

'339 patent may be referred to herein as the "patent-in-suit." Plaintiff is the legal owner of the patent-in-suit. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

2. Plaintiff Zamora Radio, LLC is a limited liability company organized and existing under the laws of the State of Delaware. Zamora maintains its principal place of business at 1000 North West Street, Suite 1200, Wilmington, Delaware 19801. Zamora is the legal owner of the patent-in-suit, and possesses all rights of recovery under the patent-in-suit, including the right to sue for infringement and recover past damages.

3. Upon information and belief, Defendant Last.fm, Ltd. ("Last.fm") is a company organized and existing under the laws of England, with its principal place of business located at 1-11 Baches Street, London, Greater London N1 6DL, United Kingdom.

4. Upon information and belief, Defendant CBS Radio, Inc. ("CBS Radio") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 1515 Broadway, 46th Floor, New York, New York 10036.

5. Upon information and belief, Defendant CBS Corp. ("CBS") is the parent of Last.fm and CBS Radio, and is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 51 West 52nd Street, New York, New York 10019.

6. Upon information and belief, Defendant Slacker, Inc. ("Slacker") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 16935 West Bernardo Drive, Suite 270, San Diego, California 92127.

7. Upon information and belief, Defendant Pandora Media, Inc. (“Pandora”) is a corporation organized and existing under the laws of the State of California, with its principal place of business located at 360 22nd Street, Suite 440, Oakland, California 94612.

8. Upon information and belief, Rhapsody America LLC (“Rhapsody”) is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business located at 2601 Elliott Avenue, Seattle, Washington 98121.

9. Upon information and belief, Defendant RealNetworks, Inc. (“Real”) is a partial owner of Rhapsody and is a corporation organized and existing under the laws of the State of Washington, with its principal place of business located at 2601 Elliot Avenue, Suite 1000, Seattle, Washington 98121.

10. Upon information and belief, Defendant DKCM, Inc. d/b/a Jango (“DKCM”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 500 Fifth Avenue, Suite 810, New York, New York 10110.

11. Upon information and belief, Defendant SoundPedia, Inc. (“SoundPedia”) is a corporation organized and existing under the laws of the State of New York, with its principal place of business located at 43 Jared Drive, White Plains, New York 10605.

12. Upon information and belief, Defendant AOL, LLC (“AOL”) is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business located at 770 Broadway, New York, New York 10003.

13. Upon information and belief, Defendant AccuRadio, LLC (“AccuRadio”) is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business located at 400 North Wells Street, Suite 408, Chicago, Illinois 60610.

14. Upon information and belief, Defendant Yahoo! Inc. (“Yahoo”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 701 First Avenue, Sunnyvale, California 94089.

JURISDICTION AND VENUE

15. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, and 281-285.

16. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

17. This Court has personal jurisdiction over each Defendant. Each Defendant has conducted and does conduct business within the State of Florida. Each Defendant, directly and/or through intermediaries (including distributors, retailers, partners, subsidiaries and others), ships, distributes, offers for sale, sells, advertises, and utilizes its products and services in the United States, the State of Florida, and the Southern District of Florida. Each Defendant (directly and/or through intermediaries) maintains a website that actively and successfully solicits members/subscribers within Florida and the Southern District of Florida. Each Defendant has purposefully and voluntarily placed one or more of its infringing products and services, as described below in Count I, into the stream of commerce with the expectation that the infringing products and services will be utilized in the Southern District of Florida. These infringing products and services have been and continue to be utilized in the Southern District of Florida. Each Defendant has committed the tort of patent infringement within the State of Florida, and more particularly, within the Southern District of Florida.

18. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

BACKGROUND

19. On February 19, 2002, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,349,339, entitled "System and Method for Utilizing Data Packets." Plaintiff holds all right, title, and interest in and to the '339 patent.

20. Upon information and belief, Defendant Last.fm owns, operates, or otherwise controls Internet media websites, including, for example, <http://www.last.fm/>.

21. Upon information and belief, Defendant CBS Radio owns, operates, or otherwise controls Internet media websites, including, for example, <http://www.cbsradio.com/index.html>.

22. Upon information and belief, Defendant CBS owns, operates, or otherwise controls Internet media websites, including, for example, <http://www.last.fm/> and <http://www.cbsradio.com/index.html>.

23. Upon information and belief, Defendant Slacker owns, operates, or otherwise controls Internet media websites, including, for example, <http://www.slacker.com/>.

24. Upon information and belief, Defendant Pandora owns, operates, or otherwise controls Internet media websites, including, for example, <http://www.pandora.com/>.

25. Upon information and belief, Defendant Rhapsody owns, operates, or otherwise controls Internet media websites, including, for example, <http://www.rhapsody.com/home.html>.

26. Upon information and belief, Defendant Real owns, operates, or otherwise controls Internet media websites, including, for example, <http://www.rhapsody.com/home.html> and <http://guide.real.com/>.

27. Upon information and belief, Defendant DKCM owns, operates, or otherwise controls Internet media websites, including, for example, <http://www.jango.com/>.

28. Upon information and belief, Defendant SoundPedia owns, operates, or otherwise controls Internet media websites, including, for example, <http://soundpedia.com/>.

29. Upon information and belief, Defendant AOL owns, operates, or otherwise controls Internet media websites, including, for example, <http://music.aol.com/radioguide/bb>.

30. Upon information and belief, Defendant AccuRadio owns, operates, or otherwise controls Internet media websites, including, for example, <http://www accuradio.com/>.

31. Upon information and belief, Defendant Yahoo owns, operates, or otherwise controls Internet media websites, including, for example, <http://new.music.yahoo.com/launchcast/>.

32. Upon information and belief, Defendants make, use, license, sell, offer for sale, import, or supply in the State of Florida, in this judicial district, and elsewhere in the United States Internet media website products and services that infringe one or more claims of the patent-in-suit.

COUNT I: INFRINGEMENT OF THE '339 PATENT

33. Plaintiff realleges and reincorporates by reference herein the allegations contained in Paragraphs 1 through 32.

34. Upon information and belief, Defendant Last.fm has infringed and continues to infringe one or more claims of the '339 patent by making, using, licensing, offering to sell, selling (directly or through intermediaries), importing, and/or supplying, in this district and elsewhere in the United States, Internet media website products and services that utilize the systems and methods disclosed and claimed in the '339 patent. Upon information and belief, Defendant Last.fm has contributed to the infringement of one or more claims of the '339 patent,

and/or actively induced others to infringe one or more claims of the '339 patent, in this district and elsewhere in the United States.

35. Upon information and belief, Defendant CBS Radio has infringed and continues to infringe one or more claims of the '339 patent by making, using, licensing, offering to sell, selling (directly or through intermediaries), importing, and/or supplying, in this district and elsewhere in the United States, Internet media website products and services that utilize the systems and methods disclosed and claimed in the '339 patent. Upon information and belief, Defendant CBS Radio has contributed to the infringement of one or more claims of the '339 patent, and/or actively induced others to infringe one or more claims of the '339 patent, in this district and elsewhere in the United States.

36. Upon information and belief, Defendant CBS has infringed and continues to infringe one or more claims of the '339 patent by making, using, licensing, offering to sell, selling (directly or through intermediaries), importing, and/or supplying, in this district and elsewhere in the United States, Internet media website products and services that utilize the systems and methods disclosed and claimed in the '339 patent. Upon information and belief, Defendant CBS has contributed to the infringement of one or more claims of the '339 patent, and/or actively induced others to infringe one or more claims of the '339 patent, in this district and elsewhere in the United States.

37. Upon information and belief, Defendant Slacker has infringed and continues to infringe one or more claims of the '339 patent by making, using, licensing, offering to sell, selling (directly or through intermediaries), importing, and/or supplying, in this district and elsewhere in the United States, Internet media website products and services that utilize the systems and methods disclosed and claimed in the '339 patent. Upon information and belief,

Defendant Slacker has contributed to the infringement of one or more claims of the '339 patent, and/or actively induced others to infringe one or more claims of the '339 patent, in this district and elsewhere in the United States.

38. Upon information and belief, Defendant Pandora has infringed and continues to infringe one or more claims of the '339 patent by making, using, licensing, offering to sell, selling (directly or through intermediaries), importing, and/or supplying, in this district and elsewhere in the United States, Internet media website products and services that utilize the systems and methods disclosed and claimed in the '339 patent. Upon information and belief, Defendant Pandora has contributed to the infringement of one or more claims of the '339 patent, and/or actively induced others to infringe one or more claims of the '339 patent, in this district and elsewhere in the United States.

39. Upon information and belief, Defendant Rhapsody has infringed and continues to infringe one or more claims of the '339 patent by making, using, licensing, offering to sell, selling (directly or through intermediaries), importing, and/or supplying, in this district and elsewhere in the United States, Internet media website products and services that utilize the systems and methods disclosed and claimed in the '339 patent. Upon information and belief, Defendant Rhapsody has contributed to the infringement of one or more claims of the '339 patent, and/or actively induced others to infringe one or more claims of the '339 patent, in this district and elsewhere in the United States.

40. Upon information and belief, Defendant Real has infringed and continues to infringe one or more claims of the '339 patent by making, using, licensing, offering to sell, selling (directly or through intermediaries), importing, and/or supplying, in this district and elsewhere in the United States, Internet media website products and services that utilize the

systems and methods disclosed and claimed in the '339 patent. Upon information and belief, Defendant Real has contributed to the infringement of one or more claims of the '339 patent, and/or actively induced others to infringe one or more claims of the '339 patent, in this district and elsewhere in the United States.

