Nos. 2021-2191, 21-2192, 21-2193, 21-2195, 21-2196, 21-2197, 21-2198, 21-2199, 21-2200

United States Court of Appeals For The Federal Circuit

RECEIVED
AUG 17
United States Court of Appeals
For The Federal Circuit

COOLTVNETWORK.COM

Plaintiff-Appellant

v.

BLACKBOARD, INC., META PLATFORMS, INC., FKA FACEBOOK, INC., INTERNATIONAL BUSINESS MACHINES CORPORATION, KALTURA, INC., EDGIO, INC., MICROSOFT CORPORATION, OOYALA, INC., SNAP INC., TRAPELO CORP.,

Defendants-Appellee

Appeals from the United States District Court for the District of Delaware in Nos. 1:19-cv-00291-LPS-JLH, 1:19-cv-00292-LPS-JLH, 1:19-cv-00293-LPS-JLH, 1:19-cv-00294-LPS-JLH, 1:19-cv-00295-LPS-JLH, 1:19-cv-00296-LPS-JLH, 1:19-cv-00297-LPS-JLH, 1:19-cv-00534-LPS-JLH, 1:19-cv-00535-LPS-JLH, The Honorable Judge Leonard P. Stark.

PETITION FOR REHEARING & REHEARING EN BANC OF APPELLANT COOLTVNETWORK.COM

Date: August 16, 2022

FRANZ WAKEFIELD, PRO SE
COOLTVNETWORK.COM
4 WEST LAS OLAS BLVD; STE: 1206
FORT LAUDERDALE, FL. 33301

Pro Se for Appellant COOLTVNETWORK.COM

CERTIFICATE OF INTEREST

Pro Se for the Appellant COOLTVNETWORK.COM, certifies:

1. The full name of every party or amicus represented by me is:

   COOLTVNETWORK.COM

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

   FRANZ A. WAKEFIELD[1]

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

   None/Not Applicable.

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

   Devlin Law Firm LLC -- Timothy Devlin

   Hansley Law Firm, PLLC -- Austin Hansley

   O'Kelly & O'Rourke, LLC -- George Pazuniak

5. The title and number of any case known to counsel to be pending in this or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. *See* Fed. Cir. R. 47. 4(a)(5) and 47.5(b). (The parties should attach continuation pages as necessary).

   None/Not Applicable

Dated: **August 16, 2022** By: _____

FRANZ A. WAKEFIELD, Pro Se
Appellant COOLTVNETWORK.COM

---

[1] The Court has applied state law to find that "[a] sole proprietorship has no legal identity separate from that of the individual who owns it." *Siegler v. Sorrento Therapeutics, Inc.*, No. 2020-1435, at *19 (Fed. Cir. July 20, 2021) (citations omitted) (nonprecedential) *see also Carty v. Beech Aircraft Corp.*, 679 F.2d 1051, 1065 (3d Cir. 1982) ("a sole proprietorship has no legal existence apart from its owner.").

TABLE OF CONTENTS

CERTIFICATE OF INTEREST i

TABLE OF CONTENTS ii

TABLE OF AUTHORITIES ..... iii-iv

STATEMENT OF COUNSEL PURSUANT TO FEDERAL CIRCUIT RULE 35(b) v

POINTS OF LAW OR FACT OVERLOOKED OR MISAPPREHENDED BY THE PANEL 1

ARGUMENT IN SUPPORT OF REHEARING EN BANC 1-2

I. Argument in Support of Rehearing and Rehearing En Banc 2

II. Any General-Purpose Computer with a Browser Can Launch a URL 6

III. A Cursor is Indicative of a Mouse, and Clicking is a Coextensive Function 11

CONCLUSION 15

CERTIFICATE OF SERVICE ..... a

CERTIFICATE OF COMPLIANCE ..... b

Addendum c

Decision ..... d

United States Patent №: 7,162,696 ..... e

TABLE OF AUTHORITIES

Cases

Apple Inc. v. Motorola Inc., 757 F. 3d 1286, 6-7 (Fed. Cir. 2014).....7

Apple v. Samsung Electronics Co., 839 F. 3d 1034, 5 (Fed. Cir. 2016).....2

BASF Corp. v. Johnson Matthey Inc., 875 F. 3d 1360, 1365 (Fed. Cir. 2017) 12

Carty v. Beech Aircraft Corp., 679 F. 2d 1051, 1065 (3d Cir. 1982).....i

Core Wireless Lic. v. LG Elec., Inc., 880 F. 3d 1356 (Fed. Cir. 2018)...iv, 8, 11, 14

DDR Holdings, LLC v. Hotels.com, 773 F. 3d 1245, 157(Fed. Cir. 2014).....13

EON Corp., Ip Hldgs. v. AT&T Mobility., 785 F. 3d 616 (Fed. Cir. 2015).....iv, 14

Ergo Lic. LLC., v. Carefusion 303 Inc., 673 F. 3d 1361 (Fed. Cir. 2012).....iv, 10

Katz Interactive Call Processing, 639 F. 3d 1303 (Fed.Cir. 2011).....iv, 14

Nautilus II, 134 S. Ct. at 2124 .....2, 15

Seymour v. Osborne, 11 Wall 516, 546 (1871).....10

Siegler v. Sorrento Therapeutics, Inc., No. 2020-1435, at *9 (Fed. Cir. 7/20/21)...i

Teva Pharm. U.S. v. Sandoz, Inc., 574 U.S. 318 (2015).....iv

Typhoon Touch Inc. v. Dell Inc., 659 F. 3d 1376, 1385 (Fed. Cir. 2011).....iv, 15

Statutes

35 U.S.C. § 101.....12

35 U.S.C. § 112 ¶ 2.....iv, 2

35 U.S.C. § 112 ¶ 6.....1-5, 15

35 U.S.C. § 282(a).....12

Fed. R. Civ. P. 52(a)(6).....2

STATEMENT OF COUNSEL PURSUANT TO FEDERAL CIRCUIT RULE 35(B)

Based on my professional judgment, I believe the panel decision is contrary to the following decision of the Supreme Court of the United States and precedents of this Court: *Teva Pharm. U.S. v. Sandoz, Inc.*, 574 U.S. 318 (2015); *EON Corp., IP Holdings LLC v. AT&T Mobility LLC.*, 785 F.3d 616 (Fed. Cir. 2015); *Katz Interactive Call Processing*, 639 F.3d 1303 (Fed. Cir. 2011); *Ergo Licensing LLC v. CareFusion 303, Inc.*, 673 F. 3d 1361, (Fed. Cir. 2012); and *Core Wireless Licensing v. LG Electronics, Inc.*, 880 F. 3d 1356 (Fed. Cir. 2018), thus consideration by the full court is therefore necessary to secure and maintain uniformity of the Court's decisions;

Based on my professional judgment, this appeal also requires an answer to the closely related and precedent-setting question of exceptional importance:

Whether it is proper to affirm a determination of indefiniteness under 35 U.S.C. §112, ¶2, for failure to disclose an algorithm, when *no algorithm is required* because *the functions are coextensive with the structure disclosed*; even though a simple algorithm, is set forth in the figures and the specification, and this Court's precedent confirms that an algorithm can be simple, and the claimed function(s) can be coextensive? *See. Typhoon Touch Techs. Inc. v. Dell Inc.*, 659 F.3d 1376, 1385 (Fed. Cir. 2011), and *Katz Interactive Call Processing*, 639 F.3d 1303 (Fed. Cir. 2011).

POINTS OF LAW OR FACTS OVERLOOKED OR MISAPPREHENDED BY THE PANEL

The panel failed to consider that 1.) Any general-purpose computer with a *web browser* and an Internet connection can *Launch a URL* on a website to satisfy the corresponding structure requirement to support the *performing step* of the first means plus function limitation of Claim 1 (*See. 9:43-45.*); and 2.) *A cursor* is indicative of *a mouse*, a pointing device used on a *computer interface*, and *clicking*, on *a computer interface*, is *a coextensive function of a mouse*, that satisfies the *selecting* and *activating step* of the second means plus function limitation of Claim 1 of the 696 Patent (*See. 9:64-67.*); therefore, *no algorithm is required for both means plus function limitations*, even though one exists for each; making the district court's fact finding, which invalidated Claim 1 of the 696 Patent, *clearly erroneous*.

ARGUMENT IN SUPPORT OF REHEARING EN BANC

Because the panel judges have affirmed the district court's ruling made in the District Court of Delaware, whereas of 2022 approximately 22% of the nation's patent cases are filed, stating that no algorithm exists to support the means plus function limitations recited in Claim 1, of the 696 Patent; this decision sets a dangerous precedent for this jurisdiction, and exemplifies confusion both in the district court and the Appellate Court, as to how much detail in a disclosure is required in a software patent specification to satisfy an indefiniteness question under

35 U.S.C. §112 ¶6. En banc rehearing should be granted to affirm the Court's understanding of the appellate function, to apply governing law on indefiniteness, and maintain fidelity to the Supreme Court's Teva decision. *See. Apple Inc. v. Samsung Elecs. Co.*, 839 F. 3d 1034, 5 (Fed. Cir. 2016) (en banc).

I. ARGUMENT IN SUPPORT OF REHEARING & REHEARING EN BANC

It is well known that under Fed. R. Civ. P. 52(a)(6), any district court's fact finding should be set aside, if such finding is *clearly erroneous*. The Supreme Court, articulated the standard for indefiniteness under 35 U.S.C. § 112, ¶ 2 (2006) to be applied: "we hold that a patent is invalid for indefiniteness if its claims, read in light of the specification delineating the patent, and the prosecution history, fail to inform, with *reasonable certainty*, those skilled in the art about the scope of the invention." *See. Nautilus II*, 134 S. Ct. at 2124. *Emphasis Added*, *See. Appx0475, Appx1047-1048,* and *See. Appx0498-0501.*

Appellees, state that Fig. 2B: box 242 isn't enough of a disclosure under the rules of 35 U.S.C. §112 ¶6, and they state that additional steps would be required, stating that *double clicking and dragging the item* might have been enough; *See. 7/5/22 Hearing* [*Timestamp: 27:57-28:19; 29:17-33:00*], but this argument and tactic is on the lines of the argument below regarding expanding the mode control, pursuant to the claim term "expandable graphical user interface," where the Appellees argued that this could only be done by scrolling with a scroll bar; which is importing a

limitation into the claim from the specification as the Magistrate ruled. *See. Appx0255-0256.*

Consequently, The Magistrate Judge, made ***clear error*** that invalidated the 696 Patent; her order states, with no substantive analysis the following:

> "[*T*]*he claim calls for a means for performing one of the predetermined functions, not a means for determining which predetermined function to perform* out of a plurality of predetermined functions. *And nothing in the figures or specification describes how the claimed predetermined functions [i.e. mode buttons] are performed.*" *Emphasis Added. See Appx0244-0245 See. Appx0248-0249.*

Based on 35 U.S.C. §112 ¶6; an algorithm exists for the means plus function limitations of Clam 1, which is clearly expressed by the flow diagrams: *the performing step*—100-(Fig. 1B: boxes 112-114, and 121-122; Fig. 1C: boxes 131-138); 200-(Fig. 2A: boxes 216-220, and 240-254); *See. Appx1416*, and *the selecting and activating step*—100-(Fig. 1B: box 126; Fig. 1C: boxes 128-130); 200-(Fig. 2B: boxes 232-238); *See. Appx1422*[2], and the respective and corresponding prose in the specification. The Appellees, and the district court, as it pertains to this multi-step algorithm, are trying to glean over the steps of the algorithm where the Hot Spot Data File[3] (HSDF) is accessed, in Fig. 2A: box 218, by loading an HTML document through a *web browser*, (i.e. conventional functioning of Internet hyperlink

---

[2] 4:38-67, specifically, 4:54-56 refers to Figs. 1A-1C as 100, and Figs. 2A-2C as 200

[3] Hot Spot Data File, *Hereinafter*: (HSDF). *See. 1:62-2:6.*

protocol), that contains the tags that pass parameters to the *ClickVideoShop*™ software code, where the algorithm reads the (HSDF), creates and initializes custom-defined objects, as shown in Figs. 2A: boxes 218-222, *determines* if the user clicked the hotspot, and the current mode; the *determining step*--the mode identification routine, *See.7:5-8.*, is ***not*** the *performing step*--the *Launching of a URL, See.6:7-8.*, as the Magistrate ruled, which is ***clear error***. This differentiation is shown by the algorithm in Fig. 2B: boxes 238, 240, 244, 248 and 252; which is distinct from *the performance step*, where the algorithm (i.e. applet) references the custom-defined object defined in the HSDF, and then *Launches the URL* associated with that particular mode, as shown in boxes 242, 246, 250, and 254, of Fig. 2B; which in the case of Shop Mode, the software adds the product to the viewer's shopping cart, by *Launching the URL* of the website that contains the digital shopping cart. *See. Appx0170:¶5-Appx0171:¶1, and See. 6:7-17—URLs Launched.* The Appellees argument attempts to require additional steps for the algorithm at box 242, of Fig. 2B (which is also shown in Fig. 1C: box 132), by asking the unending question "*how*," which is an unnecessary tactic. *See. 7/5/22 Hearing* [*Timestamp: 29:17-30:31*], and *See 5:57-6:10.* The Appellees, in the July 5, 2022 hearing, states that if the specific way was disclosed of *how* the product is added to the shopping cart then 35 U.S.C. §112 ¶6 would be satisfied; but the specific way the item is being placed into the shopping cart is by *Launching the URL* of a website with an e-commerce backend

