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JAMES BONINI
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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

INFO-HOLD, INC.,)
)
 Plaintiff,)
)
 v.)
)
 SOUND MERCHANDISING, INC.,)
 d/b/a)
 INTELLITOUCH COMMUNICATIONS)

Case No. 1:03CV925

Judge: J. DLOTT

Defendant.

FIRST AMENDED COMPLAINT AND JURY DEMAND

Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, Plaintiff Info-Hold, Inc., by its counsel and for its Amended Complaint against Sound Merchandising Inc., d/b/a/ Intellitouch Communications, alleges as follows:

THE PARTIES

1. Plaintiff Info-Hold, Inc. ("Info-Hold") is an Ohio corporation with its principal place of business at 4120 Airport Rd., Cincinnati, OH 45226.

2. Upon information and belief, defendant Sound Merchandising, Inc., doing business as Intellitouch Communications, ("Intellitouch") is a California corporation with its principal place of business at 5160 Carroll Canyon Road, San Diego, California 92121-1775.

3. Intellitouch has committed acts of patent infringement in the United States, including this district, and conducts continual, substantial and systematic business in this district.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction under 35 U.S.C. Sections 1 *et seq.* and 28 U.S.C. Sections 1331 and 1338(a).

5. Venue properly lies in this judicial district pursuant to 28 U.S.C. Sections 1391(b) and (c) and 1400(b).

BACKGROUND FACTS

6. Two United States Letters Patent relevant to this action, entitled "On-Hold Messaging System and Method," were duly and legally issued to Joey C. Hazenfield, as follows: On August 7, 2001, Patent No. 6,272,211 B1 (hereinafter "the '211 patent") a copy of which is attached hereto as "Exhibit A"; and on February 3, 2004, Patent No. 6,687,352 B2 (hereinafter "the '352 patent") a copy of which is attached hereto as "Exhibit B."

7. On December 8, 2003, and March 22, 2004, Joey C. Hazenfield executed an "Exclusive Licensing Agreement" and a "License Agreement Addendum", copies of which are attached hereto as "Exhibit C" and "Exhibit D" respectively, which, inter alia, assigned his rights under the '211 patent, and the '352 patent, including the right to sue and recover for past and future damages, to plaintiff Info-Hold.

8. At all times subsequent to their issuance, and prior to the assignments, Info-Hold was the sole licensee under the these patents.

9. Defendant Intellitouch has committed and continues to commit acts of infringement in violation of 28 USC Section 271, including but not limited to, making, using, selling, offering for sale and/or importing on-hold messaging systems and methods claimed by the '211 and '352 patents and/or material components thereof, having no substantial non-infringing use.

COUNT 1 FOR PATENT INFRINGEMENT

10. This cause arises under the Patent Act of 1952, 35 U.S.C. Section 1 *et seq.*, particularly 35 U.S.C. Section 271 and alleges patent infringement.

11. Plaintiff restates and realleges all the allegations contained in paragraphs 1-10 of this Complaint as if fully rewritten and set forth herein.

12. Defendant Intellitouch has infringed and continues to infringe the '211 patent by direct infringement, inducing direct infringement and by contributing to the infringement of the patent by others.

13. Intellitouch's acts of infringement have been, are and will continue to be willful and deliberate, and in reckless disregard of plaintiff's patent rights.

14. Defendant's acts complained of herein have caused, and if not enjoined will continue to cause irreparable harm and damage to plaintiff for which there is no adequate remedy at law, and have caused plaintiff actual monetary damage in an amount thus far not determined.

COUNT 2 FOR PATENT INFRINGEMENT

15. This cause arises under the Patent Act of 1952, 35 U.S.C. Section 1 *et seq.*, particularly 35 U.S.C. Section 271 and alleges patent infringement.

16. Plaintiff restates and realleges all the allegations contained in paragraphs 1-15 of this Complaint as if fully rewritten and set forth herein.

17. Defendant Intellitouch has infringed and continues to infringe the '352 patent by direct infringement, inducing direct infringement and by contributing to the infringement of the patent by others.

18. Intellitouch's acts of infringement have been, are and will continue to be willful and deliberate, and in reckless disregard of plaintiff's patent rights.

19. Defendant's acts complained of herein have caused, and if not enjoined will continue to cause irreparable harm and damage to plaintiff for which there is no adequate remedy at law, and have caused plaintiff actual monetary damage in an amount thus far not determined.

WHEREFORE, plaintiff demands judgment against defendant as follows:

A. That a judgment be entered that defendant Intellitouch has infringed and continues to infringe United States Letters Patent No. 6,272,211 B1; and No. 6,687,352 B2, and that such infringements are willful;

B. That said U.S. Patents are not invalid and are not unenforceable.

C. That defendant Intellitouch, their agents, sales representatives, employees, associates, distributors, attorneys, successors and assigns, and any and all persons or entities acting as, through, under or in active participation with any or all of them, be enjoined and restrained preliminarily and permanently from making, using, offering for sale or selling within the United States, or importing into the United States, any products or any methods that infringe said United States Patents.

D. That a judgment be entered that defendant be required to pay over to plaintiff all damages sustained by it due to such patent infringement and that such damages be trebled pursuant to 35 U.S.C. Section 284 for the willful acts of infringement complained of herein;

E. That this case be adjudged exceptional under U.S.C. Section 285, thereby entitling plaintiff to an award of its reasonable attorneys fees and that such reasonable attorney fees be awarded;


F. That plaintiff be awarded its costs and prejudgment interest on all damages; and

G. For any and all other such relief as the Court deems just and equitable.

Plaintiff demands a trial by jury.

Dated:

April 12, 2004

A handwritten signature in black ink, appearing to read "D. Wood", written over a horizontal line.

Daniel Joseph Wood (0037632)
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Cincinnati, Ohio 45226
Telephone: (513) 248-5600
Facsimile: (513) 248-5609

Trial Attorney for Plaintiff Info-Hold



US006272211B1

(12) **United States Patent**
Hazenfield

(10) Patent No.: **US 6,272,211 B1**
 (45) Date of Patent: ***Aug. 7, 2001**

(54) **ON-HOLD MESSAGING SYSTEM AND METHOD**

5,321.740	6/1994	Gregorek et al.	379/67
5,552.896	9/1996	Yoshida	358/342
5,870.461	2/1999	Hazenfield	379/162
5,920.616	7/1999	Hazenfield	379/162

(76) Inventor: **Joey C. Hazenfield, 2677 Little Dry Run Rd., Cincinnati, OH (US) 45244**

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.