41. Upon information and belief, Defendant DKCM has infringed and continues to infringe one or more claims of the '339 patent by making, using, licensing, offering to sell, selling (directly or through intermediaries), importing, and/or supplying, in this district and elsewhere in the United States, Internet media website products and services that utilize the systems and methods disclosed and claimed in the '339 patent. Upon information and belief, Defendant DKCM has contributed to the infringement of one or more claims of the '339 patent, and/or actively induced others to infringe one or more claims of the '339 patent, in this district and elsewhere in the United States.

42. Upon information and belief, Defendant SoundPedia has infringed and continues to infringe one or more claims of the '339 patent by making, using, licensing, offering to sell, selling (directly or through intermediaries), importing, and/or supplying, in this district and elsewhere in the United States, Internet media website products and services that utilize the systems and methods disclosed and claimed in the '339 patent. Upon information and belief, Defendant SoundPedia has contributed to the infringement of one or more claims of the '339 patent, and/or actively induced others to infringe one or more claims of the '339 patent, in this district and elsewhere in the United States.

43. Upon information and belief, Defendant AOL has infringed and continues to infringe one or more claims of the '339 patent by making, using, licensing, offering to sell, selling (directly or through intermediaries), importing, and/or supplying, in this district and

elsewhere in the United States, Internet media website products and services that utilize the systems and methods disclosed and claimed in the '339 patent. Upon information and belief, Defendant AOL has contributed to the infringement of one or more claims of the '339 patent, and/or actively induced others to infringe one or more claims of the '339 patent, in this district and elsewhere in the United States.

44. Upon information and belief, Defendant AccuRadio has infringed and continues to infringe one or more claims of the '339 patent by making, using, licensing, offering to sell, selling (directly or through intermediaries), importing, and/or supplying, in this district and elsewhere in the United States, Internet media website products and services that utilize the systems and methods disclosed and claimed in the '339 patent. Upon information and belief, Defendant AccuRadio has contributed to the infringement of one or more claims of the '339 patent, and/or actively induced others to infringe one or more claims of the '339 patent, in this district and elsewhere in the United States.

45. Upon information and belief, Defendant Yahoo has infringed and continues to infringe one or more claims of the '339 patent by making, using, licensing, offering to sell, selling (directly or through intermediaries), importing, and/or supplying, in this district and elsewhere in the United States, Internet media website products and services that utilize the systems and methods disclosed and claimed in the '339 patent. Upon information and belief, Defendant Yahoo has contributed to the infringement of one or more claims of the '339 patent, and/or actively induced others to infringe one or more claims of the '339 patent, in this district and elsewhere in the United States.

46. Each Defendant's infringement of one or more claims of the '339 patent has caused Plaintiff to suffer damages in an amount that is no less than a reasonable royalty.

47. Plaintiff is entitled to recover from each Defendant the damages sustained by Plaintiff as a result of each Defendant's wrongful acts in an amount subject to proof at trial.

48. Each Defendant's infringement of Plaintiff's exclusive rights under the '339 patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless it is enjoined by this Court.

JURY DEMAND

49. Plaintiff demands a trial by jury on all issues and has paid the required jury fee.

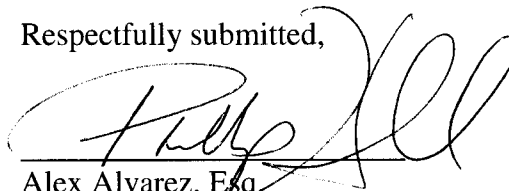
PRAYER FOR RELIEF

Plaintiff Zamora Radio, LLC respectfully requests this Court to enter judgment in its favor against each Defendant, granting the following relief:

- a. An adjudication that each Defendant has infringed and continues to infringe one or more claims of the '339 patent;
- b. An award to Plaintiff of damages adequate to compensate Plaintiff for each Defendant's acts of infringement together with prejudgment interest;
- c. A grant of a permanent injunction pursuant to 35 U.S.C. § 283, enjoining each Defendant from further acts of (1) infringement, (2) contributory infringement, and (3) actively inducing infringement with respect to one or more claims of the '339 patent; and
- d. Any further relief that this Court deems just and proper.

Dated: April 9, 2009

Respectfully submitted,



Alex Alvarez, Esq.
Fla. Bar No. 946346
E-mail: alex@integrityforjustice.com
Phillip E. Holden, Esq.
Fla. Bar No. 14395
Email: phillip@integrityforjustice.com
THE ALVAREZ LAW FIRM
355 Palermo Avenue
Coral Gables, Florida 33134
Telephone: (305) 444-7675
Facsimile: (305) 444-0075

OF COUNSEL:

John F. Ward, Esq.
E-mail: wardj@wardolivo.com
John W. Olivo, Jr., Esq.
E-mail: olivoj@wardolivo.com
David M. Hill, Esq.
E-Mail: hilld@wardolivo.com

WARD & OLIVO

380 Madison Avenue
New York, New York 10017
Telephone: (212) 697-6262
Facsimile: (212) 972-5866

**ATTORNEYS FOR PLAINTIFF
ZAMORA RADIO, LLC**

EXHIBIT 1

US006349 B1

(12) **United States Patent**
Williams

(10) **Patent No.:** **US 6,349,339 B1**

(45) **Date of Patent:** **Feb. 19, 2002**

(54) **SYSTEM AND METHOD FOR UTILIZING DATA PACKETS**

(75) **Inventor:** **Henry R. Williams**, Palisades Park, NJ (US)

(73) **Assignee:** **ClickRadio, Inc.**, New York, NY (US)

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

(21) **Appl. No.:** **09/444,123**

(22) **Filed:** **Nov. 19, 1999**

Related U.S. Application Data

(63) Continuation of application No. 09/034,773, filed on Mar. 2, 1998, now Pat. No. 6,108,686.

(51) **Int. Cl.⁷** **G06F 15/16**

(52) **U.S. Cl.** **709/229; 709/217; 709/219; 709/203**

(58) **Field of Search** **709/201, 203, 709/217, 219, 229; 707/104, 10**

(56) **References Cited**

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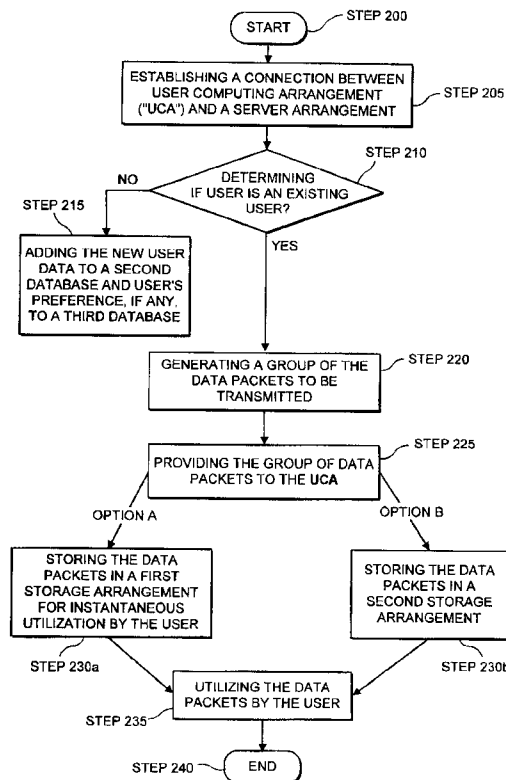
Primary Examiner—Mehmet B. Geckil

(74) *Attorney, Agent, or Firm*—Fay Kaplun & Marcin, LLP

(57) **ABSTRACT**

A system and method for utilizing (e.g., playing) data packets, e.g., audio, video, text, etc. are provided. A server arrangement of the system provides the data packets to a user computing arrangement of the system. A storage device of the user computing arrangement stores the data packets. The data packets are arranged in a predetermined order using the server arrangement and/or the user computing arrangement. The user computing arrangement executes a set of instructions to utilize the data packets in the predetermined order. A user of the user computing arrangement is prevented from modifying the predetermined order.