(*i.e. a digital shopping cart*), with the product preloaded. The novelty of the invention allows a unique sequence, and combination of modes to be programmed to communicate with a hotspot on any video; to create what the inventor calls a Buchanan Moment, a spontaneous moment where the user is watching the video and is persuaded to interact or click the hotspot, pause the video, shop or perform another mode, and then return to the original video without being transported away from the host website or application. *See. Appx0539-3.4:¶3, and See. Appx0273.* To change the automatic seamless nature of adding the product already defined by the custom-defined object, to the shopping cart, or to require additional steps to be added to the shopping mode, *like double clicking and dragging to the shopping cart*, as the Appellee's suggest, is an unnecessary tactic not required by 35 U.S.C. §112 ¶6. The disclosed and claimed software invention, should not be altered to appease the Appellee's defense, and The Honorable Judge Newman made light of this by stating:

> "Are you saying that the code needs to be included in the disclosure? If in fact, such as whatever it is, putting it in the shopping cart is just so standard throughout that can be performed in any of many different ways [*i.e. by clicking a hotspot and Launching the URL of a website with a shopping cart*] none of which, has anything to do with the overall sequence of steps which is presumably the novelty of this description." *Emphasis* Added, *See. 7/5/2022 Hearing* [*Timestamp: 23:45-24:23*], *& 5:44-47.*

The Honorable Judge Newman continued, stating: "Are you saying that if they would have drawn a box around the words, that would satisfy it? That's what they say in the specification they just didn't draw a box around it with arrows." *See.*

7/5/2022 Hearing [*Timestamp: 24:24-24:42; 24:50-25:30*], *See. 4:38-63, 5:57-6:10, 7:23-51, See. Appx1416, See. Appx0644-0645, See. Appx0495-0502–declaration of a programmer attesting from disclosure of the invention that he created an operable ClickVideoShop prototype, 5:44-47,* and *Appx1425.*

II. Any General-Purpose Computer with a *Web Browser* Can *Launch a URL*

The algorithm of the 696 patent loads *a programmed* (HSDF) upon starting the software, which is important because this makes the software faster, more efficient, and proves that a programmer user exists; it also provides patentability over the prior art, (*For instance, US Patent No. 5,918,012 does not load the data file at startup but rather consults it on every click.*) *Emphasis Added, See 1:62-67.*

Referencing the custom-defined object in the (HSDF) in box 242, of Fig. 2B, in *the performance step* after the user clicks, and the mode is determined, exemplifies the interaction between steps 218-224 of Fig. 2A, and steps 238-242 of Fig. 2B, of the software algorithm logic flow, and is clear evidence of structure similar to the workings of an engine for example, consisting of gears interacting with cylinders in a special sequence with a crankshaft to create a HEMI engine with more torque and power than a regular car engine, as explained briefly by the Honorable Judge Linn and the Honorable Judge Newman in the July 5, 2022 hearing. *See. The 7/5/2022 Hearing* [*Timestamp: 18:20-18:38; and 19:00-21:04*].

The software code and algorithm *contained inside* the *ClickVideoShop Applet* or program, *performs* or *executes* the functions of each mode of the first means plus function limitation contained in Claim 1, using a web browser, (*application software used for accessing the World Wide Web*), that allows a user to download a *Java Applet*[4] in an HTML document, which gives a user interactive features like being able to click on a hotspot on a video to *perform* or *execute* a mode or function. *See 5:57-6:10,* and *See. Appx1416.*

The use of the functional word *performing*, in Claim 1, unlike the use of other functional words like *processing* and *storing*, which are functional words that are used often with means plus function claims that describe inventions of physical devices that include a computer, is achieved by the software algorithm, (*i.e. the applet*) *executing* the program. Conversely, the functional words *processing* and *storing* would require structure in the specification such as a *physical* microprocessor that *processes*, and a *physical* memory unit that *stores*. *See. Apple Inc. v. Motorola Inc.*, 757 F. 3d 1286, 6-7 (Fed. Cir. 2014).

To require a physical device to be described in the specification for structure, like a microprocessor, or a memory unit, in the case of an invention consisting of a

---

[4] Applets are designed to be embedded within an HTML page, and thus any website could be made with the *ClickVideoShop Applet* embedded which could be accessed by any general-purpose computer, and any *web browser; by a user simply visiting the website. See. Appx0759:¶46-Appx0760, and Appx0968-0969.*

computer-based device, or a gear and spindle combination, in an invention of a physical apparatus; is not necessary with a software invention; which is particularly so for this invention which includes a *Multifunctional Hotspot Apparatus*. The object code, source code, and executable/application code, *contained inside the applet*, act as the constituent parts of a virtual machine, which in the case of the *ClickVideoShop* Invention and the *Multifunctional Hotspot Apparatus* recited in Claim 1, *executes* or *performs* one of a plurality of predetermined functions and the current mode of the software program on a website using an HTML document, loaded by a *web browser*; in conjunction with video frames displayed in a unique windowing arrangement on the graphical user interface. This organization of the code, reduces the bounce rate of a viewer, increases the user's ability to multitask on a PC and/or an electronic device with a small screen, and adds to the novelty of the invention. *See. Core Wireless Licensing v. LG Electronics, Inc.*, 880 F. 3d 1356 (Fed. Cir. 2018), *See. 5:57-6:10, 5:44-47, Fig. 3--9:15-24, Appx0270, Appx0273, 2:18-27, 2:31-3:32, Appx1046-1063, and Appellant's Opening Brief at pages 14-34.*

For a software block or array of code, or an applet a snippet of code, the program is the component mechanism, a figurative gear-spindle combination that *performs* or *executes* the functions and actions of the software, such as the *Launching of a URL*, like when a hyperlink is clicked on by a user selecting a hotspot on a video or on a website. A *hotspot/multifunctional hotspot* has been construed by

The district court in the proceedings below as: "a programmable *hyperlink* [*i.e., in the case of the 696 Patent, a URL, which operates by conventional functioning of Internet hyperlink protocol. See. 6:7-17—URLs Launched.*] that performs one of multiple predetermined functions *when selected by the user, depending on the current mode.*" *Emphasis Added, See. Appx0169-Appx0171.* The 696 Patent Specification states at *5:57-59* the following: "The invention 10 [*referring to Fig. 3*] may *incorporate HTML language or a comparable language for loading documents through a web browser.*" *Emphasis Added, See. Appx0170:*¶*5-Appx0171:*¶*1, Appx0169-0170, Appx1416,* and *See. 5:57-65.*

With the first means plus function limitation of Claim 1, the structure in the specification that shows *how* the functions (*i.e. modes*) are *performed* by the applet (i.e. Fig. 2B: box 242) has been adequately disclosed because they all consist of the basic and well-known elementary skill of *Launching a URL*[5] *address* (*i.e. user*

---

[5] A POSITA at the time of the filing and prosecution of The 696 Patent would know that there are different types of URLs that can be *launched* from a hyperlink object (*i.e. a hotspot*). For example: a *Relative URL*-can call up a document-*LINK MODE*; an *Absolute URL*-can point to any website on the Internet-*SHOP, LINK, & ENTERTAIN MODES*; *Java scripts*-can be used if the interactive movie is embedded in a webpage-*ENTERTAIN MODE*; *Data base*-can be used to link to a database or eCommerce backend-*SHOP MODE*; *FTP*-can include a user ID and password-*DIGITAL LOCKER MODE*; *RTSP*-can point to a real time streaming protocol URL (i.e. the location where video is streaming)-*INTERACT MODE*; and *JDBC*-allows JAVA Database connectivity-*BID & DIGITAL LOCKER MODES. See. Appx0758:*¶*44-Appx0761:*¶*45, 47, and 48, and Appx0627:*¶ *3—Internet Hyperlink Protocol.*

specific, targeted, and relevant information, websites, and interfaces located at a Domain Name Server) from a video hyperlink object (i.e. hotspot) in an HTML document loaded by a *web browser*. Any general-purpose computer with an Internet connection and any *web browser* can *Launch a URL*, by a user clicking the hyperlink that contains the URL, to satisfy the *performing* function of the first means plus function limitation of Claim 1, found in the algorithm at Fig. 2B: boxes 242, 246, 250, 254; and likewise at Fig. 1C: box 138; because the function of "*Launching*" *a URL* (*i.e. performing a mode, as defined by the 696 Patent*) is coextensive with the structure of a general-purpose computer accessing an HTML document loaded by any *web browser*. All computers have the ability to access the Web utilizing a modem[6]/router, an Internet connection, and applications like Google Chrome or Internet Explorer. The *ClickVideoShop* Java Applet was merely a bridge, at the time of filing, that allowed video hotspot hyperlinks (*i.e. URLs*) to be accessible on the Internet. *See. Appx0475, See. Appx0758-0760:¶44-46,* and *See. Seymour v. Osborne*, 11 Wall. 516, 546 (1871). (The background science or the meaning of a term in the relevant art during the relevant time period is *indispensable* to a correct understanding of its meaning.), and *See. Ergo Licensing LLC v. CareFusion 303, Inc.*, 673 F. 3d

---

[6] "The digitallocker™ mode *comprises a device* and means for storing and retrieving audio media, video media or other designated data or files. The digitallocker™ *modem mode* may further facilitate the separation of audio and visual tracks as well as the storage of individual tracks independently." *Emphasis Added*, *See. 5:17-22,* and *See. 4:37-46.*

1361 (Fed. Cir. 2012) (Federal Circuit found that the Katz exception applies where the claimed function can be achieved by any general-purpose computer without special programming.). In fact, interactive video by the use of hotspots has been in existence since the early 1990s. *See. 1:35-2:17, and See. Appx0168-0171.*

III. *A Cursor* is Indicative of *a Mouse*, and *Clicking* is a Coextensive Function

In addition, sufficient structure for the second means plus function limitation *selecting* and *activating* a predetermined function; is disclosed in the specification which explains that *selecting* and *activating* by the user is done by *clicking on a hotspot* (*which in some embodiments the mode button is the hotspot—See. 9:64-67, Appx0272-0275,* and *Appx0627*:¶ *2 - Appx0628*:¶ *2*). The specification states:

> "A *multifunctional* hot spot is *activated when a user moves the cursor into the designated area at a point in time within the time-stamped interval in which the hot pot is specified to be active for a certain activity.*" *Emphasis Added, See. 3:50-56.*

The Magistrate made ***clear error***, by ruling that the second means plus function limitation for: "means, defined by said instructions, for 'selecting and activating' at least one of said predetermined functions *by clicking* on *each particular Multifunctional Hot spot*" (*Emphasis Added*) is indefinite. *See. 9:64-67,* and *See. Appx1422.* The Magistrate judge states in her order that Appellant's Reply Brief "suggested that the *interface* set forth in Figure 3 *was the means for selecting and activating, including the buttons* [*on the menu bar*]." *Emphasis Added, See.*

Appx0249:¶1, See. Appx1047-1048:¶1, Appx1386:14-Appx1387:19, and *See. Core Wireless Licensing vs. LG Electronics, Inc.*, 880 F. 3d 1356 (Fed. Cir. 2018) (where *display interface* and *graphical menu bar with a limited list of modes (i.e. functions/applications)* that exist in an "un-launched state" which is "reached directly" by a user; and the Federal Circuit ruled that the patent was valid based on 35 U.S.C. §101, because it provided *an improved user interface for electronic devices* that improved the efficiency of the electronic device; and ruled that the terms "un-launched state" means "not displayed" and "reached directly" means "reached without an intervening step."), *See. Appx0249:¶2-3, See. Appellant's Opening Brief at pages 38-39, & See. Appx0171:(ii)-0172:¶2.*

Invalidating a patent from a small entity, is like terminating a life. Appellant's patent should not be invalidated because the Appellees and the Magistrate don't understand the 696 Patented Technology and what is claimed. A patent is presumed valid, and the burden of establishing invalidity of a claim rests on the party asserting invalidity by clear and convincing evidence, and that burden has not been met. *See. 35 U.S.C. § 282(a)* and *See. BASF Corp. v. Johnson Matthey Inc.*, 875 F. 3d 1360, 1365 (Fed. Cir. 2017). In the claim construction hearing the Magistrate admits her confusion about the claimed invention:

> "*I am trying to make sense of what this means to have 'means for selecting and activating at least one of said predetermined functions by clicking*.' I mean, it seems to incorporate both software functionality with the human step of clicking,

and *I am challenged to understand how to make sense of it*." *Emphasis Added, See. Appx1391:13-21,* and *Appx0627:¶ 2-Appx0628:¶ 2.*

Appellant, previously explained to the Appellees and the Magistrate Judge in it's Reply Brief, that *a mode button on the graphical user interface can be programmed to be the hotspot on the screen*, as explained below:

> "[T]he 696 Patent[ed] invention operates similarly [to the patents in *DDR Holdings, LLC v. Hotels.com* 773 F. 3d 1245, 157(Fed. Cir. 2014)] by allowing an advertiser/programmer to program a viewer/user (website or network user as referenced by claim 8) to operate within the video frame, opposed to being transported away. *Thus, in some instances or embodiments a hot spot mode 'button' [on an interface] can be programmed to also be the hot spot in the video frame. Emphasis Added, See 696 Patent 3:2-3; 5:2-7; 5:44-47; 6:18-25; 7:23-31;* and *8:14-17." See. Appx0627: ¶ 2-Appx0628:¶ 2.*

Therefore, *a button* on the mode control (*i.e. the graphical user interface menu bar*) *is a hotspot*, *See. Appx0236:1-2, & Appx0256:¶1-5.* and: "*[c]licking* an option in the menu bar determines the action to be taken when a user clicks on a *Multifunctional Hot Spot.*" *Emphasis Added, See. 3:29-32, See. 4:49-55, Appx1422,* and *Appx1416.*

