Power of the Pen

Intellectual Property Analysis of Helferich Patent Licensing

January 23, 2012

Helferich Patent Licensing, an ambitious non-operating entity, has sued numerous corporations, but recently took aim on the media industry. Helferich is suing media corporations using a patent which had 65 new claims added in a patent reexamination procedure in December 2011. Perhaps it is time that the media use the power of the pen to shed more light on a system that continues to allow jobs-killing, anti-growth, anti-business behavior?

Ever heard of Helferich Patent Licensing?

In a perfect world, where nefarious activities were illuminated without regard to whose wallet was damaged, you would have.

But that's not the world we live in.

Helferich Patent Licensing LLC, a non-operating entity, has either sued or signed licensing agreements with at least forty of the top companies in news, computing, mobile communications, department stores, and sports. This list can be found to the right.

How can one company sue such a broad array of companies? Well, it's not because they're Intellectual Ventures... maybe. It's because they basically claim ownership of sending content to a mobile device. That's right, because when you think of mobile communications, a company called Helferich Patent Licensing instantly springs to mind, doesn't it?

So why isn't this name familiar, even though it has sued media companies including the New York Times and CBS? Even though Mark Twain famously reminded readers to "never pick a fight with someone who buys ink by the barrel," the media has yet to utilize their biggest asset- their audience. Because any company that communicates with their customers via mobile communication could be on Helferich's hit list, the media industry could build a large consortium to attack Helferich.

Companies Helferich has sued or locked into licensing agreements: [1]

Acer	NEC Corp
Amazon	New York Times
Apple	Nissan
Asustek	Nokia
Best Buy Co.	Palm
Bravo Media	Panasonic
Casio	Pantech
CBS Corp	Phoenix Newspapers
Dell	Psion
G4 Media	RIM
Hitachi	Samsung
HP	Sanyo
HTC	Sharp
Huawei	Sony Ericsson
i-mate	Suns Legacy Partners
J.C. Penney	The Bon-Ton Stores
Kyocera	Toshiba
LG Electronics	UTStarcom
Microsoft	ValueVision Media
Motorola	Wistron
NBA	ZTE Corp

Analysis

Trolls have been so focused on the technology sector that they had not fully explored the media realm. A familiar pattern of troll activity is now emerging. First, a troll can sue some small companies to see if the patents that it wants to use to attack companies will hold up in court or at least serve to line the war-chest required to finance expeditionary campaigns against more capable foes. Then the troll could seek out larger targets – like the NBA, which Helferich just sued on January 17, 2012.

[1] http://www.scribd.com/priorsmart/d/59828749-Helferich-Patent-Licensing-v-Nokia-et-al

Branching out and attacking the media sector makes sense for trolls because newspaper companies especially have historically relied on and benefited from copyrights rather than patents. They also don't have a massive war chest built up like many in the tech industry today. So what better way to prey on an industry built on copyrights than to assert 22 patents against the New York Times over peripheral technology. Which means, what better Helferich lawsuit for us to focus on than one where over 80% of the company's entire patent portfolio is asserted in a single lawsuit.

Below are the patents that Helferich asserted against the New York Times on July 14, 2010. (Case number 1:2010cv04387)

