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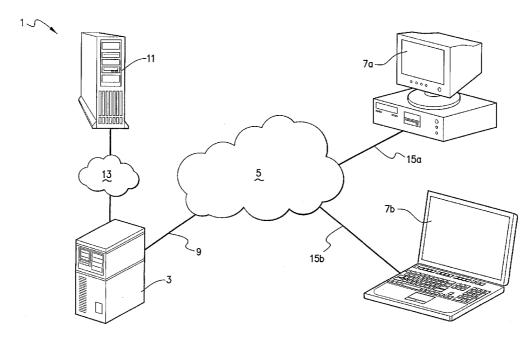
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[Continued on next page]

(54) Title: A SYSTEM, METHOD AND SOFTWARE FOR MANAGING SOFTWARE



(57) **Abstract:** A system (1) for managing software, the system comprising: issuing means arranged to issue the software to a first entity, and to issue a digital right that is associated with the software and which enables the software to be used to perform a function that would not be possible without the digital right having been issued; and transferring means arranged to perform a transfer of the digital right from the first entity to a second entity, to thereby manage the software.

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A SYSTEM, METHOD AND SOFTWARE FOR MANAGING SOFTWARE

FIELD OF THE INVENTION

The present invention relates generally to a system, method and software for managing software. The system, method and software of the present invention has particular, but by no means exclusive, application to managing the distribution of software that represents a virtual trading card.

BACKGROUND OF THE INVENTION

Over the past few years the Internet has evolved to 15 support numerous virtual economies. The virtual economies have basically evolved from a perceived value associated with owning what is essentially a piece of software that is a 'virtual' version of a real world object. The piece of software commonly acquires its value for the same 20 reasons as its real world counterpart. For instance, possession of a door key in the real world would enable the holder of the key to unlock a door and gain access to a room that would otherwise not be possible. Similarly if the piece of software represented a key to a virtual door, 25 the piece of software (or virtual key) would acquire a value based on the perceived value of being able to unlock the virtual door.

above has become big business and it is not uncommon nowadays to find many pieces of such software for sale.

Therefore, in order to sustain the virtual economies that have evolved based on these pieces of software it is desirable to have a mechanism in place for managing such software.

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SUMMARY OF THE INVENTION

According to a first aspect of the present invention, there is provided a system for managing software, the system comprising:

issuing means arranged to issue the software to a first entity, and to issue a digital right that is associated with the software and which enables the software to be used to perform a function that would not be possible without the digital right having been issued; and

transferring means arranged to perform a transfer of the digital right from the first entity to a second entity to thereby manage the software.

Thus, management of the software becomes relatively straightforward by virtue of the fact that the issuing means and the transferring means control the issuing and transfer of the digital right. It is noted that the issuing means could issue the software and the digital right from a single computer, or alternatively issue the software from a first computer and the digital right from a second computer

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Preferably, the issuing means is further arranged to issue the software and/or the digital right subsequent to receiving a payment from the first entity.

Thus, enabling the owner of the system to receive valuable consideration for providing the software and/or the digital right.

Preferably, the issuing means is further arranged to enable the entity to select the software from a plurality of other software.

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Thus, the system enables a range of different software to be made available.

Preferably, the system further comprises a communication means arranged to enable the first entity and the second entity to communicate in a manner that enables the first entity and the second entity to organise the transfer.

Thus, the communication means effectively provides a common meeting place for buyers and sellers to gather.

Preferably, the communication means is further arranged such that the first entity and/or the second entity can issue a transfer request to the transferring means, the transferring means being arranged to perform the transfer in response to the transfer request being issued.

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Thus, the process of transferring the software can be selectively invoked.

Preferably, the software represents dynamic content.

25 Preferably, the digital right is arranged such that it can not be readily copied.

Thus, making it difficult for counterfeit software, which has the potential to degrade the value of genuine software.

According to a second aspect of the present invention, there is provided a method of managing software, the method comprising the steps of:

issuing the software to a first entity;
issuing a digital right that is associated with the
software and which enables the software to be used to

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perform a function that would not be possible without the digital right having been issued; and

transferring the digital right from the first entity to a second entity to thereby manage the software.