Thus, *the interface* as disclosed in Figure 3, as asserted by Appellant in it's Reply Brief to the Magistrate, and *the button(s)* (*i.e. hotspot(s)*), that comprise the menu bar, is the means for *selecting* and *activating* at least one mode (*i.e. predetermined function*) of the software; by *the interface* receiving inputs from a user navigating *a cursor* with *a mouse* until over *a hotspot*, and then *clicking* said mode *button* (*i.e. hot spot*), as Claim 1 recites, to *activate* the current function, and mode. Therefore,

completing *the selecting and activating step*, and ultimately completing *the performance step*, by *Launching the URL* associated with said current mode and function. An example of this sequence, would be a *"Swipe Up to Shop"* hotspot button on an Instagram Stories video feed in the Instagram Application. *See. Appx0273.* The 696 Patent states: "[i]t is a further object of the instant invention to provide an expandable menu bar having a plurality of hot spot defining options and *an interface for receiving user inputs for defining the next action of the hot spot based on the user input* [*i.e. by clicking or selecting*]." *Emphasis Added*, *See. 4:9-12, See. Appx1419*, *See. Core Wireless Licensing vs. LG Electronics, Inc.*, 880 F. 3d 1356 (Fed. Cir. 2018) (Federal Circuit ruled the patents provided an improved *user interface*(*s*) for electronic devices with small screens, that allows a user to *more quickly* access data in menus.), *See. Appx1391:1-12,* and *Appx1384-Appx1393.*

A cursor is indicative of *a mouse* used on *a computer interface* as a pointing device for *selecting* and *activating* by *clicking*; any mouse can perform *clicking* without any special programming. Any POSITA, would know that *a cursor* could be used on *the computer interface* to *select* and *activate* a *hotspot* by *clicking* it. *See. Fig. 2B*: *boxes 236-238, Fig. 1B*: *box 126, Fig. 1C*: *boxes 128-130, Appx0171-0172, See. Katz Interactive Call Processing* 639 F. 3d 1303, 1316 (Fed. Cir. 2011), and *EON Corp., IP Holdings LLC v. AT&T Mobility LLC.*, 785 F. 3d 616 (Fed. Cir. 2015)

(Where the Federal Circuit ruled *Katz* applies only where "the claimed function is 'coextensive' with a microprocessor itself.").

A POSITA could program the invention of the 696 Patent based on the disclosure set forth by the decision blocks: boxes 232-238 of Fig. 2B, which forms part of the disclosed algorithm, and it's counterpart, boxes 126-130 of Fig. 2C, along with the structure specified in the specification at 4:9-12, 3:50-54, and Claim 1 at 9:66-67, referring to a *cursor of a mouse* on *an interface*; thus satisfying 35 U.S.C. §112 ¶6. *See. Appx0495-0502–declaration of a programmer that states:*

> "The proof of concept could perform actions based on the user's action. For example, *clicking a 'hot spot' could launch a web browser with a predefined URL*. The proof of concept demonstrated that this *functionality could be extended to format the URL or perform another action based on the invocation context* (*single click, double click, right click, etc.*)". *Emphasis Added, See. Appx0498-0501,* and *Appx0500:¶4-Appx0501:¶5--- Invocation context. See. Typhoon Touch*, 659 F. 3d at 1385 ("[T]he patent need only disclose sufficient structure for a person of skill in the field to provide an operative software program for the specified function."—i.e. *performing* a function by *Launching a URL*; & *selecting* and *activating* by a user *clicking* a hotspot on *an interface.*), and *See. Nautilus II*, 134 S. Ct. at 2124.

CONCLUSION

The petition should be granted.

Dated: **August 16, 2022**

By:

FRANZ A. WAKEFIELD, Pro Se
Appellant COOLTVNETWORK.COM

Pro Se for Appellant COOLTVNETWORK.COM

CERTIFICATE OF SERVICE

I, **Franz A. Wakefield**, Pro Se Appellant, certify that on **August 16, 2022**, a copy of PETITION FOR REHEARING AND REHEARING EN BANC BY APPELLANT COOLTVNETWORK.COM, was served by Priority U.S. Mail Express with the tracking number (EI 461 612 020 US) to The Clerk of the Court, and via email on counsel of record.

By:

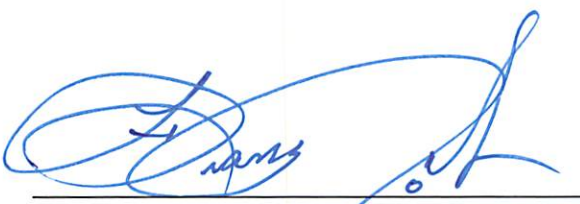
FRANZ A. WAKEFIELD, Pro Se
Appellant COOLTVNETWORK.COM

CERTIFICATE OF COMPLIANCE

This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6). This brief was printed using a 14 point Times New Roman font.

This brief complies with the type-volume limitation of Federal Circuit Rule 32(a). This brief contains 3894 words, excluding the parts of the brief exempted under the Federal Rule of Appellate Procedure 32(a)(7)(B)(iii) and Federal Circuit Rule 32(b). This certificate was prepared in reliance on the word count of the word-processing system (Microsoft® Word for Windows Version 2206) used to prepare the brief.

Dated: **August 16, 2022**

By: 

FRANZ A. WAKEFIELD, Pro Se

Appellant COOLTVNETWORK.COM

ADDENDUM

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

COOLTVNETWORK.COM, INC.,
Plaintiff-Appellant

v.

BLACKBOARD, INC., META PLATFORMS, INC., FKA FACEBOOK, INC., INTERNATIONAL BUSINESS MACHINES CORPORATION, KALTURA, INC., EDGIO, INC., MICROSOFT CORPORATION, OOYALA, INC., SNAP INC., TRAPELO CORP.,
Defendants-Appellees

2021-2191, 2021-2192, 2021-2193, 2021-2195, 2021-2196, 2021-2197, 2021-2198, 2021-2199, 2021-2200

Appeals from the United States District Court for the District of Delaware in Nos. 1:19-cv-00291-LPS-JLH, 1:19-cv-00292-LPS-JLH, 1:19-cv-00293-LPS-JLH, 1:19-cv-00294-LPS-JLH, 1:19-cv-00295-LPS-JLH, 1:19-cv-00296-LPS-JLH, 1:19-cv-00297-LPS-JLH, 1:19-cv-00534-LPS-JLH, 1:19-cv-00535-LPS-JLH, Judge Leonard P. Stark.

JUDGMENT

MEREDITH MARTIN ADDY, AddyHart P.C., Atlanta, GA, argued for plaintiff-appellant. Also represented by CHARLES A. PANNELL, III; BENJAMIN CAPPEL, Chicago, IL.

HEIDI LYN KEEFE, Cooley LLP, Palo Alto, CA, argued for all defendants-appellees.

MICHAEL S. NADEL, McDermott, Will & Emery LLP, Washington, DC, for defendant-appellee Blackboard, Inc. Also represented by CHARLES M. MCMAHON, Chicago, IL.

PHILLIP EDWARD MORTON, Washington, DC, for defendant-appellee Meta Platforms, Inc.

BRYAN SCOTT HALES, Kirkland & Ellis LLP, Chicago, IL, for defendant-appellee International Business Machines Corporation.

SETH W. LLOYD, Morrison & Foerster LLP, Washington, DC, for defendant-appellee Kaltura, Inc. Also represented by JENNIFER JEANNE SCHMIDT, San Francisco, CA.

ASIM BHANSALI, Kwun Bhansali Lazarus LLP, for defendant-appellee Edgio, Inc. Also represented by KATE ELLIS LAZARUS, SCOTT WILLIAM TAYLOR.

JOHN D. VANDENBERG, Klarquist Sparkman, LLP, Portland, OR, for defendant-appellee Microsoft Corporation. Also represented by JOSEPH THOMAS JAKUBEK.

RICHARD GREGORY FRENKEL, Latham & Watkins LLP, Menlo Park, CA, for defendant-appellee Ooyala, Inc.

REUBEN H. CHEN, Cooley LLP, Palo Alto, CA, for defendant-appellee Snap Inc. Also represented by LAUREN KRICKL, BENJAMIN S. LIN.

RICARDO BONILLA, Fish & Richardson PC, Dallas, TX,

for defendant-appellee Trapelo Corp. Also represented by NEIL J. MCNABNAY, LANCE E. WYATT, JR.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (NEWMAN, LINN, and CHEN, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

July 7, 2022
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

US007162696B2

(12) **United States Patent**
Wakefield

(10) **Patent No.: US 7,162,696 B2**
(45) **Date of Patent: Jan. 9, 2007**

(54) **METHOD AND SYSTEM FOR CREATING, USING AND MODIFYING MULTIFUNCTIONAL WEBSITE HOT SPOTS**

(76) Inventor: **Franz Wakefield**, 17731 NW. 14th Ct., Miami, FL (US) 33169

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 409 days.

(21) Appl. No.: **09/877,729**

(22) Filed: **Jun. 8, 2001**

(65) **Prior Publication Data**

US 2002/0080165 A1 Jun. 27, 2002

Related U.S. Application Data

(60) Provisional application No. 60/210,300, filed on Jun. 8, 2000.

(51) **Int. Cl.**
G06F 3/00 (2006.01)
G06F 9/00 (2006.01)
G06F 17/00 (2006.01)

(52) **U.S. Cl.** **715/716**; 715/733; 715/722; 715/719

(58) **Field of Classification Search** 345/723, 345/726, 853; 370/401; 379/90.01, 93.07, 379/93.12, 93.14, 93.17; 704/240, 275; 705/26, 705/37; 707/3, 4, 5, 10, 104.1; 709/206, 709/218; 715/513
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

5,539,871	A	7/1996	Gibson	
5,590,262	A *	12/1996	Isadore-Barreca	715/500.1
5,708,845	A	1/1998	Wistendahl et al.	
5,774,859	A *	6/1998	Houser et al.	704/275
5,838,682	A *	11/1998	Dekelbaum et al.	370/401
5,884,309	A *	3/1999	Vanechanos, Jr.	707/10
5,893,091	A *	4/1999	Hunt et al.	707/3
5,905,975	A *	5/1999	Ausubel	705/37
5,918,012	A	6/1999	Astiz et al.	
5,970,504	A	10/1999	Abe et al.	
6,021,398	A *	2/2000	Ausubel	705/37
6,029,135	A *	2/2000	Krasle	704/275
6,075,526	A *	6/2000	Rothmuller	715/721
6,122,647	A *	9/2000	Horowitz et al.	715/513
6,570,587	B1 *	5/2003	Efrat et al.	345/723
6,573,908	B1 *	6/2003	Jang	715/723
2002/0069405	A1 *	6/2002	Chapin et al.	725/32

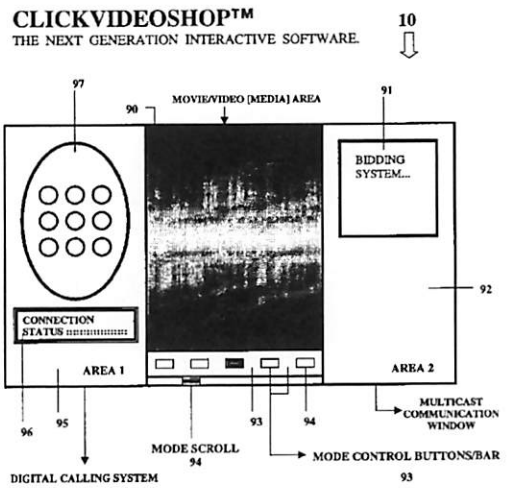
* cited by examiner

Primary Examiner—Kristine Kincaid
Assistant Examiner—Boris Pesin
(74) *Attorney, Agent, or Firm*—Franz Antonio Wakefied, Pro, Se.

(57) **ABSTRACT**

A method, apparatus and system for creating, using and modifying multifunctional website hot spots including software that identifies, programs and activates hot spots with a plurality of functions wherein the functions include a shopping mode for selecting and purchasing items on a website or in a video, a digital call mode for facilitating videoconferencing and telephone calls over a globally accessible network, a digital storage area for selecting, retrieving and playing selected digital media files, a bid mode that facilitates audio and video communication during multi-task communication interface for conducting an auction and/or accepting bids, an interact mode for communicating a user with a live streamed digital media file, a link mode for directly linking to pre-identified URL addresses and an entertain mode for retrieving and activating digital media files, wherein the functions are selected based on user inputs or predetermined parameters and are activated by clicking a predetermined hot spot.