Document #	Title	Original Assignee	Priority	File	Issue
US 7,627,305	Systems and methods for adding information to a directory stored in a mobile device	Wireless Science, LLC	29-Mar-99	14-Apr-05	1-Dec-09
US 7,499,716	System and method for delivering information to a transmitting and receiving device	Wireless Science, LLC	19-Sep-97	7-Apr-06	3-Mar-09
US 7,039,428	System and method for delivering information to a transmitting and receiving device	Thompson Investment Group, LLC	19-Sep-97	13-Oct-00	2-May-06
US 7,403,787	Paging transceivers and methods for selectively retrieving messages	Richard J. Helferich	19-Sep-97	21-Mar-05	22-Jul-08
US 7,376,432	Paging transceivers and methods for selectively retrieving messages	Wireless Science, LLC	19-Sep-97	17-Mar-05	20-May-08
US 7,280,838	Paging transceivers and methods for selectively retrieving messages	Richard J. Helferich	19-Sep-97	18-Mar-05	9-Oct-07
US 7,242,951	Paging transceivers and methods for selectively retrieving messages	Richard J. Helferich	19-Sep-97	18-Mar-05	10-Jul-07
US 7,003,304	Paging transceivers and methods for selectively retrieving messages	Richard J. Helferich	19-Sep-97	13-Oct-00	21-Feb-06
US 6,233,430	Paging transceivers and methods for selectively retrieving messages	Richard J. Helferich	19-Sep-97	19-Sep-97	15-May-01
US 7,277,716	Systems and methods for delivering information to a communication device	Richard J. Helferich	19-Sep-97	4-Feb-05	2-Oct-07
US 7,155,241	Systems and methods for enabling a user of a communication device to manage remote information	Richard J. Helferich	19-Sep-97	7-Feb-05	26-Dec-06
US 7,146,157	Systems and methods for downloading audio information to a mobile device	Richard J. Helferich	12-Dec-97	19-Apr-05	5-Dec-06
US 6,983,138	User interface for message access	Richard J. Helferich	12-Dec-97	23-Feb-00	3-Jan-06
US 6,826,407	System and method for integrating audio and visual messaging	Richard J.Helferich	30-Sep-99	30-Sep-99	30-Nov-04
US 6,696,921	Transmitting and receiving devices and methods for transmitting data to and receiving data from a communications system	Richard J.Helferich	19-Sep-97	9-Sep-02	24-Feb-04
US 6,462,646	Transmitting and receiving devices and methods for transmitting data to and receiving data from a communication system	Richard J. Helferich	19-Sep-97	18-May-01	8-Oct-02
US 6,636,733	Wireless messaging method	Thompson Trust	19-Sep-97	31-Mar-00	21-Oct-03
US 6,459,360	Networks, communication systems, transmitting and receiving devices and methods for transmitting, receiving, and erasing stored information	Richard J. Helferich	19-Sep-97	10-Jul-00	1-Oct-02
US 6,259,892	Pager transceiver and methods for performing action on information at desired times	Richard J. Helferich	19-Sep-97	19-Sep-97	10-Jul-01
US 6,253,061	Systems and methods for delivering information to a transmitting and receiving device	Richard J. Helferich	19-Sep-97	19-Sep-97	26-Jun-01
US 6,097,941	User interface for voice message access	Richard J. Helferich	12-Dec-97	12-Dec-97	1-Aug-00
US 6,087,956	Paging transceivers and methods for selectively erasing information	Richard J. Helferich	19-Sep-97	19-Sep-97	11-Jul-00

These patents, when looked at as a whole, deal with distributing content to a mobile device. For example, getting email updates from the Times on your Blackberry, or managing your Times account from your iPhone, are utilities being claimed as Helferich's technology.

Seventeen of the twenty-two patents seem to have been applied for on the same date, September 19, 1997. Perhaps Richard Helferich had a prophetic vision during this blustery September that left him with seventeen epiphanies on the future of cell phones.

Actually, the reason why many of the patents in suit have the same priority date is because of the way the rules work at the US Patent and Trademark Office (USPTO). For example, three of the patents in suit spring from one patent, U.S. 6,259,892 (the '892 patent), which is also being asserted in the above suit. Basically, in this case, the later patents – U.S. 6,636,733, U.S. 7,039,428, and U.S. 7,499,716 – are "children" of the '892 patent that have taken advantage of changes in technology in the years since the '892 patent was granted. USPTO rules permit these later patents to benefit from the earlier application, or priority, date of their parent patent. An early priority date benefits a patentholder by providing leverage against other entrants in its patented technology area. Much of the Helferich portfolio claims were developed long after September 19, 1997, but for legal purposes, the rules allow Helferich to pretend that everything happened that day. For the uninitiated, the USPTO examination process allows for a blurred time warp where, building on an early "priority date" an applicant and examiner can backfill a patent with things that NEVER EXISTED at the time of the first flash of genius and pretend that it was patentable or knowable at the time. Regrettably, while this behavior is well outside the spirit of the law, the practice of the law – and many of its practitioners – have successfully erased the evidence of ***reduction to practice*** from the law and its functional interpretation.

The most recently issued patent in this large extended family is U.S. 7,499,716 (the '716 patent). As a new member of the family, this patent probably benefits the most from the new technology claims that were grafted into it during the reexamination process at the USPTO. So it is no surprise that the '716 patent is one of three patents Helferich has asserted at least thirteen times against others. It's also been used in many of the cases where the defendant ultimately became a licensee of the Helferich patent portfolio.