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Preferably, the step of issuing the software and the step of issuing the digital right respectively comprise the step of issuing the software and the digital right subsequent to receiving a payment from the first entity.

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Preferably, the method further comprises the step of the entity selecting the software from a plurality of other software.

15 Preferably, the method further comprises the step of the first entity and the second entity communicating with each other in a manner that enables the first entity and the second entity to arrange the transfer.

20 Preferably, the method further comprises the first entity and/or the second entity issuing a transfer request, and carrying out the transferring step subsequent to the transfer request being issued.

25 Preferably, the software represents dynamic content.

Preferably, the digital right is arranged such that it can not be readily copied.

According to a third aspect of the present invention, there is provided software comprising instructions for causing a computing device to carry out the method according to the second aspect of the present invention.

According to a fourth aspect of the present invention, there is provided a computer readable medium comprising the software according to the third aspect of

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the present invention.

BRIEF DESCRIPTION OF THE DRAWINGS

Notwithstanding any other embodiments that may fall within the scope of the present invention, particular embodiment of the present invention will now be described, by way of example only, with reference to the accompanying figures, in which:

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figure 1 provides a schematic diagram of a system in accordance with the particular embodiment of the present invention;

figure 2 illustrates the sequence of steps performed by the system shown in figure 1;

figure 3 illustrates the sequence of further steps performed by the system shown in figure 2;

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figure 4 shows an example of some virtual trading cards managed by the system shown in figure 1; and

figure 5 shows another example of some virtual trading cards managed by the system shown in figure 1.

AN EMBODIMENT OF THE PRESENT INVENTION

20 embodiment of the invention, the term "virtual trading card" is used. A virtual trading card is effectively a piece of software that can be considered an electronic version of a trading card that is found in the real world. Such real world trading cards are commonly issued for members of, for example, a football team. Figures 4 and 5 show examples of virtual trading cards. Virtual trading cards are similar to their real world counterparts in that

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they acquire a value based on factors such as availability and demand.

The virtual trading cards are such that they can present dynamic content such as a digital MP3 video clip 5 and/or digital audio clip. For example, a virtual trading card representing a particular football player could be capable of presenting video, audio and text information about the particular football player. The video information may be clips of the football player in action. 10 The audio information might be an interview with the player, and the text information might be statistics about the football player such as the number of games played and number of goals kicked. Dynamic content is content provided from a server or another computing device, either 15 when requested (pull) or pushed from the server. The content is dynamic because it is always changing. For example, a dynamic content field in a virtual trading card could be a sports player's scoring average. If the player scores, the average changes and the dynamic content field 20 for scoring average would be updated with a new average pushed from the server.

With reference to figure 1, which is a schematic

diagram of a system 1 in accordance with an embodiment of
the present invention, the system 1 comprises a central
computer 3, a communication network 5 and several
computing devices 7.

The communication network 5 is in the form of a public access Internet Protocol (IP) based packet switched network, such as the Internet. Consequently, the communication network 5 is made up of interconnected packet routers that support the IP protocol. Persons skilled in the field of the present invention will readily appreciate the technology used in the communication network 5. However, persons not skilled in the art are

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referred to the text entitled "Computer Networks" by Andrew S. Tanenbaum (ISBN 0-13-394248-1) for a description of the technology associated with IP based packet switched networks.

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The central computer 3 comprises numerous components that cooperate with each other. The components include: a power supply; motherboard; random access memory; a network interface; and a hard disk loaded with the Linux operating system and a Sun Java application server. The Linux operating system basically cooperates with the other components of the central computer 3 to provide an environment in which applications, including the Sun Java application server can be executed.

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The central computer 3 is connected to the communication network 5 via a high-speed ISDN link 9. Therefore, the network interface of the central computer 3 (which is electrically coupled to the high-speed ISDN link 9) supports the ISDN data communication standard. The central computer 3 is not actually connected directly to the communication network 5. Instead, the central computer 3 is connected to the communication network 5 via a third party network service provider (not shown in the figures). Thus, the high-speed ISDN link 9 extends between the central computer 3 and the third party network service provider.