18 Claims, 9 Drawing Sheets



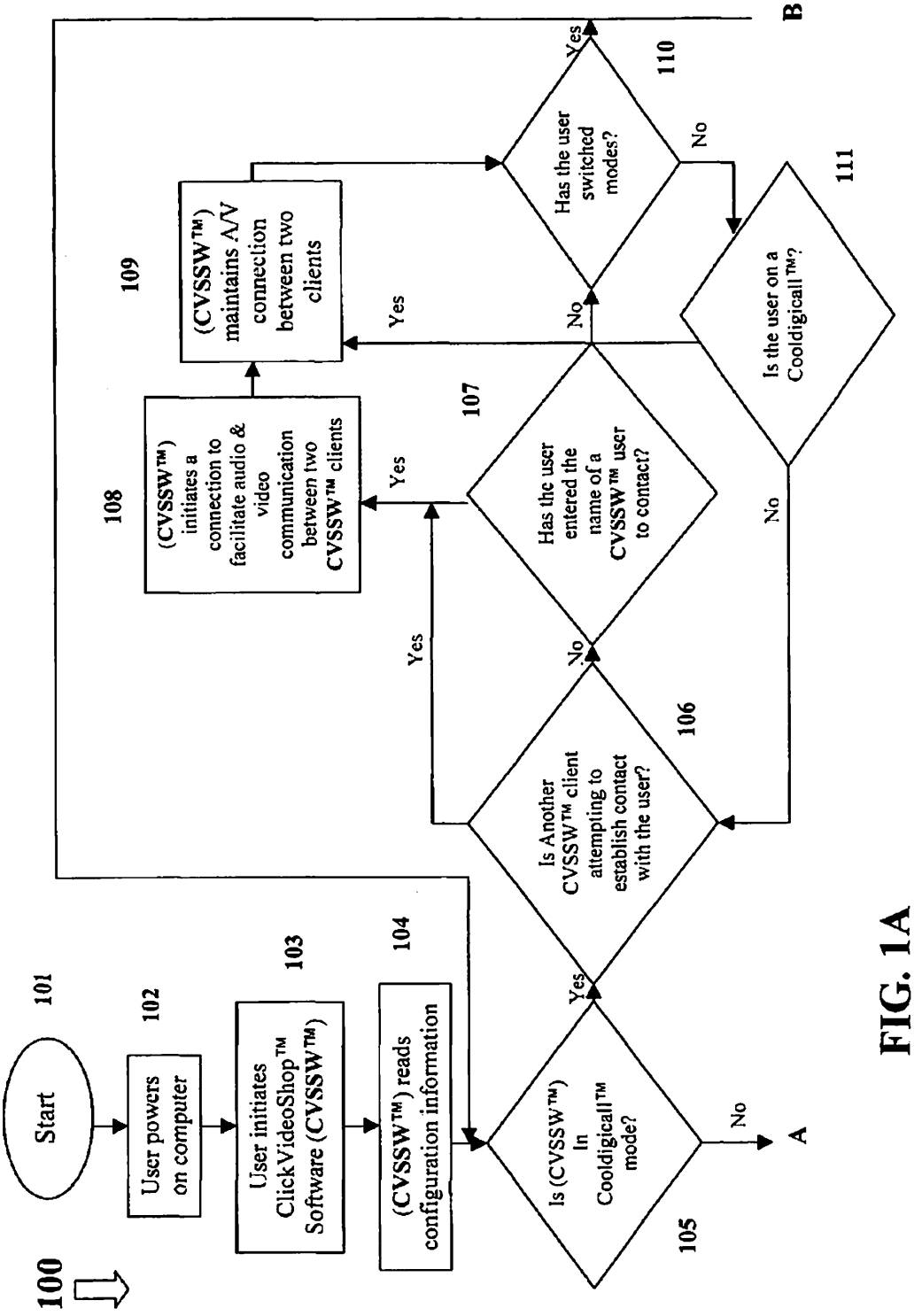

100
Start
101
User powers on computer
102
User initiates ClickVideoShop™ Software (CVSSW™)
103
(CVSSW™) reads configuration information
104
Is (CVSSW™) In Cooldigicall™ mode?
105
No
A
Yes
Is Another CVSSW™ client attempting to establish contact with the user?
106
Yes
No
Has the user entered the name of a CVSSW™ user to contact?
107
Yes
No
(CVSSW™) initiates a connection to facilitate audio & video communication between two CVSSW™ clients
108
(CVSSW™) maintains A/V connection between two clients
109
Yes
No
Has the user switched modes?
110
Yes
No
Is the user on a Cooldigicall™?
111
B

FIG. 1A

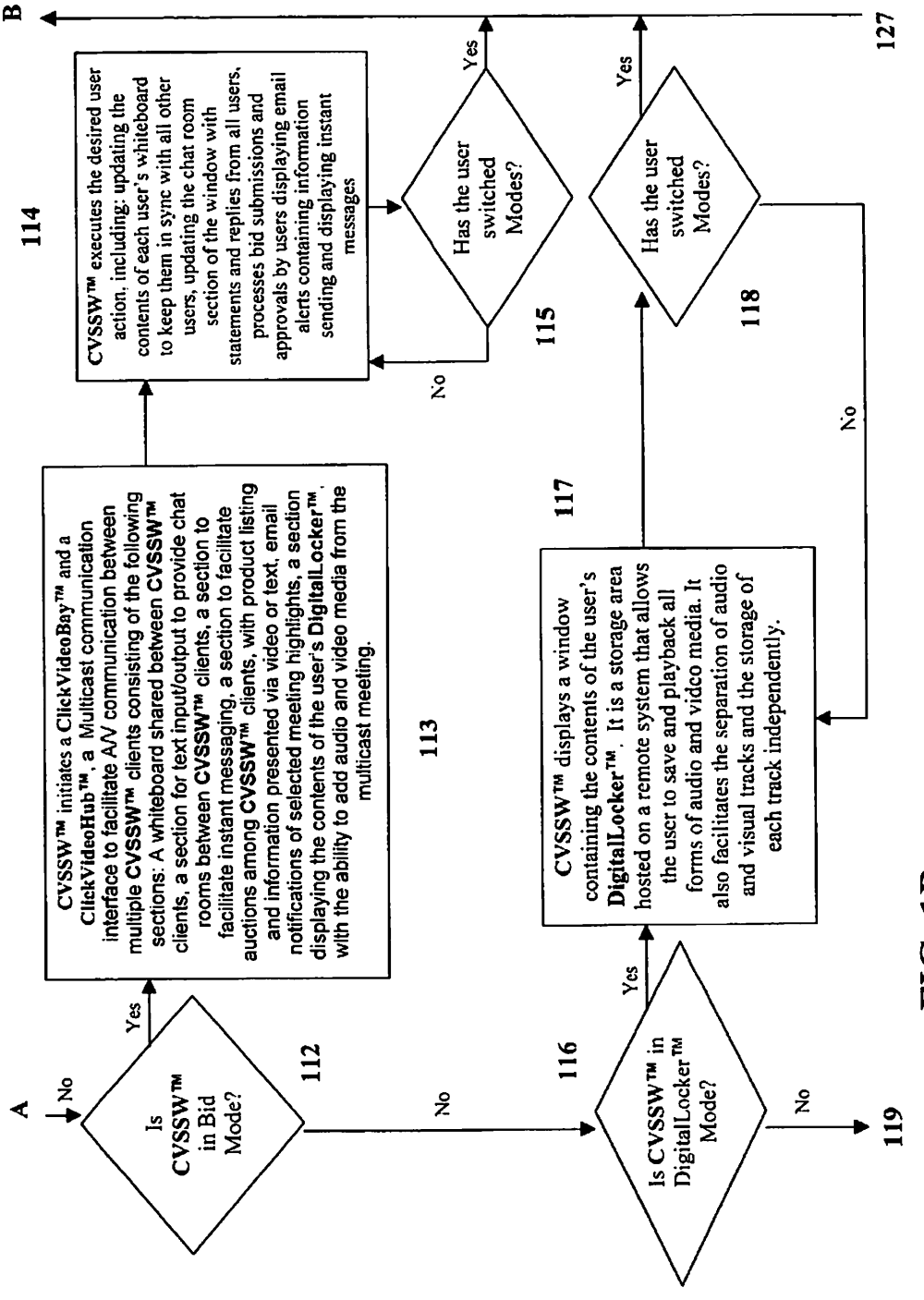

A
Is CVSSW™ in Bid Mode?
112
No
Yes
CVSSW™ initiates a ClickVideoBay™ and a ClickVideoHub™, a Multicast communication interface to facilitate A/V communication between multiple CVSSW™ clients consisting of the following sections: A whiteboard shared between CVSSW™ clients, a section for text input/output to provide chat rooms between CVSSW™ clients, a section to facilitate instant messaging, a section to facilitate auctions among CVSSW™ clients, with product listing and information presented via video or text, email notifications of selected meeting highlights, a section displaying the contents of the user's DigitalLocker™, with the ability to add audio and video media from the multicast meeting.
113
CVSSW™ executes the desired user action, including: updating the contents of each user's whiteboard to keep them in sync with all other users, updating the chat room section of the window with statements and replies from all users, processes bid submissions and approvals by users displaying email alerts containing information sending and displaying instant messages
114
Has the user switched Modes?
115
Yes
No
B
127
Is CVSSW™ in DigitalLocker™ Mode?
116
Yes
No
CVSSW™ displays a window containing the contents of the user's DigitalLocker™. It is a storage area hosted on a remote system that allows the user to save and playback all forms of audio and vidco media. It also facilitates the separation of audio and visual tracks and the storage of each track independently.
117
Has the user switched Modes?
118
Yes
No
119