The '716 patent has led an interesting life at the USPTO. The '716 patent has been reexamined by the USPTO. While one would think reexamination is helpful in determining the quality of a patent, it can actually give the patentholder a chance to add additional new claims to the patent under review. That is exactly what happened in a reexamination of the '716 patent. On December 13, 2011, all of the claims of the '716 patent were determined to be patentable as amended. In addition, **65 new claims** were added and determined to be patentable, increasing the already impressive count of 69 claims to an even more impressive 134. So the '716 patent we see today is not where it started out when it was filed and bears even less resemblance to Helferich's brainstorm on September 19, 1997.

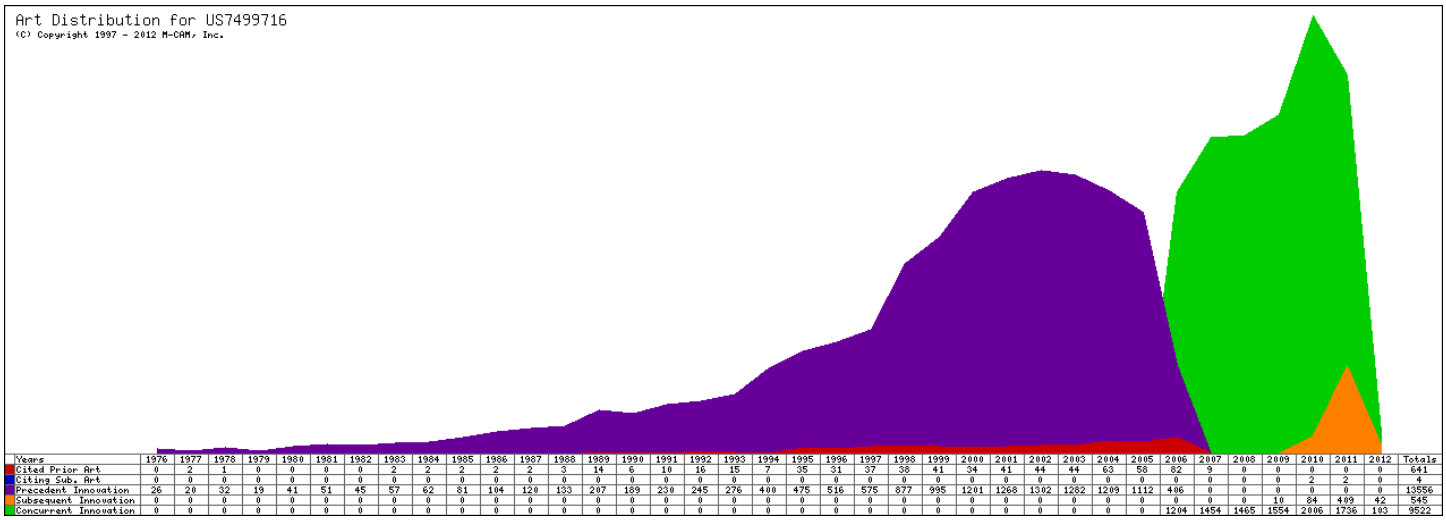
For your reading enjoyment, we've included the 65 new claims in Appendix A. Keep in mind that all of these claims were **added in December 2011**, but have the benefit of the September 19, 1997 priority date.

Below is the original claim 1 of the '716 patent, as well as its amended claims 1 and 2 from December 13, 2011. We compare amended claims 1 and 2 with claims that were issued in 2005 as part of Nokia's U.S. 6,957,063 (the '063 patent)**.** To be clear, the '063 patent is **not** considered prior art to the '716 patent under the rules of the US patent system.

Original Issued Claims of the '716 patent	**Amended and reissued claims of the '716 patent (December 13, 2011)** (Amendments in *italics*)	**Sample claims from Nokia's U.S. 6,957,063** (Similarities highlighted in **blue**)