OTHER PUBLICATIONS

Yamaha YPDR—Professional Disc Recorder YPDR601/RC601—Operating Manual (Yamaha Corporation).

* cited by examiner

Primary Examiner—Scott L. Weaver
 (74) Attorney, Agent, or Firm—Roylance, Abrams, Berdo & Goodman, LLP

(21) Appl. No.: **09/332,074**

(22) Filed: **Jun. 14, 1999**

Related U.S. Application Data

(60) Continuation of application No. 08/893,296, filed on Jul. 15, 1997, now Pat. No. 5,920,616, which is a division of application No. 07/999,592, filed on Dec. 31, 1992, now abandoned.

- (51) Int. Cl.⁷ **H04M 1/00**
- (52) U.S. Cl. **379/162; 379/90.01**
- (58) Field of Search **379/67.1, 88.07, 379/88.16, 88.22, 88.25, 88.28, 201, 157, 162, 90.01; 369/16, 18, 19, 273, 275.1, 275.2, 275.3, 276**

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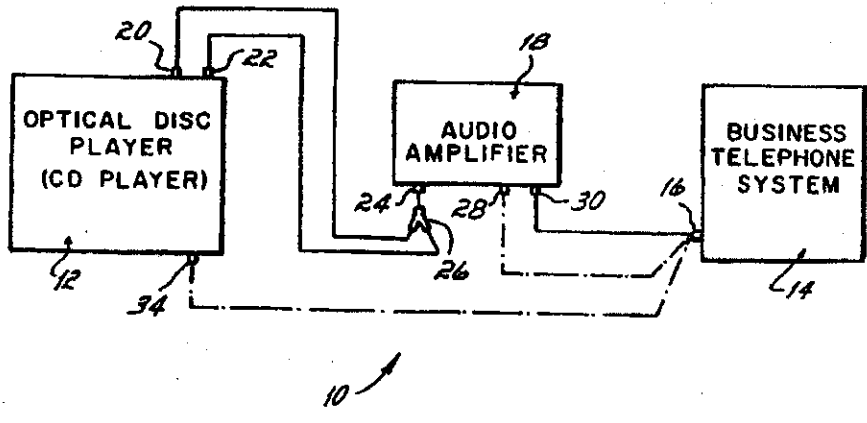
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(57) **ABSTRACT**

An on-hold messaging system is provided for use with a business telephone system having an on-hold audio input. The system includes an optical disc having one or more messages recorded thereon, an optical disc player having an audio output, and a connection or interface between the audio output of the optical disc player and the on-hold input of the business telephone system. The optical disc player is enabled to continuously play the message or messages through the business telephone system, so that at least a portion of a message can be heard by an outside party when a telephone call between the outside party and a user of the business telephone system has been completed and the outside party is placed on-hold by a user of the business telephone system. Optionally, an audio amplifier may be used as an interface between the optical disc player and the on-hold input of the business telephone system, so that the sound quality of the message as heard by the outside party is satisfactory. The optical disc preferably comprises a table of contents defining a plurality of tracks on the disc for containing messages, with the table of contents having been recorded on the disc before any messages were recorded thereon. This allows different messages to be recorded onto the optical disc during separate recording operations, so that the capacity of the on-hold messaging system can be changed without having to re-record old messages as in prior endless-loop tape systems. Methods for on-hold messaging, and methods for servicing on-hold messaging systems by recording new messages onto previously-recorded optical discs, are also disclosed.

12 Claims, 1 Drawing Sheet



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ON-HOLD MESSAGING SYSTEM AND METHOD

This application is a continuation of prior application Ser. No. 08/893,296, filed on Jul. 15, 1997 now U.S. Pat. No. 5,920,616 which is a division of prior application Ser. No. 07/999,592, filed on Dec. 31, 1992 and now abandoned, the disclosures of both of said prior applications being expressly incorporated herein by reference.

FIELD OF THE INVENTION

The present invention relates to on-hold messaging for telephone systems, and particularly, for business telephone systems.

BACKGROUND OF THE INVENTION

When a business receives telephone calls, the caller is often put on hold awaiting further disposition. Before on-hold messaging was developed, callers were forced to listen to silence while they were on hold. Callers often got bored or frustrated if they were kept on hold for any length of time, sometimes to the point of hanging up. On-hold messaging systems were developed, at least in part, to solve this problem. With such systems, pre-recorded messages are played as the caller remains on hold. These messages have been in the form of music for the caller's listening pleasure and in the form of advertisements to provide the caller with information about the business. Because of the popularity of on-hold messaging, most business telephone systems available today have been designed to include on-hold messaging capabilities. These business telephone systems often include an on-hold input jack, usually referred to as a music on-hold (MOH) port. Previously, the audio output of a magnetic audio tape player was connected directly to the on-hold input jack. Typically, the messages were recorded onto endless loop cassette tapes. Once connected in this manner to the telephone system, the tape player is turned on and the endless loop cassette tape is played continuously. When a caller is put on hold, the tape player's audio output is connected to the caller's telephone receiver so that the caller hears the on-hold message or messages (i.e., music and/or advertisements). There are a number of problems associated with such on-hold messaging systems.

When used for on-hold messaging purposes, endless loop audio cassette tapes and the tape decks used to play them are prone to malfunctioning, usually from various types of mechanical failure. Such mechanical failures result in the on-hold messaging system being non-functional until the tape and/or the deck can be replaced or repaired. These tapes and decks are relatively expensive to replace or repair. The endless loop cassette tapes are typically played continuously for extended periods of time. The tapes are known to stretch, break, or just wear out and are generally replaced every 90 days before failure occurs. Being played so much, the tape decks are known to break down after a relatively short service life. Usually, the motors of the tape decks would burn out. The decks typically have a life span without repair or replacement of only about six months. In addition, the tape decks were not always compatible with a given business telephone system, even when that telephone system had on-hold messaging capabilities. This incompatibility usually resulted in the sound quality (i.e., volume level and/or clarity) to be unacceptably poor.

From time to time, a business may want to vary the message being played, for example, playing seasonal music only during a particular season (e.g., Christmas music) and

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tailoring advertisements to a particular season's demands. For instance, a business may wish to advertise lawn mowers during the spring and summer and snow plows during winter. In addition, the business may no longer wish to play one of the messages (e.g., an advertisement on a discontinued product line) or may wish to change only a portion of one of the messages (e.g., change the brand name of the product being advertised). With prior on-hold messaging systems, businesses were limited in their ability to have such changes made to their on-hold messages.