FIG. 1B

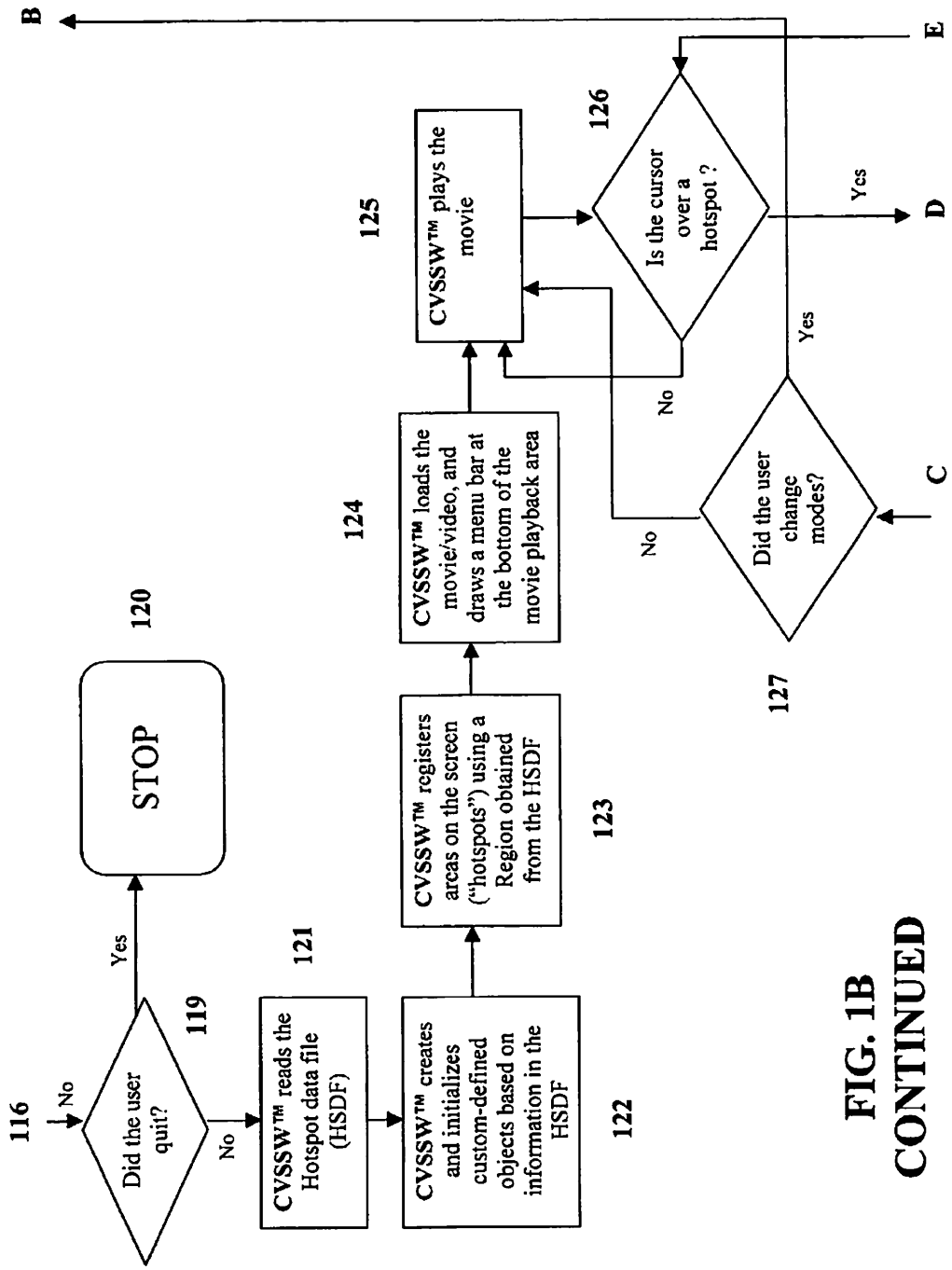


FIG. 1B
CONTINUED

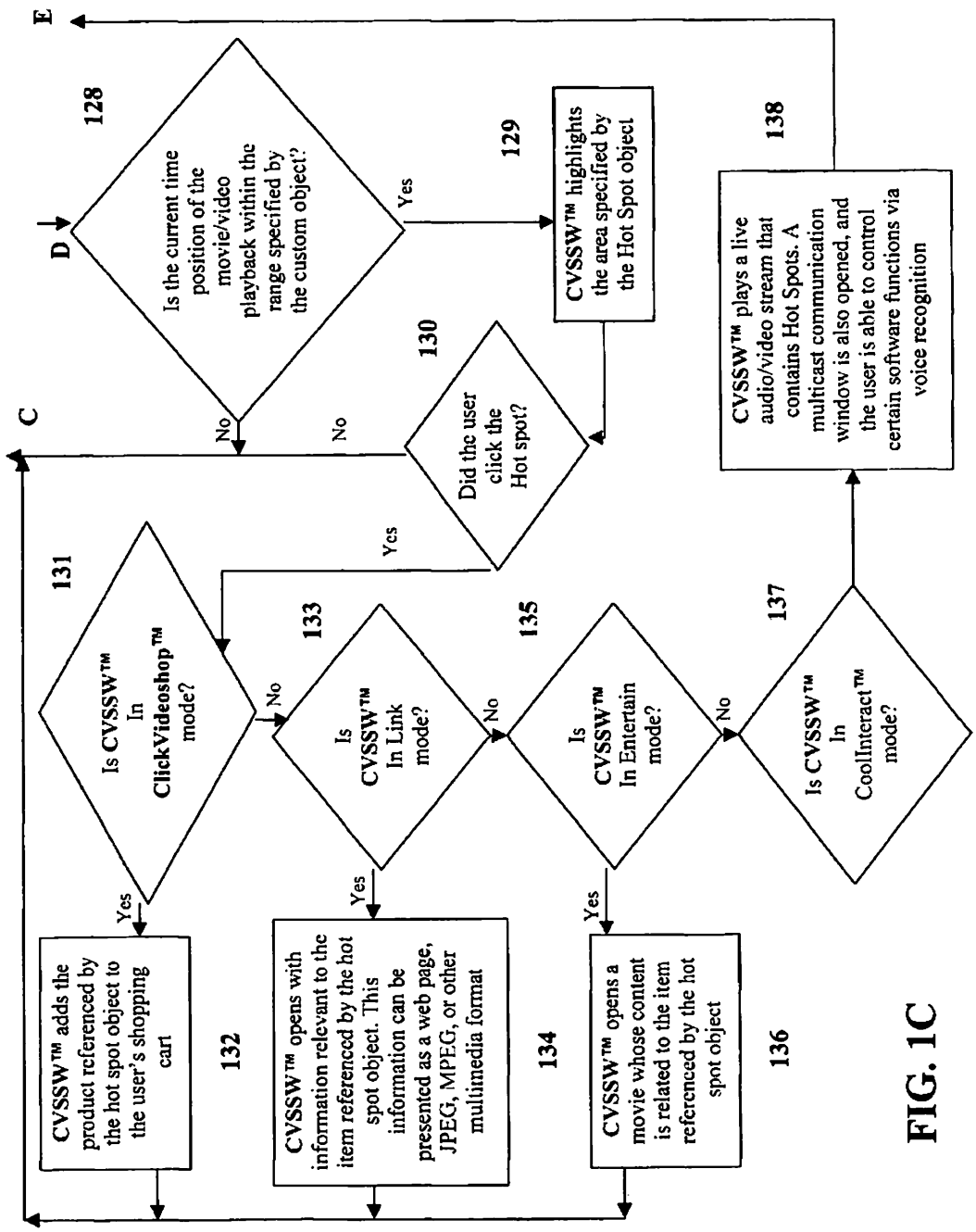

E
128
Is the current time position of the movie/video playback within the range specified by the custom object?
D
Yes
129
CVSSW™ highlights the area specified by the Hot Spot object
138
CVSSW™ plays a live audio/video stream that contains Hot Spots. A multicast communication window is also opened, and the user is able to control certain software functions via voice recognition
No
No
130
Did the user click the Hot spot?
C
Yes
131
Is CVSSW™ In ClickVideoshop™ mode?
No
133
Is CVSSW™ In Link mode?
No
135
Is CVSSW™ In Entertain mode?
No
137
Is CVSSW™ In CoolInteract™ mode?
Yes
CVSSW™ adds the product referenced by the hot spot object to the user's shopping cart
132
Yes
CVSSW™ opens with information relevant to the item referenced by the hot spot object. This information can be presented as a web page, JPEG, MPEG, or other multimedia format
134
Yes
CVSSW™ opens a movie whose content is related to the item referenced by the hot spot object
136

FIG. 1C

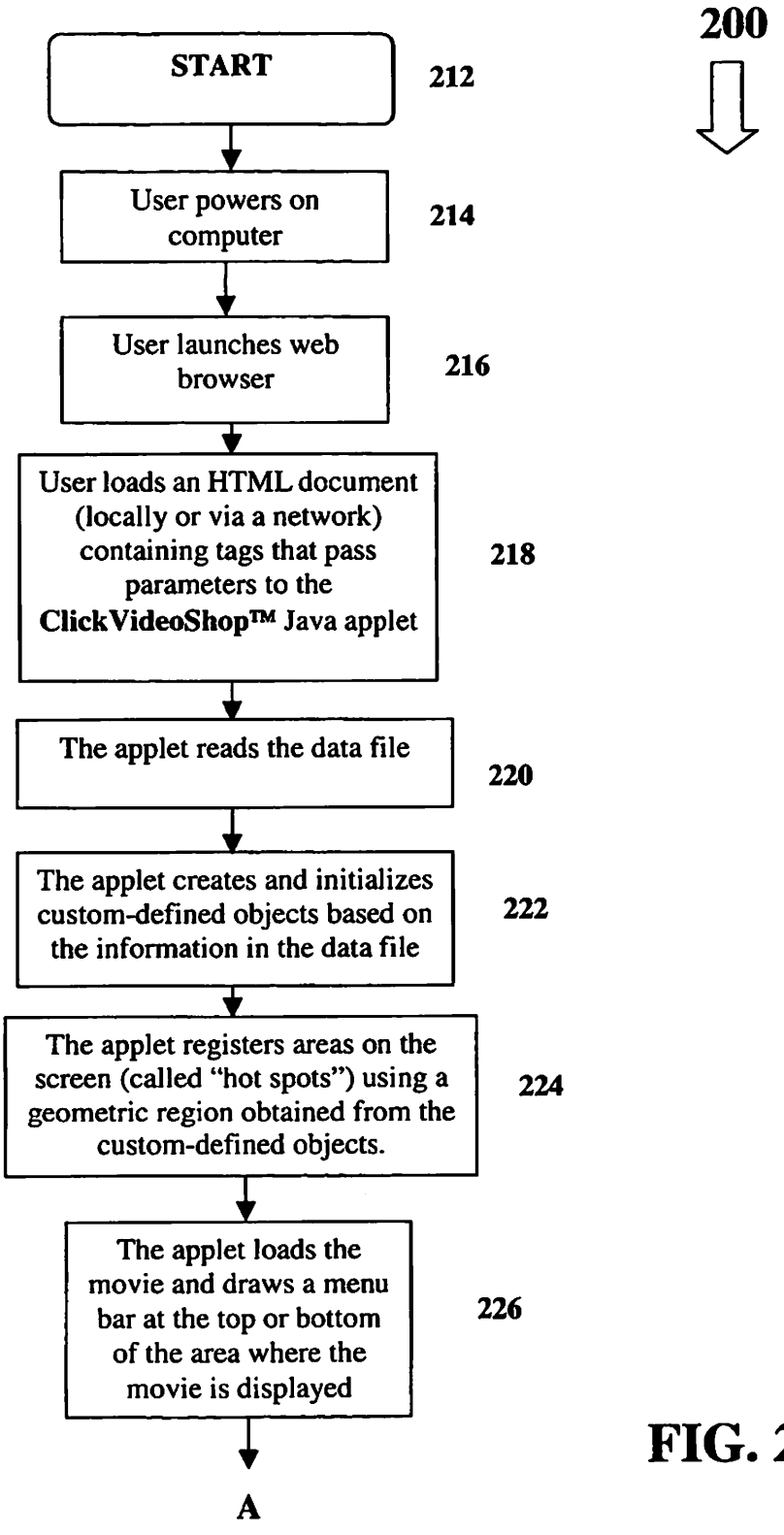

200
START
212
User powers on computer
214
User launches web browser
216
User loads an HTML document (locally or via a network) containing tags that pass parameters to the ClickVideoShop™ Java applet
218
The applet reads the data file
220
The applet creates and initializes custom-defined objects based on the information in the data file
222
The applet registers areas on the screen (called "hot spots") using a geometric region obtained from the custom-defined objects.
224
The applet loads the movie and draws a menu bar at the top or bottom of the area where the movie is displayed
226
A

FIG. 2A

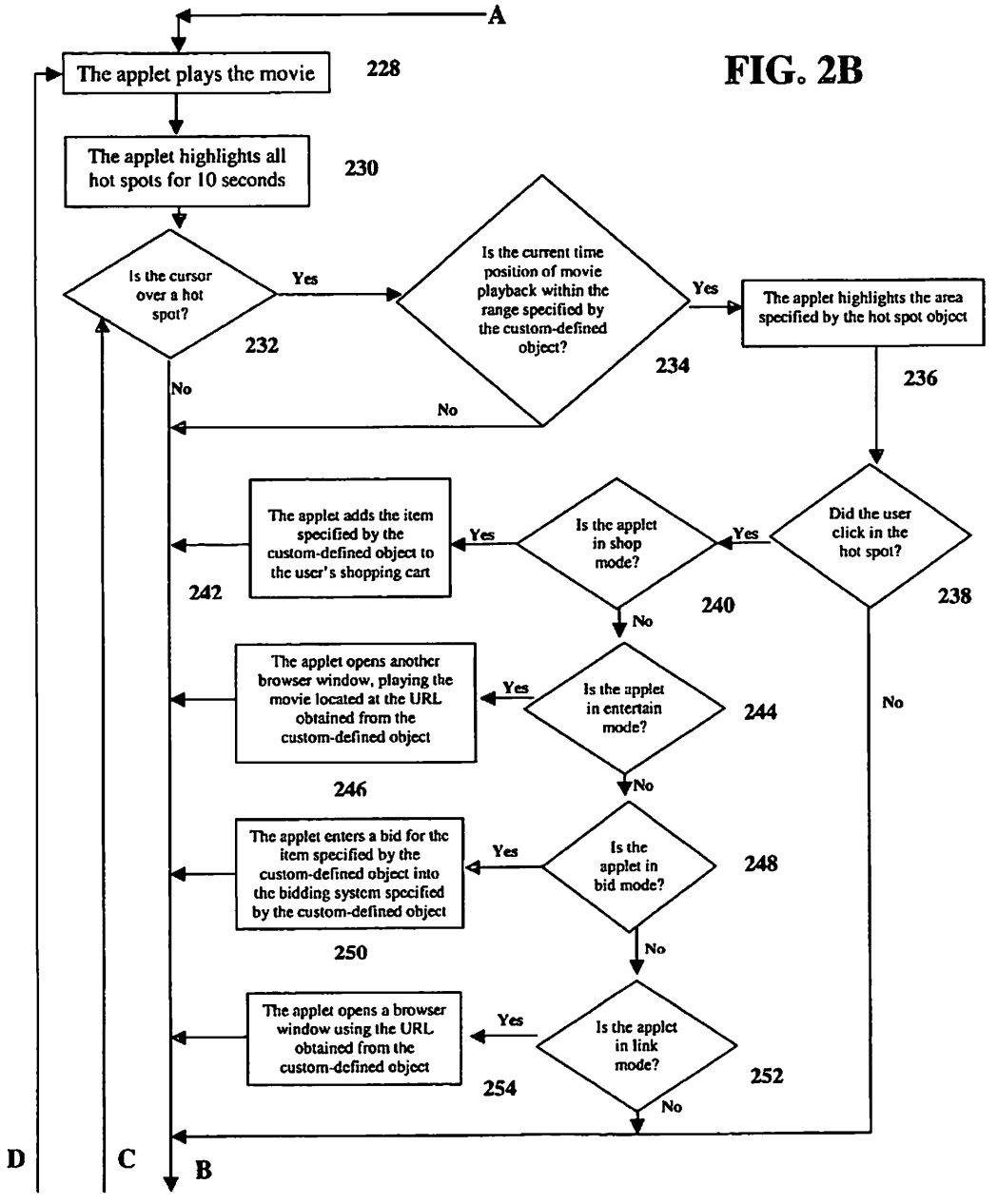
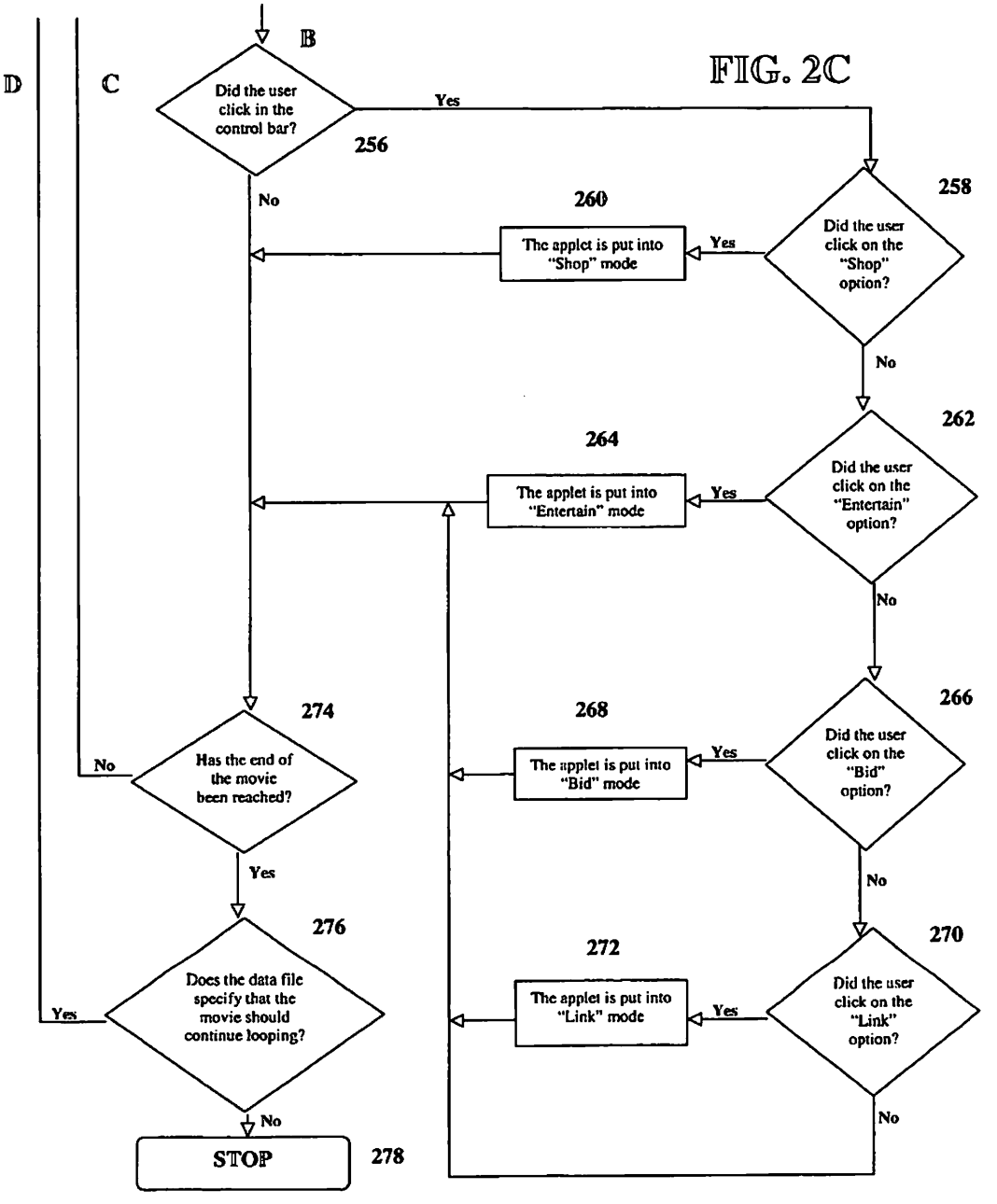

