

### **REMARKS/ARGUMENTS**

Claims 1-20 are pending in the application. Claims 2-20 have been added. No new matter has been added. Claims 8 and 14 are apparatus and computer-readable medium claims of Claim 1. Claims 2-7, 9-13, and 15-20 are dependent upon independent Claims 1, 8, and 14, respectively.

#### **I. Judicially-created Double Patenting**

The Office Action provisionally rejected Claim 1 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 7,779,446 B2. To advance prosecution in an expeditious manner, a proper Terminal Disclaimer is timely filed concurrently herewith. The Terminal Disclaimer is sufficient to overcome the double patenting rejection, as noted in the February 9, 2012 Office Action at page 2. See 37 CFR § 1.321(c). In addition, Applicants provide the following statement of common ownership per MPEP §706.02(I)(9)(II):

The subject matter of Application No. 12/806,661 and Patent No. 7,779,446 B2 were, at the time the invention of Application No. 12/806,661 was made, owned by TiVo Inc.

Therefore, Applicants respectfully submit that the Terminal Disclaimer included herein and the statement of common ownership above overcome the double patenting rejection of Claim 1. Applicants respectfully request that the examiner withdraw the rejection under the judicially-created doctrine of obviousness-type double patenting.

#### **II. CONCLUSION**

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.

The Examiner is invited to telephone the undersigned at (408) 414-1214 to discuss any issue that may advance prosecution.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 8.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

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