While multiple messages can be recorded onto the endless loop cassette tape, all the messages are heard continuously with each message only being heard in the sequence in which it was recorded. In addition, the entire endless loop cassette tape is normally filled with messages (i.e., music, advertisements, etc.) in order to avoid periods of silence. Previously, in order to service the on-hold messaging needs of a business (i.e., to change the on-hold message(s)), a new tape was recorded containing the desired new and old messages. The tape recording process is costly. This cost escalates when messages which do not need changing have to be re-recorded.

Therefore, there is a need for a more versatile and reliable on-hold messaging system, which makes it easier and less expensive to service the on-hold messaging requirements of a business.

SUMMARY OF THE INVENTION

The present invention is directed to a more versatile and reliable on-hold messaging system. With the present on-hold messaging system, particular messages can be selectively played in whatever order desired and on a continuous basis. In addition, on-hold messaging systems according to this invention are less likely to break down or otherwise stop functioning.

The present invention is also directed to an on-hold messaging system which can be more easily and less expensively serviced to satisfy the on-hold messaging requirements of a business. With the present on-hold messaging system, new messages can be added and old messages replaced without having to re-record messages which do not need changing.

The on-hold messaging system according to the present invention uses an optical disc, preferably a compact disc or CD, as the recording medium for the messages instead of endless loop cassette tapes. The present system includes an optical disc player or deck connected to a telephone system having on-hold messaging capabilities. An audio amplifier may be necessary as an interface between the optical disc player and the on-hold input of the telephone system so that the sound quality (i.e., volume level and clarity) of the message(s) heard by a caller is satisfactory. The sound quality of the on-hold messages produced by previous on-hold messaging systems was inconsistent. This inconsistent sound quality was due, at least in part, to incompatibility between the audio output of the tape player and the on-hold input of the business telephone system. Thus, the audio amplifier is used to match the audio output of the optical disc player to the on-hold input of the telephone system. The type of audio amplifier used depends upon the on-hold input of the particular telephone system.

With an output from the optical disc player connected to the on-hold input of the telephone system, an optical disc having at least one message recorded thereon is played in the optical disc player so that a caller hears the message after being placed on hold. The optical disc can be played

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continuously with the messages being accessed only when a caller is placed on hold. In order to increase the life span of the optical disc player, a timer can be used to turn the disc player on and off for desired periods of time. Even if played 24 hours a day, optical disc players have been found to have a life span without the need for replacement or repair far longer than the cassette tape players used in prior on-hold messaging systems (i.e., upwards of about four years compared to about six months). If a timer is used to turn the disc player on and off automatically, the play button will have to be re-set unless the particular disc player used is capable of automatically playing the optical disc after being turned off and then turned on.

Broadly, a method of servicing such an on-hold messaging system according to the present invention includes the steps of providing at least one optical disc with at least one message for being played in an on-hold messaging system. The capacity of the on-hold messaging system is changed (i.e., the number of messages that can be played is increased) by recording at least one more message onto the optical disc. This multiple recorded optical disc is then provided for being played on the on-hold messaging system. This method allows additional messages to be added without having to re-record messages that don't need changing.

A more particular method of servicing the present on-hold messaging system includes the steps of producing at least a first and a second, optical disc with each of the optical discs containing the same message. At least the first optical disc is then provided for being played in the on-hold messaging system. Next, at least one more message is recorded onto the second optical disc. Finally, the second optical disc, having the one or more messages recorded thereon, is provided for being played in the on-hold messaging system. Preferably, the additional message or messages are also recorded onto the first optical disc. If it becomes desirable to add more messages to the on-hold messaging system, the additional message or messages can be recorded onto the first optical disc which is then used to replace the second optical disc. The new message or messages can then be recorded onto the second optical disc, and the above process repeated each time new messages are to be added. Thus, the present invention enables a library of on-hold messages to be built and accessed as desired. In prior on-hold messaging system, changes to any of the messages required the prior taped messages to be reproduced along with any new messages.

The above and other objectives, features, and advantages of the present invention will become apparent upon consideration of the detailed description and appended drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

The FIGURE is a block diagram of a preferred on-hold messaging system according to the present invention.

DETAILED DESCRIPTION OF THE INVENTION

Referring to the FIGURE, an on-hold messaging system 10 according to the present invention includes an optical disc player 12, preferably a compact disc player, connected to a business telephone system 14 having on-hold messaging capabilities. Most business telephone systems 14 available today are typically provided with an on-hold input jack 16, typically an RCA photo jack. The compact disc player 12 is connected to the on-hold input jack 16 with standard shielded audio cable. In order to insure the sound quality (i.e., volume level and clarity) of the messages being played, as heard by a caller, it may be necessary to interconnect an

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audio amplifier 18, preferably having volume level control, between the compact disc player 12 and the business telephone system 14.

A specific embodiment of the present on-hold messaging system 10 utilizes a standard, off the shelf compact disc player 12 manufactured by Sony Corporation, Model No. CDP-297, and a 1-watt audio amplifier 18 manufactured by University Sound Inc., Sylmar, California, Model No. 1701. The Sony compact disc player 12 can be programmed to play any number of tracks on a compact disc (not shown) in whatever sequence desired. The Sony compact disc player 12 can also be programmed to continuously repeat the same group of tracks in the order selected. This Sony compact disc player 12 has a left line out 20 and a right line out 22 (photo jacks), each of which has an output level of 2 volts (at 50 kilohms) and a load impedance over 10 kilohms. The University Sound audio amplifier 18 has a single auxiliary input 24 having 47 kilohms impedance and 50 millivolts sensitivity. Both output lines 20, 22 of the Sony compact disc player 12 are connected to the input jack 24 on the University Sound audio amplifier 18 through a standard Y-connector 26 using standard shielded audio cable. The University Sound audio amplifier 18 also has two outputs: an 8 ohm, 1 watt output 28 and a 500 ohm, 3 milliwatt output 30.

Many of the business telephone systems 14 having on-hold messaging capabilities utilize on-hold inputs 16 rated at either 600 ohms or 8 ohms. One such telephone system is the Merlin 1030, Model No. 1030, manufactured by AT&T. This system has a Services Module (i.e., a printed circuit board) which is plugged into position no. 6 in order to provide the telephone system with on-hold messaging capabilities. The on-hold input jack 16 of this system is rated at 8 ohms. Therefore, this University Sound audio amplifier 18 is compatible with either type of business telephone system 14. Standard shielded audio cables are used to connect the applicable audio amplifier output 28, 30 to the on-hold input 16 of the business telephone system 14. For the purpose of illustration only, the cable connecting the 8 ohm audio amplifier output 28 to the on-hold input 16 is shown in phantom.