A
The applet plays the movie
228
The applet highlights all hot spots for 10 seconds
230
Is the cursor over a hot spot?
232
Yes
No
Is the current time position of movie playback within the range specified by the custom-defined object?
234
Yes
No
The applet highlights the area specified by the hot spot object
236
Did the user click in the hot spot?
238
Yes
No
Is the applet in shop mode?
240
Yes
No
The applet adds the item specified by the custom-defined object to the user's shopping cart
242
Yes
Is the applet in entertain mode?
244
Yes
No
The applet opens another browser window, playing the movie located at the URL obtained from the custom-defined object
246
Yes
Is the applet in bid mode?
248
Yes
No
The applet enters a bid for the item specified by the custom-defined object into the bidding system specified by the custom-defined object
250
Yes
Is the applet in link mode?
252
Yes
No
The applet opens a browser window using the URL obtained from the custom-defined object
254
D
C
B

FIG. 2B

FIG. 2C


B
D
C
Did the user click in the control bar?
256
Yes
No
258
Did the user click on the "Shop" option?
Yes
260
The applet is put into "Shop" mode
No
262
Did the user click on the "Entertain" option?
Yes
264
The applet is put into "Entertain" mode
No
266
Did the user click on the "Bid" option?
Yes
268
The applet is put into "Bid" mode
No
270
Did the user click on the "Link" option?
Yes
272
The applet is put into "Link" mode
274
Has the end of the movie been reached?
No
Yes
276
Does the data file specify that the movie should continue looping?
Yes
No
STOP
278

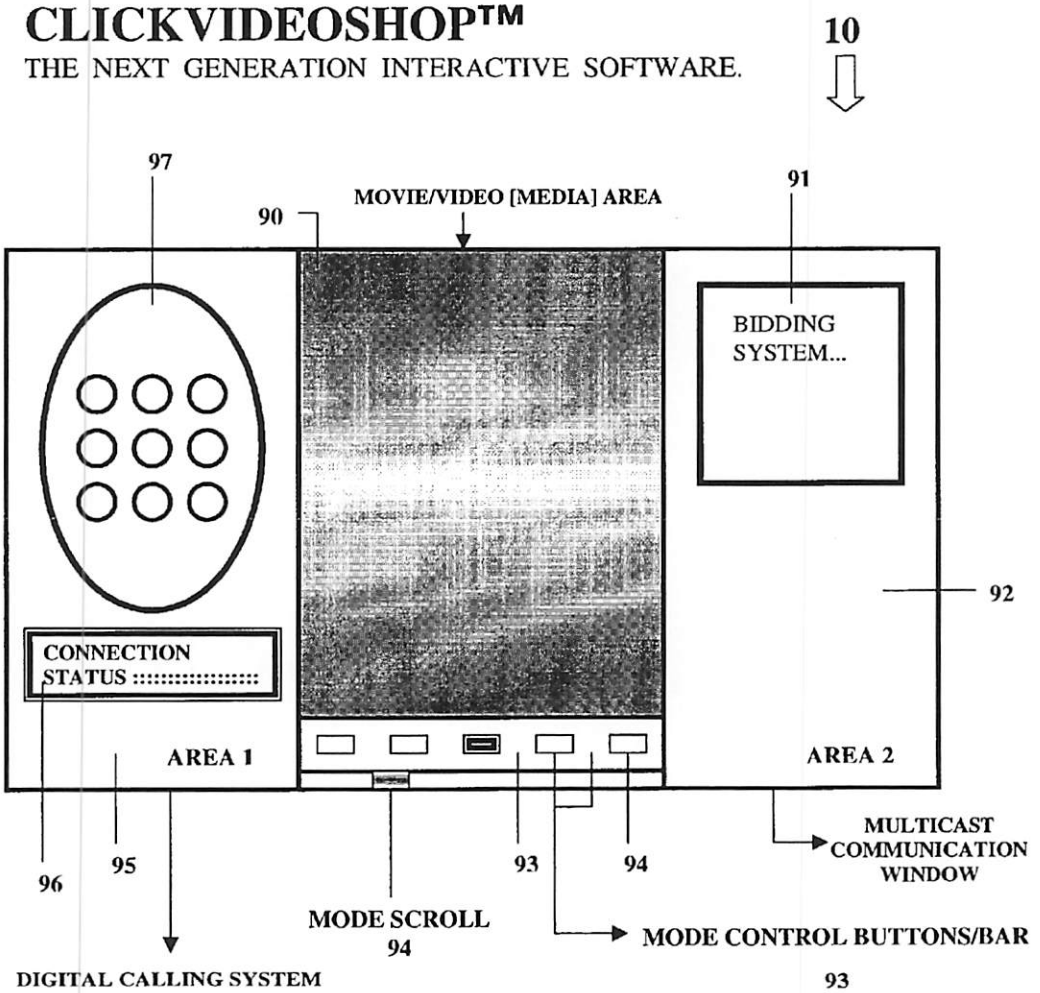

CLICKVIDEOSHOP™
THE NEXT GENERATION INTERACTIVE SOFTWARE.
10
97
90
MOVIE/VIDEO [MEDIA] AREA
91
BIDDING SYSTEM...
92
CONNECTION STATUS ::::::::::::::::::
AREA 1
AREA 2
96
95
93
94
MULTICAST COMMUNICATION WINDOW
MODE SCROLL 94
MODE CONTROL BUTTONS/BAR 93
DIGITAL CALLING SYSTEM

FIG. 3

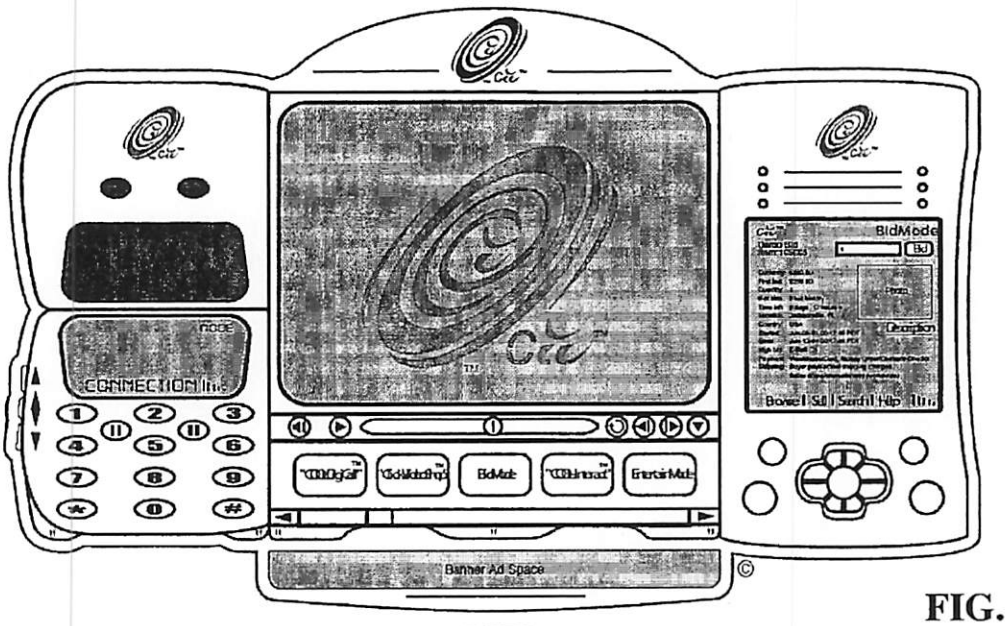


FIG. 4

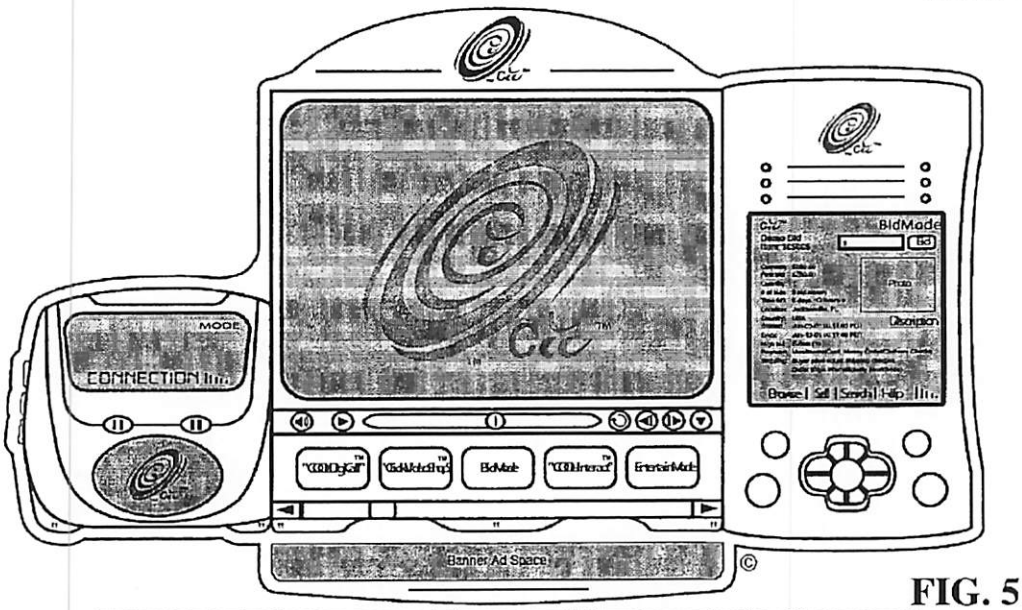


FIG. 5

CLICKVIDEOSHOP ™

METHOD AND SYSTEM FOR CREATING, USING AND MODIFYING MULTIFUNCTIONAL WEBSITE HOT SPOTS

CROSS REFERENCE TO RELATED APPLICATIONS

This application claims the benefit of provisional application Ser. No. 60/210,300 filed Jun. 8, 2000.

STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT

N/A

COPYRIGHT NOTICE

A portion of the disclosure of this patent document contains material that is subject to copyright protection. The copyright owner has no objection to the facsimile reproduction by anyone of the patent document or patent disclosure as it appears in the Patent and Trademark Office patent file or records, but otherwise reserves all copyrights rights whatsoever.

BACKGROUND OF THE INVENTION

1. Field of the Invention

This invention relates generally to multifunctional website hot spots, i.e. hyperlinks, and more particularly, to a program or software based tool for creating, using, modifying and/or modifying multifunctional hot spots in web applications that run over a globally accessible network and a function expanding menu bar.

2. Description of the Background Art

Interactive digital media and the use of hyper-linking tools to visit a designated location or perform a pre-defined function, such as hot spots, are generally known in the art. For instance, hyper-linking tools have been developed for making text and graphics available for interactive use, such as linking to pages within a website or to other websites, making purchases or initiating other actions. A link is typically made using text, icons, images or other objects appearing in a display to access another text file, program or media function. NBCi (a trademark of NBC Internet, Inc.) provides a website at "quickclick.com" that assigns a hyperlink to certain words for accessing other webpages and/or websites when those words are clicked. Based on current technology, hot spots and hyper links are limited to preordained functions and are internally static, such that they have not been programmed or modified to perform a wide variety of functions. In addition, hot spots have not been widely adapted or incorporated into video files. As the applications employed on the Internet fail to adequately address the foregoing issues, the instant invention gives the end user the ability to effectively and efficiently control and change the response of multifunctional hot spots and hyperlinks on a website. Consequently, this invention would be well received, especially in connection with video.

As noted, the use of hyperlinks and hotspots are known in the art, however current applications are static and do not address the problems noted above. For instance, U.S. Pat. No. 5,918,012 discloses the hyperlinking of time-based data files and embedding movies into other file types. It does not disclose the use of hot spots, as contemplated by the instant invention, and does not load the data file at startup but rather consults it on every click. U.S. Pat. No. 5,708,845 discloses

a system for mapping hot spots in media content for interactive digital media program. This patent discloses data files being separate from the video and linking to additional types of data. However, it fails to disclose the ability to change the type of information each hot spot links to, or having a hot spot that links to multiple databases or sites. U.S. Pat. No. 5,539,871 discloses a method and system for accessing associated data sets in a multimedia environment in a data processing system and associating data with elements in a multimedia presentation. The user may elect to have the associated data set presented by selecting the additional graphic element associated with the animated element. U.S. Pat. No. 5,970,504 discloses a moving image anchoring and hypermedia apparatus which estimates the movement of an anchor based on the movement of the object with which the anchor is associated and time intervals in which the hyperlink is active.