The system 1 further comprises a storage device 11.

The storage device 11 comprises numerous components that cooperate with each other. The components include: a power supply; motherboard; random access memory; a network interface; and a hard disk loaded with the Linux operating system and a database application. The Linux operating system cooperates with the other components to provide an environment in which applications, including the database application, can be executed. The database application is

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based on SQL technology in the form of the commercial database, Oracle.

As detailed in the following paragraphs of this specification, the central computer 3 is arranged such 5 that it has access to the storage device 11 so that it can retrieve and/or store information using the database application. The central computer 3 and storage device 11 are connected to each other via a local area network 13. The local area network 13, which is based on Ethernet 10 technology, is such that it enables the central computer 3 to access the storage device 11 using the IP protocol. order to allow the central computer 3 to make use of the local area network 13, the network interface of the central computer 3 is connected to the network 13 and is 15 capable of supporting the Ethernet data communications standard. The network interface of the storage device 11 is also connected to the local area network 13. network interface of the storage device 11 supports the Ethernet data communications standard. 20

As mentioned previously, the system 1 also comprises computing devices 7. Whilst figure 1 shows only two computing devices 7, it is envisaged that the system 1 can accommodate many computing devices 7. The computing devices 7 can be heterogeneous computing equipment and therefore could comprise, for example, personal computers, mobile phones or personal digital assistants. A computing device 7 essentially comprises a number of components that cooperate with each other. These components comprise: a power supply; motherboard; random access memory; video monitor; a network interface; and a hard disk loaded with an operating system (such as Microsoft XP) and a media player. The operating system basically interacts with the other components to provide an environment in which applications, such as the media player, can be executed.

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The computing devices 7 are connected to the communication network 5 via communication links 15. Depending on the circumstances, the communication links 15 can be, for example, a wireless link, a fibre optic link or a traditional copper wire telephone line. A wireless 5 link might be used where, for example, a computing device 7 is in the form of a mobile telephone. Alternatively, the copper wire line could be used if a computing device 7 is in the form of a personal computer installed in a house. As with the central computer 3, the computing devices 7 10 are not connected directly to the communication network 5. Instead, the computing devices 7 are connected to the communication network 5 via a third party network service provider. The computing devices 7 also comprise communication software that enables the computing devices 1.5 7 to communicate via the communication network 5 using the IP protocol. The network interface of a computing device 7 is such that it supports the protocol being used over the communication link 15, which for example could be 20 xDSL.

The media player loaded onto the hard disk of each of the computing devices 7 is such that it can process a piece of software to present a user with information such as audio, video or text. The piece of software that is processed by the media player is such that the information presented to the user can be dynamic in that its content can change. The piece of software processed by the media player effectively models a virtual trading card that is similar to trading cards found in the real world. Such trading cards are typically issued for members of a football team.

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The media player is also arranged such that the user can use it to log onto the central computer 3. In this regard, the media player is arranged to communicate with the central computer 3 via the communication network 5

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using the Hypertext Transfer Protocol (HTTP). By using the media player to log onto the central computer 3, the user of the media player can perform several tasks, one of which includes purchasing the piece of software from the central computer 3. In this regard, the Sun Java application server loaded on the hard disk of the central computer 3 is arranged to send, via the communication network 5, a web page to the media player loaded on a computing device 7. The media player is arranged to present the web page to the user on the monitor of the computing device 7. When the web page is presented to the user the user can view, select and purchase the piece of software from a plurality of different pieces of software, each of which represents a different virtual trading card. In order to facilitate the purchase of the piece of software via the central computer 3, the Sun Java application server on the central computer 3 is capable of making arrangements to receive and process the user's credit card details.

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Once the user's credit card details have been successfully processed, the Sun Java application server on the central computer 3 issues the piece of software to the media player by sending it to the relevant computing device 7 via the communication network 5. In addition to issuing the media player with the piece of software, the Sun Java application server also issues the media player with an encrypted digital right. The encrypted digital right is effectively used to control the user's ability to make use of the piece of software with the media player. Without the digital right the media player will not process the piece of software and therefore the user will be unable to view the virtual trading card that the piece of software represents. The reason the digital right is encrypted is to make it difficult to be replicated (copied). The digital right can be encrypted using any one of the commonly used algorithms including Triple-DES.

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Once a computing device 7 has been issued with the piece of software, the user can proceed to view the trading card (which the piece of software represents) by effectively 'playing' it in the media player. Playing the 5 virtual trading card in the media player results in dynamic content (digital video and/or audio) being presented to the user on the monitor of the computing device 7. However, before processing the piece of software (which represents a virtual trading card), the 10 media player determines whether the user has the right to view the virtual trading card by decrypted the encrypted digital right and processing the decrypted digital right. If by processing the decrypted digital right the media player determines that the user is entitled to view the 15 virtual trading card (that is, use the piece of software), the media player will proceed to process the piece of software and present the virtual trading card to the user. On the other hand, if on processing the digital right the media player determines the user is not entitled to view 20 the virtual trading card the media player will not proceed to process the piece of software and therefore the user will not be able to view the virtual trading card.

25 Persons skilled in the art will appreciate that whilst access to the central computer 3 to purchase the piece of software has been described as being by use of the actual media player, this action could easily be performed using a traditional web browser such as 30 Microsoft Explorer.

In addition to enabling the piece of software to be purchased from the central computer 3, the Sun Java application server of the central computer 3 is arranged to reassign and/or revoke the digital right that has been issued to the media player. For example, the Sun Java application server is such that it can revoke the digital

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right from the media player after a certain period of time has expired.

The storage device 11 contains the different pieces of software and digital rights that the Sun Java application server issues to the media player. As such the Sun Java application server loaded on the central computer 3 is arranged to retrieve the pieces of software and the digital rights from the storage device 11.

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The system 1 is arranged to allow people to trade the digital right. In order to facilitate trading of the digital right, the Sun Java application server supports a communication means that is in the form of a bulletin board style web site that enables an owner of the digital right to advertise the fact that they are interested in disposing (selling) the digital right. The communication means also enables people seeking a particular digital right to advertise the fact that they are interested in acquiring that particular digital right. The communication means enables interested parties to communicate with each other, typically using text based messages, in order to negotiate a trade. Access to the communication means (a web site) is via the media player that is loaded on a computing device 7. However, it is envisaged that a traditional web browser could be used to access the communication means.

Once an agreement to trade a digital right has been reached using the communication means, the parties involved in the trade use the communication means of the central computer 3 to register therewith a request to have the digital media transferred from the current owner to the new owner; that is, to execute the transfer.

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To support the transfer of the digital right, the Sun Java application server is such that upon the transfer

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request (that is, the request to have the digital right transferred) being issued by either one of the relevant parties, the Sun Java application server disassociates the digital right from the original owner and then proceeds to associate the digital right with the new owner. This is achieved by the Sun Java application server revoking the digital right from the media player associated with the original owner, and reissuing the digital right to the media player associated with the new owner.

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With reference to figure 2, the following is a summary of the various steps that are performed during a set-up phase of the present embodiment of the invention:

- 15 S1: Create a set of limited, individually numbered virtual trading cards.
 - S2: Customer purchases virtual trading card from central computer 3.
 - s3: Application server of the central computer 3 issues virtual trading card to customer. Issued virtual trading card is digitally licensed such that it is associated with customer.
 - S4: Central computer 3 providing a MIDP midlet to customer mobile device.
- 25 S5: Customer runs virtual trading card application on computing device 7.
 - S6: Computing device 7 connects to the central computer 3.
 - S7: Central computer 3 verifies customer.
- 30 S8: Central computer 3 informs virtual trading card application of available trading card list, templates in virtual trading card application opened and fields therein populated in real-time.
- 35 The following is a summary of the various steps that are performed regarding the digital rights associated with a virtual trading card:

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S1: Purchase a new digital right from central computer 3.

S2: Virtual trading card application dynamically updates interface with the new digital right.

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S3: Virtual trading card associated with the new digital right and record updated on server.

With reference to figure 3, the following is a summary of the various steps that are performed during the trade of a virtual trading card:

- S1: Buyer and seller negotiate trade using communication means of the central computer 3. Upon agreeing on a trade, a request to transfer virtual trading card is lodged with central computer 3 via the communication means.
- S2: Central computer 3 generates confirmation requests from both parties' computing devices 7, who inturn verify authenticity.
- S3: Central computer 3 updates storage means 11, and transfers virtual trading card from current owner to new owner.
- It is noted that whilst the description of the 25 present embodiment refers to the piece of software as representing a virtual trading card, the present invention also has application to a range of different pieces of In this regard, another area to which the invention could be applied is the area of electronic 30 ticketing and coupons, in which the piece of software represents a ticket or coupon. In the same way that rights for virtual trading cards can be transferred between two individuals, the right of entry for an event, the right of carriage on transport, or the right to redeem 35 a purchase or prize can be transferred between individuals whilst still retaining the uniqueness of the ticket.

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These exchanges might represent the transfer throughout the value chain, such as between wholesalers and retailers, as well as from consumer to consumer. Consequently, these transfers could be performed equally between PC devices as well as portable devices such as PDAs and mobile phones.

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The transference of digital rights can likewise be extended to coupons in the financial markets, where huge volumes of trades and transfers are moved between desks on large broking and trading floors without passing through market exchanges, and often without record of the transfer. By tracking and protecting the value of these informal trades, a better understanding of a company's risk position could be obtained, and provide preventative measures for protecting an organisation against rogue trading scenarios.

20 present invention in which the piece of software does not represent the virtual trading card, it may not be necessary to employ the media player to present the virtual trading card to the user. However it is necessary for the computing devices 7 to use in place of the media player an application that is capable of processing the digital right to determine whether the user is entitled to use the piece of software.

It is envisaged that the present embodiment of the invention would be supported by the software technology that is the subject of US patent application number 10/434463, the subject matter of which is incorporated into this document by reference thereto.

Those skilled in the art will appreciate that the invention described herein is susceptible to variations and modifications other than those specifically described.

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It should be understood that the invention includes all such variations and modifications which fall within the spirit and scope of the invention.

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CLAIMS:

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1. A system for managing software, the system comprising:

issuing means arranged to issue the software to a first entity, and to issue a digital right that is associated with the software and which enables the software to be used to perform a function that would not be possible without the digital right having been issued; and

transferring means arranged to perform a transfer of the digital right from the first entity to a second entity, to thereby manage the software.

- 2. The system as claimed in claim 1, wherein the issuing means is further arranged to issue the software and/or the digital right subsequent to receiving a payment from the first entity.
- 20 3. The system as claimed in any one of claims 1 or 2, wherein the issuing means is further arranged to enable the entity to select the software.
- 4. The system as claimed in any one of the preceding claims, further comprises a communication means arranged to enable the first entity and the second entity to communicate with each other in a manner that enables them to arranged the transfer.
- 5. The system as claimed in claim 4, wherein the communication means is further arranged such that the first entity and/or the second entity can issue a transfer request to the transferring means, the transferring means being arranged to perform the transfer in response to receiving the transfer request being issued.
 - 6. The system as claimed in any one of the

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preceding claims, wherein the digital right is arranged such that can not be readily copied.

- 7. The system as claimed in any one of the preceding claims, wherein the software represents dynamic content.
 - 8. A method of managing software, the method comprising the steps of:

issuing the software to a first entity;

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issuing a digital right that is associated with the software and which enables the software to be used to perform a function that would not be possible without the digital right having been issued; and

transferring the digital right from the first entity to a second entity, to thereby manage the software.