The Sony compact disc player 12 also has a headphone output 34 (i.e., stereo phone jack) rated at a maximum output level of 10 milliwatts and a load impedance of 32 ohms. It has been found that for some business telephone systems 14 having on-hold messaging capabilities, the sound quality of the message played to a caller is better when the headphone output 34 of the compact disc player 12 is used instead of either photo jack 20, 22. When applicable, the headphone output 34 is connected directly to the on-hold input 16 of the business telephone system 14 using standard shielded audio cable (shown in phantom). For example, the NEC America, Inc., Melville, New York, Electra Mark II series telephone system has such an on-hold input. With this telephone system, a separate printed circuit board, specified as the TSW-E card, provides the phone system with on-hold messaging capabilities.

The preferred optical disc used in the on-hold messaging system of this invention is typically referred to as a compact disc or CD (not shown). Satisfactory results have been obtained using such optical discs manufactured by Yamaha, Part No. YOD 063. Before messages are recorded onto the CD, spaced apart track marks are burned into the optical disc at pre-determined distances to form multiple beds or tracks of desired length (i.e., writing a table of contents). The term "message" herein refers to music, advertisements or any other type of recordable audio data a business might play on

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an on-hold messaging system. The table of contents is written before any audio data has been recorded. Preferably, the track marks are spaced apart to form beds having 30 second lengths. Thirty second lengths have been found to be compatible with the on-hold messaging requirements of most businesses.

Once the table of contents is written, the desired number of messages is recorded onto the necessary number of beds on the optical disc. Typically, each bed has one message recorded thereon with the beginning of the message fading in at the beginning of the bed, and the end of the message fading out at the end of the bed. Two or more messages can also be recorded as a cluster. That is, instead of each message fading in and out, two or more messages can be grouped together to play in a continual fashion. With a cluster, the messages are separated only by the track marks. The track marks are typically so narrow that, when played in series, the messages in a cluster are usually perceived to be continuous. A professional optical disc recorder (not shown) manufactured by Yamaha, Model No. YPDR601/RC601 was used to not only write the table of contents, but also to record the desired message(s). To record these messages onto the optical disc, the messages are preferably first recorded from a professional sound studio recording system onto a digital audio tape or DAT. The messages are recorded by connecting the digital output of a DAT deck or player (not shown) to the digital input of the audio disc recorder. Next, the digital audio tape is played in the DAT deck while the optical disc recorder is in the recording mode. Acceptable results have been obtained using a professional audio tape deck manufactured by Panasonic, one location in Secaucus, New Jersey, Model No. SV-3700, with DT120P digital audio tapes manufactured by Sony Corporation. The above recording method helps to obtain more consistent sound quality and clearer message delivery than that typically found in prior on-hold messaging systems.

A method has been developed for servicing the on-hold messaging requirements of a business using the on-hold messaging system 10 of this invention. In the preferred embodiment of this method, a servicing entity produces at least a first and a second optical disc, in the manner described above, with each of the optical discs containing the same message or messages. The first optical disc is then provided to the business for being played in its on-hold messaging system. The second optical disc is then retained by the servicing entity. If the on-hold messaging requirements of the business change (e.g., the need for an additional message), the additional message or messages are recorded onto the second optical disc. The second optical disc is then provided to the business to replace the first optical disc for being played in the on-hold messaging system. The first optical disc is then returned to the servicing entity and the additional message or messages are recorded onto the first optical disc. If the on-hold messaging requirements change again, the new message is recorded onto the first optical disc which is then used to replace the second optical disc. This new message is then recorded onto the second optical disc. This process repeats itself as many times as necessary in order to satisfy the on-hold messaging requirements of the business.

From the above disclosure of the general principles of the present invention and the preceding detailed description, those skilled in the art will readily comprehend the various modifications to which the present invention is susceptible. Therefore, the scope of the invention should be limited only by the following claims and equivalents thereof.

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What is claimed is:

1. An on-hold messaging system for use with a business telephone system having on-hold messaging capabilities, the on-hold messaging system comprising in combination:

a storage device having a plurality of messages recorded therein;

a playback system for playing the messages recorded in said storage device, said playback system having an audio output and a message selection capability; and means for enabling the audio output of said playback system to be connected to an on-hold input of a business telephone system having on-hold messaging capabilities;

whereby said playback system is enabled to continuously play selected ones of said messages through said business telephone system so that at least a portion of at least one selected message can be heard by an outside party when a telephone call between said outside party and a user of said business telephone system has been completed and said outside party is placed on hold by a user of said business telephone system.

2. The on-hold messaging system of claim 1, wherein said playback system further includes a message sequence control capability for playing said selected messages in a desired sequence.

3. The on-hold messaging system of claim 1, further comprising said business telephone system as part of said combination.

4. The on-hold messaging system of claim 1, wherein said means for connecting includes an audio amplifier.

5. The on-hold messaging system of claim 1, further comprising a timer for automatically turning said playback system on and off.

6. A method of on-hold messaging, comprising the steps of:

recording a plurality of message in a storage device; selecting at least one of said messages recorded in said storage device for playing in a playback system having a message selection capability and an audio output connected to an on-hold input of a business telephone system having on-hold messaging capabilities; and continuously playing said at least one selected message in said playback system;

whereby at least a portion of said at least one selected message can be heard by an outside party when a telephone call between said outside party and a user of said business telephone system has been completed and said outside party is placed on hold by a user of said business telephone system.

7. The method of claim 6, wherein said playback system further includes a message sequence control capability, and wherein said selecting step includes selecting the sequence in which said at least one message is played using said message sequence control capability.

8. The method of claim 1, further comprising the step of automatically turning said playback system on and off using a timer.

9. A method of operating an on-hold messaging system used with a business telephone system having an on-hold input, said on-hold messaging system including a playback system having an audio output coupled to the on-hold input of said business telephone system, said method of operating comprising the steps of:

recording a first message in a storage device; continuously playing said first message recorded in said storage device in said playback system, so that at least

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a portion of said first message can be heard by an outside party when a telephone call between said outside party and a user of said business telephone system has been completed and said outside party is placed on hold by a user of said business telephone system;

recording a second message in said storage device or in a duplicate of said storage device to produce a modified storage device; and

continuously playing said second message recorded in said modified storage device in said playback system so that at least a portion of a message can be heard by an outside party when a telephone call between said outside party and a user of said business telephone system has been completed and said outside party is placed on hold by a user of said business telephone system.