1. A method of content communication, comprising: receiving a notification at a cell phone, the notification at least identifying content intended for the cell phone and identifying the content's location, and identifying the type of content from among at least text, image, audio, and video content; alerting a user of the cell phone that the notification has been received; receiving input from the user indicating that the content should be downloaded to the cell phone; generating a request signal including a request to download the content; sending the request signal from the cell phone so that the desired content may be downloaded to the phone; and receiving the desired content to the cell phone only in response to sending the request signal.	1. A method of **content communication**, comprising: receiving a **notification** at a **cell phone**, the **notification** at least **identifying content** intended for the cell phone and identifying the **content's location**, and **identifying the type of content** from among at least text, image, audio, and video content; **alerting a user of the cell phone that the notification has been received**; **receiving input from the user indicating that the content should be downloaded** to the cell phone; generating a **request signal** including a **request to download the content**; sending the **request signal** from the cell phone *to the identified* ***content's location*** so that the desired content may be downloaded to the phone; and **receiving the desired content** to the cell phone **only in response to sending the request signal**. *2. A method of content communication, comprising:* *receiving a* ***notification*** *at a cell phone, the* ***notification*** *at least* ***identifying content*** *intended for the cell phone and identifying the* ***content's location****, and* ***identifying the type of content*** *from among at least text, image, audio, and video content;* *alerting a user of the cell phone that the notification has been received;* ***receiving input from the user indicating that the content should be downloaded to the cell phone****;* *generating a* ***request signal*** *including a request to download the content;* *sending the* ***request signal*** *from the cell phone so that the desired content may be downloaded to the phone; and* ***receiving the desired content*** *to the cell phone only in response to sending the* ***request signal****;* wherein identification of the **content's location** includes an address of a computer system, and wherein the notification specifies a time that the content is available.	5. A **mobile communication system** comprising: **mobile stations** and base transceiver stations for **conveying services** of the mobile communication system **to the users of the mobile stations**, and in the system each **mobile station** monitoring the transmission of the base transceiver station of its **location cell** and **receiving from the transmitting parts intended for the mobile station**; and 7. A **mobile communication system** as claimed in claim 5, wherein the **base transceiver station is arranged to transmit as cell broadcast over a broadcast channel a notification of the services-on-demand available at the cell**, and the mobile station is arranged to **receive the notification of the services-on-demand** of its **location cell** and to **convey the information in the notification to the user** of the mobile station. 8. A mobile communication system as claimed in claim 5, wherein the mobile station is arranged to **request for information about the services-on-demand of its location cell and to receive said information**, and the base transceiver station is arranged to **transmit to the mobile station, in response to the mobile station's request, information on the services-on-demand available at the cell**. 9. A mobile station comprising: … **service means responsive** to the **acknowledgement for receiving the service-on-demand in a manner indicated by the acknowledgement**, and for **conveying the service to the user interface**.

Using the M·CAM DOORS™ analytic platform, over 6,600 precedent innovation patents were found that predate the '716 patent. Precedent innovation patents have claims that are very similar or equivalent to the '716 patent. This number is represented below in graphical form in purple, and a sample of these patents are found in Appendix B. The green represents 9,522 concurrent innovation patents, which are similar patents that were being examined in the USPTO during the time when the '716 patent was pending. In contrast, the red represents patents that patent examiner Tony Nguyen decided would be cited as prior art for the '716 patent.



Years	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Totals
Cited Prior Art	0	2	1	0	0	0	0	2	2	2	2	2	3	14	6	10	16	15	7	35	31	37	38	41	34	41	44	44	63	58	82	9	0	0	0	0	0	641
Citing Sub. Art	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	0	4
Precedent Innovation	26	20	32	19	41	51	45	57	62	81	104	128	133	207	189	230	245	276	400	475	516	575	877	995	1201	1268	1392	1282	1209	1112	406	0	0	0	0	0	0	13556
Subsequent Innovation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10	84	409	42	545
Concurrent Innovation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1204	1454	1465	1554	2006	1736	103	9522

Perhaps after seeing again how USPTO issues patents like the ‘716 patent, and how trolls and operating entities alike take advantage of these practices, the media can at least put some ink to use to focus attention on these practices. The power of the pen may just help alert the public to abuses of a system that affects the price of virtually everything that they buy or sell, as well as save forty other companies from being litigated into submission by yet another patent troll.

For a more detailed examination of the Helferich patents mentioned in this report, please contact us at patentlyobvious@m-cam.com.