43 Claims, 8 Drawing Sheets



SYSTEM 1

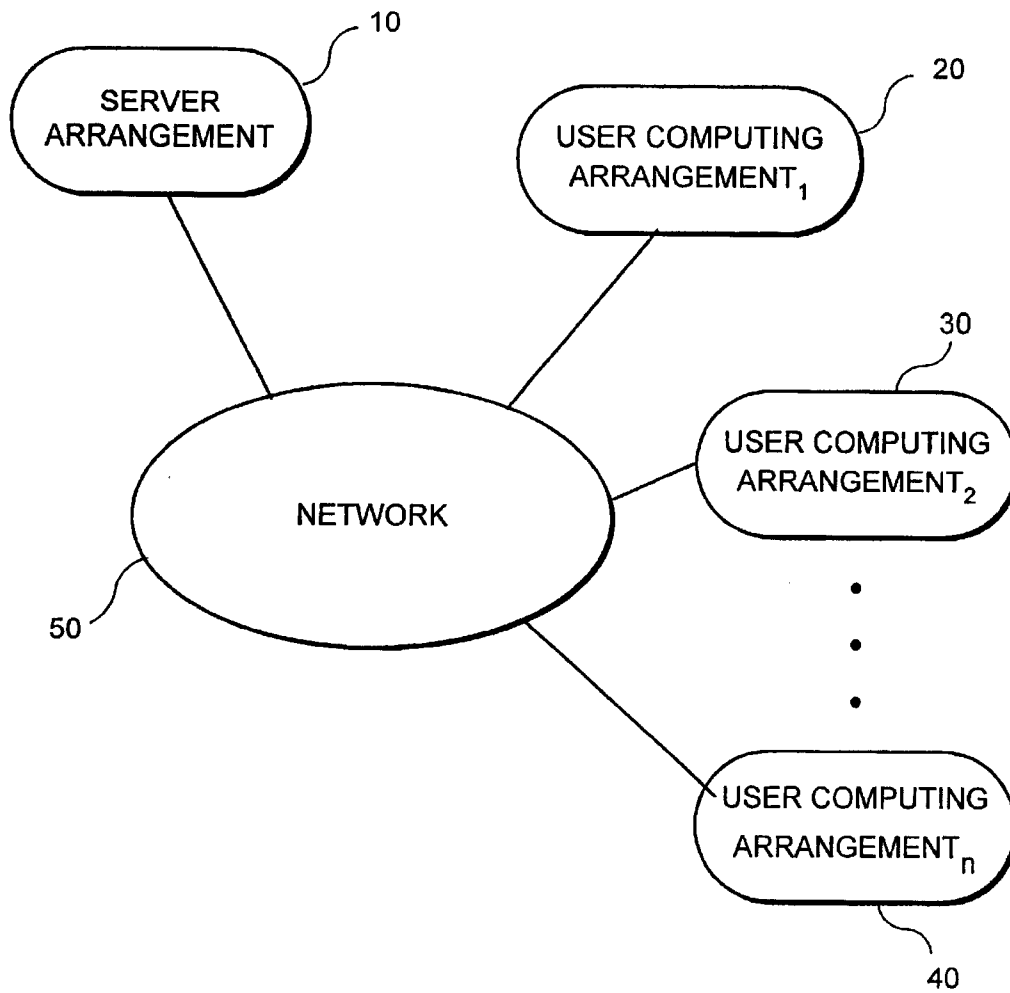


FIG. 1

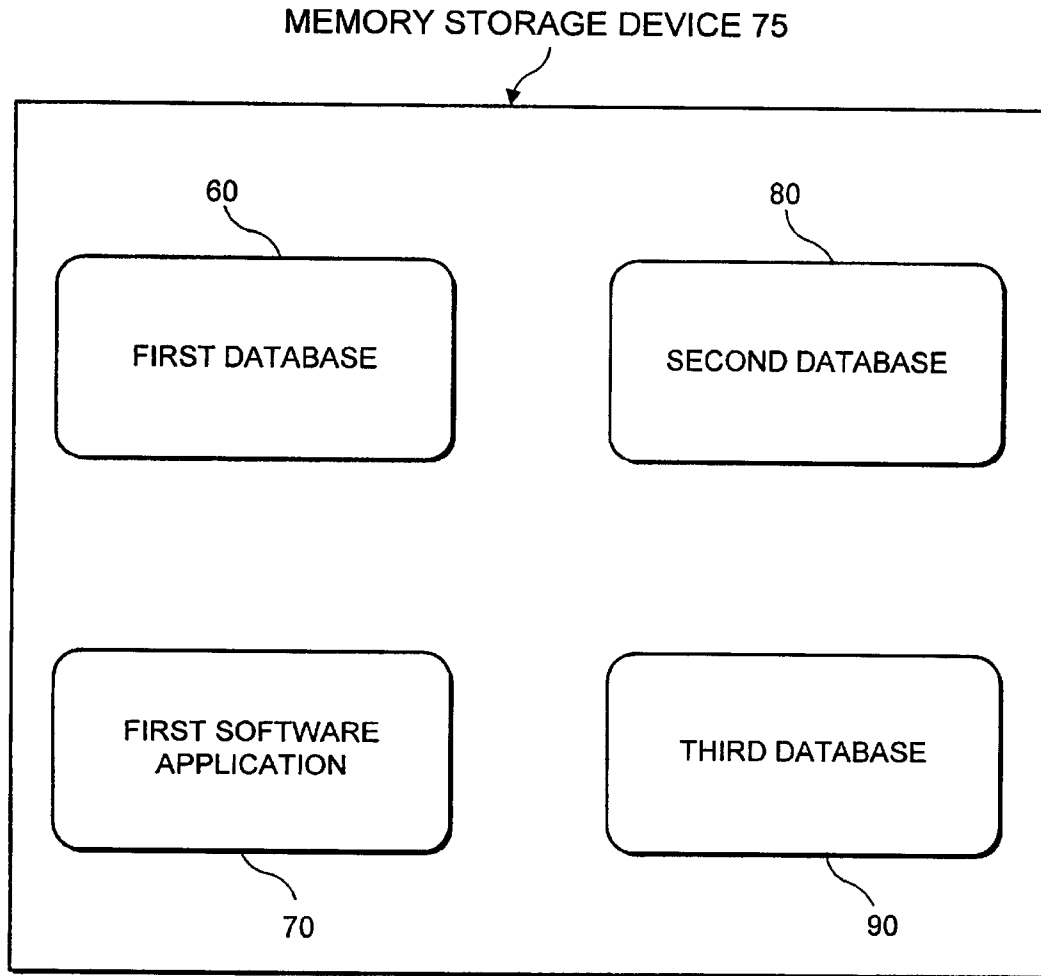


FIG. 2a

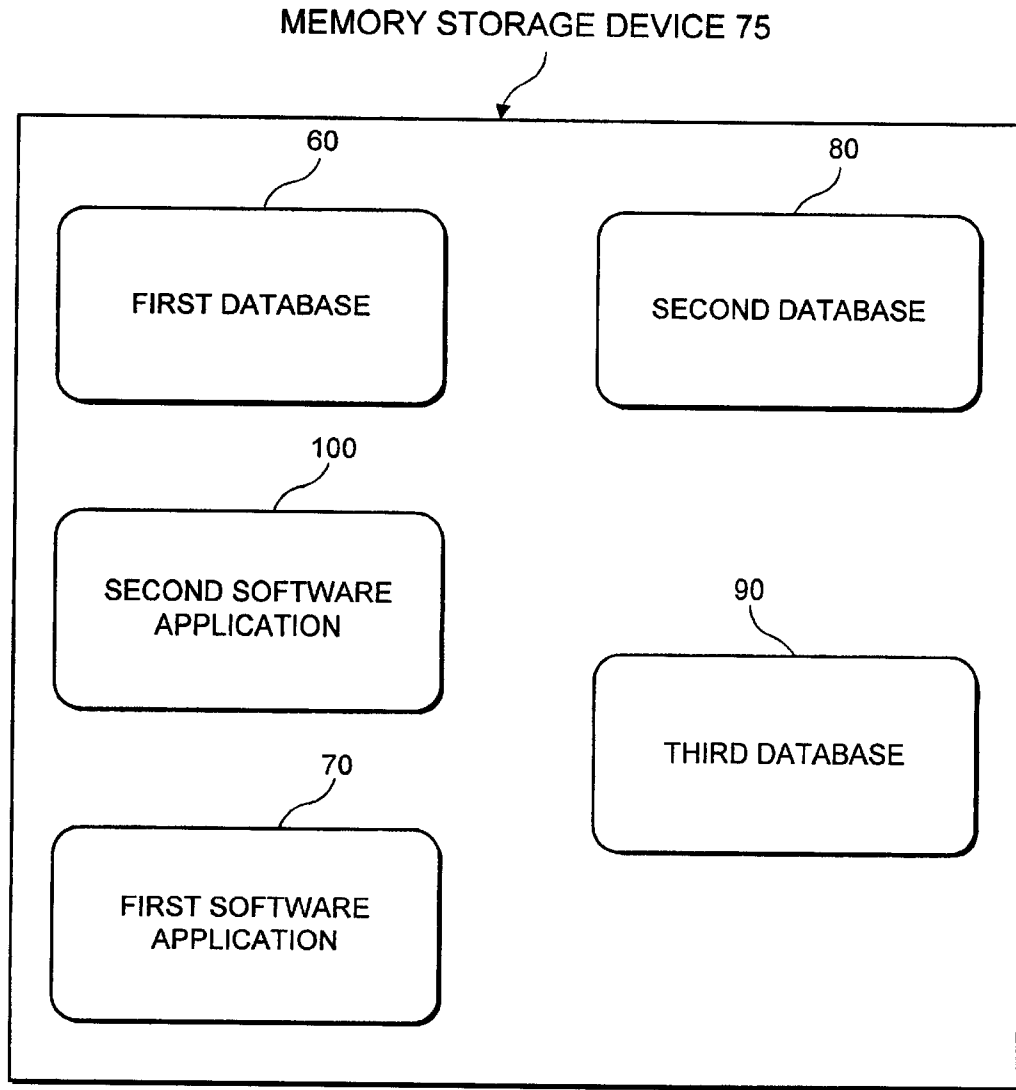


FIG. 2b

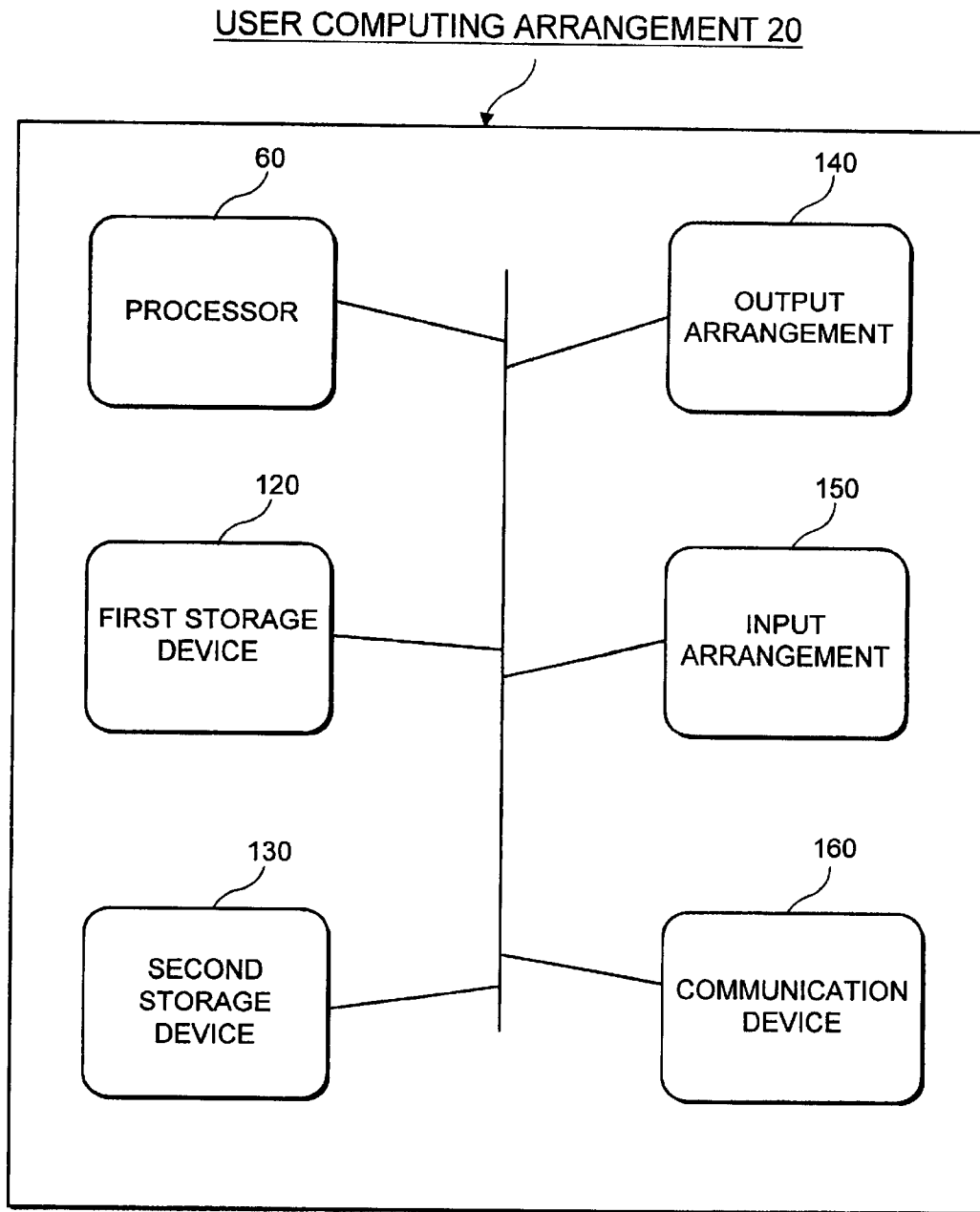


FIG. 3

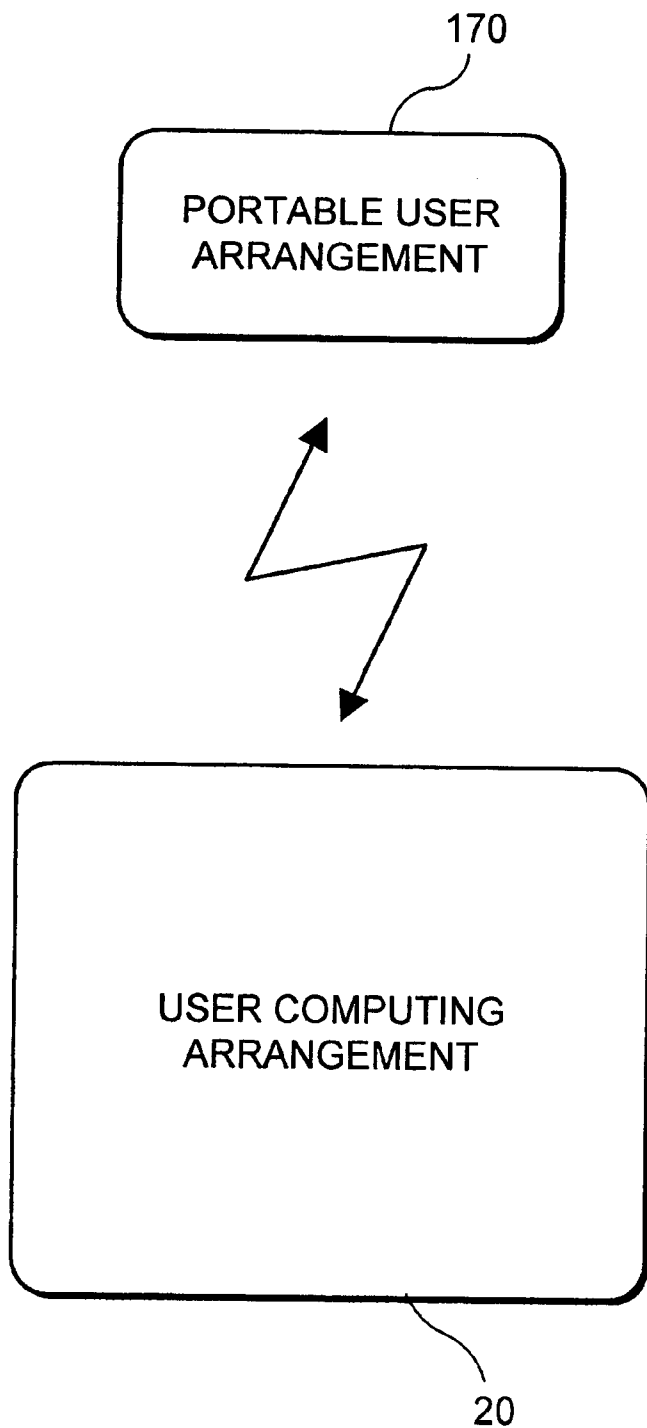


FIG. 4a

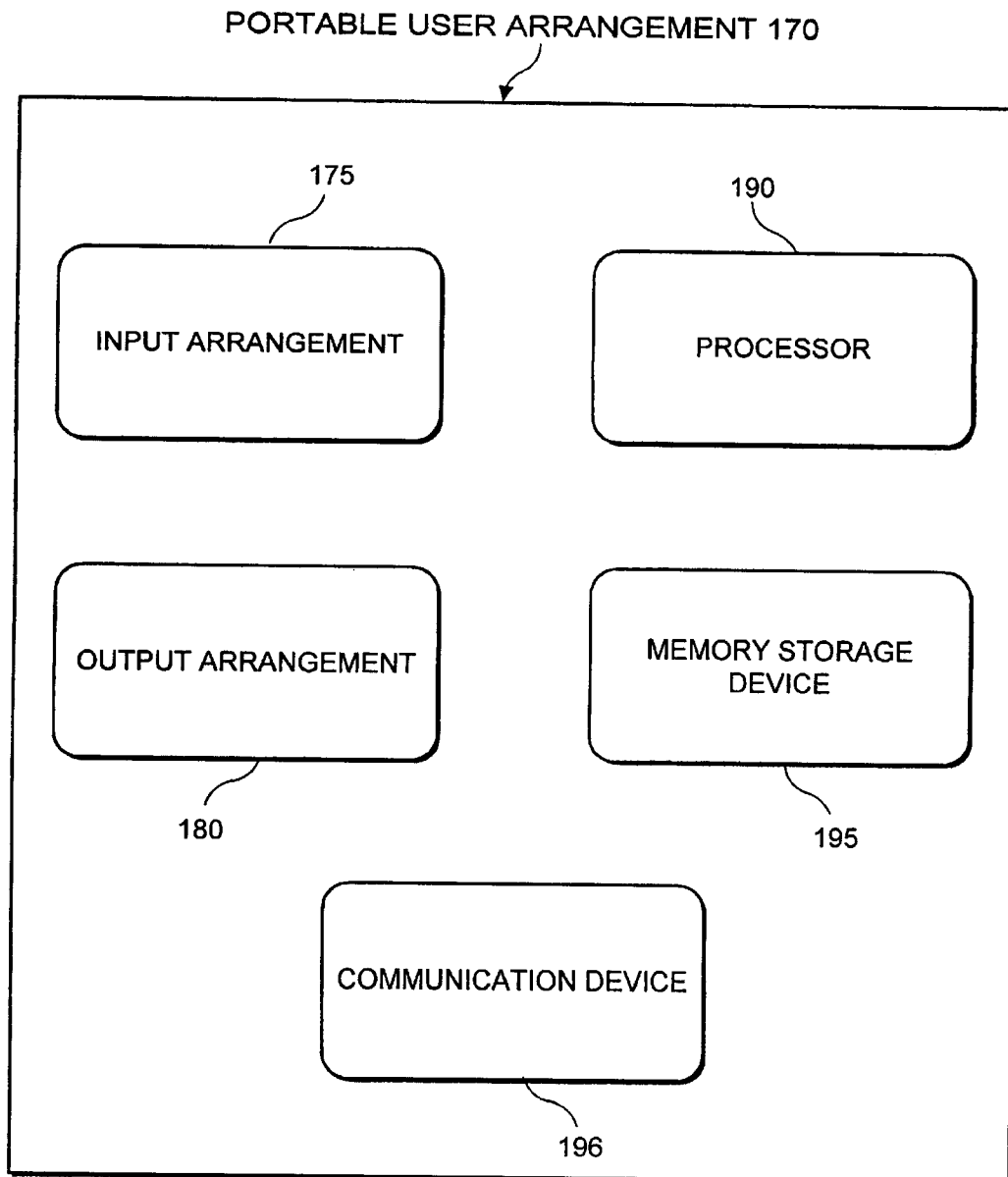


FIG. 4b

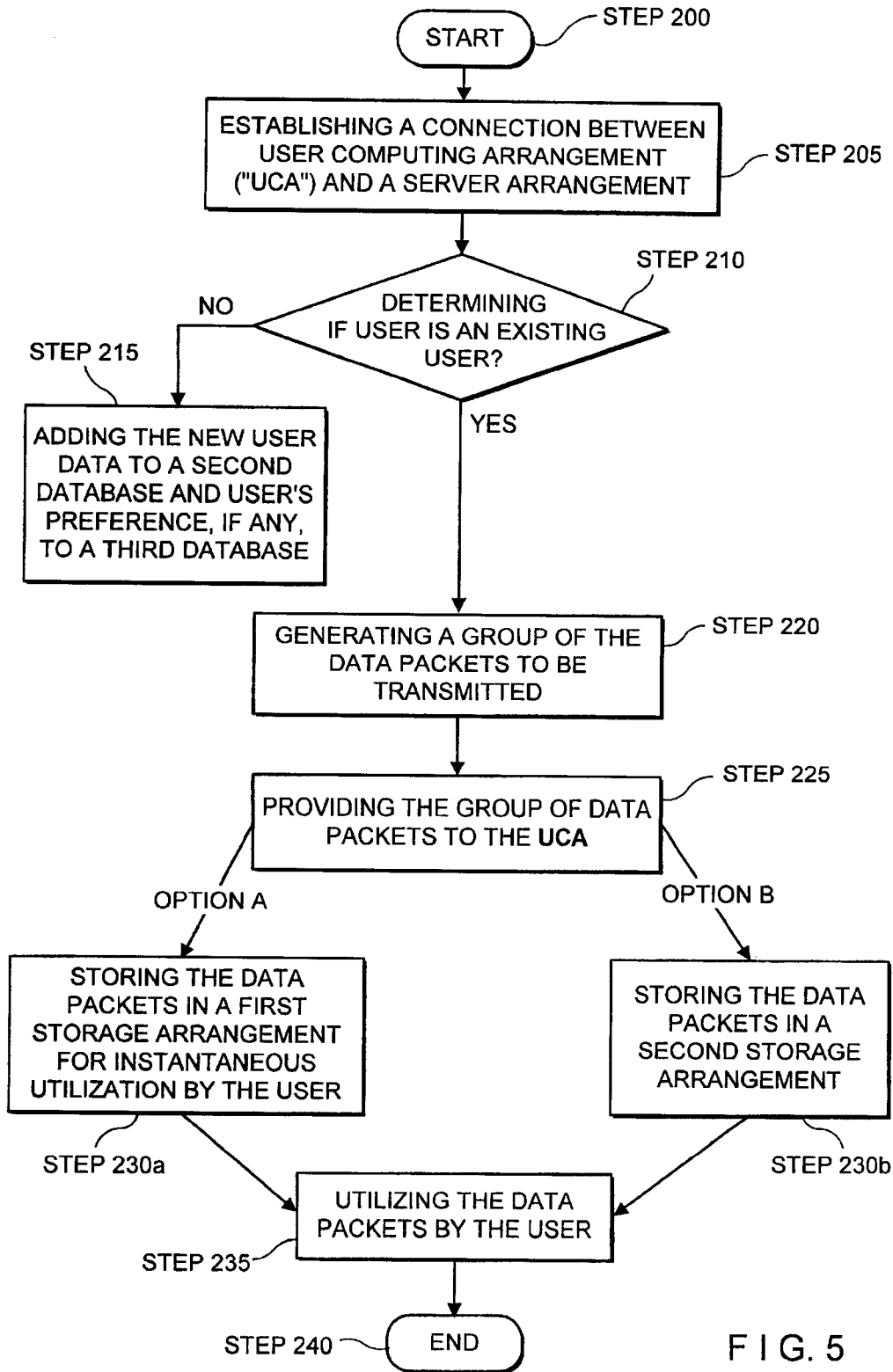


FIG. 5

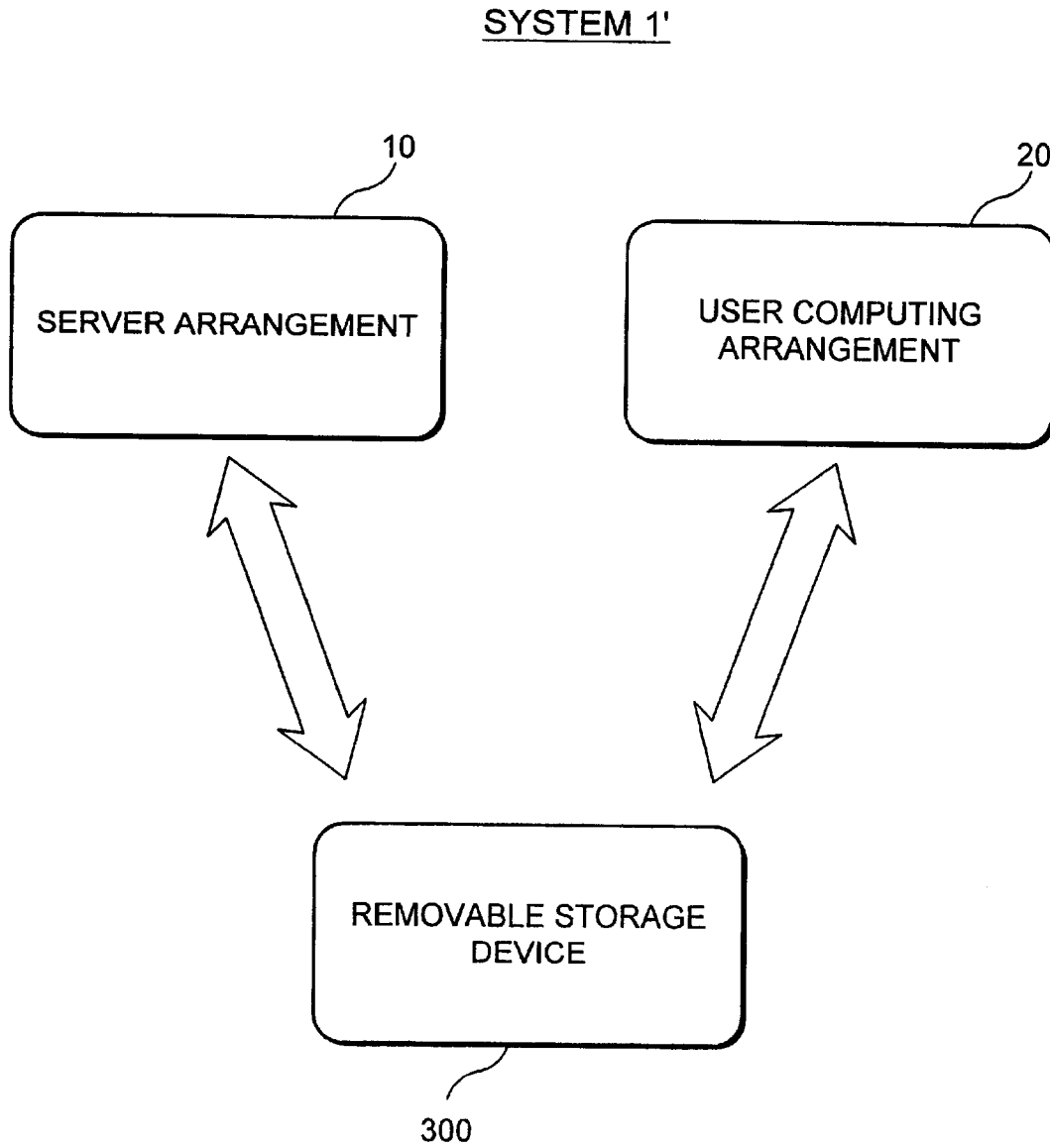


FIG. 6

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SYSTEM AND METHOD FOR UTILIZING DATA PACKETS

This application is a continuation of Ser. No. 09/034,773 filed Mar. 2, 1998 now U.S. Pat. No. 6,108,686.

INCORPORATION BY REFERENCE

U.S. patent application No. 09/03,4773, which was filed on Mar. 2, 1998 and entitled "Agent-Based On-line Information Retrieval and Viewing System," is incorporated hereby, in its entirety, by reference.

FIELD OF THE INVENTION

The present invention relates to a field of utilization of data packets which may include, e.g., audio, video, and other materials.