10. The method of claim 9, wherein said storage device and said modified storage device each comprise a non-magnetic storage device.

11. The method of claim 9, wherein said modified storage device has said first message and said second message

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recorded therein, so that when said modified storage device is used with the playback system of the on-hold messaging system, at least a portion of said first message or of said second message can be heard by an outside party when a telephone call between said outside party and a user of said business telephone system has been completed and said outside party is placed on hold by a user of said business telephone system.

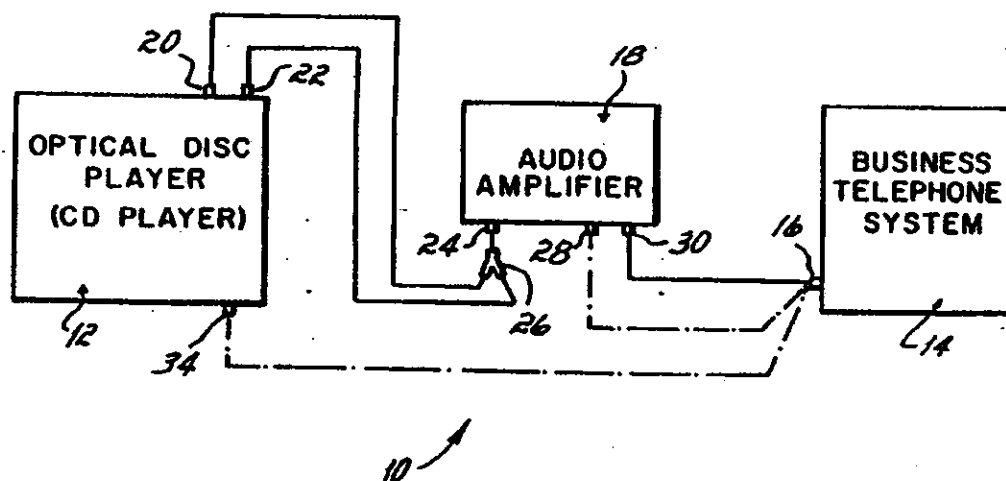
12. The method of claim 9, wherein said first message is retained in said storage device or in said duplicate of said storage device while said second message is recorded therein, so that when said modified storage device is used with the playback system of the on-hold messaging system, at least a portion of said first message or of said second message can be heard by an outside party when a telephone call between said outside party and a user of said business telephone system has been completed and said outside party is placed on hold by a user of said business telephone system.

* * * * *

U.S. Patent

Aug. 7, 2001

US 6,272,211 B1



USPTO PATENT FULL-TEXT AND IMAGE DATABASE

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Bottom

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Images

EXHIBIT B

(1 of 1)

**United States Patent
Hazenfield**

**6,687,352
February 3, 2004**

On-hold messaging system and method

Abstract

An on-hold messaging system is provided for use with a business telephone system having an on-hold audio input. The system includes an optical disc having one or more messages recorded thereon, an optical disc player having an audio output, and a connection or interface between the audio output of the optical disc player and the on-hold input of the business telephone system. The optical disc player is enabled to continuously play the message or messages through the business telephone system, so that at least a portion of a message can be heard by an outside party when a telephone call between the outside party and a user of the business telephone system has been completed and the outside party is placed on hold by a user of the business telephone system. Optionally, an audio amplifier may be used as an interface between the optical disc player and the on-hold input of the business telephone system, so that the sound quality of the message as heard by the outside party is satisfactory. The optical disc preferably comprises a table of contents defining a plurality of tracks on the disc for containing messages, with the table of contents having been recorded on the disc before any messages were recorded thereon. This allows different messages to be recorded onto the optical disc during separate recording operations, so that the capacity of the on-hold messaging system can be changed without having to re-record old messages as in prior endless-loop tape systems. Methods for on-hold messaging, and methods for servicing on-hold messaging systems by recording new messages onto previously-recorded optical discs, are also disclosed.

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Appl. No.: **921633**

Filed: **August 6, 2001**

Current U.S. Class:

379/162; 379/90.01

Intern'l Class:

H09M 001/00

Field of Search:

**379/67.1,88.07,88.16,88.22,88.25,88.28,90.01,157,162,163,201.01,213.01,214.01
369/16,18,19,30.03,273,275.1,275.2,275.3,276**

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Primary Examiner: Weaver; Scott L.

Attorney, Agent or Firm: Roylance, Abrams, Berdo & Goodman, L.L.P.

Parent Case Text

This application is a continuation of prior application Ser. No. 09/332,074, filed Jun. 14, 1999, now U.S. Pat. No. 6,272,211, which is a continuation of prior application Ser. No. 08/893,296, filed on Jul. 15, 1997, now U.S. Pat. No., 5,920,616, which is a division of prior application Ser. No. 07/999,592, filed on Dec. 31, 1992, now abandoned, the disclosures of all of said prior applications being expressly incorporated herein by reference.

Claims

What is claimed is:

1. An on-hold messaging system for use with a business telephone system having on-hold messaging capabilities, the on-hold messaging system comprising in combination:

a non-magnetic storage device having a plurality of messages recorded therein;

a playback system for playing selected ones of said plurality of messages recorded in said storage device, said playback system having an audio output; and

means for enabling the audio output of said playback system to be connected to an on-hold input of a business telephone system having on-hold messaging capabilities;

whereby said playback system is enabled to continuously play said selected messages through said business telephone system so that at least a portion of at least one selected message can be heard by an outside party when a telephone call between said outside party and a user of said business telephone system has been completed and said outside party is placed on hold by a user of said business telephone system.

2. The on-hold messaging system of claim 1, wherein said non-magnetic storage device comprises an optical disc.

3. The on-hold messaging system of claim 1, wherein said on-hold messaging system further includes a message sequence control capability for determining the sequence in which said selected messages are played.

4. The on-hold messaging system of claim 1, further comprising said business telephone system as part of said combination.

5. The on-hold messaging system of claim 1, wherein said means for connecting includes an audio amplifier.

6. The on-hold messaging system of claim 1, further comprising a timer for automatically turning said on-hold messaging system on and off.

7. A method for playing on-hold messages to an outside party over a telephone line, comprising the steps of:

providing a plurality of recorded messages in a non-magnetic storage device;

selecting at least one of said messages recorded in said storage device for playing in a playback system having an audio output for providing on-hold messages to an outside party over a telephone line; and

continuously playing said at least one selected message in said playback system;

whereby at least a portion of said at least one selected message can be heard by an outside party when a telephone call with said outside party has been completed and said outside party is placed on hold.

