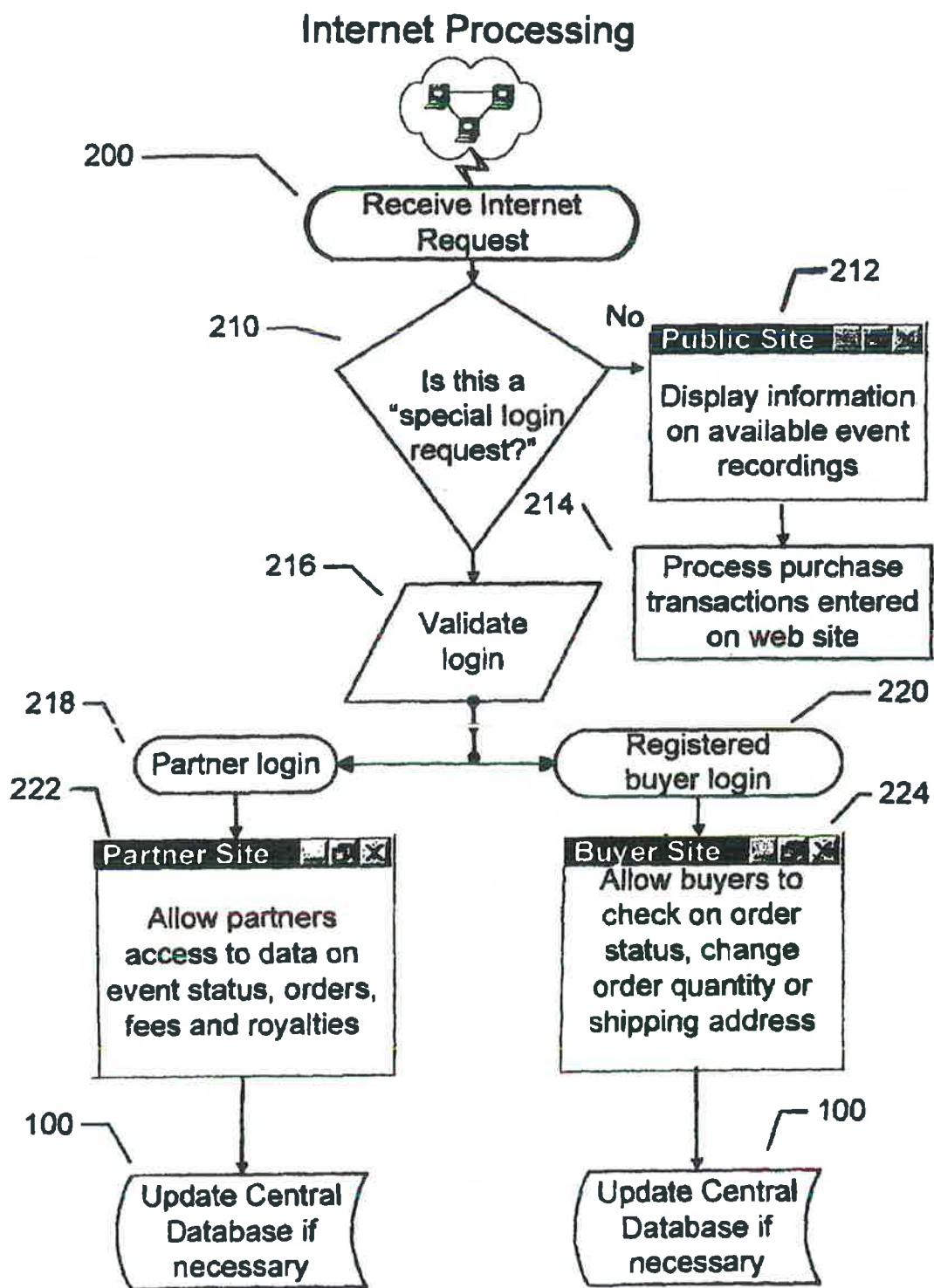


FIG. 3

