EXHIBIT X

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September 21, 2007

Via E-Mail

Christopher J. Harnett
Fish & Neave IP Group of Ropes & Gray LLP
1211 Avenue of the Americas
New York, NY 10036

Re: TV Guide Online v. Tribune Media Services

Dear Chris:

I write to confirm the disputed claim construction issues for the upcoming briefing in this matter.

First, please confirm whether TV Guide will agree to drop any of the asserted claims in an effort to narrow the disputed issues between the parties. If TV Guide will not so agree, TMS understands that claims 1-8 and 10 of the '078 patent are being asserted.

Second, TMS understands that the terms listed on the attached chart are being disputed by the parties. The only term for which TV Guide previously proposed a construction that is not identified on this chart is "controller." TMS will agree to TV Guide's proposed construction: "a programmable electronic device." TMS confirms that its position is that the remaining terms in the asserted claims should be given their plain and ordinary meaning. Please let us know if TV Guide's understanding regarding these disputed terms is different so that we may resolve any differences promptly.

Sincerely,

Meredith Zinanni

cc: Stuart Yothers

TV Guide v. TMS: Proposed Claim Constructions as of September 21, 2007

Term	Claims	TV Guide Proposed Constructions	TMS Proposed Constructions
viewing location	1-7	residence or other building at which a television signal can be received	the specific room within a building where a television set is positioned and watched
transmitting transmit	1-7 8, 10	sending electronically send electronically	making an affirmative indication make an affirmative indication
receiving receive	1-7 8, 10	receiving electronically receive electronically	no construction necessary; see "receiving … information" constructions below
receiving … information specific to the type of programming available to the particular viewing location receiving … television programming schedule information specific to the viewing location receive … the information specific to the type of television programming available to the receiver	1-5 6-7 8, 10	no construction necessary; see "receive" construction above	having data transferred to a computer such that a user can perform database-type manipulations directly on the transferred data without being connected to the original source of the data having data transferred to a computer such that a user can perform database-type manipulations directly on the transferred data without being connected to the original source of the data having data transferred to a computer such that a user can perform database-type manipulations directly on the transferred data without being connected to the original source of the data
modem	1-8, 10	data signal conversion device that connects data terminal equipment to a communication line	a data signal conversion device that converts digital signals to analog signals (and vice versa) and allows a computer to exchange data over a standard dial-up telephone line
controller being programmed to perform	8, 10	no construction necessary; plain and ordinary meaning	computer application programs are installed on the controller prior to its user by a user to perform

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TV Guide v. TMS: Proposed Claim Constructions as of September 21, 2007

Term	Claims	TV Guide Proposed Constructions	TMS Proposed Constructions
information … regarding the geographical location of the particular viewing location	1-5	geographical information regarding the residence or other building at which a television signal can be received	any information, irrespective of how the information is encoded, that expressly indicates in geographic language (e.g., name of a continent, country, province, state, city, town, region, street address, zip code, area code, etc.) the approximate portion of the planet in which the particular viewing location is located
information … regarding the geographical area of the viewing location	6-7	geographical information regarding the residence or other building at which a television signal can be received	any information, irrespective of how the information is encoded, that expressly indicates in geographic language (e.g., name of a continent, country, province, state, city, town, region, street address, zip code, area code, etc.) the approximate portion of the planet in which the viewing location is located
information … pertaining to the geographic location of the television receiver	8, 10	geographical information pertaining to the residence or other building at which a television receiver is located	any information, irrespective of how the information is encoded, that expressly indicates in geographic language (e.g., name of a continent, country, province, state, city, town, region, street address, zip code, area code, etc.) the approximate portion of the planet in which the television receiver is located

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EXHIBIT Y

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September 27, 2007

Via E-Mail

Christopher J. Harnett
Fish & Neave IP Group of Ropes & Gray LLP
1211 Avenue of the Americas
New York, NY 10036

Re: TV Guide Online v. Tribune Media Services

Dear Chris:

I write in response to your letter from earlier today.

