EXHIBIT O

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	11/778,466	Confirmation No.	:	1475
Applicant(s)	:	Moon-Sang JEONG	TC/A.U.	:	2195
Filed	:	July 16, 2007	Examiner	:	Jennifer N. To
Title	:	Multi-Tasking Apparatus and Method in Portable Terminal	Docket No.	:	0201-0055

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Amendment in Response to Non-Final Office Action

Sir:

In response to the Office Action dated November 09, 2009, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

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Amendments to the Claims:

This listing of claims will replace all prior versions and listings of the claims in the application.

1. (Currently Amended) A multi-tasking method in a pocket-sized mobile communication device including an MP3 playing capability, the multi-tasking method comprising:

generating a music background play object, wherein the music background play object includes an application module including at least one applet;

providing an interface for music play by the music background play object;

selecting an MP3 mode in the pocket-sized mobile communication device using the interface;

selecting and playing a music file in the pocket-sized mobile communication device in the MP3 mode;

switching from the MP3 mode to a standby mode while the playing of the music file continues;

displaying an indication that the music file is being played in the standby mode;

selecting and performing at least one function of the pocket-sized mobile communication device from the standby mode while the playing of the music file continues; and

continuing to display the indication that the music file is being played while performing the selected function.

2. (Original) The multi-tasking method of claim 1, wherein the displaying of the indication comprises displaying an icon.

3. (Original) The multi-tasking method of claim 1, wherein the displaying of the indication comprises displaying information relating to the music file.

4. (Original) The multi-tasking method of claim 3, wherein the information comprises at least one of a music title, a musician and an album title.

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5. (Original) The multi-tasking method of claim 3, wherein the displaying of the information comprises overlaying the information relating to the music file on a screen.

6. (Original) The multi-tasking method of claim 1, further comprising selecting to continue the playing of the music file.

7. (Original) The multi-tasking method of claim 1, wherein the function selected from the standby mode comprises a message function.

8. (Original) The multi-tasking method of claim 1, wherein the function selected from the standby mode comprises a phone-book function.

9. (Currently Amended) A multi-tasking apparatus in a pocket-sized mobile communication device including an MP3 playing capability, the multi-tasking apparatus comprising:

a controller for generating a music background play object, wherein the music background play object includes an application module including at least one applet, for providing an interface for music play by the music background play object, for selecting an MP3 mode in the pocket-sized mobile communication device using the interface, for selecting and playing a music file in the pocket-sized mobile communication device in the MP3 mode, for switching from the MP3 mode to a standby mode while the playing of the music file continues and for selecting and performing at least one function of the pocket-sized mobile communication device from the standby mode while the playing of the music file continues; and

a display unit for displaying an indication that the music file is being played in the standby mode and for continuing to display the indication that the music file is being played while performing the selected function.

10. (Original) The multi-tasking apparatus of claim 9, wherein the indication comprises an icon.

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11.   (Original) The multi-tasking apparatus of claim 9, wherein the indication comprises information relating to the music file.

12.   (Original) The multi-tasking apparatus of claim 11, wherein the information comprises at least one of a music title, a musician and an album title.

13.   (Original) The multi-tasking apparatus of claim 11, wherein the display unit overlays the information relating to the music file on a screen.

14.   (Original) The multi-tasking apparatus of claim 9, wherein the controller selects to continue the playing of the music file.

15.   (Original) The multi-tasking apparatus of claim 9, wherein the function selected from the standby mode comprises a message function.

16.   (Original) The multi-tasking apparatus of claim 9, wherein the function selected from the standby mode comprises a phone-book function.

17.   (Currently Amended) A multi-tasking apparatus in a pocket-sized mobile communication device consisting of a single display unit and including an MP3 playing capability, the multi-tasking apparatus comprising:

        a controller for generating a music background play object, wherein the music background play object includes an application module including at least one applet, for providing an interface for music play by the music background play object, for selecting an MP3 mode in the pocket-sized mobile communication device using the interface, for selecting and playing a music file in the pocket-sized mobile communication device in the MP3 mode, and for switching from the MP3 mode to a standby mode while the playing of the music file continues; and

        the single display unit for displaying an indication that the music file is being played in the standby mode.

18.   (Original) The multi-tasking apparatus of claim 17, wherein the indication comprises an icon.

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19. (Original) The multi-tasking apparatus of claim 17, wherein the indication comprises information relating to the music file.

20. (Original) The multi-tasking apparatus of claim 17, wherein the controller selects to continue the playing of the music file.

REMARKS/ARGUMENTS

I. Status of Claims

Claims 1-20 are pending, wherein claims 1, 9 and 17 are independent. The application was previously allowed as indicated by the Notice of Allowance dated August 12, 2009. The Applicant wishes to thank the Examiner for allowing the application. However, after review of the subject matter covered by the previously allowed claims, it was believed that the scope of the allowed claims was unduly narrow. Accordingly, Applicant filed a Request for Continued Examination (RCE) which included an amendment to each of independent claims 1, 9 and 17 to delete reference to being in a standby mode of a device when generating a music background play object. In response, the Office has rejected independent claims 1, 9 and 17 as obvious over Kokubo in view of Senpuku, which references have been used in several previous rejections. An Applicant initiated interview, which is summarized below, was held with the Examiner and Supervisory Primary Examiner (SPE). Applicant wishes to thank the Examiner and SPE for granting the interview and for the candid discussion held therein. As a result of the interview, Applicant has amended each of the independent claims to better define Applicant's invention. Applicant believes that the amended claims distinguish over the prior art and thus respectfully requests withdrawal of the rejections and allowance of the application.

