

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 283108004WO	FOR FURTHER ACTION		See item 4 below
International application No. PCT/US2004/023151	International filing date (<i>day/month/year</i>) 20 July 2004 (20.07.2004)	Priority date (<i>day/month/year</i>) 23 July 2003 (23.07.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant AMERICA ONLINE, INC.			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
<p>3. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35	Date of issuance of this report 23 January 2006 (23.01.2006) Authorized officer <p style="text-align: center; font-size: 1.2em;">Philippe Becamel</p> Telephone No. +41 22 338 70 90
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
STEVEN D. LAWRENZ
PERKINS COIE LLP
P.O. BOX 1247
SEATTLE, WA 98111-1247

Date of mailing
(day/month/year) **18 JAN 2005**

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

283108004WO

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US04/23151

20 July 2004 (20.07.2004)

23 July 2003 (23.07.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): G06F 7/00 and US Cl.: 707/102, 101, 104.1

Applicant

AMERICA ONLINE, INC.

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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Authorized officer

JOHN BREENE

Telephone No. 571-272-2100

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/23151

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

a sequence listing

table(s) related to the sequence listing

b. format of material

in written format

in computer readable form

c. time of filing/furnishing

contained in international application as filed.

filed together with the international application in computer readable form.

furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

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Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-19</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-19</u>	NO
Industrial applicability (IA)	Claims <u>1-19</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

At claim 14, a semicolon is placed at the end of the limitation select...user interface which needs be replaced by a period.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-13 lack novelty under PCT Article 33(2) as being anticipated by Perkes (USPAP 2003/0110503).

1. Perkes anticipated the independent claims 1 and 9 by the following:
defining entities related to said content; categorizing said entities - paragraphs 0012-0013; 0044-0045, 0082.
incorporating said categorized entities into said rules - paragraphs 13, 229, 250, 288.
 2. Perkes anticipated claims 2 and 10 by the following:
the step of searching said data store - pars. 0043, 0230-0234, 0245-0246, 0285.
 3. Perkes anticipated claims 3 and 11 by the following:
wherein said data store comprises one of a hard drive, an optical disc, a floppy disc, a compact disc, a flash card, and a web server -
pars. 0234, 0245-0246.
 4. Perkes anticipated claims 4 and 12 by the following:
defining fields related to data associated with said entities; categorizing said entity associated data in accordance with said fields -
pars. 0043-0045, 0082.
incorporating said categorized entity associated data into said rules - paragraphs 13, 229, 250, 288.
 5. Perkes anticipated claims 5 and 13 by the following:
wherein said data store is at least one of network based and on-demanded television based - pars. 0036-0037, 0040, 0045.
 6. Perkes anticipated claim 6 by the following:
wherein said entities comprise at least one of multimedia, streaming media, content related to multimedia, and content related to
streaming media - paragraph 0045.
 7. Perkes anticipated claim 7 by the following:
wherein said entity associated data comprises metadata related to said entities - the abstract; paragraphs 0012, 0043; 0228; fig. 13.
 8. Perkes anticipated claim 8 by the following:
wherein said metadata is in accordance with at least one of a Dublin Core standard, an MPEG standard, and an XML standard -
paragraphs 0252, 0271, 0290, 0302.
- Claims 14-19 lack novelty under PCT Article 33(2) as being anticipated by Kendall et al. (USPAP 2002/0138449).
9. Kendall et al. teach the independent claim 14 by the following:
data control system with a graphical control interface which allows access to a database - paragraphs 0042-0046; 0054-0058.
entering the metadata used for describing the structured data store - par. 0029.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

wherein a rule is created as to apply the metadata when the rule is true - pars. 0043, 0082, 0108-0109.
storing the metadata and rule in a storage medium - paragraphs 0029,0033.

10. Kendall et al. anticipated claim 15 by the following:
wherein the rule is applied within the workflow of a search engine - pars. 0021-0023, 0052-0054.

11. Kendall et al. anticipated claim 17 by the following:
wherein the user controlled interface displays a data store map of the structure data store that is used for defining the metadata and the rule associated with the structure data store - pars. 0029-0030, 0055.

12. Kendall et al. anticipated claim 18 by the following:
wherein the user interface has an option of entering in the metadata via metadata data types - pars. 0029, 0042-0044, 0048.

13. Kendall et al. anticipated claim 19 by the following:
wherein the defined rule for the structure data store pertains to a selected level of the data store and hierarchical levels below the selected level - pars. 0029-0032; 0043-0044, 0081-0083, 1194, 0108.

Claim 16 lack novelty under PCT Article 33(3) as being anticipated by Kendall et al. (USPAP 2002/0138449) and further in view of Srivastava et al. (US 6549922).

14. As per claim 16, Kendall et al. do not explicitly teach "annotate metadata". However, Srivastava et al. teach "system for collecting, transforming and managing media metadata" - the title. Srivastava et al. teach the transformation of metadata into annotations - col. 4, lines 49-66; cols. 5-6. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Srivastava et al.'s and Kendall et al.'s teachings in order to efficiently allow application programs to access the data store in standard ways to perform data management, search, retrieval, etc...