TMS cannot provide "unequivocal written assurance" that the plain and ordinary meaning of the terms for which constructions were previously proposed do not "include any of the definitions that TMS previously proposed," as you request, because TMS does not fully understand your request. For the majority of these terms, TMS is of the view that its previously proposed constructions were consistent with the plain and ordinary meaning of the term. TV Guide appeared to be of the same view, as TV Guide's expert did not identify any substantive dispute between the parties regarding the constructions of "available to a particular one of the viewing locations," "operator input," "memory for storing the information," "receive information through the operator input," or "electronic terminal unit."

It appears from your objections, however, that TV Guide has a different view regarding the plain and ordinary meaning of these terms. TMS will not agree to limit its ability to put forth arguments or testimony regarding the proper construction of these terms without further clarification from TV Guide regarding its objection.

Again, to ensure that the parties are on the same page, here are the terms in the disputed claims for which TMS previously proposed a construction and is now proposing have their plain and ordinary meaning:

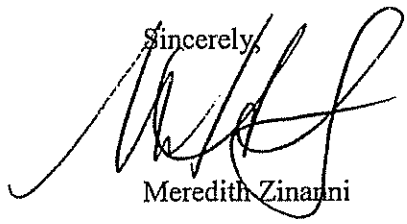
- "available to a particular one of the viewing locations"
- "operator input"
- "schedule of the television programming"

- "memory for storing the information"
- "download"
- "receive information through the operator input"
- "wide area network"
- "electronic terminal unit"

Additionally, we have agreed to TV Guide's proposed construction of "controller" to be a "programmable electronic device."

If TV Guide can provide a more focused request clarifying where it believes TMS's previous proposed constructions conflict with the plain and ordinary meaning of these terms, TMS will gladly consider it in order to resolve this issue. However, TMS cannot agree to make a blanket assurance that there is no overlap between the plain and ordinary meaning of these claim terms and the constructions previously proposed by TMS.

Sincerely,



Meredith Zinanni

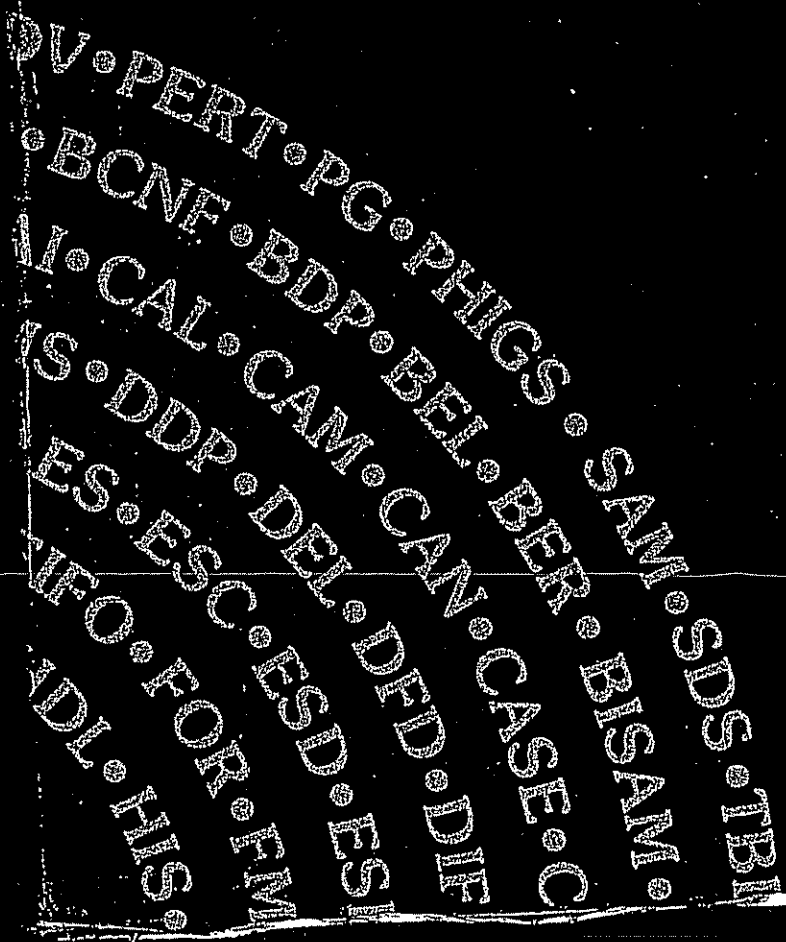
cc: Frederick Cottrell III
Richard Herrmann