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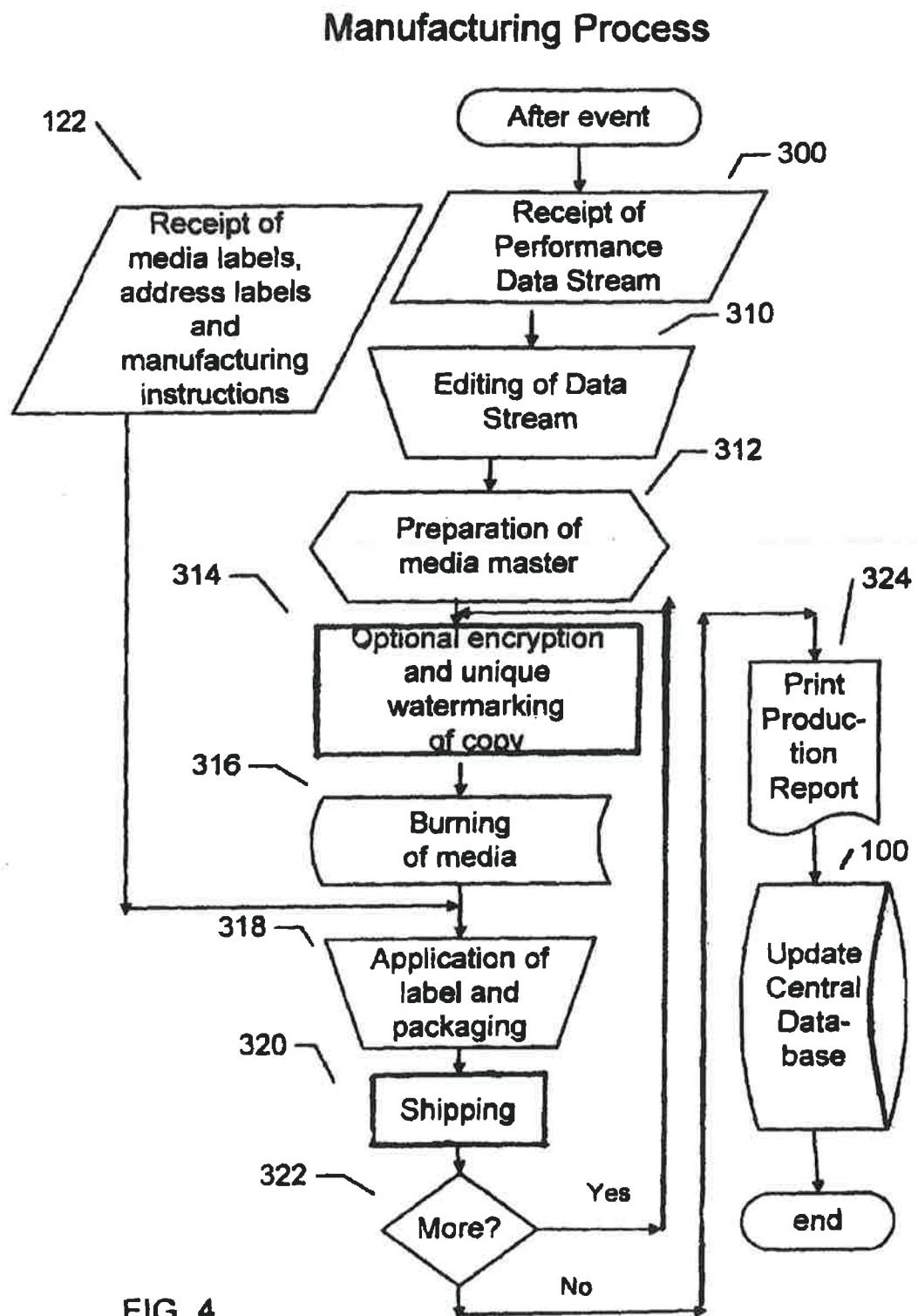