The foregoing prior art fails to disclose hyperlink and hot spot technology that is flexible, adaptable for use in digital media files, such as audio and video, platform independent, multi-tasked, and changeable and adaptable in functionality. The prior art also fails to disclose a menu bar that communicates with hot spots for creating, using and modifying website hot spots. Hyperlink and hot spot technology having these specifications would be well received. Consequently, there exist a need for programmable hyperlinks, multifunctional hot spots and a corresponding interactive menu bar.

SUMMARY OF THE INVENTION

The instant invention comprises an apparatus, system and method for creating multifunctional hotspots preferably for use in conjunction with digital media files, such as prerecorded and live-streamed audio and/or video, or other website content. The instant invention comprises software for expanding interaction between users and websites via a globally accessible network, such as the Internet or locally accessible networks. The software is preferably written in the JAVA programming language or other applications-based development software which is operational on a wide variety of computing platforms. The instant invention may further comprise source code that is convertible to executables as is known in the art. The software of the instant invention preferably facilitates the use of a digital media file, such as a digital video source or video stream, as a conduit for accessing related or targeted information through multifunctional hotspots imbedded or residing therein. The multifunctional hotspots may access information within the user's system, or a globally accessible network or over any local area network. Prerecorded and/or live streamed video is preferred as it provides a unique foundation for affording the user the opportunity to interact with video and other content in the website through activating with multifunctional hotspots having a plurality of different modes or functions. The multifunctional hot spots preferably comprise hyperlinks to other URL addresses and/or targeted databases. The multifunctional hot spots are preferably delineated by outlines or illumination, as visual cues to alert the user that clicking within the "multifunctional hot spot area will" give them access to additional information, files or locations. This is analogous to a hypertext link being highlighted in an HTML format when the cursor moves over it.

The software further comprises a function expandable menu bar for identifying, offering and delivering the plurality of activity modes of the instant invention. The function expandable menu bar comprises a plurality of different

activity modes or options which is preferably displayed at the bottom area of the video being played. The location of the function expandable menu bar may vary. The function expandable menu bar comprises a plurality of different modes/functions including a shop mode ("clickvideoshop™" a trademark of applicant), a digital call mode ("cooldigicall™" a trademark of applicant), a digital storage and retrieval mode ("digitallocker™" a trademark of applicant), a bid mode, an interact mode ("cool-interaction™" a trademark of applicant), a link mode, and an entertainment mode. A multifunctional hot spot can support one or more modes at any time. The shopping mode allows a user to fill a shopping cart with digital media files, the object or merchandise that was highlighted by the hot spot and other items for purchase. The digital call mode provides video conferencing and/or internet originated and operated telephone calls ("cooldigicalls™" a trademark of applicant) between two or more software users. The digitallocker mode provides a storage area for saving and playing digital media files selected therefrom. The bid mode facilitates audio and/or video communication between multiple users/clients in a multicast communication interface for conducting an auction and/or receiving bids for obtaining products or product information. The interact mode facilitates interaction between users and live-streamed Internet programs. The link mode hyperlinks to related or targeted web pages and/or web sites in an auxiliary browser. The entertain mode accesses related or targeted web sites, information and/or digital media files. Clicking an option in the menu bar determines the action to be taken when a user clicks on a multifunctional hot spot.

Hot spots support at least one of the modes provided by the function expandable menu bar and can support all modes if desired. The software of the instant invention provides for a virtually unlimited number of associations between digital media files, such as video and Internet accessible information. The menu bar is configured to expand for the support of additional relationships, actions and links. For example, during playback of a music video, a hot spot could load and make available in-depth product or performer information (Celebrity VideoTimeCapsules™) and (Celebrity VideoBiographies™ or Now-&-Then Entertainment News (a trademark of applicant) related to something in the video, a bid submission form, or an additional media file. The function of hot spots may vary during the running of a digital media file based on time stamps or other parameters. The action of the hot spots could be determined by a length of time into a video, or beginning and ending time stamps within the video or software correlating to the video. A multifunctional hot spot is activated when a user moves the cursor into the designated area at a point in time within the time-stamped interval in which the hot spot is specified to be active for a certain activity. An active hot spot is one in which the perimeter of its area is visible, or the area has been illuminated. A multifunctional hot spot comprises a designated area within a digital media file, such as a video stream or wave file for accessing information or data residing on a particular website or database. The hot spots may further include the beginning and ending time stamps specified in a data file, which may be loaded when a video is loaded and contain as many hot spot definitions as necessary. When a video reaches the end, a data file may specify whether or not the video should start at the beginning or some other designated location.

In accordance with the foregoing, it is an object of the instant invention to provide a software based apparatus,

system and/or method for multifunctional hotspots that may be created or modified in accordance with predetermined parameters or user inputs.

It is also an object of the instant invention to provide an apparatus, system and method for creating and/or modifying multifunctional hotspots with a plurality of applications that may be activated or rendered idle based on predetermined parameters or user inputs.

It is a further object of the instant invention to provide an expandable menu bar having a plurality of hot spot defining options and an interface for receiving user inputs for defining the next action of the hot spot based on the user input.

In accordance with these and other objects, which will become apparent hereinafter, the instant invention will now be described with particular reference to the accompanying drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

FIGS. **1A–1C** are a software flow diagram illustrating the operation, features and use of and user interaction with the instant invention in accordance with the preferred embodiment.

FIGS. **2A–2C** are a software flow diagram illustrating another embodiment of the operation, features and use of and user interaction with the instant invention.

FIGS. **3–5** are illustrative views of representative and alternative screen displays in accordance with the instant invention.

DETAILED DESCRIPTION OF THE INVENTION

With reference to the drawings, FIGS. **1A–C** to **5** disclose the preferred embodiments of the instant invention which is generally referenced by numeric character **10** and/or as ClickVideoShop™ (a trademark of Applicant) system and/or software ("CVSSW", a trademark of Applicant). The instant invention **10** comprises an interactive software based system and device having processor readable code **100** and/or **200**, as shown in FIGS. **1A–1C** and **2A–2C**, respectively, stored on a tangible medium that can add, use, change, adapt and process hot spots, such as hyperlinks and other known actions, in video files, audio files, digital files and/or designated areas of a website or webpage, so as to provide multifunctional hot spots. The instant invention **10** adds multifunctional hot spots to video and/or audio files or other types of digital files and provides a means for using and modifying the functions of the hot spots. Thus, the hot spots may be programmed with multiple objects and/or functions that may be activated or deactivated through a menu bar **93** having a plurality of modes and means for activating same, such as control buttons **94** that define the hot spot(s) with a predetermined function in response to successful user interaction with the buttons **94** in accordance with the invention. The software of the invention **100**, **200**, hot spots and corresponding objects or applications are platform independent and may be defined in one or more databases. The hot spots may be programmed with hyperlinks, JAVA applications and/or other types of applications based code for performing various functions while a user is residing in a video file, audio file or other location within a webpage or website, such as making a bid in a bidding or auction system mode **91**, linking to another web page or URL address in a link mode, linking to other videos or audio files in an entertainment mode, placing a digital telephone call in a digital call mode, or transmitting or accessing other types of

communications, systems (e-mail, etc.) and information, as shown in FIGS. 1A–3. The invention **10** embeds, links or makes available multifunctional hot spots that change modes automatically based on predetermined parameters or user interaction with the menu bar **93** in the video file, audio file or other type of digital file or location with the corresponding website or webpage.

The hot spot functions comprise a plurality of actions that are accessible on the function expandable menu bar. The function expandable menu bar comprises the plurality of different functions or modes. The clickvideoshop™ mode is configured to perform various actions when activated. The shop mode allows a user to click a hot spot and add items to a shopping cart. The cooldigicall™ mode facilitates video conferencing and digital phone calls over a globally accessible network between two or more clickvideoshop™ software users. The digitallocker™ mode comprises a device and means for storing and retrieving audio media, video media or other designated data or files. The digitallocker™ modem mode may further facilitate the separation of audio and visual tracks as well as the storage of individual tracks independently. The bid mode facilitates audio and video communication between multiple clickvideoshop™ software users by initiating a clickvideobay™ (a trademark of Applicant) and clickvideohub™ (a trademark of applicant). The bid mode may provide a multi-cast communication interface by providing a shared white board, chat rooms, instant messaging, auctions for exchanging product and production information that is disseminated via video or text, e-mail notification of selected highlights and a view of the user's digitallocker™, with the ability to add audio and video from the multi-cast session. The interact mode facilitates interaction between the user and live-streamed internet programs. The user is able to communicate and/or interact with network designated queues by clicking on hot spots in a live audio and/or video streamed file being broadcasted over the internet. In the interactive mode, the user can also interact or communicate by using multi-task communication windows and the teleconference functions of the software, such as that provided by the digital call mode. In these modes, the user can activate a voice recognition function to activate certain software functions and initiate the multifunctional hot spots in the live streamed audio and/or video file. In the link mode, hot spots in the main audio and video file are initiated and open web pages, websites or other URL addresses in an adjacent browser or window or in a main playback browser/window. In the entertainment mode, the activation of hot spots causes the opening of related or targeted audio and video and/or video files related to the designated hot spot and an auxiliary browser/window. Examples of related video files may comprise Video Biographies™, Entertainment News™, Video Time Capsules™ and other entertaining audio and video files (VideoBiographies™, Now-And-Then Entertainment News™, and Celebrity VideoTimeCapsules™ are trademarks of Applicant).

The invention **10** may incorporate HTML language or a comparable language for loading documents through a web browser. The HTML document loaded by the web browser may contain a downloadable custom plug-in(s) that implements an algorithm, and/or tags that specify, among other things, the path to a Java applet containing the object, source, executable or application code necessary to execute the multifunctional hot spots and currently active function as defined by a predetermined parameter or user input; the path to the video or audio file that the applet will play; and/or the path to a data file that contains variables used to create objects and/or applications having the information needed to identify, define and activate the multifunctional hot spots and their location in designated areas on the screen or in the corresponding digital file. A data file contains tags that can specify various functions when a hot spot is activated, such as, whether the video file should only play once or play in a continuous loop; the URL of the web page or website to open when a hot spot is activated; an electronic signature that uniquely identifies a user and item(s) for adding to a shopping cart; the URL of a video file or audio file to play when a hot spot is activated; an electronic signature that uniquely identifies a purchased or auctioned item such that a request or bid for it can be entered into a multicast bidding or purchasing system; and/or an electronic signature that uniquely identifies an item or area on the screen that once initiated a communication system/digital calling system is activated in accordance with the digital call mode **95**.

The instant invention requires, but is not limited to, at least one tag in the data file, and at least one of the above noted steps should be specified for defining the "hot spot's" functionality, as defined through the mode control bar **93**. In accordance with the teachings of the instant invention, a "hot spot" can be programmed with more than one definition or functionality, and the mode control bar can be expanded to an indefinite number of mode control features and buttons.

Referring to FIGS. 1A–1C, the logic and operation of the preferred software **100** of the instant invention **10** is shown. With reference to FIG. 1A, the user powers up the computer and initiates the click video shop™ software **100**, which reads the configuration information for the hot spots (**101–104**). The software **100** then determines what mode it is in for determining what action to take when a hot spot is activated. If the software **100** is in the digital call mode, then the software **100** determines whether another client is attempting to establish a contact with another user (**105–106**). If not, then the software **100** determines whether the user has entered a name of a user contact for initiating and placing a call (**107**). In either event, once a target user has been identified, the software **100** initiates a connection between the users/clients to facilitate audio and video communication between the clients (**108**). The software **100** maintains an A/V connection between the two clients throughout the call (**109**). Throughout the call, the software **100** monitors the activity to determine whether the primary client user has switched modes (**110**). If yes, then the software **100** moves back to determine what new mode has been activated. If a new mode has not been selected, then the software **100** continues to monitor whether the user is on the digital call and maintains the A/V connection between the two clients throughout the duration of the call (**111**).

With reference to FIG. 1B, the software **100** determines whether the user has selected the bid mode (**112**). If yes, then the software **100** initiates a ClickVideoBay™ in a ClickVideoHub™, which is a multicast communication interface to facilitate A/V communication between multiple clients (**113**). The multicast communication interface comprises a white board shared between software clients, a section for text input and output to provide chat rooms between software clients, a section to facilitate instant messaging, a section to facilitate auctions among software clients, with product listing information presented via video or text, e-mail notifications of selected meeting highlights, a section displaying the contents of a user's digital locker and the ability to add audio and video media from the multicast meeting (**113**). Thereafter, the software **100** executes the desired user action, including updating the contents of each user's white board to keep them in sync with all other users,

updating the chat room section of the window with statements and replies for all users, processing bid submissions and approvals by users, displaying e-mail alerts containing information, and sending and displaying instant messages (**114**). Throughout, the software **100** monitors whether the user has switched modes (**115**). If no, the software continues to execute the desired user actions. If yes, then the software **100** moves back to the mode identification routine.

The software **100** also determines whether the user has selected and activated the digital locker™ mode (**116**). If yes, then the software **100** initiates and displays a window containing the contents of the user's digital locker™ (**117**). The digital locker™ is a storage area hosted on a remote system or database that allows the user to save, retrieve and play back all digital forms of audio and video media. It also facilitates the separation of audio and visual tracks in the storage of each track independently. Throughout the digital locker™ mode, the software **100** monitors whether the user has switched modes (**118**).