EXHIBIT Z

IEEE Std 100-1992

The New IEEE Standard Dictionary of Electrical and Electronics Terms

Fifth Edition
Newly Revised and Expanded





Published by the Institute of Electrical and Electronics Engineers, Inc.

IEEE Std 100-1992

The New IEEE Standard Dictionary of Electrical and Electronics Terms

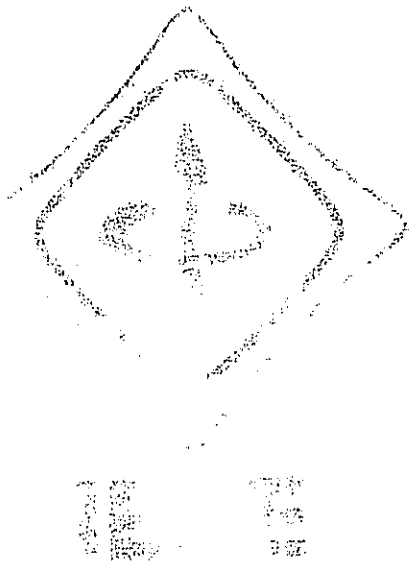
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Fifth Edition

Gediminas P. Kurpis, Chair

Christopher J. Booth, Editor

IEEE



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January 15, 1993

SH15594

Acronyms and Abbreviations

The Acronyms and Abbreviations Section was added to this dictionary to help the user identify some of the acronyms and abbreviations that have become part of the engineering vocabulary. It is not intended to aid in the proliferation or creation of new acronyms and abbreviations or to encourage their indiscriminate usage.

0V RTN: zero volt return (signal ground reference)

1GL: first generation language

2GL: second generation language

3GL: third generation language

4GL: fourth generation language

5GL: fifth generation language

A

A/m: ampere per meter (unit of magnetic field strength)

A/N: alphanumeric

A: ampere

A: asynchronous (type of line)

AAAS: American Association for the Advancement of Science

AAES: American Association of Engineering Societies

AB: Aeronautical Board

ABC: automatic bandwidth control

ABC: automatic brightness control

ABM: asynchronous balanced mode

AC: Advisory Committee

AC: analog computer

AC: automatic control

ac: alternating current

ACA: adjacent channel attenuation

ACB: air circuit breaker

ACI: automatic card identification

ACO: alarm cut-off

ACS: auxiliary cooling system

ACS: auxiliary core storage

ACSR: aluminum cable steel reinforced

ACT: automatic code translation

ACU: automatic calling unit

ACUI: automatic calling unit interface

ACV: alarm check valve

A-D: analog to digital

ADC: analog-to-digital converter

ADC: automatic data collection

ADL: automatic data link

ADMSC: automatic digital message switching centers

ADP: automatic data processing; automated data processing; administrative data processing

ADPC: automatic data processing center

ADS: automatic depressurization system

ADU: automatic dialing unit

AEC: American Engineering Council

AEC: Atomic Energy Commission

AES/CoS: Control Systems Panel (IEEE. AES)

AES/CrS: Crew Stations Panel (IEEE. AES)

AES/ETS: Electrical Test Systems Panel (IEEE. AES)

AES/GAP: Gyro Accelerometer Panel (IEEE. AES)