FIG. 4

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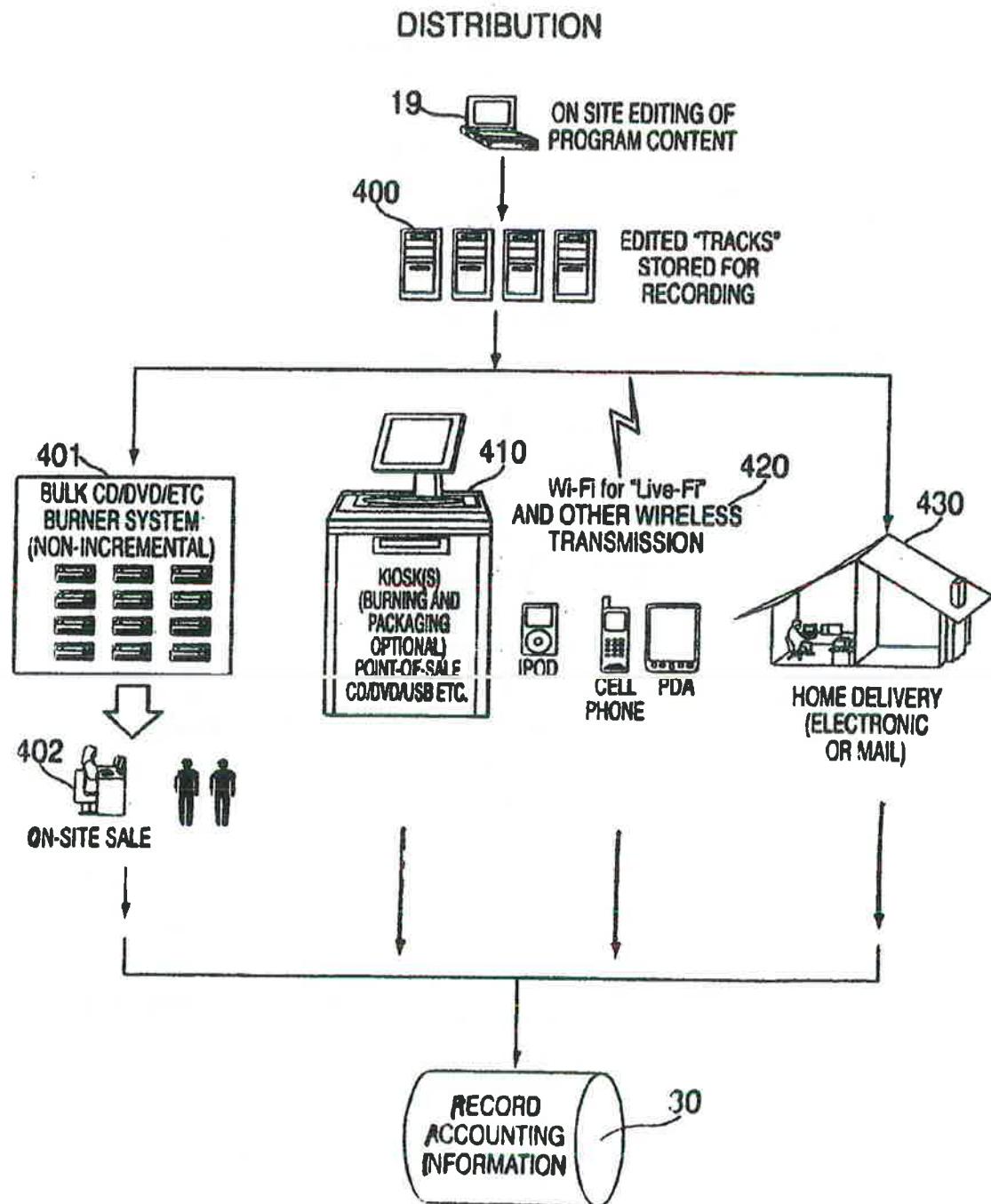


FIG. 5

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**SAMPLE LOCATION-BASED
TERMINALS**