II. Interview Summary

On December 8, 2009, a personal interview was held between the Examiner and her SPE, Mr. Gisang Lee and Mr. David Park representing the assignee, and Applicant's representatives Mr. Maeng-Ho Shin and Mr. George Eckert. All representatives of the Applicant and assignee wish to thank the Examiner and SPE for granting the interview and the candid discussion held therein. The purpose of the interview was to discuss the outstanding rejection and especially to better understand the Office's position regarding the interpretation of Kokubo.

During the interview, discussion focused on the limitation of a music background play object. It is Applicant's position that a background play object is not disclosed by Kokubo. However, it is the Office's position that the icon 10 of Kokubo does disclose a music background play object, especially in light of the disclosure by Kokubo in column 2, beginning at line 10. The Office did suggest however, that the

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inclusion of a limitation further defining the music background play object would distinguish over the art of record, though not necessarily be allowable depending on the results of a further search. Specifically, the Office suggested including a limitation indicating that the music background play object includes an application module including at least one applet. Applicant appreciates the Office's suggestion and has amended the independent claims as suggested.

Discussion was also held during the interview regarding the alleged disclosure by Senpuku of a standby mode and regarding the double patenting rejection. As discussed below, it is Applicant's position that Senpuku does not disclose a standby mode and that the double patenting rejection must be clarified in light of the claim amendments made with the filing of the RCE. Regarding Senpuku, the Office maintained the position that, because Kokubo discloses switching between various modes and Senpuku discloses a standby mode, their combination makes obvious the switching to a standby mode in the disclosure of Kokubo. Regarding the double patenting rejection, the Office indicated that they would consider the propriety of the double patenting rejection in light of the claim amendments as well as the status of the terminal disclaimer. At the conclusion of the interview, the Office indicated that, once submitted, the arguments and amendments would be considered based on the discussion. Accordingly, an agreement was not reached.

III.   **Applicant's Invention as Claimed**

The present invention is drawn to a mobile communication terminal that is capable of playing an MP3 file in the background while other applications are running on the terminal.

As discussed in the originally filed specification, portable communication terminals of the prior art allowed a user to play an MP3 file by including a separate player in the terminal. *See para. [0003]*. However, when using the separate player to play an MP3 file, the user could not simultaneously use any of the other functions provided by the terminal. *See para. [0004]*. One proposed solution was to include a control processor for the playing of MP3 files. That is, a dedicated MP3 processor would be added to manage and control only the MP3 files. *See para. [0005]*. However, the addition of a dedicated processor increased both the cost and complexity of the terminal. *Id.*

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The presently claimed invention addresses these issues. That is, the claimed invention provides for independently playing a music file in the background while allowing a user to execute other menu functions of the device. The present invention achieves this ability by including application modules that include at least one applet such that each application module independently performs multi-tasking. *See para. [0018]*. For the specific invention as claimed, a music background play object, wherein the music background play object includes an application module including at least one applet, is included such that an MP3 file can be played in the background while other menu tasks can be executed by the user.

Independent claims 1, 9 and 17 recite these unique features. Specifically, each of independent claims 1, 9 and 17 recite the specific method or function that allows for a terminal to play a music file in the background while allowing a user to concurrently use other functions of the terminal. Specifically, the claims recite the limitations of:

> generating a music background play object, wherein the music background play object includes an application module including at least one applet;
> providing an interface for music play by the music background play object; and
> selecting an MP3 mode ... using the interface.

By use of the music background play object, which is an application module including at least one applet as discussed with reference to para. [0018], the terminal is able to perform multi-tasking. That is, by generating the application module of the music background play object, the music background play object provides an interface for the playing of music, specifically the selecting of an MP3 mode. At the same time, the user is able to execute other menu functions of the device and thus multi-task using the device.

It is Applicant's contention that independent claims 1, 9 and 17 are allowable based on the unique use of the music background play object, wherein the music background play object includes an application module including at least one applet, alone, and not based on the use of the music background play object in a standby or any other mode. That is, none of the prior art discloses a music background play object, wherein the music background play object includes an application module including at least one applet in any mode of a device. Accordingly, Applicant believes that the claims are in condition for immediate allowance.

IV. **Kokubo Does Not Disclose a Music Background Play Object, Wherein the Music Background Play Object Includes an Application Module Including at Least One Applet, as Claimed**

As amended, each of independent claims 1, 9 and 17 now recites "generating a music background play object, wherein the music background play object includes an application module including at least one applet," support for which can be found in the originally filed application, at least in paragraph [0018]. The independent claims also recite "providing an interface for music play *by the music background play object*," and "selecting an MP3 mode...*using the interface.*" (*emphasis added*). Applicant submits that Kokubo does not disclose any, let alone, all of these limitations.