AES/GTF: Ground Test Facilities Panel (IEEE. AES)

AES/IA: Integrated Avionics Panel (IEEE. AES)

AES/ISS: Inertial Sensors and Systems Panel (IEEE. AES)

AES/MEP: Mobile Electric Power Panel (IEEE. AES)

AES/RN: Radar Navigation Panel (IEEE. AES)

AES/RS: Radio Systems Panel (IEEE. AES)

AES/SS: Space Systems Panel (IEEE. AES)

AF: audio frequency

AFB: antifriction bearing

AFC: automatic frequency control

AFS: audio frequency shift

AGA: American Gas Association

AGC: automatic gain control

AGDS: American Gage Design Standard

AH: ampere hour

AI: artificial intelligence

AICE: American Institute of Consulting Engineers

AIChE: American Institute of Chemical Engineers

AIME: American Institute of Mechanical Engineers

AIS: alarm indication signal

AKWIC: author and keyword in context

ALC: automatic load control

ALD: analog line driver

ALP: automated language processing

IROD: instantaneous readout detector
IRS: isotope removal service
IS: incomplete sequence (relay)
IS: information science
IS: information separator
IS: interference suppressor
ISA: international standard atmosphere
ISAM: indexed sequential access method
ISB: independent sideband
ISD: International Subscriber Dialing
ISDN: integrated services digital network
ISFET: ion-sensitive field-effect transistor
ISI: in-service inspection
ISI: intersymbol interference
ISL: integrated Schottky logic
ISO: International Organization for Standardization
ISP: information structure perspective
ISR: interrupt service routine
ISS: information storage system
ISSN: international standard serial number
IST: international standard thread (metric)
IT: Information Theory (IEEE Society)
IT: input translator
IT: instantaneous trip (device)
IT: insulating transformer
ITV: industrial television
IU: interference unit
IUNDH: in-service unit derated hours
IV&V: independent verification and validation
IV: intermediate voltage
IZ: isolation zone

J

J/g: joules/gram
J/I: power-to-current transducer
J: joule
JCL: job control language
JI: power indicator
JR: power recorder
JSAC: Journal for Selected Areas in Communication (IEEE)

K

K: cathode (vacuum tube)
K: kelvin
k: Boltzmann's constant
k: kilo- (prefix for 10^3)
KAS: keep alive signal
KDR: keyboard data recorder
KE: kinetic energy
keV: kilo-electron-volt
kgm: kilogram-meter
kg/m³: kilogram per cubic meter
kHz: kilohertz
KLIC: key letter in context
kMc: kilomegacycle (obsolete)—use gigahertz (GHz)
KOPS: kilo-operations per second—i.e., thousands of operations per second
KPIC: key phrase in context
kvar: kilovar
KWAC: keyword and context
kWh: kilowatt-hour
KWIC: keyword in context
KWOC: keyword out of context

L

L/M: lines per minute
LAN: local area network
LANNET: large artificial neuron network
LAPD: limited axial power distribution
Laser: light amplification by stimulated emission of radiation
lb: pound (1 lb = 16 ounces = 453.59 grams)
LBO: line buildout
LC-MARC (or LCMARC): Library of Congress MAchine-Readable Cataloging
LC: inductance-capacitance
LC: level control
LC: line connector
LC: line of communication
LC: liquid crystals
LCC: life cycle cost
LCD: liquid crystal display
LCS: loop control system

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stry standards
ng-edge
EEE Standards
45 Hoes Lane
P.O. Box 1331
NJ 08855-1331 USA
formation on IEEE
d programs, please
0; 678-IEEE.