VENUES, ATMs, SHOPPING MALLS, AIRPORTS

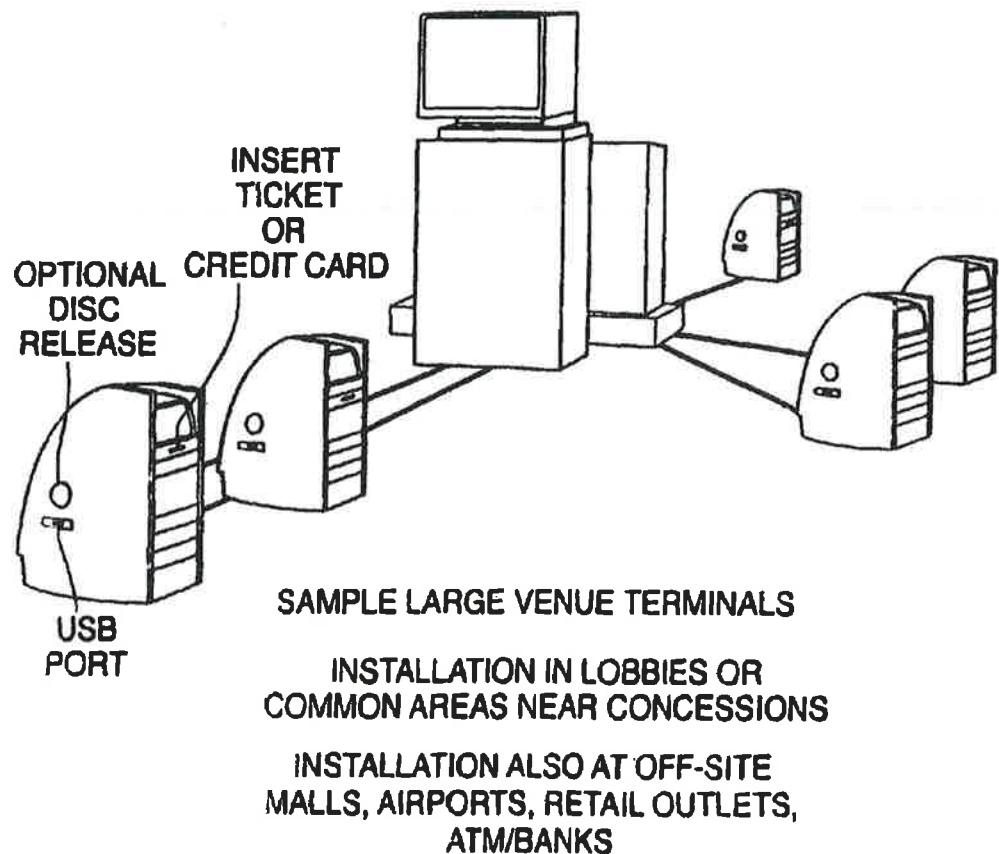


FIG. 6A

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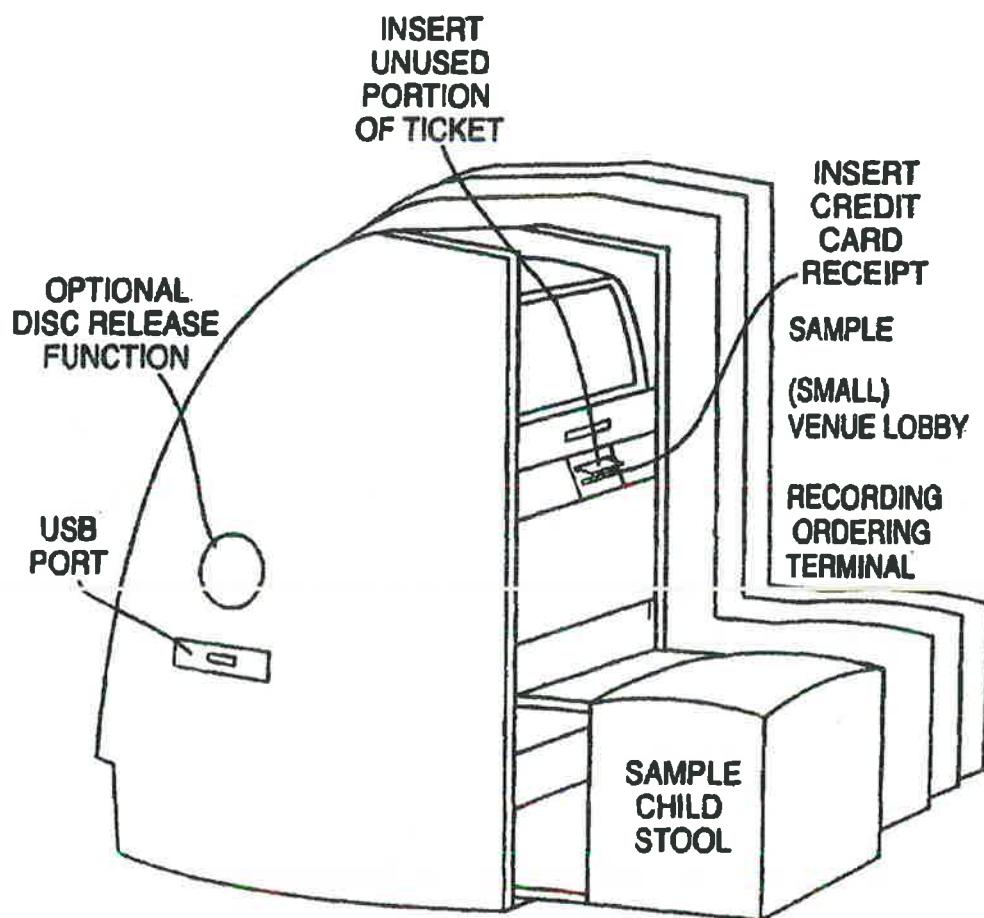