BACKGROUND INFORMATION

A system known as "Internet radio" has become more popular over the last few years. Internet radio allows a user to receive a streaming flow of audio content which the user listens to in real time. The way in which the user may store the content and the streaming flow depends on the Internet connection of the user. If the user has a bad connection, he or she will receive a low quality audio.

Another system is known as "Jukebox-only" system. Jukebox provides pitfalls in areas of legality and consumer experience. First, the user cannot be provided with a "music-on-demand" system without paying full royalties to song and song recording copyrights holders. Moreover, such rights may be granted on a voluntary basis, i.e., record companies may refuse to grant such rights. With regards to the user experience, while it may be beneficial for the user to be able to purchase digital music and to play it in any preferable manner, this level of control may not always be possible. For some users, selecting which record to play is more burdensome than is preferable. Thus, there is a need for a system which would allow to eliminate these and other disadvantages of the prior art.

SUMMARY OF THE INVENTION

The present invention relates to a system and method for utilizing (e.g., playing) data packets, e.g., audio, music, video, advertisement, informative materials. A server arrangement provides the data packets to a user computing arrangement. A storage device of the user computing arrangement stores the data packets. The data packets are arranged in a predetermined order using the server arrangement and/or the user computing arrangement. The user computing arrangement executes a set of instructions to utilize the data packets in the predetermined order. A user of the user computing arrangement is prevented from modifying the predetermined order.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 shows an exemplary embodiment of a system according to the present invention.