Appendix A

70. A method of content communication, comprising:
receiving a notification at a cell phone, the notification at least identifying content intended for the cell phone and identifying the content's location using an included system identifier that establishes to the cell phone an address of a particular system to which to respond, and identifying the type of content from among at least text, image, audio, and video content;
alerting a user of the cell phone that the notification has been received;
receiving input from the user indicating that the content should be downloaded to the cell phone;
generating a request signal including a request to download the content;
sending the request signal from the cell phone to the particular system established by the system identifier so that the desired content may be downloaded to the phone; and
receiving the desired content to the cell phone only in response to sending the request signal.
71. The method of claim 70, wherein identification of the content's location includes an address of a computer system, and wherein the notification specifies a time that the content is available.
72. The method of claim 70, further comprising the cell phone alerting the user to the receipt of the requested content.
73. The method of claim 70, wherein the request signal includes at least a portion of the notification.
74. The method of claim 73, wherein the request signal includes at least that portion of the notification that identifies the content's location.
75. The method of claim 70 further comprising receiving input from the user specifying a desired command to be performed on the content identified, wherein the desired command is chosen from a plurality of commands permanently stored in the cell phone.
76. The method of claim 75 wherein the plurality of commands permanently stored in the cell phone include at least one of the following: delete the content, forward the content to a specified recipient, save the content, or reply to the content.
77. The method of claim 75 further comprising generating and sending a request signal which includes the desired command from the cell phone so that the desired command may be performed on the content identified.
78. The method of claim 77 wherein the cell phone receives confirmation that the desired command was
executed and alerts the user to receipt of the conformation, wherein the alert includes one or more of an audible sound, a vibration, or display of a image.
79. The method of claim 70 wherein the desired content received at the cell phone is deleted without deleting the notification.
80. The method of claim 70 wherein the content comprises a video message and wherein the cell phone is adapted to play the video message.
81. The method of claim 70 wherein the content comprises music and wherein the cell phone is adapted to play the music in response to a user input.
82. The method of claim 70 wherein the content comprises a game and wherein the cell phone is adapted to play the game in response to a user input.
83. A content communication system, comprising:
a memory configured to store content;
a memory controller including a processor coupled to the memory configured to causing a paging data signal to be directed to a cell phone, wherein the data signal includes an address identifier that identifies the cell phone, a content identifier that identifies the content and the content's location using an included system identifier that establishes to the cell phone an address of a particular system to which to respond, and a type identifier that identifies the content's type; wherein the memory controller is configured to direct the content corresponding to the content identifier from the memory to the cell phone only upon receiving a request from the cell phone at the particular system established by the system identifier, to do so.
84. The system of claim 83, wherein the memory controller is configured to execute a command sent from the cell phone, the execution being performed on the content prior to the system directing the content to the cell phone and comprising at least one of the following: delete the content, forward the content to a specified recipient, save the content, or reply to the content.
85. The system of claim 83, wherein the content comprises at least one of the following: audio, voice, music, image, graphic, text, video, application or data.
86. The system of claim 83, wherein the cell phone communicates by at least one of the following: a global system for mobile communications network (GSM), a cellular packet data network, or a personal communications services network (PCS).
87. The system of claim 83, wherein the data signal comprises a plurality of address identifiers identifying a plurality of cell phones.
88. The system of claim 83, wherein the data signal comprises an address signal identifying a plurality of cell phones.
89. The system of claim 83, wherein the memory is coupled to the Internet.
90. The system of claim 83. wherein the content's location is identified based on an address of a computer system, and wherein the notification specifies a time that the content is available.
91. The system of claim 90, wherein the address of the computer system comprises an Internet address.
92. The system of claim 83 wherein the type of content identified by the type identifier is at least one of text, image, audio, or video.