FIG. 6B

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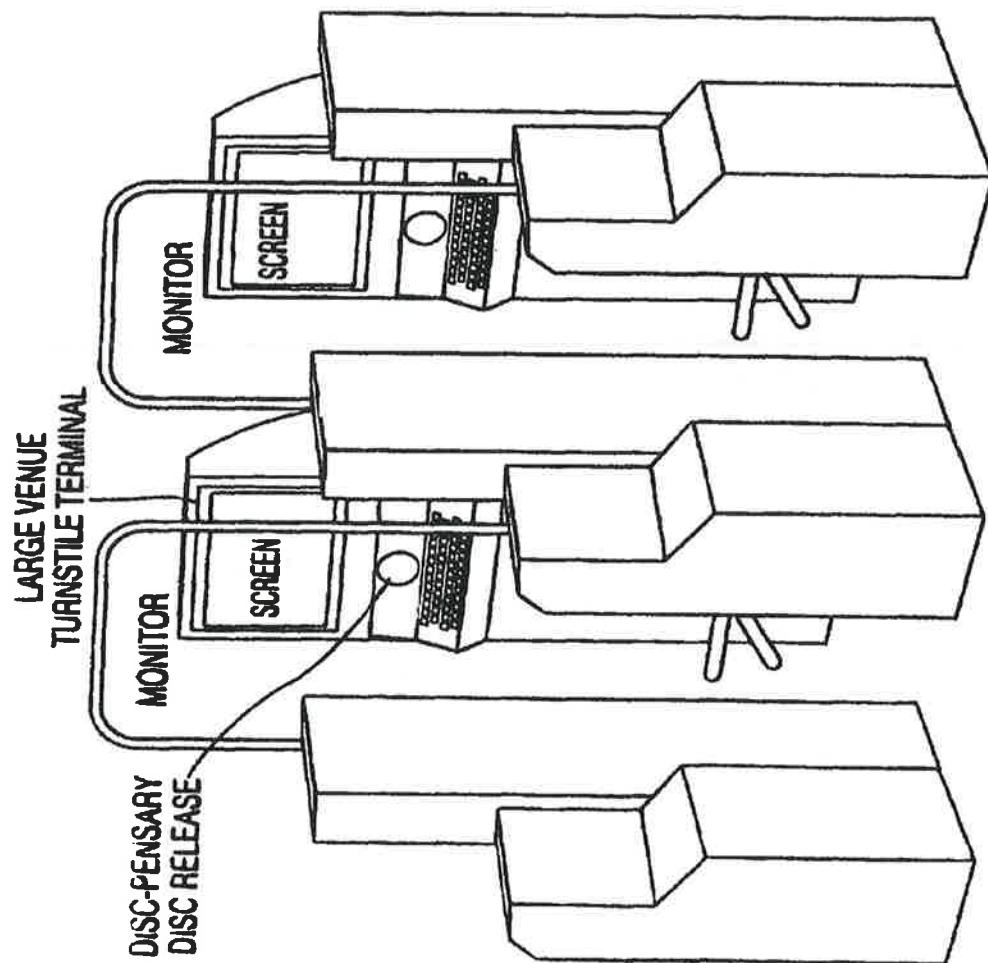


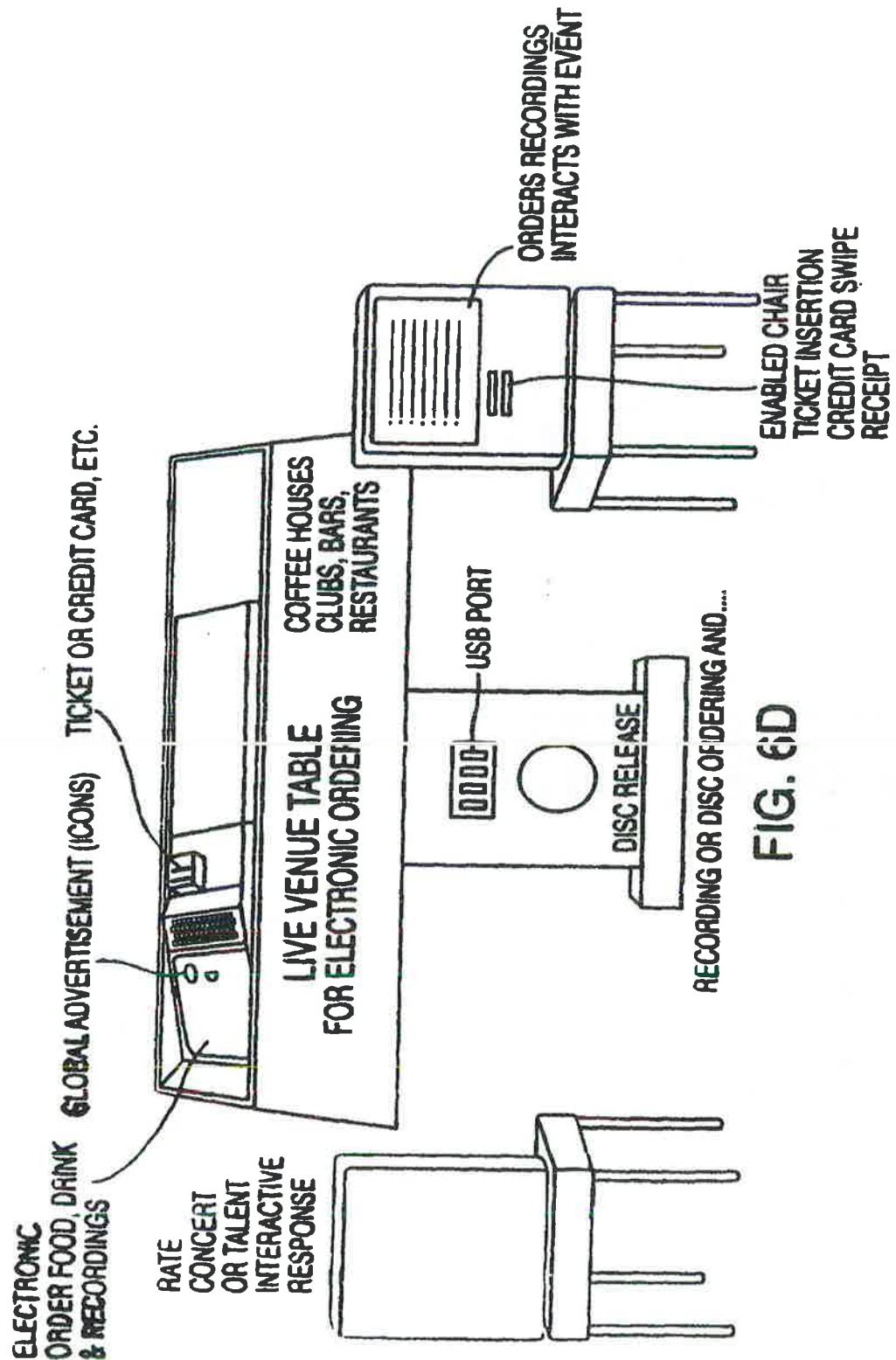
FIG. 6C

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**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**

RELATED APPLICATIONS

This application is a 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 personal 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 ("P2P") or Business to Business ("B2B") 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 handheld 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

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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 B2B or P2P. 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

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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 apparatuses¹ 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.

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 additional 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

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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 text 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

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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 derivate "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

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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.

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 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 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. 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.

Further, the instant disclosure 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 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.

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

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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;

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(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.

20 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

25 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

30 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,

35 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.

40 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.

45 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 40x and 52x, 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.

55 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

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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/gaming cafes/coffee-houses, 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

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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.

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 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 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.

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 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 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 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 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 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, sport-

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ing 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 30x-52x (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,

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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 70th 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

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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 clip-casts 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 indi-

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vidual 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 short-stop'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;
 The technological limitations on editing and balancing;
 Integration of technology that ensures confidentiality to purchasers;
 Integration of technology that ensures protection of the live content;
 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;
 The lack of systems that integrate all recording orders pre and post event in all media;
 The job of securing clearances of all parties necessary to effect live recording release

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The job of securing the artist's prior approval to the live release particularly if required by contract;
 The cost of separately producing and advertising;
 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.

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, subscriptions, podcast address and/or uniquely identifying information

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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 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 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 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 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 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 to uniquely identify the buyer/placer by any electronic or other means now known or hereafter devised.

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.

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 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.

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

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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

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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.

20 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

25 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

30 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.

35 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.

40 Systems for audience participation and ratings, videogame 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.

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BRIEF DESCRIPTION OF THE DRAWINGS

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

55 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”).

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

65 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.

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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)-(d) 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 (100A), Web servers (100B), a load balancing router (100C) and a firewall (18) connected to the Internet. The firewall (18) receives messages from the Internet (19) and forwards the messages to the load balancing router (100C) and likewise receives messages from the load balancing router (100C) 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 (100C) forwards messages received from the firewall (18) to one of the plurality of Web servers (100B). The load balancing router (100C) also forwards messages received from the Web servers (100B) to the firewall (18) for transmission to other sites through the Internet (19). In this manner, the load balancing router (100C) distributes tasks to be performed to one of the plurality of Web servers (100B) in order to distribute processing demands. The Web servers (100B) access the database servers (100A) to retrieve and store information in response to received messages from the terminals (not shown). The database servers (100A) 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 can log into the Data Center (100) to view events which will take place in the future, purchase tickets, allow patrons to access Recordings from the just-completed live event (212), interact

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to rate a new act or the event itself, and/or to buy interactive games to participate in the event itself or in staged tournaments with other users or spectators (10).

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 be 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 cut, narration tracks, and requesting upload of demographic information and promos for upcoming events and other releases, etc. (214).

More particularly, referring to FIG. 1, the system further includes one or more entertainment venues (14), a fulfillment or manufacturing center (300), a plurality of information fee recipients (24) and a plurality of Recording recipients (28). The transaction flow is depicted in FIGS. 2A-C.

The ticket buyer makes a purchase transaction in step (600). 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 (11), 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 (11) 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) (step 610). 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 (100A). The database 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

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industry standard set of server hardware, which is also scalable to ensure that it can handle whatever transaction load is required.

In step (612) the Data Center (100) checks if the transaction is valid. Invalid transactions are discarded (step 614). In step (615) the Data Center transaction is posted with database (100A). In step (616) the transaction is backed up. Next, various data files containing statistical information are updated in the data base (100A) to reflect the latest transaction(s) (step 618).

As indicated above, the Data Center (100) also encompasses a series of Web servers (100B) 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, e.g.) on site using a suitable Recording subsystem (15) (FIG. 1). During or immediately after the event, the Recording subsystem (15) 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 iPODs 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 (step 620). The completed Recording is delivered to the buyer (step 621). In step 622 the manufacturing details are sent to the Data Center (100) and fulfillment center for accounting and statistical analysis. Using this data, in step 624 various statistical data bases are updated with the latest transaction(s). FIG. 2C illustrates the final accounting process. In step 626 the transactions for the event are reconciled and finalized. In step 628 reports are generated. In step 630 the reports and payments to various partners are calculated and transmitted. In step 632 temporary data in the central data base (100) are 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 (19) are stored as tracks on servers (402). 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 to either users or buyers (10), who have prepaid for the media when they bought their tickets, or alternatively to buyers (10A) 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 (403).

Alternatively, however, a kiosk or other enabled terminal (410) is provided that receives the Recording data from servers (402). The kiosk (410) 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 the user/orderer and, in response, starts the burning of the media or takes order for the mailing or desired home electronic retrieval. In this configuration, the

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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.

A user (10A) who has not prepaid for the Recording may 10 also obtain one using the kiosk (410) and charging the purchase to his credit card or by using other payment means.