FIG. 2a shows an exemplary embodiment of a storage memory device of a server arrangement according to the present invention.

FIG. 2b shows another exemplary embodiment of the storage memory device.

FIG. 3 shows an exemplary embodiment of a user computing arrangement according to the present invention.

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FIG. 4a shows the user computing arrangement communicating with a portable user arrangement.

FIG. 4b shows an exemplary embodiment of the portable user arrangement according to the present invention.

FIG. 5 shows an exemplary embodiment of a method according to the present invention.

FIG. 6 shows an exemplary embodiment of the system utilizing a removable storage device according to the present invention.

DETAILED DESCRIPTION

The present invention generally relates to a system and method for providing a predetermined group of data packets to a user who may utilize (e.g., review, listen, watch, read, etc.) such data packets with a user computing arrangement ("UCA"). The data packets may be provided to the UCA from a server arrangement, via a communication network (e.g., the Internet) or via mail using a Removable Storage Device ("RSD"). When the data packets are transmitted via a communication network, the transmission may be continuous (e.g., without any interruptions as long as there is a connection between the server arrangement and the UCA) or periodic (e.g., the server arrangement provides the data packets to the UCA every two hours).

Each data packet may include a single element/item, such as a song, an advertisement, etc. The single element may be divided into a plurality of subpackets. For example, when the data packet is transmitted, each of the plurality of subpackets is transmitted separately from each other. When the subpackets are received by the UCA, they are "assembled" together into the data packet.

The data packets may be utilized by the user in a predefined manner. The user has only limited control over the order in which the data packets are utilized. For example, the user may skip a data packet (e.g., skip a single item) but cannot replay or rewind the data packet, nor may the user choose which data packet will be played next.

The data packets may contain particular materials, for example, information data (e.g., advertisements, etc.), entertainment information (e.g., video displays), educational information (e.g., textbooks). The present invention allows the user to review such data packets, e.g., as if the user was listening to or viewing a broadcast on the conventional radio or the television. The system and method of the present invention also enables the user to gain more control over the materials than in the use of conventional radio or television. By using the system and method of the present invention, the user may skip over, completely or partially, certain materials (e.g., by skipping corresponding subpackets) when he or she desires. The user may also instantaneously purchase the materials during or after reviewing the materials.

FIG. 1 shows an exemplary embodiment of a system 1 according to the present invention. The system may include a server arrangement 10, a plurality of UCAs (e.g., UCA 20, UCA 30, UCA 40) and a communication network 50. The network 50 may be an arrangement of nodes and connecting branches for information exchange. The network 50 may also be the Internet, a local area network, a computer network, an intranet, a local area network, a wide area network, an Extranet, a virtual private network, a metropolitan area network, a wireless network, a satellite network or any description for an arrangement of nodes and connecting branches for information exchange.

The server arrangement 10 (among other elements) may be a server or a computing device which includes a memory

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storage device **75**. FIG. **2a** depicts an exemplary embodiment of the memory storage device **75** of the server arrangement **10**. The memory storage device **75** may store a plurality of databases, e.g., a first database **60**, a second database **80** and a third database **90**. Also, the memory storage device **75** may store a first software application **70** which determines the order in which the data packets are utilized by the user.

The first database **60** collects and stores the data packets. For example, the first database **60** may store audio, video, advertisement, informative materials, etc. The informative materials may be associated with the audio, the video and/or the advertisement. The informative materials may be information about a particular audio, such as a title, an artist, author of lyrics, an album name, purchasing information, etc. The informative materials may be accessed when the audio is played or at any time before or after. The informative and advertisement materials may be a form of text, audio, video, etc. The second database **80** may store user data, e.g., user identification, address, credit card information, etc. The third database **90** may store user preference data, e.g., the type of music that the user prefers, how many times the user listens to a particular song, the rating given by user to the particular song, etc. FIG. **2b** shows another exemplary embodiment of the memory storage device **75** which includes a second software application **100** which facilitates a purchase of a particular data packet by the user.

FIG. **3** depicts an exemplary embodiment of the UCA **20** which may be a computer, a "dumb terminal", or any other stand-alone microprocessor based device. The UCA **20** may include a processor **110**, a first storage device **120** (e.g., RAM), a second storage device **130** (e.g., a hard drive), an output arrangement **140**, an input arrangement **150** and a communication device **160**. The output arrangement **140** may include a monitor, audio speakers, a printer, a disk drive, etc. The input arrangement **150** may include a keyboard, a mouse, a touch screen, a voice-recognition device, a disk drive, etc. The input arrangement **150** and/or the output arrangement **140** may be physically connected to the UCA **20** or may be wirelessly connected (e.g., via an infrared connection). The communication device **160** may be a modem (e.g., a phone modem, a cable modem, a wireless modem, etc.) or any other communication device capable of modulating and demodulating signals. The second storage device **130** may store databases and software applications which may allow the user to store and/or utilize the data packets. The data packets may be categorized based on a plurality of parameters. The first storage device **120** may temporarily store the data packets (e.g., when they are received or when the data packets are being utilized).

FIGS. **4a** and **4b** shows the UCA **20** in communication with a portable user arrangement **170** (PUA). The PUA **170** may be physically connected to the UCA **20** or may wirelessly interface with the UCA **20**. The PUA **170** is capable of performing functions which are similar to the functions of the UCA **20** as they relate to the present invention. FIG. **4b** depicts an exemplary embodiment of the PUA **170**. The PUA **170** may include an input arrangement **175**, an output arrangement **180**, a processor **190**, a storage device **195** and a communication device **196**. The storage device **195** stores the data packets and a software application which allows review of the data packets. The output arrangement **180** may be a portable monitor, portable audio speakers, a portable printer, a portable disk drive, etc. The input arrangement **175** may include a keyboard, a mouse, a touch screen, etc. The communication device **196** may provide a connection to the network **50** and/or to the UCA **20**.

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FIG. **5** shows an exemplary embodiment of the method according to the present invention. In Step **205**, a connection is established between the server arrangement **10** and the UCA **20**, e.g., via the network **50**. The server arrangement **10** may be connected to the UCA **20** continuously or periodically.

After the connection is established, the server arrangement **10** determines, by verifying the second database **80**, whether the user is an existing user or a new user (Step **210**). If the user is a new user (i.e., the user's identification is not found in the second database **80**), the server arrangement **10** adds the user information to the second database **80** and adds user's preferences to the third database **90** (Step **215**).

In Step **220**, the server arrangement **10** generates a predetermined group of data packets to be transmitted to the UCA **20**. The data packets are encrypted so that the user cannot exercise control over the data packets. The data packets can be utilized, in a limited manner, by the user only after they are decoded by the software application stored in the UCA **20**. The group of the data packets may be generated based on user's preferences stored in the third database **90** for transmission to a particular user. Alternatively, a group of data packets may be generated to be transmitted (e.g., broadcasted) to a group of users (e.g., classic music listeners).

The server arrangement **10** provides the data packets to the UCA **20**. (Step **225**) The data packets are transmitted to the UCA **20** via a direct transmission using the network **50**. Alternatively, the transmission of the data packets may be indirect, e.g., via mail (e.g., the Post Office) using the RSD (as shown in FIG. **6** and described below).

Once the group of data packets is received by the UCA **20**, the user may have the following options. The data packets may be stored in the first storage device **120** and instantaneously utilized by the user on a "one data packet at a time" basis (Step **230a**—Option A). For example, as the audio is being received from the server arrangement **10** by the UCA **20**, it is being played to the user. Alternately, or in addition, the data packets may be stored in the second storage device **130** of the UCA **20**. The software application, which is stored in the UCA **20**, and/or the first software application **70** of the server application **10** may determine the order in which the data packets are utilized by the user (Step **230b**—Option B).

The user may then utilize the materials of each data packet on an individual basis by accessing the stored data packets in the predefined order (Step **235**). The predefined order may be set by the server arrangement **10** and/or the UCA **20**. For example, the predefined order may be the following: a first song, a second song, an advertisement, a fourth song, etc.

The user utilizes the data packets via the output arrangement **140**. While utilizing the materials of a particular data packet, the user may utilize the entire data packet, and/or may elect to skip the current data packet and continue with the following data packet. In alternative exemplary embodiment according to the present invention, the user may skip a portion of the data packet (e.g., by skipping some of the subpackets of the corresponding data packet). For example, the user may skip 15 seconds of a song. Once the user elects to skip a particular data packet, the user cannot immediately return to the skipped data packet or the skipped subpackets (although, the skipped data packet may be chosen, by the server arrangement **10** and/or the UCA **20**, to be played again at a later time).

During the utilization of the data packets, the software application may create a review database on the second

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storage device **130**. The review database may include a list of the reviewed data packets. The user may access these reviewed data packets and review only a short portion of the reviewed data packet (e.g., first ten subpackets. This limited review feature allows the user to revisit the content of the reviewed data packet (e.g., to verify the data packet before purchasing).

The system and method of the present invention may also include a rating system associated with each data packet. The first software application **70** creates a rating for each data packet and stores the rating information in a rating database stored on the second storage device **130**. The rating of a particular data packet may take place, e.g., when the user is utilizing the particular data packet. For example, if the user skips over a particular data packet or if the user utilizes an entire data packet, the software application adjusts the rating of that data packet according to a predetermined criteria. The user may also directly rate the data packet during or after utilizing it with a rating procedure. The rating procedure may be a simple procedure, such as a "thumbs up" or "thumbs down" rating, or a more complicated procedure, such as a sliding scale rating from, e.g., 1 to 99.