LD: level drive
LD: long distance
LDB: light distribution box
LDC: line drop compensator
LDDS: low density data system
LDR: low data rate
LED: light-emitting diode
LEF: light-emitting film
LEO: Lasers and Electro-Optics (IEEE Society)
LF: low frequency (30 to 300 kHz)
LFC: laminar flow control
LFO: low-frequency oscillator
LH: left-hand
LH: liquid hydrogen
LHC: level hand/automatic control station
LI: Longitudinal Interference Working Group (IEEE, COM)
LIFO: last-in, first-out
LKY: Lefschetz-Kalman-Yakubovitch (lemma)
LL: low level
llc: logical link control
LMS: least-mean-square
ln: natural logarithm (base e = 2.7183...)
LO: local oscillator
LO: lock-on
LO: lunar orbiter
LOF: loss of flow
LOF: loss of frame
LOF: lowest operating frequency
LOFA: loss of frame alignment
log: logarithm (base 10)
LORAN: long range navigation
LOS: line of sight
LOS: loss of signal
LOX: liquid oxygen
LP: linear programming
LP: low pass
LP: low pressure
LPD: linear power density
LPM: lines per minute
LR: level recorder
LR: load ratio
LS: level switch
LSAP: link layer service access point
LSB: least significant bit
LSB: low speed breaker (relay)
LSB: lower sideband
LSD: low-speed data
LSI: large scale integration
LSM: linear synchronous motor
LSR: load shifting resistor
LSTTL: low-level Schottky transistor-transistor logic
LT: level transmitter
LT: line telecommunications
LT: low tension
LTC: long time constant
LTS: long-term stability
LTTL: low-power transistor-transistor logic
LV: low voltage
LVDT: linear variable differential transformer
LVP: low voltage protection
lx: lux (1 lux = 1 lumen/m^2)

M

M: mega - (prefix for 10^6)
m: milli - (prefix for 10^{-3})
MAC: media access control
MAC: Membership Affairs Council (IEEE COM)
MAD: multiple access device
MAG/ET: Electronic Transformers Committee (IEEE, IM)
MAG/Mag Rec: Magnetic Recording Committee (IEEE, MAG)
MAG/Relay Mag: Relay Magnetics Committee (IEEE, IM)
MAG: Magnetics (IEEE Society)
MAGAMP: magnetic amplifier
MAN: metropolitan area network
MAR: memory address register
MARC: MAchine Readable Cataloging
MASER: microwave amplification by stimulated emission of radiation
MAT: machine-aided translation
MAU: medium attachment unit
max: maximum
Mb/s: megabits per second
MBD: magnetic-bubble device
MBM: magnetic bubble memory
MBT: metal-base transistor
MC: magnetic core

USITA: United States Independent Telephone Association
USNC: United States National Committee (IEC)
USWB: U.S. Weather Bureau
UT: universal time
UV: ultraviolet
UV: under voltage

V

V: volt, voltmeter, vacuum tube (in U.K., valve)
VA: Veterans Administration
VA: voltampere
VAM: voltammeter
V&V: verification and validation
VARACTOR: variable-reactance diode
VARISTOR: variable resistor
VBD: voice band data
VBD: voice band data
VC: voice coil
VC: voice conference
Vc: voltage common
VCCS: voltage-controlled current source
VCD: variable capacitance diode
VCM: common mode voltage
VCO: voltage-controlled oscillator
VCR: video cartridge (cassette) recorder
V/D: voice/data
Vdc: volts dc
VDD: version description document
VDM: differential mode voltage
VF: variable frequency
VF: voice frequency
VFO: variable frequency oscillator
VFR: visual flight rules
VHF: very high frequency
VLF: very low frequency (3 to 30kHz)
VLSI: very large scale integration
VM: velocity modulation
VM: voltmeter
VMOS: virtual memory operating system
VN: noise voltage
VOCODER: voice-operated coder
VP: vertical polarization
VP: voltage plus
VR: voltage regulator
VS: signal voltage
VS: variable speed
VSAM: virtual sequential access method
VSB: vestigial sideband
VT: vacuum tube
VT: Vehicular Technology (IEEE Society)
VT: vertical tabulation character
VT: virtual tributary
VT: voltage transformer
VT/Lnd: Land Transportation Committee (IEEE, VT)
VU: voice unit

