

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket № 19288US03)

In the Application of:

Scott Krig

Serial No.: 12/195,221

Filed: August 20, 2008

For: METHOD AND SYSTEM FOR
DYNAMICALLY GRANTING A
DRM LICENSE USING A URL

Examiner: Jacob C. Coppola

Group Art Unit: 3621

Confirmation No.: 8078

Electronically Filed on 21-OCT-2010

RESPONSE UNDER 37 C.F.R. § 1.111

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

Dear Sir:

This paper responds to the non-final Office Action mailed August 2, 2010 (“Office Action”) in the above-identified application. The Applicant respectfully submits that the claims of the present application define patentable subject matter and respectfully requests consideration of the following remarks.

Amendments to the Specification begin on page 3 of this paper.

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Amendments to the Claims are reflected in the listing of claims, which begins on page 5 of this paper.

Remarks/Arguments begin on page 15 of this paper.

AMENDMENTS TO THE SPECIFICATION

Please amend the specification as follows:

[0018] The proxy computer 104 may comprise suitable logic, circuitry and/or code to enable management of media content and/or license acquisition for the ~~for the~~ media device 108. In this regard the proxy computer 104 may handle requests and/or responses for the media device 108. The proxy computer 104 may, for example, be a personal computer or laptop. The proxy computer 104 may be communicatively coupled with the media device 108 via wireless, wireline or optical connectivity and the web server 100 via the network 102. In various embodiments of the invention, management of media content and/or license acquisition may be performed directly by the media device 108 and in such instances the proxy computer 104 may be eliminated.

[0019] The media device 108 may comprise suitable logic, circuitry and/or code to manage media content licensing and/or acquisition as well as media content rendering and/or storage. In this regard, the media device 108 may communicate with the web server 100 via the network 102 and optionally the proxy computer 104. The media device 108 may comprise the processor 110a and the memory ~~110b-112~~ that may enable acquisition, storage and/or management of media content data. In addition, the media device 108 may be enabled for wireless, wireline and/or optical communication. The processor 110a may enable downloading of one or more DRM licenses and corresponding media content from the web server 100 via the network 102 and

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optionally the proxy computer 104. The memory 110b may enable storing of media content and one or more databases comprising DRM license information. Moreover, the media device 108 may render the licensed media content via a speaker or listening device 110c and/or visual display 110d. In various embodiments of the invention, the media device 108 may comprise a unique public key infrastructure (PKI) public key and private key and may comprise a unique device ID.

AMENDMENTS TO THE CLAIMS

Claims 1-39 are pending in the instant application. Claims 1-7, 9-12, 14-22, 25, 27-33, and 38 have been amended. Claims 1, 14, and 27 are independent. Claims 2-13, 15-26, 28-39, depend from independent claims 1, 14, and 27, respectively.

The Applicant requests reconsideration of the claims in view of the following amendments reflected in the listing of claims.

Listing of claims:

1. (Currently Amended) A method for communication, the method comprising:

generating at a media device, a URL comprising information that requests a license for DRM protected media content from a web server; and

acquiring said DRM protected media content from said web server utilizing said generated URL.

2. (Currently Amended) The method according to claim 1, wherein information sent from said web server to said media device is encrypted with a Public Key Infrastructure (PKI) public key associated with said media device—~~public infrastructure (PKI) public key.~~

3. (Currently Amended) The method according to claim 1, comprising decrypting, utilizing a PKI private key associated with said media device, information sent from said web server to said media device ~~with said media device PKI private key~~.

4. (Currently Amended) The method according to claim 1, comprising encrypting, utilizing a PKI public key associated with said web server, information sent from said media device to said web server ~~with a web server PKI public key~~.

5. (Currently Amended) The method according to claim 1, wherein information sent from said media device to said web server is decrypted with a PKI private key associated with said web server ~~PKI private key~~.

6. (Currently Amended) The method according to claim 1, wherein said URL comprises ~~a URL for~~ a link to said web server.

7. (Currently Amended) The method according to claim 1, wherein said ~~media device~~ information comprises at least one of identification of said media device ~~identification~~, a PKI public key associated with said media device, ~~PKI public key~~ and a certificate of authority associated with said media device ~~certificate of authority~~.

8. (Original) The method according to claim 1, comprising receiving one or more HTTP responses and/or queries to one or more requests for said DRM protected media content.