93. The system of claim 83 wherein the content identifier and type identifier are separate identifiers.
94. The system of claim 83 wherein the memory controller is further configured to direct the content corresponding to the content identifier to the cell phone in a way that bypasses a notification system.
95. The system of claim 83 wherein the memory controller is configured to receive information from a home location registry.
96. The system of claim 95 wherein the memory controller is further configured to direct the content to the cell phone based at least in part on the information obtained from the home location registry.
97. A method that delivers content to an intended recipient, comprising:
storing in a memory available content for the intended recipient;
accessing a home location registry to obtain information about the intended recipient's cell phone;
causing a paging data signal to be directed to the cell phone, wherein the data signal includes an address identifier that identifies the cell phone, a content identifier that identifies the available content and the content's location using an included system identifier that establishes to the cell phone an address of a particular system to which to respond, and a type identifier that identifies the content's type;
transmitting the available content corresponding to the content identifier to the cell phone upon receiving a request at the particular system established by the system identifier, to do so.
98. The method of claim 97, further comprising performing an action requested by the cell phone on the available content prior to transmitting the available content to the cell phone comprising at least one of the following: delete the content, forward the content to a specified recipient, save the content, or reply to the content.
99. The method of claim 97, wherein the cell phone communicates by at least one of the following: a global system for mobile communications network (GSM), a cellular packet data network, or a personal communications services network (PCS).
100. The method of claim 97, wherein the available content comprises at least one of the following: audio, voice, music, image, graphical, text, video, application or data.
101. The method of claim 97, wherein the data signal comprises a plurality of address identifiers identifying a plurality of cell phones.
102. The method of claim 97, wherein the address identifier identifies a plurality of cell phones.
103. The method of claim 97, wherein at least part of the data signal is directed to the cell phone via the Internet.
104. The method of claim 97, wherein the content's location is identified based on an Internet location.
105. The method of claim 97, wherein the content's location is identified based on an address of a computer system, and wherein the notification specifies a time that the content is available.
106. The method of claim 105, wherein the address of the computer system comprises an Internet address.
107. The method of claim 97 wherein the type of content identified by the type identifier is at least one of text, image, audio, or video.
108. The method of claim 97 wherein the information obtained from the home location registry includes wireless network location of the cell phone.
109. The method of claim 97 further comprising receiving from the cell phone, prior to transmitting the available content to the cell phone, a command created at the cell phone including at least one of the following: delete the content, forward the content to a specified recipient, save the content, or reply to the content.
110. A wireless communication system, comprising:
a memory configured to store content;
a controller including a processor coupled to the memory configured to generate a notification that identifies the content, the content's location using an included system identifier that establishes to the cell phone an address of a particular system to which to respond, and the content's type;
a radio transmitter coupled to an antenna and coupled to the memory and controller configured to send the notification to a cell phone;
a radio receiver coupled to the antenna and coupled to the memory and controller configured to receive a request to receive the content generated by the cell phone, wherein the request includes at least a portion of the notification;
wherein the radio transmitter is configured to send via the antenna the content corresponding to the notification to the cell phone only upon receiving a request from the cell phone at the particular system established by the system identifier, to send it.
111. The system of claim 110, wherein the controller is configured to perform a command received from the cell phone on the content comprising at least one of the following: delete the content, forward the content to a specified recipient, save the content, or reply to the content.
112. The system of claim 110, wherein the cell phone communicates by at least one of the following: a global system for mobile communications network (GSM), a cellular packet data network, or a personal communications services network (PCS).
113. The system of claim 110 wherein the content comprises at least one of the following: audio, voice, music, image, graphical, text, video, application or data.

114. The system of claim 110, wherein the content's location is identified based on an address of a computer system, and wherein the notification specifies a time that the content is available.
115. The system of claim 114, wherein the address of the computer system comprises an Internet address.
116. A method of operating a cellular phone configured for media content retrieval and playback comprising:
(a) receiving a wireless notification of media content available for retrieval from a remote content storage system, the notification including information at least identifying the content and an address of the remote content storage system that establishes to a recipient the address of a particular system to which to respond; (b) sending a request to the address of the remote storage system to retrieve the content from the remote content storage system via a cellular network, the request including information at least identifying the content and the address of the remote content storage system; (c) receiving the requested media content over the cellular network; and (d) playing the media content.
117. The method of claim 116 wherein the media content is a song and the cellular phone is adapted to play the song, and wherein the notification specifies a time that the content is available.
118. The method of claim 116 wherein the media content is video and the cellular phone is adapted to play the video on a display of the cellular phone.
119. The method of claim 116 further comprising the cellular phone selecting a specific codec to enable decoding and playing of the media content.
120. The method of claim 116 further comprising cell phone receiving instructions via the cellular network regarding the media content and the cellular phone being configured to implement the received instructions.
121. The method of claim 116 wherein the notification further includes information identifying the type of media content.
122. The method of claim 116 further comprising alerting
the user that a notification has been received and providing
a second alert when the content associated with the notification
is received by the cellular phone.
123. The method of claim 116 further comprising the cellular phone, prior to receiving the media content, instructing the remote content storage system, via the cellular network, to forward the media content to another:
124. The method of claim 116 further comprising:
(e) the notification identifying a plurality of available media content;
(f) requesting a select some of the plurality of available media content via the cellular network;
(g) receiving the select some of the available media content via the cellular network:
(h) accepting a user input selecting one of the select some of received media content.
125. The method of claim 116 further comprising receiving an indication of the cost to retrieve the media content and informing the user.
126. The method of claim 125 wherein the media content comprises songs.
127. The method of claim 116 further comprising receiving an indication of the cost to retrieve the media content and informing the user.
128. The method of claim 116 further comprising the notification informing of a plurality of samples of the media content.
129. The method of claim 128 wherein each one of the plurality of samples has an associated location identifier transmitted with the notification.
130. The method of claim 129 further comprising directing a request signal to a system corresponding to at least a selected one of the plurality of location identifiers received, the request signal including the at least one location identifier selected.
131. The method of claim 128 further comprising retrieving the samples of media content from the remote system via the cellular network
132. The method of claim 131 further comprising retrieving the full media content from the remote content storage system via the cellular network, the full media content corresponding to at least a selected one of the samples of media content previously received.
133. The method of claim 116 further comprising:
(e) the notification informing of a list of available media content;
(f) retrieving the listing of available media content;
(g) allowing the user to browse through the listing of available media content and select at least a desired one of the listing;
(h) sending a request to retrieve the content associated with the at least selected one of the listing;
(i) receiving the media content corresponding to the at least selected one of the listing.
134. The method of claim 116 further comprising:
(e) storing at least some of the retrieved media content in the cellular phone;
(f) allowing the user to scroll through a listing of stored media content; and
(g) accepting a user selection of a select one from the list.