W

W: watt
W: write
WADEX: word and author index
WAN: wide area network
WATS: wide area telephone service
WB: wide band
WBD: wide-band data
WBDL: wide-band data link
WDM: wavelength division multiplexing
WG: waveguide
WG: wire gage
WM: wattmeter
WP: word processing; word processor
WPM: words per minute
WPOM: word processing output microfilm
WPS: words per second
WW: wire-wound

X

X ray: energetic high-frequency electromagnetic radiation
XCONN: cross connection
XO: crystal oscillator
XOR: exclusive OR
XTAL: crystal

imation, representation, or idealization of selected aspects of the structure, behavior, operation, or other characteristics of a real-world process, concept, or system. *Note:* Models may have other models as components. (B) To serve as a model as in (A). (C) To develop or use a model as in (A). 610.3-1989

(4) (computer graphics). An accurate and complete graphical representation of an object. *See also:* **modeling system.** 610.6-1991

modeling. Technique of system analysis and design using mathematical or physical idealizations of all or a portion of the system. Completeness and reality of the model are dependent on the questions to be answered, the state of knowledge of the system, and its environment. *See:* **system.** [63]

modeling system. A system in which a computer graphics model can be defined or transformed using world coordinates. 610.6-1991

model space. The coordinate system used by a computer graphics model. 610.6-1991

model validation. The process of determining the degree to which the requirements, design, or implementation of a model are a realization of selected aspects of the system being modeled. *See also:* **fidelity.** *Contrast with:* **model verification.** 610.3-1989

model verification. The process of determining the degree of similarity between the realization steps of a model; for example, between the requirements and the design, or between the design and its implementation. *Contrast with:* **model validation.** 610.3-1989

modem (1) (data transmission). A contraction of MOdulator-DEModulator, an equipment that connects data terminal equipment to a communication line. [599-1985w]

(2) (supervisory control, data acquisition, and automatic control). A MOdulator/DEModulator device which converts serial binary digital data to and from the signal form appropriate for the respective communication channel. C37.1-1987

(3) (broadband local area networks). A modulator-demodulator device. The modulator encodes digital information onto an analog carrier signal by varying the amplitude, frequency, or phase of that carrier. The demodulator extracts digital information from a similarly modified carrier. A modem transforms digital signals into a form suitable for transmission over an analog medium. 802.7-1989

mode mixer. *See:* **mode scrambler.** 812-1984

mode of operation (rectifier circuit). The characteristic pattern of operation determined by the sequence and duration of commutation and conduction. *Note:* Most thyristor converters and rectifier circuits have several modes of operation, which may be identified by the shape of the current wave. The particular mode obtained at a given load depends upon the circuit constants. *See:* **rectification; rectifier circuit element.** 444-1973

mode of propagation (waveguides). A form of propagation of guided waves that is characterized by a particular field pattern in a plane transverse to the direction of propagation, which field pattern is independent of position along the axis of the waveguide. *Note:* In the case of uniconductor waveguides the field pattern of a particular mode of propagation is also independent of frequency. *See:* **waveguide.** 146-1980w, 148-1959w

mode of propagation, ionospheric. Representation of a transmission path by the number of hops between the end points of the path, the ionospheric layers producing the ionospheric reflections being indicated for each hop. Example: 1F + 1E represents a hop with an ionospheric reflection in the F region followed by a reflection at the ground, followed, in turn, by a hop with a reflection from the E region. 211-1990

mode of propagation. A form of electromagnetic wave than can advance and can transport energy along the axis of a transmission line without change in the form of the electromagnetic field pattern in successive transverse sections (except for a monotonic decrease in amplitude along the direction of propagation, due to energy dissipation, which is present to some degree in every transmission line). 1004-1987