The server arrangement **10** may also be provided with the rating database of the UCA **20**. The server arrangement **10** stores the rating information for each user in the third database **90**. The server arrangement **10** may use the rating information, e.g., to determine a future grouping of the data packets that may be transmitted to that user and/or to a plurality of users with similar preferences. The server arrangement **10** may also utilize the rating information to determine when to remove a particular data packet from a group of the data packets. Once the data packet achieves a rating which is below a predetermined value, the server arrangement **10** may delete that data packet from the group of the data packets and insert another data packet in its place.

The user may elect to purchase any data packet for an unlimited use. The purchasing process includes decoding the data packet, storing it in the second storage device **130** and receiving payment from the user for this data. There are a number of ways for the payment to be effectuated. For example, the user may have a prepayment option. In such a case, the software application decodes the data packets and provides them to the user, as long as there is a positive prepaid balance.

The user may also use a "pay-as-you-buy" option. Using this option, the user buys the data packet and pays for it one at the time. For example, when the user elects to purchase a data packet, the software application marks the data packet for the purchase in the review database. The server arrangement **10** receives a purchase mark indication instantaneously, if the UCA **20** is connected to the server arrangement **10**. However, if the UCA **20** is not connected, the data packet remains marked for the purchase and the server arrangement **10** receives the mark indication upon the subsequent connection to the UCA **20**. Once the server arrangement **10** receives the purchase mark, it signals to decode the data packet and provided the data packet to the user. The user may then access the purchased data packets for an unlimited use and for a complete control, thus allowing the user to replay, rewind, and pause the purchased data packet at will.

While utilizing a particular data packet, the user may also request the informative material associated with the particular data packet. For example, while listening to the audio, the user may request the video clip of the audio or the information about the audio, etc.

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As described above, the predefined order of the data packets may be set by utilizing the server arrangement **10** and/or the UCA **20**. For example, the server arrangement **10** set the order of the data packets which are utilized as soon as they are received by the first storage arrangement **120**. In such case, the server arrangement **10** completely controls the order and the UCA **20** has no control over the order. The user can skip the currently utilized data packet.

In alternative embodiment of the present invention, the server arrangement **10** provides the data packets to the UCA **20**. The server arrangement **20** does not set the order of the data packets. Instead, the order is set locally by the UCA **20** after the data packets are stored in the second storage device **130**.

Yet, in another embodiment of the present invention, the order may be set by both the server arrangement **10** and the UCA **20**. For example, the server arrangement **10** sets rules defining which data packets to be provided to the user (e.g., provide 40% rock and 60% classic; after every third song, an advertisement must be inserted). Once the data packets are stored in the second storage device **130**, the order of the data packets is set by the software application of the UCA **20** based on the rules set by the server arrangement **10**.

Another embodiment of the system **1** described above includes the PUA **170** as described above and shown in FIGS. **4a** and **4b**. The PUA **170**, which functions in a similar manner as the UCA **20**, allows the user to have a portable access to the data packets. The PUA **170** may allow the user to review the data packets anywhere, and at any time. For example, the PUA **170** may be connected to a music system of a mobile vehicle.

FIG. **6** depicts a system **1'**, which is similar to the system **1** described above. In the system **1'**, the data packets and other data (e.g., the rating information, etc.) are not transmitted between the server arrangement **10** and the UCA **20** via the network **50**. Instead, the transmissions are performed via mail using a removable storage device ("RSD") **300**.

The RSD **300** may be transmitted to and from the user via a mail, such as U.S. Postal Service. The RSD **300** may be a compact disc, a digital versatile (or video) disc, a zip disk, an optical disk, etc. The RSD **300** may store a plurality of predetermined data packets and/or databases. The stored data packets, which are encrypted, are provided to the user.

In addition, the system **1'** may be utilized to register a new user. The user may provide his/her information to establish an account with the server arrangement **10**. Such information may be provided via mail using the RSD **300**. If the user decides to buy a particular data packet, the transaction may be cleared with the server arrangement **10**. Once the user provides purchasing information (i.e., an identification of the particular data packet, purchasing information such as credit card or checking account), the server arrangement **10** may issue a permission indication to complete the purchase of the particular data packet, and such permission may be transmitted using the RSD **300**.

Although the system **1** is capable of utilizing the data packets as soon as they are received by the first storage device **120**, in the preferred embodiment of the present invention, the data packets are first stored in the second storage device **130** and then utilized. The advantage of the preferred embodiment is that it allows to improve a quality of utilization of the data packets. For example, when subpackets of a particular data packet are transmitted over the network **50**, they may be received by the UCA **20** at different times. If the particular data packet is utilized as soon as it is received by the UCA **20** and if one of its subpackets is not

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yet received by the UCA 20, then the quality of utilization would diminish (e.g., drop in audio play). Such problem is avoided by receiving and storing all subpackets of the particular data packets and then utilizing them. In addition, if the data packet is stored in the second storage device 130, then it may be utilized more than once because the second storage device 130 may be, e.g., a hard drive, while the first storage device 120 may be, e.g., RAM.

In alternative exemplary embodiment of the present invention, only a portion of a particular data packet is provided by the server arrangement 10 to the UCA 20. For example, 90% of subpackets of the particular data packet are provided to the UCA 20 in advance. However, the particular data packet cannot be utilized until remaining 10% of subpackets are received by the UCA 20. The remaining subpackets may be provided at a predetermined time (e.g., right before the particular data packet is executed). This feature may serve, e.g., as a security feature to prevent an unauthorized utilization of the particular data packet. Also, after the particular data packet is utilized, it is sufficient to remove a few subpackets to prevent any further utilization of the particular data packet. Consequently, such feature allows to keep most of the particular data packet at the UCA 20 and allows to quickly utilized the particular data packet by providing the few missing subpackets in an expedited manner.

Several embodiments of the present invention are specifically illustrated and/or described herein. However, it will be appreciated that modifications and variations of the present invention are covered by the above teachings and within the purview of the appended claims without departing from the spirit and intended scope of the present invention.

What is claimed is:

1. A method, comprising the steps of:
 - providing data packets from a server arrangement to a user computing arrangement;
 - determining, using at least one of the server and the user computing arrangement, rules governing utilization of the data packets by the user computing arrangement and preventing a user from altering the rules;
 - storing the data packets on a storage device of the user computing arrangement; and
 - with the user computing arrangement, executing a set of instructions which utilize the data packets in a predetermined order in accord with the rules, wherein the user of the user computing arrangement is prevented from modifying the predetermined order.
2. The method according to claim 1, further comprising the steps of:
 - establishing a connection between the user computing arrangement and the server arrangement using a communication network; and
 - transmitting the data packets from the server arrangement to the user computing arrangement via the network.
3. The method according to claim 1, further comprising the steps of:
 - storing the data packets on a removable storage device;
 - providing the removable storage device to the user; and
 - transferring the data packets from the removable storage device to the storage device of the user computing arrangement.
4. The method according to claim 1, wherein the providing step includes the substep of encrypting the data packets, and wherein the executing step includes the substep of decrypting the data packets.

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5. The method according to claim 1, further comprising the steps of:

- receiving a request from the user to purchase at least one packet of the data packets;
- obtaining payment from the user for the at least one packet;
- decrypting the at least one packet; and
- providing the at least one packet to the user, wherein the user has an unlimited control over the at least one packet.

6. The method according to claim 1, further comprising the steps of:

- compiling a list of the utilized data packets; and
- storing the list on the storage device.

7. The method according to claim 6, further comprising the steps of:

- providing a limited access to the utilized data packets; and
- enabling the user to purchase at least one packet of the utilized data packets.

8. The method according to claim 7, wherein each of the data packets includes a plurality of subpackets, and wherein, during the limited access, a predetermined number of the plurality of subpackets are utilized.

9. The method according to claim 1, further comprising the steps of:

- rating the data packets to generate rating data; and
- storing the rating data in a rating database which is provided in the storage device.

10. The method according to claim 9, further comprising the step of:

- providing the rating data to the server arrangement.

11. The method according to claim 9, further comprising the step of:

- generating the rating data as a function of a rating provided by the user.

12. The method according to claim 9, further comprising the step of:

- generating the rating data as a function of actions of the user during or after a utilization of the data packets.

13. The method according to claim 9, further comprising the step of:

- determining an affinity matching between a plurality of users using the rating data.

14. The method according to claim 9, further comprising the step of:

- selecting the data packets to be provided by the server arrangement as a function of the rating data.

15. The method according to claim 1, further comprising the step of:

- enabling the user to skip a currently utilized data packet of the data packets.

16. The method according to claim 1, wherein each of the data packets includes at least one of an audio, a video, text, an advertisement material and an informative material.

17. The method according to claim 16, further comprising the step of:

- providing the informative material to the user, the informative material being associated with a data packet of the data packets which is being utilized.

18. The method according to claim 16, further comprising the step of:

- inserting at least one data packet including advertisement material between predetermined ones of the data packets representing one of audio video, text and an informative material based on the rules.

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19. The method according to claim 1, wherein each of the data packets includes a plurality of subpackets, wherein the storage device includes a random access memory, and the method further comprising the step of:

utilizing the particular data packet as soon as the plurality of subpackets are stored in the random access memory.

20. The method according to claim 1, further comprising the step of:

preventing the user from replaying the currently utilized data packet.

21. A method, comprising the steps of:

providing data packets from a server arrangement to a user computing arrangement;

determining, using at least one of the server and the user computing arrangement, rules governing utilization of the data packets by the user computing arrangement and preventing a user from altering the rules;

with the user computing arrangement, executing a set of instructions which utilize each of the data packets in a predetermined order in accord with the rules, wherein the user of the user computing arrangement is prevented from changing the predetermined order; and

allowing the user of the user computing arrangement to skip from a first one of the data packets only to a second one of the data packets which immediately follows the first data packet in the predetermined order.