8. The method of claim 7, wherein said non-magnetic storage device comprises an optical disc.

9. The method of claim 7, wherein said selecting step includes selecting the sequence in which said at

least one message is played.

10. The method of claim 7, further comprising the step of automatically turning said on-hold messaging system on and off using a timer.

Description

FIELD OF THE INVENTION

The present invention relates to on-hold messaging for telephone systems, and particularly but not exclusively, for business telephone systems.

BACKGROUND OF THE INVENTION

When a business receives telephone calls, the caller is often put on hold awaiting further disposition. Before on-hold messaging was developed, callers were forced to listen to silence while they were on hold. Callers often got bored or frustrated if they were kept on hold for any length of time, sometimes to the point of hanging up. On-hold messaging systems were developed, at least in part, to solve this problem. With such systems, pre-recorded messages are played as the caller remains on hold. These messages have been in the form of music for the caller's listening pleasure and in the form of advertisements to provide the caller with information about the business. Because of the popularity of on-hold messaging, most business telephone systems available today have been designed to include on-hold messaging capabilities. These business telephone systems often include an on-hold input jack, usually referred to as a music on-hold (MOH) port. Previously, the audio output of a magnetic audio tape player was connected directly to the on-hold input jack. Typically, the messages were recorded onto endless loop cassette tapes. Once connected in this manner to the telephone system, the tape player is turned on and the endless loop cassette tape is played continuously. When a caller is put on hold, the tape player's audio output is connected to the caller's telephone receiver so that the caller hears the on-hold message or messages (i.e., music and/or advertisements). There are a number of problems associated with such on-hold messaging systems.

When used for on-hold messaging purposes, endless loop audio cassette tapes and the tape decks used to play them are prone to malfunctioning, usually from various types of mechanical failure. Such mechanical failures result in the on-hold messaging system being non-functional until the tape and/or the deck can be replaced or repaired. These tapes and decks are relatively expensive to replace or repair. The endless loop cassette tapes are typically played continuously for extended periods of time. The tapes are known to stretch, break, or just wear out and are generally replaced every 90 days before failure occurs. Being played so much, the tape decks are known to break down after a relatively short service life. Usually, the motors of the tape decks burn out. The decks typically have a life span without repair or replacement of only about six months. In addition, the tape decks were not always compatible with a given business telephone system, even when that telephone system had on-hold messaging capabilities. This incompatibility usually resulted in the sound quality (i.e., volume level and/or clarity) to be unacceptably poor.

From time to time, a business may want to vary the message being played, for example, playing seasonal music only during a particular season (e.g., Christmas music) and tailoring advertisements to a particular season's demands. For instance, a business may wish to advertise lawn mowers during the spring and summer and snow plows during winter. In addition, the business may no longer wish to play one of the messages (e.g., an advertisement on a discontinued product line) or may wish to change only

a portion of one of the messages (e.g., change the brand name of the product being advertised). With prior on-hold messaging systems, businesses were limited in their ability to have such changes made to their on-hold messages.

While multiple messages can be recorded onto the endless loop cassette tape, all the messages are heard continuously with each message only being heard in the sequence in which it was recorded. In addition, the entire endless loop cassette tape is normally filled with messages (i.e., music, advertisements, etc.) in order to avoid periods of silence. Previously, in order to service the on-hold messaging needs of a business (i.e., to change the on-hold message(s)), a new tape was recorded containing the desired new and old messages. The tape recording process is costly. This cost escalates when messages which do not need changing have to be re-recorded.

Therefore, there is a need for a more versatile and reliable on-hold messaging system, which makes it easier and less expensive to service the on-hold messaging requirements of a business.

SUMMARY OF THE INVENTION

The present invention is directed to a more versatile and reliable on-hold messaging system. In embodiments of the present on-hold messaging system, particular messages can be selectively played in whatever order desired and on a continuous basis. In addition, on-hold messaging systems according to embodiments of the invention are less likely to break down or otherwise stop functioning.

The present invention is also directed to an on-hold messaging system which can be more easily and less expensively serviced to satisfy the on-hold messaging requirements of a business. In embodiments of the present on-hold messaging system, new messages can be added and old messages replaced without having to re-record messages which do not need changing.

An on-hold messaging system according to one embodiment of present invention uses an optical disc, preferably a compact disc or CD, as the recording medium for the messages instead of endless loop cassette tapes. The system of this embodiment includes an optical disc player or deck connected to a telephone system having on-hold messaging capabilities. An audio amplifier may be necessary as an interface between the optical disc player and the on-hold-input of the telephone system so that the sound quality (i.e., volume level and clarity) of the message(s) heard by a caller is satisfactory. The sound quality of the on-hold messages produced by previous on-hold messaging systems was inconsistent. This inconsistent sound quality was due, at least in part, to incompatibility between the audio output of the tape player and the on-hold input of the business telephone system. Thus, the audio amplifier is used to match the audio output of the optical disc player to the on-hold input of the telephone system. The type of audio amplifier used depends upon the on-hold input of the particular telephone system.

With an output from the optical disc player of the above-described embodiment connected to the on-hold input of the telephone system, an optical disc having at least one message recorded thereon is played in the optical disc player so that a caller hears the message after being placed on hold. The optical disc can be played continuously with the messages being accessed only when a caller is placed on hold. In order to increase the life span of the optical disc player, a timer can be used to turn the disc player on and off for desired periods of time. Even if played 24 hours a day, optical disc players have been found to have a life span without the need for replacement or repair far longer than the cassette tape players used in prior on-hold messaging systems (i.e., upwards of about four years compared to about six months). If a tuner is used to turn the disc player on and off automatically, the play button will have to be re-set unless the particular disc player used is capable of automatically playing the optical disc after being turned off and then turned on.

A method of servicing an on-hold messaging system according to one embodiment of the present invention includes the steps of providing at least one optical disc with at least one message for being played in an on-hold messaging system. The capacity of the on-hold messaging system is changed (i.e., the number of messages that can be played is increased) by recording at least one more message onto the optical disc. This multiple recorded optical disc is then provided for being played on the on-hold messaging system. This method allows additional messages to be added without having to re-record messages that don't need changing.

A method of servicing an on-hold messaging system according to another embodiment of the invention includes the steps of producing at least a first and a second optical disc with each of the optical discs containing the same message. At least the first optical disc is then provided for being played in the on-hold messaging system. Next, at least one more message is recorded onto the second optical disc. Finally, the second optical disc, having the one or more messages recorded thereon, is provided for being played in the on-hold messaging system. Preferably, the additional message or messages are also recorded onto the first optical disc. If it becomes desirable to add more messages to the on-hold messaging system, the additional message or messages can be recorded onto the first optical disc which is then used to replace the second optical disc. The new message or messages can then be recorded onto the second optical disc, and the above process repeated each time new messages are to be added. Thus, the present invention can enable a library of on-hold messages to be built and accessed as desired. In prior on-hold messaging systems, changes to any of the messages required the prior taped messages to be reproduced along with any new messages.

The above and other objectives, features, and advantages of the present invention will become apparent upon consideration of the detailed description and appended drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

The FIGURE is a block diagram of an on-hold messaging system according to an embodiment of the present invention.

DETAILED DESCRIPTION OF EMBODIMENTS OF THE INVENTION

Referring to the FIGURE, an on-hold messaging system 10 according to an embodiment of the present invention includes an optical disc player 12, preferably a compact disc player, connected to a business telephone system 14 having on-hold messaging capabilities. Most business telephone systems 14 available today are typically provided with an on-hold input jack 16, typically an RCA phono jack. The compact disc player 12 is connected to the on-hold input jack 16 with standard shielded audio cable. In order to insure the sound quality (i.e., volume level and clarity) of the messages being played, as heard by a caller, it may be necessary to interconnect an audio amplifier 18, preferably having volume level control, between the compact disc player 12 and the business telephone system 14.

A specific embodiment of the present on-hold messaging system 10 utilizes a standard, off the shelf compact disc player 12 manufactured by Sony Corporation, Model No. CDP-297, and a 1-watt audio amplifier 18 manufactured by University Sound Inc., Sylmar, Calif., Model No. 1701. The Sony compact disc player 12 can be programmed to play any number of tracks on a compact disc (not shown) in whatever sequence desired. The Sony compact disc player 12 can also be programmed to continuously repeat the same group of tracks in the order selected. This Sony compact disc player 12 has a left line out 20 and a right line out 22 (phono jacks), each of which has an output level of 2 volts (at 50 kilohms) and a load impedance over 10 kilohms. The University Sound audio amplifier 18 has a single auxiliary input 24 having 47 kilohms impedance and 50 millivolts sensitivity. Both output lines 20, 22 of the Sony compact disc player 12 are connected to the input jack 24 on the University Sound audio

amplifier 18 through a standard Y-connector 26 using standard shielded audio cable. The University Sound audio amplifier 18 also has two outputs: an 8 ohm, 1 watt output 28 and a 500 ohm, 3 milliwatt output 30.

Many of the business telephone systems 14 having on-hold messaging capabilities utilize on-hold inputs 16 rated at either 600 ohms or 8 ohms. One such telephone system is the Merlin System, Model No. 1030, manufactured by AT&T. This system has a Services Module (i.e., a printed circuit board) which is plugged into position no. 6 in order to provide the telephone system with on-hold messaging capabilities. The on-hold input jack 16 of this system-is rated at 8 ohms. Therefore, this University Sound audio amplifier 18 is compatible with either type of business telephone system 14. Standard shielded audio cables are used to connect the applicable audio amplifier output 28, 30 to the on-hold input 16 of the business telephone system 14. For the purpose of illustration only, the cable connecting the 8 ohm audio amplifier output 28 to the on-hold input 16 is shown in phantom.

The Sony compact disc player 12 also has a headphone output 34 (i.e., stereo phone jack) rated at a maximum output level of 10 milliwatts and a load impedance of 32 ohms. It has been found that for some business telephone systems 14 having on-hold messaging capabilities, the sound quality of the message played to a caller is better when the headphone output 34 of the compact disc player 12 is used instead of either phono jack 20, 22. When applicable, the headphone output 34 is connected directly to the on-hold input 16 of the business telephone system 14 using standard shielded audio cable (shown in phantom). For example, the NEC America, Inc., Melville, N.Y., Electra Mark II series telephone system has such an on-hold input. With this telephone system, a separate printed circuit board, specified as the TSW-E card, provides the phone system with on-hold messaging capabilities.

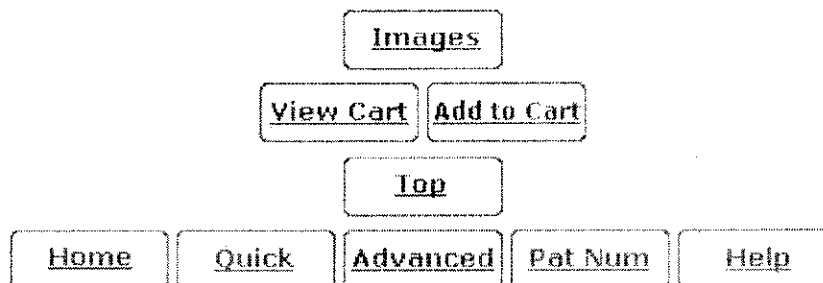
A preferred optical disc that can be used in embodiments of an on-hold messaging system of this invention is typically referred to as a compact disc or CD (not shown). Satisfactory results have been obtained using such optical discs manufactured by Yamaha, Part No. YOD 063. Before messages are recorded onto the CD, spaced apart track marks are burned into the optical disc at pre-determined distances to form multiple beds or tracks of desired length (i.e., writing a table of contents). The term "message" herein refers to music, advertisements or any other type of recordable audio data a business might play on an on-hold messaging system. The table of contents is written before any audio data has been recorded. Preferably, the track marks are spaced apart to form beds having 30 second lengths. Thirty second lengths have been found to be compatible with the on-hold messaging requirements of most businesses.

Once the table of contents is written, the desired number of messages is recorded onto the necessary number of beds on the optical disc. Typically, each bed has one message recorded thereon with the beginning of the message fading in at the beginning of the bed, and the end of the message fading out at the end of the bed. Two or more messages can also be recorded as a cluster. That is, instead of each message fading in and out, two or more messages can be grouped together to play in a continual fashion. With a cluster, the messages are separated only by the track marks. The track marks are typically so narrow that, when played in series, the messages in a cluster are usually perceived to be continuous. A professional optical disc recorder (not shown) manufactured by Yamaha, Model No. YPDR601/RC601 was used to not only write the table of contents, but also to record the desired message(s). To record these messages onto the optical disc, the messages are preferably first recorded from a professional sound studio recording system onto a digital audio tape or DAT. The messages are recorded by connecting the digital output of a DAT deck or player (not shown) to the digital input of the audio disc recorder. Next, the digital audio tape is played in the DAT deck while the optical disc recorder is in the recording mode. Acceptable results have been obtained using a professional audio tape deck manufactured by Panasonic, one location in Secaucus, N.J., Model No. SV-3700, with DT-120P digital audio tapes manufactured by Sony Corporation. The above recording method helps to obtain more

consistent sound quality and clearer message delivery than that typically found in prior on-hold messaging systems.

A method has been developed for servicing the on-hold messaging requirements of a business using the on-hold messaging system 10 of the disclosed embodiment. In the preferred embodiment of this method, a servicing entity produces at least a first and a second optical disc, in the manner described above, with each of the optical discs containing the same message or messages. The first optical disc is then provided to the business for being played in its on-hold messaging system. The second optical disc is then retained by the servicing entity. If the on-hold messaging requirements of the business change (e.g., the need for an additional message), the additional message or messages are recorded onto the second optical disc. The second optical disc is then provided to the business to replace the first optical disc for being played in the on-hold messaging system. The first optical disc is then returned to the servicing entity and the additional message or messages are recorded onto the first optical disc. If the on-hold messaging requirements change again, the new message is recorded onto the first optical disc which is then used to replace the second optical disc. This new message is then recorded onto the second optical disc. This process repeats itself as many times as necessary in order to satisfy the on-hold messaging requirements of the business.

From the above disclosure of the general principles of the present invention and the preceding detailed description of preferred embodiments thereof, those skilled in the art will readily comprehend the various modifications to which the present invention and its embodiments are susceptible. Therefore, the scope of the invention should be limited only by the claims and equivalents thereof.





Exclusive License Agreement

Whereas, Joey C. Hazenfield ("Hazenfield") is the inventor and owner of the devices, systems and methods covered under U.S. Patents 6,272,211 B1 and 5,870,461 and 5,920,616 the owner of all right's and title thereto; and

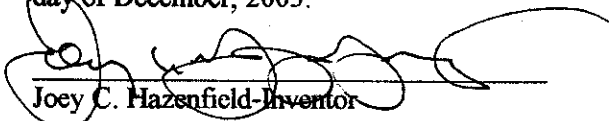
Whereas, Info-Hold, Inc., ("Info-Hold") as Licensee under the Hazenfield Patents, has a compelling business interest in deterring unlicensed use and infringement of said Patents; and

Whereas, Info Hold, Inc. Request from ("Hazenfield") such Exclusive agreement and Hazenfield Grants such Agreement.

Now therefore, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the parties agree as follows:

1. This Agreement is in partial consideration of, was contemplated by, and hereby specifically references the Licensing Agreement made between the parties on September 25, 1995. "This is an addendum to the existing Agreement" all provisions of prior agreement are incorporated by this agreement and remain in full force and effect with the exception of exclusive Rights of specified Patents on the face of this agreement.
2. Hazenfield grants to Info-Hold the sole and exclusive right to bring and/or defend any cause of action in which the subject matter involves any device, system or method which are part of the on-hold messaging systems and methods referenced by any of Hazenfield's listed Patents on this document.
3. The rights granted herein specifically include, but are not limited to, the right for Info-Hold to sue for present damages, past damages, and future damages, as well as injunctive or other relief, against any party or parties whom Hazenfield or Info-Hold believe have infringed any of the Patents contemplated by this Agreement.
4. Hazenfield further grants to Info-Hold the right to grant sub-licenses under Hazenfield's Patents, including as part of any litigation or settlement of any legal action brought or defended by Info-Hold.
5. Info-Hold may not assign any rights granted under this Agreement without the express, written consent of Hazenfield.
6. Hazenfield agrees to cooperate with Info-Hold regarding any litigation contemplated by this Agreement, but by the terms of this agreement, Hazenfield cannot and will not be a Party in Interest.
7. The parties agree that the provisions of this Agreement are severable, and if one or more provisions are determined to be illegal or unenforceable, in whole or in part, the remaining provisions, or parts thereof, shall remain binding and enforceable.
8. The Board of Directors of Info-Hold, Inc has approved such an agreement and its provisions incorporated herein:

In witness whereof, Hazenfield and Info-Hold have executed this Agreement on this 8 day of December, 2003.


Joey C. Hazenfield-Inventor

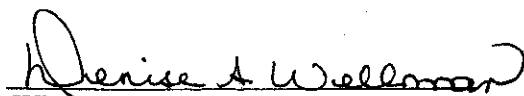

Denise A. Wellman
Witness - Notary

EXHIBIT D

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License Agreement Addendum

Whereas, Joey C. Hazenfield ("Hazenfield") has executed two separate Exclusive Licensing Agreements with Info-Hold, Inc., ("Info-Hold") regarding the right to bring and/or defend causes of action with regard to certain U.S. Patents; and

Whereas, Joey C. Hazenfield, as inventor, has been issued U.S. Patent No. 6,687,352 B2, which patent is not covered under any existing licensing agreement with regard to bringing and/or defending any cause of action; and

Whereas, Info-Hold desires to bring infringement claims under this patent and Hazenfield desires to grant such right to Info-Hold;

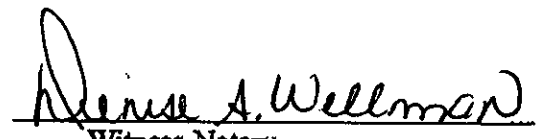
Now therefore, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the parties agree as follows:

1. This Agreement is in partial consideration of, was contemplated by, and hereby specifically references the Licensing Agreements of September 25, 1995 and December 8, 2003. This is an addendum to the existing agreement between the parties and all provisions of prior agreements are incorporated by this Agreement and remain in full force and effect with the exception of the exclusive rights regarding the specific Patent on the face of this Agreement.
2. Hazenfield grants to Info-Hold the sole and exclusive right to bring and/or defend any cause of action in which the subject matter involves any device, system or method which are part of the on-hold messaging systems and methods referenced by any of Hazenfield's patents listed on this or any referenced License Agreement or document.
3. The rights granted herein specifically include, but are not limited to, the right for Info-Hold to sue for present damages, past damages, future damages as well as injunctive or other relief.
4. The parties agree that the provisions of this and the prior agreements are severable, and if one or more provisions are determined, by a court of competent jurisdiction, to be illegal or unenforceable, in whole or in part, the remaining provisions, or parts thereof, shall remain binding and enforceable.

5. The Board of Directors of Info-Hold has approved this Agreement and the provisions contained herein.

In witness whereof, this Agreement was executed on this 20th day of March, 2004.


Jacy C. Hazenfield Inventor


Denise A. Wellman
Witness-Notary
State of Ohio - Notary Public
My Commission expires 6/6/2005