

Docket No.: 60097-0558

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Confirmation No.: 5739  
James M. Barton et al. :  
Serial No.: 12/360,102 : Examiner: NYA  
:   
Filed: January 26, 2009 : Group Art Unit: 2423  
:   
For: SYSTEM FOR REMOTELY CONTROLLING CLIENT RECORDING AND STORAGE  
BEHAVIOR

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

**REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a)**

Sir:

This is in response to the Decision on Petition mailed April 20, 2009, wherein the Petitions Examiner noted that the requirement of item (1) had not been met: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings).

In order to establish proof of item (1), a copy of the instant application, including specification, claims and drawings, was sent to Timothy Davison at his last known address at 1968 15<sup>th</sup> Street, San Francisco, CA 94114 on April 28, 2009 by Federal Express. A copy of the transmittal letter, the return package marked "No Such Person At Address", and an Affidavit of Martina Placid is submitted herewith in support of this Request.

Since proof has been established that the non-signing inventor cannot be reached after having been presented with the application papers, the Petitioners and TiVo Inc. respectfully request the Commissioner to grant the Petition Under 37 C.F.R. § 1.47(a).

The Petitioners and TiVo Inc. believe that all required fees have been submitted or charged to petitioner's credit card. However, throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to our deposit account 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: June 10, 2009

/KirkDWong#43284/

Kirk D. Wong

Reg. No. 43,284

2055 Gateway Place, Suite 550  
San Jose, California 95110-1089  
Telephone No.: (408) 414-1080 ext. 208  
Facsimile No.: (408) 414-1076

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Confirmation No.: 5739
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James M. Barton et al.	:	Group Art Unit: 2423
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For: SYSTEM FOR REMOTELY CONTROLLING CLIENT RECORDING AND STORAGE BEHAVIOR	:	

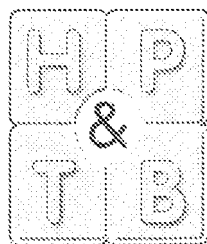
**AFFIDAVIT OF MARTINA PLACID**

1. I, Martina Placid, am employed as a Legal Patent Secretary at Hickman Palermo Truong and Becker LLP.
2. On April 28, 2009, I sent a package to Timothy Davison including a cover letter, a copy of the instant application including specification, claims and drawings, and a Declaration, to his last known address at 1968 15<sup>th</sup> Street, San Francisco, CA 94114 by Federal Express. Copies of the cover letter and the Federal Express Shipping Label are attached.
3. The package was returned by Federal Express as being undeliverable with a notation "No Such Person At Address". A copy of the returned Federal Express envelope is attached.
4. I hereby state that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements are made with the knowledge that willful false statements in the like so made are punishable by a fine or imprisonment or both, under Section 101, Title 18 of the United States Code and that such willful and

false statements may jeopardize the validity of the application or any patent issued there under.

Dated: June 10, 2009

By: Martina Placid  
Martina Placid



**Hickman Palermo Truong & Becker LLP**  
Intellectual Property Law

2055 Gateway Place • Suite 550 • San Jose • California • 95110-1083  
Telephone (408) 414-1080 • Facsimile (408) 414-1076 • [www.hptb-law.com](http://www.hptb-law.com)

April 27, 2009

*Via Federal Express*

Timothy Davison  
1968 15<sup>th</sup> Street  
San Francisco, CA 94114

Re: U.S. Patent Application Serial No. 12/360,102, filed January 26, 2009  
For: SYSTEM FOR REMOTELY CONTROLLING CLIENT RECORDING AND  
STORAGE BEHAVIOR  
Inventor(s): Paul Westbrook, et al.  
Client Reference No.: 60097-0558

Dear Mr. Davison:

Enclosed is a copy of the referenced application and drawings as filed with the U.S. Patent and Trademark Office on January 26, 2009. Also enclosed is a Declaration for your signature. Please sign and date the Declaration where indicated and return it to us for filing in the U.S. Patent and Trademark Office.

If you have any questions please contact me at 408-414-1218. Thank you for your prompt attention to this matter.

Very truly yours,

HICKMAN PALERMO TRUONG & BECKER,  
LLP

Martina Placid  
Assistant to Kirk D. Wong

Encls:  
Application as filed  
Declaration

From: Unger LP HPIVA (408) 414-1000  
 Marina Plaza  
 Hickman Palermo Truong & Becker  
 2050 Gateway Place, Suite 550

San Jose, CA 95118



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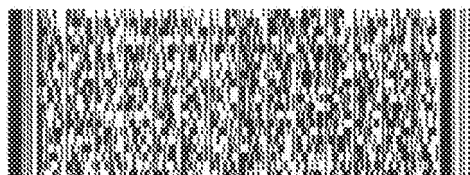
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BILL SENDER

Timothy Davison

1968 15th St.

San Francisco, CA 94114

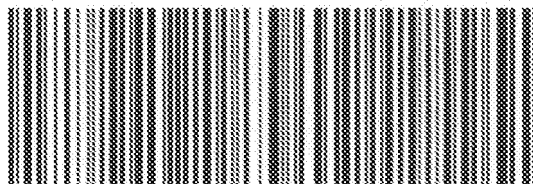


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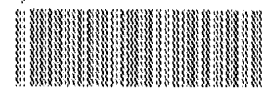
Page 1 of 1

From: Origin: 0114 (408) 414-1020  
Martina Placid  
Hickman Palomo Trusting & Banker  
2055 Gateway Place, Suite 350  
San Jose, CA 95119



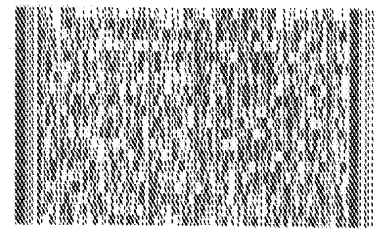
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Timothy Davison  
1968 15th St.  
San Francisco, CA 94114

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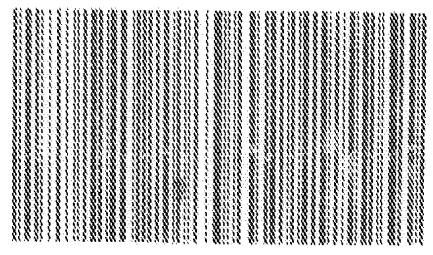


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**Acknowledgement Receipt**


The USPTO has received your submission at **18:50:13** Eastern Time on **15-JUN-2009**.

No fees have been paid for this submission. Please remember to pay any required fees on time to prevent abandonment of your application.

**eFiled Application Information**

EFS ID	5493870
Application Number	12360102
Confirmation Number	5739
Title	SYSTEM FOR REMOTELY CONTROLLING CLIENT RECORDING AND STORAGE BEHAVIOR
First Named Inventor	Paul Westbrook
Customer Number or Correspondence Address	29989
Filed By	Kirk D. Wong
Attorney Docket Number	60097-0558
Filing Date	26-JAN-2009
Receipt Date	15-JUN-2009
Application Type	Utility under 35 USC 111 (a)

**Application Details**

Submitted Files	Page Count	Document Description	File Size	Warnings
60097- 0558RequestforReconsiderationasfiled.pdf	7		322847 bytes	 PASS
		<b>Document Description</b>	<b>Page Start</b>	<b>Page End</b>
		Petition for review by the Office of Petitions.	1	2
		Rule 130, 131 or 132 Affidavits	3	7

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office



If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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- *If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.*