22. The method according to claim 21, wherein the rules prevent the user from copying any of the data packets.

23. The method according to claim 21, wherein the rules prevent the user from selecting a desired data packet for utilization on demand.

24. The method according to claim 21, wherein the rules permit the user to access only selected ones of the data packets on demand and prevent the user from accessing others of the data packets on demand.

25. The method according to claim 21, wherein the rules permit a user to skip past selected ones of the data packets to access subsequent data packets in the predetermined order.

26. A method, comprising the steps of:

providing data packets from a server arrangement to a user computing arrangement;

storing the data packets on a storage device of the user computing arrangement;

determining, using the server arrangement, rules governing utilization of the data packets by the user computing arrangement and preventing a user from altering the rules;

with the user computing arrangement, arranging the data packets in a predetermined order in accord with the rules; and

with the user computing arrangement, executing a set of instructions which utilize the data packets in the predetermined order, wherein the user of the user computing arrangement is prevented from modifying the predetermined order.

27. A method, comprising the steps of:

(a) providing a plurality of data packets from a server arrangement to a user computing arrangement, each of the data packets including a plurality of subpackets;

(b) storing a first one of the subpackets for a first one of the data packets on a storage device of the user computing arrangement;

(c) arranging the data packets in a predetermined order using at least one of the server arrangement and the user computing arrangement;

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(d) determining, using at least one of the server and the user computing arrangement, rules governing utilization of the data packets by the user computing arrangement and preventing a user from altering the rules;

(e) after steps (a) and (b), providing a second one of the subpackets from the first data packet from the server arrangement to the user computing arrangement;

(f) after step (e), storing the second subpacket on the storage device; and

(g) with the user computing arrangement, executing a set of instructions which utilize the data packets in the predetermined order in accord with the rules, wherein the user of the user computing arrangement is prevented from modifying the predetermined order.

28. The methods according to claim 27, further comprising the step of:

(g) after the step (f), removing the second subpacket from the storage arrangement.

29. A system, comprising:

a server arrangement transmitting data packets, each of the data packets including first and second subpackets, the server arrangement transmitting the first subpacket of each data packet before the second subpacket thereof; and

a user computing arrangement receiving and storing the first subpacket of each data packet before the second subpacket thereof, at least one of the server arrangement and the user computing arrangement determining rules governing utilization of the data packets by the user computing arrangement and preventing a user from altering the rules,

wherein the user computing arrangement executes a set of instructions which utilize the data packets in a predetermined order in accord with the rules, and

wherein the user of the user computing arrangement is prevented from modifying the predetermined order.

30. A system, comprising:

a server arrangement providing data packets; and

a user computing arrangement receiving and temporarily storing the data packets, at the least one of the server arrangement and the user computing arrangement determining rules governing utilization of the data packets by the user computing arrangement and preventing a user from altering the rules,

wherein the user computing arrangement executes a set of instructions which utilize the data packets in a predetermined order in accord with the rules, and

wherein the user of the user computing arrangement is prevented from modifying the predetermined order, the user being allowed to skip a currently utilized one of the data packets.

31. A system, comprising:

a server arrangement providing data packets; and

a user computing arrangement receiving and temporarily storing the data packets, at the least one of the server arrangement and the user computing arrangement determining rules governing utilization of the data packets by the user computing arrangement and preventing a user from altering the rules,

wherein the user computing arrangement executes a set of instructions which utilize the data packets in a predetermined order in accord with the rules,

wherein the predetermined order is determined as a function of the rules and a rating database, and

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wherein the user of the user computing arrangement is prevented from modifying the predetermined order, the user rating the data packets to generate the rating database.

32. A user computing arrangement, comprising:
 5 an input arrangement receiving data packets which are provided by a server arrangement;
 a storage device storing the data packets; and
 a processor executing a set of instructions which utilize
 10 the data packets in a predetermined order,
 wherein at least one of the server arrangement and the user computing arrangement determines rules governing utilization of the data packets and prevents a user from altering the rules, the predetermined order being
 15 set in accord with the rules, and

wherein the user is prevented from modifying the predetermined order.

33. A computer-readable storage medium storing a set of instructions executable by a processor, the set of instructions
 20 performing the steps of:

providing data packets from a server arrangement to a user computing arrangement;

determining, using at least one of the server and the user
 25 computing arrangement, rules governing utilization of the data packets by the user computing arrangement and preventing a user from altering the rules;

storing the data packets on a storage device of the user computing arrangement; and

with the user computing arrangement, executing a set of
 30 instructions which utilize the data packets in a predetermined order in accord with the rules, wherein the user of the user computing arrangement is prevented from modifying the predetermined order.
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34. A computer data signal embodied in a carrier wave, the computer data signal comprising:

(a) a first source code segment providing data packets from a server arrangement to a user computing arrangement;
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(b) a second source code segment determining rules governing utilization of the data packets by the user computing arrangement and preventing a user from altering the rules;

(c) a third source code segment storing data packets on a
 45 storage device of the user computing arrangement; and

(d) a fourth source code segment executing a set of instructions permit the user computing arrangement to utilize the data packets in the predetermined order determined in accord with the rules, wherein the user of the user computing arrangement is prevented from
 50 modifying the predetermined order.

35. A method for playing digitized data, comprising:

transmitting a control command from a main computer to
 55 a remote computer, the remote computer storing the data which include elements arranged for playing in a predetermined order;

receiving over a network by the main computer a subset
 60 of the elements, the subset of the elements being transmitted by the remote computer sequentially in the predetermined order, the subset of the elements including all of the elements except at least one of the elements, the at least one of the elements being
 65 excepted by the remote computer as a function of the control command;

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storing the received subset of elements in a memory device at the main computer; and

with the main computer, playing the subset of elements.

36. The method according to claim 35, wherein the control command is a skip command.

37. The method according to claim 35, wherein the storing step includes temporarily buffering the received subset of elements in a cache memory device.

38. The method according to claim 35, wherein each of the elements include at least one of audio, video, text, an advertisement material and an informative material.

39. A method for playing digitized audio data, comprising:

transmitting a control command from a user at a main computer to a remote computer, the remote computer storing the data, the data including elements arranged for playing in a predetermined order;

sequentially transmitting, in the predetermined order by the remote computer to the main computer, all of the elements except at least one of the elements, the at least one of the elements being selected as a function of the control command;

receiving over a network by the main computer the transmitted elements; and

playing by the main computer the received elements.

40. A method for playing digitized audio data, comprising:

transmitting a control command from a main computer to a remote computer, the remote computer storing the data, the data including elements arranged for playing in a predetermined order;

receiving over a network by the main computer a subset of the elements, the subset of the elements being transmitted by the remote computer sequentially in the predetermined order, the subset of the elements including all of the elements except at least one of the elements, the at least one of the elements being
 40 excepted by the remote computer as a function of the control command;

storing the received subset of elements in a memory device at the main computer; and

with the main computer, playing the subset of elements.

41. The method according to claim 40, wherein the control command is a skip command.

42. The method according to claim 40, wherein the storing step includes temporarily buffering the received subset of elements in a cache memory device.

43. A method for playing digitized audio data, comprising:

transmitting a control command from a user at a main computer to a remote computer, the remote computer storing data, the data including elements arranged for playing in a predetermined order;

sequentially transmitting, in the predetermined order, by the remote computer to the main computer, all of the elements except at least one of the elements, the at least one of the elements being selected as a function of the control command;

receiving over a network by the main computer the transmitted elements; and

playing by the main computer the received elements.

*JS 44 (Rev. 2/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS

Zamora Radio, LLC

(b) County of Residence of First Listed Plaintiff New Castle, Delaware
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

The Alvarez Law Firm
355 Palermo Avenue
Coral Gables, Florida 33134, Telephone Number.: (305) 444-7675

09-cv-20940 - Moreno / Torres

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE FLORIDA

DEFENDANTS

Last.fm, Ltd., CBS Radio, Inc., CBS Corp., Slacker, Inc., Pandora Media, Inc., Rhapsody America LLC, (See Attachment A)

County of Residence of First Listed Defendant New York, New York
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.

Attorneys (If Known)

FILED by ASS D.C.

APR - 9 2009

**STEVEN M. LARIMORE
CLERK OF DISTRICT COURT
S. D. OF FLA - MIAMI**

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Re-filed- (see VI below)
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).

(See instructions second page):
 a) Re-filed Case YES NO
 b) Related Cases YES NO
 JUDGE _____ DOCKET NUMBER _____

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):
 Title 35 U.S.C. Section 1 et seq., including 271, 281, 282, 283, 284, and 285, patent infringement
 LENGTH OF TRIAL via _____ days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

DATE

[Handwritten Signature] 4/9/09

FOR OFFICE USE ONLY

AMOUNT \$350.00 RECEIPT # 998903 IFP

04/09/09

ATTACHMENT A

DEFENDANTS (cont.)

RealNetworks, Inc., DKCM, Inc. d/b/a Jango, SoundPedia, Inc., AOL, LLC, AccuRadio, LLC,
and Yahoo! Inc.

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court SD/FL - Miami Division on the following Patents or Trademarks:

DOCKET NO.	DATE FILED 4/9/2009	U.S. DISTRICT COURT SD/FL - Miami Division
PLAINTIFF Zamora Radio, LLC		DEFENDANT Last.fm, Ltd., et al.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,349,339	2/19/2002	Zamora Radio, LLC
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY		
	<input checked="" type="checkbox"/> Amendment	<input checked="" type="checkbox"/> Answer	<input checked="" type="checkbox"/> Cross Bill
	<input checked="" type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy