

Exhibit 2

Exhibit to the Supplemental Declaration of Aaron R. Fahrenkrog
in Support of Plaintiffs' Reply Claim Construction Brief



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/892,472	07/14/97	ORR	5 AT1970511-1

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EXAMINER FRENEL, V

ART UNIT 2774	PAPER NUMBER 2
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DATE MAILED: 12/24/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 08/892,472	Applicant(s) Jonathan Stephen Orr.
Examiner Vanel Frenel	Group Art Unit 2774



Responsive to communication(s) filed on Jul 14, 1997

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-28 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

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

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

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

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

*Certified copies not received: _____

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

Attachment(s)

Notice of References Cited, PTO-892

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

Interview Summary, PTO-413

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

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 ⁻²⁸ ~~1-28~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Pai et al (US Patent No.5,668,571) in view of Henley et al (US Patent No.5,761,417).

In regard to claims 1 and 7, Pai et al disclose a method and apparatus for generating hardware icons to graphically represent a computer command and control. In particular, a method and apparatus for using a hardware cursor to select and manipulate hardware icons, which graphically represent computer commands and controls, so as to provide a flexible and independent way to communicate with the computer; but he fails to specifically disclose that the method having one video presentation; and a plurality of communication nodes each having one input port that is coupled to an output of the at least one storage node for receiving a digital

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representation of a video presentation therefrom. However, Henley et al disclose the method having one video presentation; and a plurality of communication nodes each having one input port that is coupled to an output of the at least one storage node for receiving a digital representation of a video presentation therefrom (see col.3; lines 6-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Henley et al et al with the teaching of Pai et al, because such modification would eliminate the disadvantages of video tape while providing a VTR (video tape recorder) metaphor for system control (see col.2; lines 61-62).

In regard to claims 2-3, 8, 9, 15 and 23, Henley et al disclose a media streamer 10 provides a set of VCR-like play controls. The media streamer graphical user interface in Fig. 8 shows that the following functions are available: Load, Eject, Play, Slow, Pause, Stop, Rewind, Fast Forward and Mute. These functions are activated by clicking on the corresponding soft buttons on the graphical user interface (see col.19; lines 51-56).

In regard to claims 4, 10, 16, 20, 24, and 28 Henley et al disclose the interface resembles the control panel of a video cassette recorder, which has control buttons such as Play, Pause, Rewind, and Stop. In addition, it also provides selection panels when an operation involves a selection by the user (for example, load requires the user to select a video presentation to be loaded. The graphical user interface is especially useful for direct user interactions (see col.19; lines 12-19).

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In regard to claims 5-6, and 11-12, Hanley et al disclose broadcast methods (including motion picture, cable, television network, and record industries) generally provide storage in the form of analog or digitally recorded tape. The playing of tapes causes isochronous data streams to be generated which are then moved through broadcast industry equipment to the end user (see col.1; lines 60-66)

In regard to claims 13, 17, 21 and 25, Hanley et al disclose the processing of API functions is performed in the order that requests are received . This ensures that user operations are processed in the correct order. For example, a video must be connected (set up) before it can be played (see col.21; lines 1-4 and Fig.7) .

In regard to claims 14, 18-19, 22, 26, and 27, Hanley et al disclose a media streamer 10 provides a set of VCR-like play controls. The media streamer graphical user interface in Fig.8 shows that the following functions are available: Load, Eject, Play, Slow, Pause, Stop, Rewind, Fast Forward and Mute. These functions are activated by clicking on the corresponding soft buttons on the graphical user interface (see col.19; lines 51-56).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is (703)-305 4952 .The examiner can be reached on Monday through Thursday from 6:30 to 5:00 pm .

If attempts to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Richard Hjerpe, can be reached on (703)305-4709.

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Any inquiry of general nature or relating to the status of this application or proceeding should be directed to Group receptionist whose telephone number (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

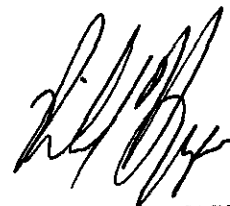
Or:

(703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Vanel Frenel

December 19, 1998



RICHARD A. HJERPE
SUPERVISORY PATENT EXAMINER
GROUP 2700