Appendix B

Sample Precedent Innovation predating the '716 Helferich patent in suit:

Document #	Title	Assignee Name	Priority	File	Issue
US 7,035,914	System and method for transmission of data	SimpleAir Holdings, Inc.	26-Jan-96	9-Jul-99	25-Apr-06
US 6,742,022	Centralized service management system for two-way interactive communication devices in data networks	Openwave Systems Inc.	11-Dec-95	30-Apr-98	25-May-04
US 6,564,321	Systems and methods for storing, delivering, and managing messages	Charles R. Bobo, II	28-Apr-95	23-Apr-01	13-May-03
US 6,532,230	Mixed-media communication apparatus and method	Altigen Communications, Inc.	8-Jul-96	14-Mar-97	11-Mar-03
US 6,519,468	PCS with enhanced short-message service option	WorldCom, Inc.	26-Jun-96	11-Dec-98	11-Feb-03
US 6,473,609	Method and architecture for interactive two-way communication devices to interact with a network	Openwave Systems Inc.	11-Dec-95	14-Sep-98	29-Oct-02
US 6,427,064	Method and apparatus for maintaining a database in a portable communication device	Daniel A. Henderson	5-Jan-94	5-Jan-94	30-Jul-02
US 6,321,257	Method and apparatus for accessing internet service in a mobile communication network	Nokia Telecommunications Oy	16-Sep-96	15-Jan-99	20-Nov-01
US 6,313,734	Voice synthesis of e-mail for delivery to voice pager or voice mail	Sony Corporation	3-Jul-96	3-Jul-96	6-Nov-01
US 6,311,282	Method and apparatus for computing device with status display	Fujitsu Personal Systems, Inc.	27-Feb-96	30-Nov-98	30-Oct-01
US 6,311,057	Method of calling a mobile station in a mobile telephone system	Telefonaktiebolaget LM Ericsson(publ)	27-Jun-96	26-Jun-97	30-Oct-01
US 6,301,338	Activation of a telephone's own call answering equipment according to the number of the calling party	Nokia Mobile Phones Ltd.	8-Jan-96	7-Jan-97	9-Oct-01
US 6,285,889	Information output system, method for outputting information and terminal devices for outputting information via mobile communication network	Nokia Mobile Phones Limited	8-Aug-96	4-Aug-97	4-Sep-01
US 6,198,809	Multi-functional personal telecommunications apparatus	Copytele Inc.	25-Apr-96	12-Jun-98	6-Mar-01
US 6,163,546	Method and system for data transmission	Nokia Mobile Phones Limited	20-Feb-95	30-Oct-97	19-Dec-00
US 6,112,099	Terminal device for using telecommunication services	Nokia Mobile Phones, Ltd.	26-Feb-96	23-Jan-97	29-Aug-00
US 6,112,078	Method for obtaining at least one item of user authentication data	Nokia Mobile Phones, Ltd.	23-Feb-96	20-Feb-97	29-Aug-00
US 6,108,704	Point-to-point internet protocol	NetSpeak Corporation	25-Sep-95	25-Sep-95	22-Aug-00
US 6,108,688	System for reminding a sender of an email if recipient of the email does not respond by a selected time set by the sender	Sun Microsystems, Inc.	12-Jun-96	12-Jun-96	22-Aug-00
US 6,101,531	System for communicating user-selected criteria filter prepared at wireless client to communication server for filtering data transferred from host to said wireless client	Motorola, Inc.	19-Dec-95	15-Apr-98	8-Aug-00
US 6,101,182	Universal access multimedia data network	Bell Atlantic Network Services, Inc.	18-Apr-96	25-Nov-97	8-Aug-00
US 6,072,862	Adaptable method and system for message delivery	Thiru Srinivasan	2-Jul-96	2-Jul-96	6-Jun-00

M·CAM's Patent Glossary

Aligned Sector: The business sector in which the product(s) resulting from the patent(s) is currently or intended to be sold.

