



Prior Art Description for
The Volomeia Patent on “Providing Episodic Media Content”
(the Podcast patent)
U.S. Patent No. 7,568,213

Latest Date That Material can Qualify as Prior Art: [Nov. 19, 2003](#)

I. General Description of the Invention

The Volomeia patent claims a method for (1) allowing users to select and download, via the internet, episodic media (podcasts) from a website that contains this pre-programmed episodic media, (2) subscribing to a channel that contains the desired episodic media, (3) automatically downloading the episodic media whenever that media has been updated by the website containing the episodic media, and (4) if the user does not have enough available storage space, allowing the user to delete previously installed episodic media to make enough space to download the current episodic media selection. The episodic media can be audio, video or other downloadable files.

This patent also allows a user to synchronize the downloaded episodic media to any portable computing device (i.e., PDA, laptop, MP3 player, etc.). The synchronization can occur automatically without the user initiating the synchronization or can be started by the user. The portable computing device checks its available space and then downloads only that portion that fits the available space.

II. The Claims at Issue

The Volomedia patent has one independent claim and eight dependent claims that add additional elements. Each claim in a patent is a separate “invention” that can be used to threaten or sue someone. As their names imply, independent claims stand alone; their descriptions list all their necessary elements. Dependent claims, on the other hand, refer back to another claim’s elements and then add additional ones to the mix. We are interested in busting all the claims.

A. *Claim 1*

Claim 1 covers a method for subscribing to a media channel that contains pre-defined episodic media and downloading that episodic media for later use. Claim 1 contains the following steps:

- Allowing access to a channel that contains pre-defined episodic media;
- Allowing the user to subscribe to a channel that contains the user’s desired episodic media;
- Automatically downloading the user’s selected episodic media whenever that media has been updated; and
- Showing the user the amount of space the user has left in certain channels and how much space is needed to finish downloading the selected episodic media; if there is not enough space left for the download, then the user may select what episodic media to delete.

B. Claim 2

Claim 2 is dependent on claim 1, but adds the limitation that the user is “automatically” provided with an indication that updated episodic media content is available.

C. Claim 3

Claim 3 is dependant on claim 1, but adds the additional limitation of allowing the user to synchronize the downloaded episodic media to a portable computing device.

D. Claims 4 and 5

Claims 4 and 5 are dependent on claim 1, but add the additional limitations that synchronization occurs in response to either a “predetermined user setting” or a request from the user.

E. Claim 6

Claim 6 is dependant on claim 1, but adds the additional limitation of making the updated episodic media available to users over a local area network.

F. Claim 7

Claim 7 is dependent on claim 1, but adds the additional limitation that the automatic download is “based on a priority” assigned to the channel by either the user or the system..

G. Claims 8 and 9

Claim 8 is dependent on claim 3, but adds the additional limitation that the channel is “reduced in size” during synchronization. Claim 9 is dependent on claim 1,

but adds the additional limitation that the channel is “modified in size.” For example, if the user does not have enough available space on its personal computer or other portable device to download the entire synchronization, the user or system may select that portion it wishes to download up to the point where all the available space has been used up.

III. Description of the Prior Art Needed to Bust this Patent

A preliminary application for this patent was filed on November 19, 2003, so EFF is looking for prior art that was publicly available before that date. Prior art must be described in some written format, and can be: a product description or manual, a published patent, a conference paper, or another type of printed publication (web page, newsgroup post, article, technical paper, etc.). To bust the entire patent, we must find one or more pieces of prior art for every claim, but eliminating one or two of the claims will narrow and weaken the patent, especially claim 1.

Ideally, each piece of prior art will include *all* of the elements (or steps) of the claim it is going to bust. That kind of art would show that the patented method was not *novel* when the application was filed and render the patent invalid. Next best is prior art that describes *almost* all of the elements (or steps) of the claim it is going to bust. That kind of art might show that the patented method was *obvious* when the application was filed. This would also make the patent invalid.

Claim 1

Model prior art for claim 1 would describe a method that:

(a) allows a user to download pre-programmed episodic media (e.g., audio files, video files, etc.) from a remote publisher;

(b) the download occurs after the user subscribes to the channel containing the desired episodic media;

(c) allows the user to automatically receive downloads of updated episodic media without the user having to ask for it; and

(d) shows the user the maximum amount of storage space left and either the user or the system deletes older episodic media if the user has run out of storage space before completing the current download.

Next best prior art would be an algorithm that describes any *two* or *three* of these four steps. For example, art that describes the following would be useful:

- An algorithm that allows a user to download episodic media after subscribing to a channel or website that contains the media and allows the user's computer to automatically receive updated episodic media from the subscribed-to channel or website without the user having to specifically request the updated media.
- An algorithm that allows a user to download episodic media where the media is automatically updated whenever updates are available.
- An algorithm that allows a user to download episodic media where this media is automatically updated whenever updates are available and allows the user to free up storage space to complete the download if the user has run out of space by deleting older episodic media content.

Claim 3

Model prior art for Claim 3 would be a system that includes all the elements (or steps) or Claim 1, and in addition, allows a user to synchronize the downloaded episodic media to a portable computing device such as a PDA, MP3 player, etc.

(Claims 1 and 3 are generally representative of the main features of the claims, but we are interested in any art relating to one of the dependent claims described above as well.)

Where to Send Information on Prior Art:

Email: podcasting_priorart@eff.org

Web Submissions: <http://w2.eff.org/patent/wanted/patent.php?p=Volomedia>