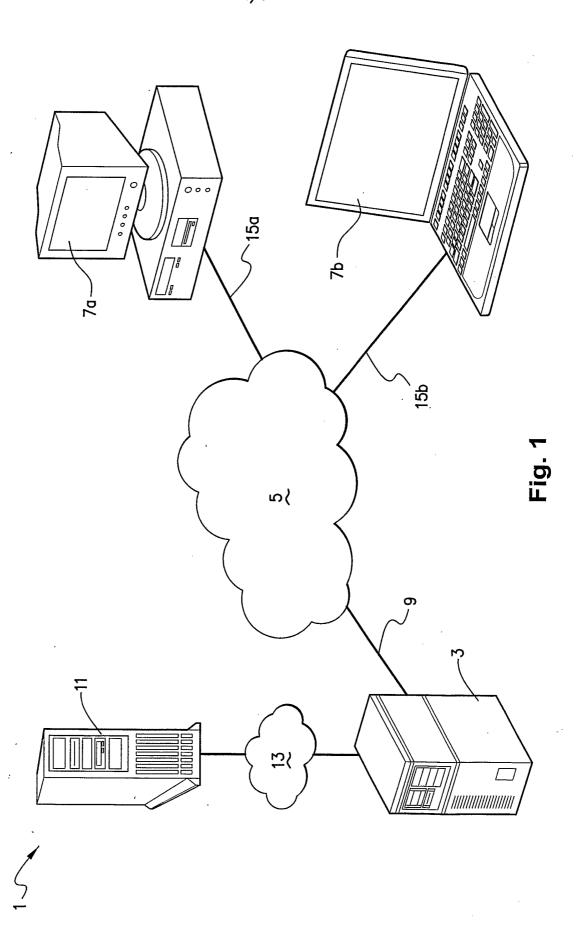
- 9. The method as claimed in claim 8, wherein the steps of issuing the software and the digital right further comprises the step of issuing the software and/or the digital right subsequent to receiving a payment from the first entity.
- 10. The method as claimed in claim 8 or 9, further comprising the step of the entity selecting the software from a plurality of other software.
- 11. The method as claimed in any one of claims 8 to 10, further comprising the step of the first entity and the second entity communicating with each other in a manner that enables them to arrange the transfer.
- 12. The method as claimed in any one of claims 8 to 11, further comprising the step of the first entity and/or the second entity issuing a transfer request, and carrying out the transferring step subsequent to the transfer request being issued.