9. (Currently Amended) The method according to claim 1, comprising receiving by said media device, from said web server, authentication information and/or a ~~web server~~-PKI public key associated with said web server ~~from said server by said media device.~~

10. (Currently Amended) The method according to claim 1, wherein said web server grants to said media device, a DRM license for gaining access to said media content ~~to said media device.~~

11. (Currently Amended) The method according to claim 1, wherein said generated URL comprises one or more of web server information, media device information, identification of said ~~requested~~ media content, and authentication information.

12. (Currently Amended) The method according to claim 11, wherein said web server authenticates said media device based on one or more of ~~said~~

authentication information comprised within said URL and authentication information sent separately from said URL.

13. (Original) The method according to claim 1, wherein said web server communicates a rejection of said requesting a digital rights management (DRM) license for gaining access to media content via an HTTP response subsequent to receiving said URL that requests DRM protected media content.

14. (Currently Amended) A system for securing media content, the system comprising:

one or more processors in a media device that generates a URL comprising information that requests a license for DRM protected media content from a web server; and

said one or more processors acquires said DRM protected media content from said web server utilizing said generated URL.

15. (Currently Amended) The system according to claim 14, wherein information sent from said web server to said media device is encrypted with a Public Key Infrastructure (PKI) public key associated with said media device—~~public infrastructure (PKI) public key~~ and decrypted with a PKI private key associated with said media device—~~PKI private key~~.

16. (Currently Amended) The system according to claim 14, wherein ~~said at least one or more processors~~ enables decryption, utilizing a PKI private key associated with said media device, of information sent from said web server to said media device ~~with said media device PKI private key.~~

17. (Currently Amended) The system according to claim 14, wherein ~~said at least one or more processors~~ enables encryption, utilizing a PKI public key associated with said web server, of information sent from said media device to said web server ~~with a web server PKI public key.~~

18. (Currently Amended) The system according to claim 14, wherein information sent from said media device to said web server is decrypted with a PKI private key associated with said web server ~~PKI private key.~~

19. (Currently Amended) The system according to claim 14, wherein ~~said web server~~ information comprises a URL for said web server.

20. (Currently Amended) The system according to claim 14, wherein ~~said media device~~ information comprises at least one of identification of said media device ~~identification and said media device,~~ a PKI public key associated with said media

device, and a certificate of authority associated with said media device ~~certificate of authority.~~

21. (Currently Amended) The system according to claim 14, wherein said ~~at least one~~ or more processors enables ~~reception~~ receipt of one or more HTTP responses and/or queries to one or more requests for said DRM protected media content.

22. (Currently Amended) The system according to claim 14, wherein said ~~at least one~~ or more processors enables ~~reception~~ receipt of authentication information and/or a ~~web server~~ PKI public key associated with said web server from said web server by said media device.

23. (Original) The system according to claim 14, wherein said web server grants a DRM license for gaining access to said media content to said media device.

24. (Original) The system according to claim 14, wherein said generated URL comprises one or more of web server information, media device information, identification of said requested media content and authentication information.

25. (Currently Amended) The system according to claim 24, wherein said web server authenticates said media device based on one or more of ~~said~~ authentication information comprised within said URL and authentication information sent separately from said URL.

26. (Original) The system according to claim 14, wherein said web server communicates a rejection of said requesting a digital rights management (DRM) license for gaining access to media content via an HTTP response subsequent to receiving said URL that requests DRM protected media content.

27. (Currently Amended) A machine-readable storage having stored thereon, a computer program having at least one code section for securing media content, the at least one code section being executable by a machine for causing the machine to perform steps comprising:

generating at a media device, a URL comprising information that requests a license for DRM protected media content from a web server; and

acquiring said DRM protected media content from said web server utilizing said generated URL.

28. (Currently Amended) The machine-readable storage according to claim 27, wherein information sent from said web server to said media device is

encrypted with a Public Key Infrastructure (PKI) public key associated with said media device-public infrastructure (PKI) public key.

29. (Currently Amended) The machine-readable storage according to claim 27, wherein said at least one code section comprises code for decrypting, utilizing a PKI private key associated with said media device, information sent from said web server to said media device ~~with said media device PKI private key.~~

30. (Currently Amended) The machine-readable storage according to claim 27, wherein said at least one code section comprises code for encrypting, utilizing a PKI public key associated with said web server, information sent from said media device to said web server ~~with a web server PKI public key.~~

31. (Currently Amended) The machine-readable storage according to claim 27, wherein information sent from said media device to said web server is decrypted with a PKI private key associated with said web server ~~PKI private key.~~

32. (Currently Amended) The machine-readable storage according to claim 27, wherein said URL comprises ~~a URL for~~ a link to said web server.