mode of resonance (waveguide). A form of natural electromagnetic oscillation in a resonator, characterized by a particular field pattern. 146-1980w

mode of vibration (vibratory body, such as a piezoelectric crystal unit). A pattern of motion of the individual particles due to (1) stresses applied to the body; (2) its properties; and (3) the boundary conditions. Three common modes of vibration are (A) flexural, (B) extensional, and (C) shear. *See:* **crystal.** [119]

mode scrambler (fiber optics). (A) A device for inducing mode coupling in an optical fiber. (B) A device composed of one or more optical fibers in which strong mode coupling occurs. *Note:* Frequently used to provide a mode distribution that is independent of source characteristics or that meets other specifications. *Syn:* **mode mixer.** *See:* **mode coupling.** 812-1984

mode shape. A plot of the displacements of various points in which the vibrating structure at a particular instant in time. *Note:* With each natural frequency of a vibrating structure there is associated a characteristic mode shape. C37.122-1983

mode stripper. *See:* **cladding mode stripper.**

mode transducer (waveguide components). A device for transforming an electromagnetic

puter program; execution; instruction; proof of correctness. 729-1983

program level. The magnitude of program in an audio system expressed in volume units. 151-1965w

program library (software). *See:* **software library.** 610.12-1990

program listing. A printout or other human readable display of the source and, sometimes, object statements that make up a computer program. 610.12-1990

programmable (programmable instrumentation). That characteristic of a device that makes it capable of accepting data to alter the state of its internal circuitry to perform a specific task(s). 488.1-1987

programmable breakpoint. A breakpoint that automatically invokes a previously specified debugging process when initiated. *See also:* **code breakpoint; data breakpoint; dynamic breakpoint; epilog breakpoint; prolog breakpoint; static breakpoint.** 610.12-1990

programmable controller. Solid state control system with programming capability that performs functions similar to a relay logic system. 1020-1988

programmable digital computer (programmable digital computer systems in safety systems of nuclear power generating stations). A device that can store instructions and is capable of the execution of a systematic sequence of operations performed on data that is controlled by internally stored instructions. 7432-1982w

programmable equipment (supervisory control, data acquisition, and automatic control). A remote or master station having one or more of its operations specified by a program contained in a memory device. [illegible]-1987

programmable measuring apparatus (programmable instrumentation). A measuring apparatus that performs specified operations on command from the system and may transmit the results of the measurement(s) to the system. 488.1-1987

programmable stimuli (test, measurement, and diagnostic equipment). Stimuli that can be controlled in accordance with instructions from a programming device. [2]

programmed check. A check procedure designed by the programmer and implemented specifically as a part of his program. *See:* **check, automatic; check problem; mathematical check.** [20], [85]

programmed control (industrial control). A control system in which the operations are determined by a predetermined input program from cards, tape, plug boards, cams, etc. *See:* **control system, feedback.** [60]

programmed instruction. A self-instructional method using materials that lead the student through a systematic sequence of steps to a predetermined learning objective. 610.2-1987

programmer (1) (power switchgear). An arrangement of operating elements or devices that initiates, and often controls, one or a series of operations in a given sequence. C37.100-1981

(2) (test, measurement, and diagnostic equipment). (A) A device having the function of controlling the timing and sequencing operations; and (B) a person who prepares sequences of instructions for a programmable machine. [2]

programmer-comparator (test, measurement, and diagnostic equipment). (A) A device that reads commands and data from a sequential program usually on tape or cards; (B) sets up delays, switching, and stimuli, and performs measurements as directed by the program; and (C) compares the results of each measurement with fixed programmed tolerance limits to arrive at a decision. Often numerous other operations, such as branching on no-go or other conditions, are included. [2]

programmer manual. A document that provides the information necessary to develop or modify software for a given computer system. Typically described are the equipment configuration, operational characteristics, programming features, input/output features, and compilation or assembly features of the computer system. *See also:* **diagnostic manual; installation manual; operator manual; support manual; user manual.** 610.12-1990