The kiosk (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 15 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 (420) of the user and the point of sale site (400) may be bypassed. Communications between the various elements of 20 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 25 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 30 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 35 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 45 "Partners" are issued specific password credentials which are authenticated through standard industry techniques (218). In the case of the ticket/Recording buyer, his ticket number along with information not printed on the ticket, such as his 50 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 access to the Data Center (100), including revenue participants (24) that may include several 55 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 60 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 65 ordering, packaging and multi-media distribution of live event recordings and to organize and run new types of live events at venues (19) including those to be constructed with new technology regardless of whether they have outside ticketing service companies or their own and help take maximize

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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) (400), as discussed in detail below and shown in FIG. 5. The event is recorded and edited by on-site editing equipment (19) to provide the immediate Recording at a station (400). 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 (400) and manufacturing site (300)] are provided by the Data Center (100). Moreover, the Data Center (100) receives inventory and accounting information (30) 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. In step (223), 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) in step (226).

After a particular event has concluded, the Data Center sends to the fulfillment house (122) information specifying 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 (400). As shown in FIG. 4, after the event, the performance data is received in step (310). 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 (300).

In step (312) the data is edited. Editing may optionally incorporate the disclosed method of digitized conversion from an audience balanced to disc balanced reading. In step (314) the data is prepared for Recording on a master. In step

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(314) the data is optionally encrypted, and, if desired, a unique watermark is added for copy protection. In step (316) 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 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 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 of a live event or any part of a live event (including spliced, edited and/or derivative special order versions thereof) is ordered before, during or after the event by 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 handheld device 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 accompanying claims.

I claim:

1. An apparatus to facilitate the purchase of customizable event or venue content by a person during a live event or immediately following such live event over a computer network comprising:

- a. at least one data center connected to the network said data center comprising a database for storing live event purchase transaction data;
- b. At least one recording subsystem connected to said at least one data center for recording at least a portion of said live event;
- c. At least one editor apparatus connected to a remote user terminal through said network for receiving the recorded live event from the recording subsystem and a user selection request for event content, and for editing the recorded live event based on the selection request; and,
- d. said at least one remote terminal further comprising means for connecting to said data center via said network, receiving means for receiving said requested event content from the editor apparatus, downloading means for downloading said requested event content onto a user media device, means for providing the live purchase event transaction data and selection means for transmitting the selection request.

2. The apparatus of claim 1 wherein the live event is any one of concert, recital, tour, stage, musical play, sports event, conference, symposium, showcase, comedy revue, screening, exhibition, demonstration, opening, travel, skit, tournament, speech, convention, address, seminar, class, lecture, or sermon.

3. The apparatus of claim 1 wherein the customizable event or venue content is a portion of audio, video, images or a combination thereof emanating from said event.

4. The apparatus of claim 1 wherein the customizable event or venue content is packaged with other venue or sponsor offerings.

5. The apparatus of claim 4 wherein in addition to customizable event or venue content, offerings may be made in conjunction comprising: single titles, "best of tour", director's cuts, narrations tracks, photos, action stills, or pin-ups.

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6. The apparatus of claim 1 wherein the computer network is at least one of wired or wireless telecommunications network.

7. The apparatus of claim 1 wherein the live event purchase transaction data is at least one of bets placed, investments, ticketing data, electronic ticketing data, orders for event associated electronic displays, orders for ads, orders placed in response to ads associated with the event, orders to receive recordings or live event and venue content, orders to realize promotional benefits associated with the event offered by its producers, sponsors and distributors, featured artists, celebrities or participants, orders for event content, or orders for offerings unrelated to the event.

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8. The apparatus of claim 1 wherein the editor apparatus is connected to a fulfillment center's database.

9. The apparatus of claim 1 wherein the editor apparatus is connected to a telecommunications carrier's database.

10. The apparatus of claim 1 wherein the user media device is at least one of cell phone, personal digital assistant, hand-held device, enabled hospitality or conference table, enabled audience or airline chair/seat, enabled turnstile, or enabled gate.

* * * * *

CERTIFICATE OF SERVICE

Amy R. Weissbrod Gurvey, an attorney admitted to practice law in California on good standing certifies that on October 31, 2025 she served a true and accurate copy of Petitioner's Rule 44 Petition for Rehearing in Docket #24-7441 on the following:

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A handwritten signature in blue ink, appearing to read "Noah Englehart", is placed here.