Applicant: The person or corporation that applies for a patent with the intent to use, manufacture or license the technology of the invention; under U.S. law, except in special situations, the applicant(s) must be the inventor(s).

Application: Complete papers submitted to the U. S. Patent and Trademark Office seeking a patent including oath, specification, claims, and drawings. This usually does not signify a Provisional Patent Application, but only a regular patent application.

Art: The established practice and public knowledge within a given field of technology. This also identifies a process or method used to produce a useful result. A term used in consideration of the problem of patentable novelty encompassing all that is known prior to the filing date of the application in the particular field of the invention.

Assignee: The person(s) or corporate body to whom the law grants or vests a patent right. This refers to the person or corporate entity that is identified as the receiver of an assignment.

Business Method Patent: A patent that controls the way a business process is undertaken. The issuance of these patents by the United States Patent and Trademark Office (USPTO) is new and controversial, since many allege that it is unfair to allow a patent on a way of doing business.

Citation: This may include patents or journal articles that the applicant or examiner deems relevant to a current application. A reference to legal authorities or a prior art documentation are examples of a citation.

Claim: The language in a patent application that defines the legal scope of the patent. Most patents have numerous claims. This is typically the single most important section in the application.

Concurrent Art: Concurrent art occurs when related patent applications are being examined by the USPTO at the same time. It is difficult for any company or inventor to know, at the time they file for a patent, whether a "related" patent application exists.

Filing Date: The date when a properly prepared application reaches the patent office in complete form.

Innovation Cycle: A description of the commercialization timeframe for the intellectual property.

Innovation Space: M·CAM's representation of the innovation(s) that occur before, during, and after the pending period of the subject patent. The innovation space is the first place to look for patents that are closely related to the subject patent and that may impact the defensibility of the subject patent or create opportunities for patent licensing.

Issue Date: Not to be confused with the filing date, which is the date the patent application was physically received by the U.S. Patent and Trademark Office. This is the date on which the patent actually issues.

Non-Aligned Sector: Any sector in which the patent can be used or sold, other than the sector for which the patent or resultant product was invented or intended.

Pod: A group of patents owned by a company that should be treated as a single unit of innovation (e.g., a certain group of patents that comprise a single product or multiple related products).

Prior Art: Any relevant patent that was issued before the patent being analyzed. If this previous patent was specifically mentioned in the new patent's application, the previous patent is referred to as "cited prior art". If it was NOT mentioned, then that previous patent is referred to as "uncited prior art".

Subsequent Art: Any patent that has a filing date with the USPTO that is after the issuance date of the subject patent. This subsequent art patent may or may not have cited (see "Citation" above) the subject patent. As subsequent art represents more recent innovation than the subject patent, it has great potential to shrink the market opportunity for the subject patent.

A Brief Primer on the Patent System

In recent years, the importance of patents and intellectual property rights as an important variable in the marketplace has come to the forefront of the public consciousness as world leaders declare their country's lead in the innovation race. Damaging intellectual property litigation is becoming increasingly common across all industries. This is exacerbated when patent rights are granted for non-novel ideas. A vast amount of precedent innovation is unconsidered by patent-granting authorities in the creation of new IP rights. Patent granting authorities including the United States Patent and Trademark Office (USPTO), European Patent Office (EPO), Japanese Patent Office (JPO), Chinese State Intellectual Property Office (SIPO), Korean Intellectual Property Office (KIPO) and many others are constrained by the use of patent classification systems which are routinely circumvented by patent applicants.

There is a two-way social contract underlying the patent system. In the United States, patent terms are generally limited to 20 years from the date of application. By statutory intention, once a patent has expired, the patent holder loses the right to exclude others from fully utilizing any innovation described in the patent. A large number of patents enter the public domain when they are "abandoned" – when owners discontinue paying patent maintenance fees. Patents also only provide an exclusionary right in the country for which the patent is filed. As demonstrated by the Global Innovation Commons[2] (G.I.C.), using intellectual property available in the public domain eliminates the need to pay licensing fees on those innovations in countries where the patent was never registered, or worldwide, if abandoned.

Patently Obvious® is a weekly report focusing on select groups of patents in order to increase transparency in markets, addressing information asymmetries, and providing a more level playing field for all parties.

[2] http://www.globalinnovationcommons.org/