Programmer's Hierarchical Interactive Graphics System (PHIGS). A computer graphics standard that provides a complete graphics system designed for interactive three-dimensional applications using complex data structures and modeling. It was developed by the American National Standards Institute (ANSI). 610.6-1991

programming (1) (electronic computation). The ordered listing of a sequence of events designed to accomplish a given task. *See:* **linear programming; multiprogramming; automatic programming.** [2], [61], [84]

(2) (power supplies). The control of any power-supply functions, such as output voltage or current, by means of an external or remotely located variable control element. Control elements may be variable resistances, conductances, or variable voltage or current sources. *See:* **power supply.** [41]

programming delay (power switchgear). A relay whose function is to establish or detect electrical sequences. C37.100-1981

programming language (software). A language used to express computer programs. *See also:* **assembly language; high-order language;**

EXHIBIT AA

GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C. 280 N. OLD WOODWARD AVENUE, STE. 400, BIRMINGHAM, MICHIGAN 48009-5394 (248) 647-6000

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OIPE JC61
MAY 20 1999
PATENT & TRADEMARK OFFICE

In re application of: Levine

Serial No.: 08/947,950 Group No.: 2782

Filed: Oct. 9, 1997 Examiner: 2782

For: PERSONAL COMPUTER-BASED TELEVISION SCHEDULE GUIDE AND CONTROLLER FOR VIDEO RECORDER

RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed February 19, 1999, the Examiner's attention is directed to the remarks below.

Remarks

All of the claims of this application are being resubmitted in unamended form in view of the following remarks.

Claims 19-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Young ('121 of record). Applicant respectfully disagrees with the Examiner's interpretation of the Young patent, and submits that obviousness is precluded in this case.

All of Applicant's independent claims include the limitation, in one form or another, of transmitting, from a computerized unit situated at a viewing location, information regarding geographical location. The Young patent does not disclose or suggest such a limitation. The Examiner argues that the Young patent teaches "transmitt[al of], from the computerized unit, information to a service provider (Compuserve or The Source-- col. 22 lines 1-9) regarding the geographic location (locality-- col. 22

lines 1-9) of the particular viewing location." However, retrieval of information from a database does not, by definition, include or even suggest transmittal of a viewer's geographic location. The '121 patent describes the process of "download[ing] the program schedule information for his or her locality" (Young patent-- col. 22, ln. 5-7). This description does not imply transmitting particular geographical location information. Most database applications allow a user to passively select information from a list/menu, or to search a database without transmitting location-specific information. Such applications provide choices from which a user may select without transmitting a request.

In contrast, Applicant's claim 19 clearly sets forth the active transmittal of "geographical location of the particular viewing location." This language explicitly requires data transmission from the user "to a wide-area-network through [a] modem" before retrieval of the desired information can occur. The user of Applicant's device must transmit an affirmative indication of his viewing location before receiving programming data. Although the Young patent specification considers user inputs to a "utility's mainframe for running a selection program on the mainframe" (col. 22, ln. 3-4), and this may occur via a modem, it does not require a user's geographical input.

Since it Applicant's position that all of the independent claims distinguish over the Young patent, Applicant need not argue the dependent claims separately. Nevertheless, with specific reference to dependent claims 20 and 25, the Examiner concedes that

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Young does not teach using zip codes, but contends that such a teaching would be "obvious to one of skill in the art." Applicant disagrees and requests that the Examiner either find a reference addressing the limitations of claims 20 and 25, or withdraw the rejection. MPEP §2143, *et seq.*

Based upon the foregoing comments, Applicant believes all pending claims 19-28 continue to be in condition for allowance, and notice to that affect is solicited at this time. Questions regarding this application should be directed to the undersigned attorney at the telephone and facsimile numbers provided.

Respectfully submitted,

By: _____

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Date: May 17, 1999

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 5/18/99

Sheryl L. Hammer

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