If no mode is determined as being selected, the software **100** determines whether the user has exited the program (**119**). If not, the software **100** reads the multi-functional hot spot data file (HSDF) and creates and initializes custom defined objects based on information in the HSDF (**121–122**). The software **100** registers areas on the screen or in the video as multi-functional hot spots using a region obtained from the HSDF (**123**). The software **100** then loads the movie/video/audio file and activates and/or draws the menu bar **93** at the bottom of the video playback area or some other designated location (**124**). The software **100** then plays the movie/video/audio file (**125**). The hot spot is continuously monitored to determine whether the user has placed the cursor over a hot spot (**126**) and if not, it continues to play the file. If the user has placed the cursor over a hot spot, then the software **100** determines whether the current time position of the movie playback is within the range specified by the custom object (**126–128**). With reference to FIG. 1C, if the movie is within the time stamped range, then the software **100** highlights the area specified by the hot spot object (**129**). The program then determines whether the user has clicked the hot spot (**130**). If not, the program determines whether the user has changed modes or is remaining in the "play movie" mode. If the user clicks the hot spot, then the software **100** determines what mode the user has selected (**130, 131, 133, 135, 137**). Depending on the time stamped region and HSDF, the software **100** will activate the action corresponding to the mode and the video file time stamped range. If in the shop mode, then the software **100** will add products referenced by the hot spot to the user's shopping cart (**132**). If in the link mode, then software **100** opens with information relevant to the item referenced by the hot spot object and presents this information as a web page. jpeg, mpeg or other multi-media format (**134**). If the user has selected the entertainment mode, then the software **100** opens a movie/video/audio file whose content is related to the item referenced by the hot spot object as it correlates to the time stamped period in the video or movie (**136**). If the user has selected the cool interact™ mode then the software **100** plays a live audio/video stream that contains hot spots and a multicast communication window is open and the user is able to control certain software functions via voice recognition (**138**). The software **100** makes all modes available simultaneously for selection and continues to monitor user activity for determining what actions to take when a hot spot is activated, as shown in FIGS. 1A–1C.

The logic and operation of an embodiment of the software **200** of the invention **10** is shown in FIGS. 2A–2C. With reference to FIG. 2A, a user powers up the computer, launches a web browser and loads an HTML document containing a downloadable custom plug-in(s) that implements an algorithm and/or tags that pass parameters to a Java applet (**212–218**). It is important to note that a downloadable custom plug-in(s) may be used to implement an algorithm to perform the same tasks, instead of a Java applet. Consistent therewith, the applet reads the data file, creates and initializes custom defined objects or functions in accordance with the data file and registers areas on the screen as hot spots using a geometric region obtained from the custom defined objects (**220–224**). The applet loads the video or audio file and draws or uploads a menu bar **93** at the top, bottom or other location in or near the video area **90** where the video or audio file is displayed and plays the file (**226 228**). The applet gives a visual cue, such as highlights, illumination, or shading in or around the area of the hot spot(s) for a particular time interval, such as ten (10) seconds (**230**), which occurs while the movie is playing, but not necessarily all at the same time. Time stamps may be placed in the video or audio file or a corresponding routine for monitoring and communicating with the video and hot spot function for activating and deactivating functions based on the progress of the video or audio file in relation to the time stamps. User inputs in the menu bar **93** may override predetermined functions and/or time stamps.

With reference to FIG. 2B, the software **200** of the invention **10** continually monitors whether the screen cursor is over a hot spot (**232**). If the cursor is detected as not being over a hot spot, then the invention **10** determines whether a control bar action has been activated (**256**). If the cursor is detected as being over a hot spot, then it checks whether the current time position of the movie playback is within the range specified by the custom defined object (**234**). If the answer is no, then the program **10** determines whether a control bar action has been activated (**256**). If the time position is within the specified range, then the applet gives a visual cue in the area specified by the hot spot object (**236**). Next, the program of the invention determines whether the user has "clicked" or otherwise activated the hot spot. If no, then the program goes on to determine whether a control bar action has been activated (**256**). If the user activates the hot spot (i.e. clicks it), then the program determines the mode of the applet (**240–252**), as shown in FIG. 2B. If in the shop mode, the applet adds the items specified by the custom defined object to the user's shopping cart (**240 242**). If the applet is in the entertain mode, then it opens another browser window, playing the video or audio file located at the URL address obtained from the custom defined object in the corresponding hot spot (**244–246**). If the applet is in the bid mode, then it activates the bidding routine of the software and enters bids correlating to electronic signatures as they are made into the bidding system for the item specified by the custom defined object (**248–250**). If the applet is in the link mode, and the hot spot is activated then it the program opens a browser window and links to the URL obtained from the custom defined object in the hot spot (**252–254**). After determining the applet mode or lack thereof, the program **200** determines whether the user clicked or activated the mode or control buttons/bar **93**.

Regardless of how the user or program **200** gets to the decision block for determining whether the user has clicked in the control bar **93**, the program **200** proceeds with said inquiry and several other inquires depending on the responses. For instance, if the program determines that the

user has not clicked in the control bar (**256**), then it determines whether the video or audio file has reached the end (**274**). If not, the program **200** loops back to determine whether the cursor is over a hot spot (**232**). If the video or audio file is determined to have reached the end, then the program **200** checks the data file to see if the video should go into a continuous loop (**276**). If yes, then the program **200** loops back and continues playing the movie (**228**). If no, then the program stops (**278**). If the program has determined that the user has in fact clicked in the control bar (**256**), then it ascertains what mode was selected from the control bar (**258–272**). After the mode or option has been determined, the program checks to see if the video or audio file has reached the end, as described above (**274–276**).

Area **1** and Area **2** of FIG. **3** are Multicast Windows that are controlled by the mode control bar. The windows only appear when the video is placed in a particular mode (i.e. bid, cooldigicall™ (a trademark of Applicant), clickvideoshop™ (a trademark of Applicant), entertain, cool-interact™ (a trademark of Applicant), digitallocker™ (a trademark of Applicant), coolecall™ (a trademark of Applicant), play, or link . . . etc,). FIGS. **3–5** are illustrative views of representative and alternative screen displays in accordance with the instant invention. The shape of the Video Area, Multicast Windows, and general layout of the Entertainment Area are subject to design change. It should be understood that the invention is not limited to the disclosed embodiment, but on the contrary is intended to cover various modifications and equivalent arrangements included within the spirit and scope of the claims. The instant invention has been shown and described herein in what is considered to be the most practical and preferred embodiment. It is recognized, however, that departures may be made there from within the scope of the invention and that obvious structural and/or functional modifications will occur to a person skilled in the art.

What is claimed is:

1. A Multifunctional Hot Spot apparatus comprising:

at least one hot spot defined by a communication with instructions stored on a tangible retaining medium;

at least one of the hot spots being accessible from a globally accessible network;

means for performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot;

wherein said hot spots reside on and are accessible from a digital video or audio file;

wherein said predetermined functions are selected from a mode control;

wherein the mode control comprises a plurality of modes;

wherein the plurality of modes comprise a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode;

wherein a specific mode is selected by a user through an expandable graphical user interface bar;

wherein said specific mode further toggles based on time stamps in said digital video or digital audio file;

wherein said hot spots are visualized by outlines, shading, or illumination or a combination of each, at a predetermined area on the display;

wherein said Multifunctional Hot Spot apparatus is made to reside on and is executing on a computing system;

means, defined by said instructions, for selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot.

2. An apparatus as recited in claim **1**:

where said predetermined functions comprising:

means for further identifying items available on a website for purchase.

3. An apparatus as recited in claim **1**:

where said predetermined functions comprising:

means for conducting an auction and receiving bids for the purchase of identified items, through a multicast communication window & interface.

4. An apparatus as recited in claim **1**:

where said predetermined functions comprising:

means for linking to at least one predetermined URL address when said hot spot is activated.

5. An apparatus as recited in claim **1**:

further comprising a means for storing and retrieving digital media, said digital media having at least one said Multifunctional Hot Spot defined therein.

6. An apparatus as recited in claim **1**:

wherein said predetermined functions comprises:

means for calling a predetermined phone number or user when said hot spot is activated.

7. An apparatus as recited in claim **1**:

further comprising a storage, retrieval, and modification-area apparatus:

means for providing sessions for storing, modifying, accessing and activating digital media when said Multifunctional Hot Spot is activated:

a set of processed or readable instructions storable on a retaining medium, providing a means for separating digital video and digital audio files in and from digital media and means defined to facilitate the separation of digital video and digital audio with at least one Multifunctional Hot Spot.

8. An apparatus as recited in claim **1**, wherein said predetermined functions comprises:

a means for communicating a website or network user with

a digital media file having at least one said Multifunctional Hot Spot.

9. An apparatus as recited in claim **1**, wherein said predetermined functions comprise:

a voice recognition means for activating at least one of said predetermined functions based on the sound of the user's voice.

10. An apparatus as recited in claim **1**, wherein

said hot spots reside on and are accessible from at least one linked digital video file, wherein a linked digital video is accessible from digital video with at least one Multifunctional Hot Spot;

where said digital video is activated from a preset parameter, or upon reaching a particular segment in a digital media file;

wherein said digital video is based on a user's preference;

means defined for automatically launching digital video to the current user or launching to another active network user.

11. An apparatus as identified in claim **1**:

wherein said hot spot resides in and is accessible from at least one, linked audio digital file, wherein linked digital audio is accessible from digital audio with at least one Multifunctional Hot Spot;

where said digital audio is activated from a preset parameter, or upon reaching a particular segment in a digital media file;

wherein said digital audio is based on a user's preference;

means defined for automatically launching digital audio to the current user or launching to another active network user.

12. An apparatus as recited in claim **1**:

wherein said predetermined functions comprise:

at least one globally accessible address that is accessible through a globally accessible network when said corresponding identifier is selected.

13. An apparatus as recited in claim **1**, where said means for selecting and activating comprises:

at least one predetermined parameter that activates a corresponding function from said plurality of functions when said parameter is satisfied.

14. An apparatus as recited in claim **13**:

further comprising a means for overriding said parameter when a user selects at least one of said plurality of predetermined functions.

15. A tangible computer readable storage medium having computer readable program code portions stored therein, such that, when executed in a computer causes the computer to perform the steps of:

defining at least one hot spot by a communication with instructions stored on a tangible retaining medium;

accessing at least one of the hot spots from a globally accessible network;

performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot;

wherein said hot spots reside on and are accessible from a digital video or audio file;

wherein said predetermined functions are selected from a mode control;

wherein the mode control comprises a plurality of modes;

wherein the plurality of modes comprise a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode;

wherein a specific mode is selected by a user through an expandable graphical user interface bar;

wherein said specific mode further toggles based on time stamps in said digital video or digital audio file;

wherein said hot spots are visualized by outlines, shading, or illumination or a combination of each, at a predetermined area on the display;

wherein said Multifunctional Hot Spot apparatus is made to reside on and is executing on a computing system;

selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot.

16. An apparatus as recited in claim **1**, further comprising:

means for adding at least one additional function to a predetermined hot spot.

17. A Multifunctional Hot Spot method comprising:

defining at least one hot spot by a communication with instructions stored on a tangible retaining medium;

accessing at least one of the hot spots from a globally accessible network;

performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot;

wherein said hot spots reside on and are accessible from a digital video or audio file;

wherein said predetermined functions are selected from a mode control;

wherein the mode control comprises a plurality of modes;

wherein the plurality of modes comprise a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode;

wherein a specific mode is selected by a user through an expandable graphical user interface bar;

wherein said specific mode further toggles based on time stamps in said digital video or digital audio file;

wherein said hot spots are visualized by outlines, shading, or illumination or a combination of each, at a predetermined area on the display;

wherein said Multifunctional Hot Spot apparatus is made to reside on and is executing on a computing system;

selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot.

18. a tangible computer readable storage medium having computer readable program code portions stored therein, such that, when executed in a computer causes the computer to perform the steps of:

defining at least one hot spot by a communication with instructions stored on a tangible retaining medium;

accessing at least one of the hot spots from a globally accessible network;

performing at least one of a plurality of predetermined functions executed with the selection of each particular hot spot;

wherein said hot spots reside on and are accessible from a digital video or audio file;

wherein said predetermined functions are selected from a mode control;

wherein the mode control comprises a plurality of modes;

wherein the plurality of modes comprise a shop mode, a bid mode, an interact mode, an entertainment mode, and a link mode;

wherein a specific mode is selected by a user through an expandable graphical user interface bar;

wherein said specific mode further toggles based on time stamps in said digital video or digital audio file;

wherein said hot spots are visualized by outlines, shading, or illumination or a combination of each, at a predetermined area on the display;

wherein said Multifunctional Hot Spot apparatus is made to reside on and is executing on a computing system;

selecting and activating at least one of said predetermined functions by clicking on each particular Multifunctional Hot Spot.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

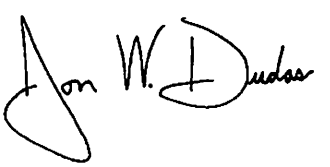
PATENT NO. : 7,162,696 B2
APPLICATION NO. : 09/877729
DATED : January 9, 2007
INVENTOR(S) : Wakefield

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page, item (74) *Attorney, Agent, or Firm*: Should read --Franz Antonio Wakefield, Pro Se. --.

Signed and Sealed this

Twenty-seventh Day of March, 2007



JON W. DUDAS
Director of the United States Patent and Trademark Office