First, Kokubo does not disclose "generating a music background play object, wherein the music background play object includes an application module including at least one applet". In the outstanding rejection, the Office asserts that Kokubo's disclosure of an icon reads on Applicant's background music play object. Specifically, the Office cites to lines 9-10 of the abstract ("an icon associated with a task displayed on a first display region is generated"), lines 34-39 of col. 2 ("an icon corresponding to a task (application software) displayed in a first region is generated"), lines 2-3 of col. 3 (an icon generating means for generating icons corresponding to tasks"), and lines 8-10 of col. 13 ("and a manually or automatically generated [music note symbol] icon 10f is displayed") as disclosing a music background play object.

Although it is not conceded that the icon of Kokubo is a disclosure of a music background play object, Applicant has amended the independent claims to further clarify that the music background play object includes an application module including at least one applet. As suggested by the Office during the interview, this clarifying limitation is not disclosed, taught or suggested by Kokubo. Rather, as acknowledged by the Office in the outstanding rejection, Kokubo merely discloses the generating of "an icon corresponding to a task (application software)" *col. 2, lines 34-39*; see also col. 13, lines 8-10 ("manually or automatically generated [music note symbol] icon 10f is displayed." The generating of the icon by Kokubo is not a disclosure of generating a music background play object, wherein the music background play object includes an application module including at least one applet.

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That is, Kokubo makes no disclosure that the icon includes an application module, or that the application module includes at least one applet as instantly claimed.

Given that icon 10 is not a music background play object, wherein the music background play object includes an application module including at least one applet, it is self-evident that the icon 10 cannot be considered as a music background play object that *provides* an interface for music play, or that an MP3 mode may be selected using the interface. Considering that Kokubo does not disclose the amended limitations, Applicant respectfully requests that the rejection be withdrawn.

V. <u>Senpuku Does Not Cure the Deficiencies of Kokubo and Fails to Disclose the Switching to a Standby Mode as Claimed.</u>

As discussed above, Kokubo does not disclose a music background play object, wherein the music background play object includes an application module including at least one applet, or the related limitations as instantly claimed. And, although Senpuku was not cited for disclosing a music background play object, a review of Senpuku indicates that it fails to disclose the limitation as well. Accordingly, for at least the reasons stated above, it is respectively requested that the rejection be withdrawn.

Senpuku was cited for allegedly disclosing the switching to a standby mode. However, while Senpuku discloses several methods regarding the use of a main display and a sub-display, including the automatic display of an execution step, the automatic display of a help screen, and the automatic display of an already running execution, Senpuku does not disclose, teach or suggest a method wherein, when the sub-display is opened, an application executing on the main display is moved to the sub-display, leaving a standby screen displayed on the main display. First, in the methods of Senpuku wherein applications are switched between the main display and sub-display, there is no discussion of a standby mode or screen. Specifically, Senpuku discloses that *images* may be switched from the sub-display to a part of the main display if the sub-display is closed (see again FIGs. 11 and 12) when the user is executing a video telephone call. Senpuku discloses in another method that, if a *plurality* of applications are being executed, when the sub-display is opened one of the applications may be displayed on the sub-display. In yet another method, Senpuku discloses that if a *plurality* of application are being executed, when the sub-display is closed, the application on the "active" screen will continue to be displayed on the

main display. However, nowhere in any of these examples does Senpuku disclose, teach or suggest that a standby screen is displayed when an application is moved from one display to the other.

Second, and in direct contrast to the assertions in the outstanding rejection, in the *only* description by Senpuku of a standby screen (FIG. 18 and para. [0110]), there is no disclosure of the moving of an application to a sub-display from a main display when the sub-display is opened. Rather, as explicitly disclosed by Senpuku, in a state in which a standby screen is *already* displayed on the main display, *and then* the sub-display is opened, a pre-registered second application may be automatically executed and displayed on the sub-display. The disclosure of Senpuku does not support the assertions made in the outstanding rejection and does not supply the element missing from Kokubo.

Senpuku does not disclose, teach or suggest the "switching from the MP3 mode to a standby mode while the playing of the music file continues." For this reason, Applicant believes that the rejection is in error and respectfully requests withdrawal of the same.

VI.   The Double Patenting Rejection in Light of the Claim Amendments

The double patenting rejection made in the Office action mailed May 27, 2009 was based on limitations that are no longer present in independent claims 1, 9 and 17. Specifically, independent claims 1, 9 and 17 were amended (with the filing of the RCE) to delete the limitation regarding generating a music background play object "in a standby mode." However, in light of this amendment, the double patenting rejection was not asserted in the outstanding Office action, presumably because a terminal disclaimer was previously filed. However, given the previous claim amendments as well as the amendments in the present response, Applicant respectfully requests that the Office elaborate on its position regarding the propriety of the double patenting rejection.

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VII. **Conclusion**

In view of the above, it is believed that the application is now in condition for allowance and notice to that effect is respectfully requested. If there are questions, the Examiner is encouraged to contact the undersigned at the indicated telephone number.

Respectfully submitted,

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