33. (Currently Amended) The machine-readable storage according to claim 27, wherein said ~~media device~~ information comprises at least one of identification of said media device ~~identification~~, a PKI public key associated with said media device ~~PKI public key and said media device~~, and a certificate of authority associated with said media device.

34. (Original) The machine-readable storage according to claim 27, wherein said at least one code section comprises code for receiving one or more HTTP responses and/or queries to one or more requests for said DRM protected media content.

35. (Original) The machine-readable storage according to claim 27, wherein said at least one code section comprises code for receiving authentication information and/or a web server PKI public key from said server by said media device.

36. (Original) The machine-readable storage according to claim 27, wherein said web server grants a DRM license for gaining access to said media content to said media device.

37. (Original) The machine-readable storage according to claim 27, wherein said generated URL comprises one or more of web server information, media

device information, identification of said requested media content and authentication information.

38. (Currently Amended) The machine-readable storage according to claim 37, wherein said web server authenticates said media device based on one or more of ~~said~~ authentication information comprised within said URL and authentication information sent separately from said URL.

39. (Original) The machine-readable storage according to claim 27, wherein said web server communicates a rejection of said requesting a digital rights management (DRM) license for gaining access to media content via an HTTP response subsequent to receiving said URL that requests DRM protected media content.

REMARKS / ARGUMENTS

The present application includes pending claims 1-39, all of which have been rejected. By this Amendment, claims 1-7, 9-12, 14-22, 25, 27-33, and 38 have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 7, 12, 20, 25, 33, and 38 stand rejected under 35 U.S.C. § 112 as being indefinite. Claims 1, 6-12, 14, 19-25, 27, and 32-38 stand rejected under 35 U.S.C. § 102(e) as being anticipated by USPP 2007/0039055 A1 (“Plastina”). Claims 2-5, 13, 15-18, 26, 28-31, and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Plastina, in view of Official Notice. The Applicant respectfully traverses these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

REJECTION UNDER 35 U.S.C. § 112

Claims 7, 20, and 33 are rejected under 35 U.S.C. § 112 as being indefinite because it is allegedly unclear as to what “said media device information” is referring to. Claims 12, 25, and 38 are rejected under U.S.C. § 112 because it is allegedly unclear as to what “said authentication information” is referring to. The Applicant respectfully traverses this rejection. Nevertheless, the Applicant has amended claims 7, 12, 20, 25,

33, and 38 as set forth above, to further clarify the objected language. The Applicant submits that the rejection under 35 U.S.C. § 112 should be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

I. Plastina Does Not Anticipate Claims 1, 6-12, 14, 19-25, 27, and 32-38

The Applicant turns to the rejection of claims 1, 6-12, 14, 19-25, 27, and 32-38 under 35 U.S.C. § 102(e) as being anticipated by Plastina. With regard to the anticipation rejections under § 102, MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

Without conceding that Plastina qualifies as prior art under 35 U.S.C. § 102(e), the Applicant respectfully traverses this rejection as follows.

A. Rejection of Independent Claims 1, 14, and 27 under 35 U.S.C. § 102(e)

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Plastina does not disclose or suggest at least the limitation of

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“generating at a media device, a URL comprising information that **requests a license for DRM protected** media content from a web server; and acquiring said DRM protected media content from said web server utilizing said generated URL,” as recited by the Applicant in independent claim 1.

The Office Action states the following:

Plastina discloses: generating at a media device (REMOTE PC 102 / 202 - see at least fig. 2), a URL ("URL" is constructed - see at least ¶¶ 0017) comprising information that requests DRM protected media content (DRM protected file 104 - see at least ¶¶ 0016 & 0017) from a web server (SOURCE PC 106 / 206 - see at least FIG. 2 and ¶ 0017); and acquiring said DRM protected media content from said web server utilizing said generated URL (see media streaming 128 in at least fig. 1; see also ¶¶ 0031+).

See Office Action at page 4. The Applicant respectfully disagrees with this analysis.

The Examiner refers for support to paragraphs 0016 and 0017 of Plastina.

Paragraph 0016 of Plastina reads as follows:

[0016] Referring first to FIG. 1, a block diagram is presented to illustrate an exemplary embodiment of a remote device such as remote PC 102 accessing a protected file such as a digital rights management protected file 104 on a source device such as a source PC106. PC 102 is referred to as remote because it is separate in some way from the source PC 106. In this illustration, **it is assumed that a user 108 of the remote PC 102 has the right to access DRM-protected file 104.**

See Plastina, paragraph 0016 (emphasis added).

As it may be clearly seen in paragraph 0016, Plastina discloses that it is assumed that a user of the remote PC, accessing a protected file on the source device,

has the right to access the protected file. However, Plastina does not disclose how a user may **obtain** access to a protected file to which the user does **not** already have the right to access. That is, Plastina does not disclose or suggest at least the limitation of “generating at a media device, a URL comprising information that **requests a license** for DRM protected media content from a web server; and acquiring said DRM protected media content from said web server utilizing said generated URL,” as recited by the Applicant in independent claim 1.

Similarly, Plastina reads as follows:

A source device permits a user of a remote device to access a protected file on the source device **when the user of the remote device has a right to access the protected file**. The user locates the protected file on the source device using the remote device and accesses the protected file using a media player on the remote device. The media player constructs a path by which the source device streams the protected file. The remote device responds to an authentication request from the source device that the user of the remote device has a right to access the protected file. **The user is authenticated to confirm that the user of the remote device has a right to access the protected file**. The protected file is streamed to the remote device via a path constructed by the remote device

See Plastina at Abstract (emphasis added).

As it may be clearly seen in the Abstract, Plastina relates to file access where the user of the remote device already has the right to access a protected file. In Plastina, the user is authenticated to **confirm** that the user has the right to access the protected file. In other words, Plastina discloses the **verification of pre-existing rights**. However, Plastina does not disclose how a user may **obtain** access to a protected file

to which the user does **not** already have the right to access. Therefore, Plastina does not disclose or suggest at least the limitation of “generating at a media device, a URL comprising information that **requests a license** for DRM protected media content from a web server; and acquiring said DRM protected media content from said web server utilizing said generated URL,” as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Plastina and is allowable. Independent claims 14 and 27 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 14 and 27 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 6-12, 19-25, and 32-38

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 14, and 27 under 35 U.S.C. § 102(e) as being anticipated by Plastina has been overcome and requests that the rejection be withdrawn. Additionally, claims 6-12, 19-25, and 32-38 depend from independent claims 1, 14, and 27 respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 6-12, 19-25, and 32-38.

REJECTION UNDER 35 U.S.C. § 103

The MPEP states the following regarding the requirements for establishing a *prima facie* case of obviousness:

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."

See the MPEP at § 2142, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006), and *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval). "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art" See *id.*, § 2143.01. Furthermore, in order to render the claims obvious, the asserted prior art combination must **teach or suggest each and every claim feature**. See *In re Royka*, 490 F.2d 981 (CCPA 1974) (to establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggested by the prior art)¹; see also *In re Wada and Murphy*, Appeal 2007-3733, citing *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (A proper obviousness determination requires that an Examiner make "a searching comparison of the claimed invention – **including all its limitations** – with the teaching of the prior art.")

¹ Emphasis added except where noted otherwise.

If a *prima facie* case of obviousness is not established, the Appellant has no obligation to submit evidence of nonobviousness:

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

See MPEP at § 2142.

With these principles in mind, the Applicants now turn to the claim rejections in particular.

II. The Proposed Combination of Plastina and Official Notice Does Not Render Claims 2-5, 13, 15-18, 26, 28-31, and 39 Unpatentable

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 14, and 27 under 35 U.S.C. § 103(a) as being anticipated by Plastina has been overcome and requests that the rejection be withdrawn. Additionally, since the additional cited reference (Official Notice) does not overcome the deficiencies of Plastina, claims 2-5, 13, 15-18, 26, 28-31, and 39 depend from independent claims 1, 14, and 27, respectively, and are, consequently, also respectfully submitted to be allowable based on the above arguments. The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-5, 13, 15-18, 26, 28-31, and 39.

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In general, the Office Action makes various statements regarding claims 1-39 and the cited references, which statements are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

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CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-39 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8000.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: October 21, 2010

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