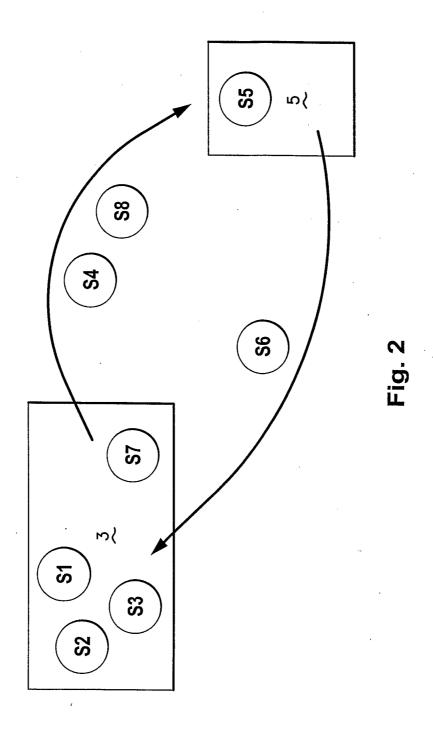
- 19 -

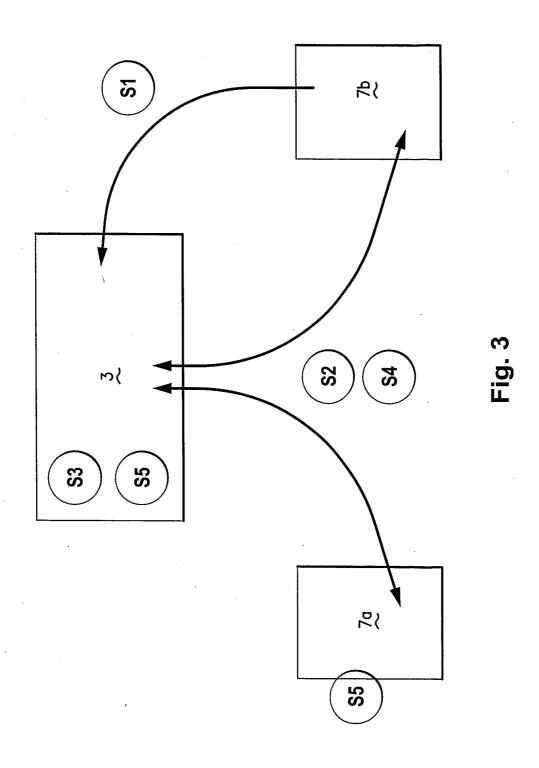
- 13. The method as claimed in any one of claims 8 to 12, wherein the software represents dynamic content.
- 5 14. The method as claimed in one of claims 8 to 13, wherein the digital right is arranged such that it can not be readily copied.
- 15. Software comprising instructions for causing a computer to carry out the method as claimed in any one of claims 8 to 14.
 - 16. A computer readable medium comprising the software as claimed in claim 15.
 - 17. The system substantially as herein described with reference to the accompanying figures.

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18. The method substantially as herein described 20 with reference to the accompanying figures.







My Active Footy Cards

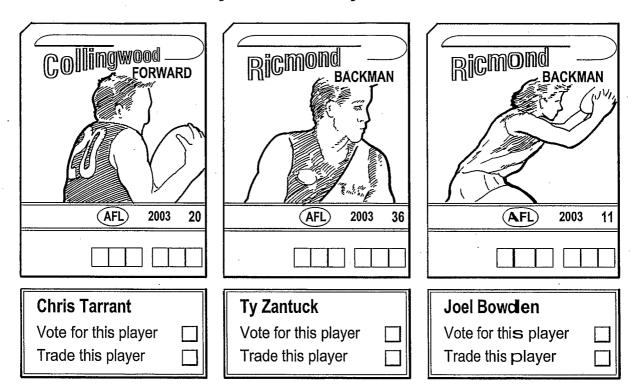


Fig. 4

My Active Footy Cards

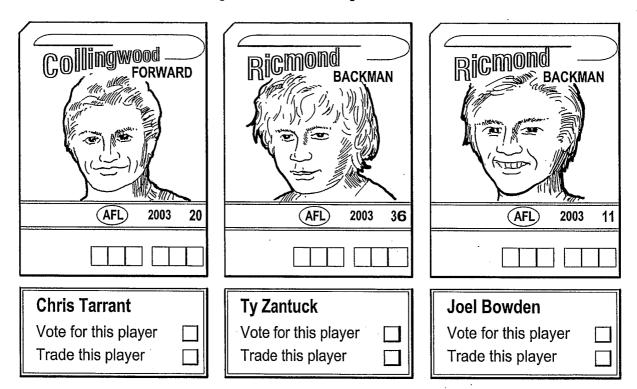


Fig. 5

INTERNATIONAL SEARCH REPORT

International application No.

			PCT/AU2004/001550							
A.	CLASSIFICATION OF SUBJECT MATTE	R								
Int. Cl. ⁷ :	G06F 17/60, H04L 09/32									
According to International Patent Classification (IPC) or to both national classification and IPC										
В.	FIELDS SEARCHED									
Minimum doci	umentation searched (classification system follower	d by classification symbols)								
Documentation	n searched other than minimum documentation to t	he extent that such documents are include	d in the fields searched							
DWPI: IPC	a base consulted during the international search (na as above and keywords: software, manag v, pay and similar terms									
C.	DOCUMENTS CONSIDERED TO BE RELEVA	ANT								
Category*	Category* Citation of document, with indication, where appropriate, of the relevant passages									
Х	WO 2002/101577 A (CONTENTGUA Entire document, see in particular para	ber 2002 1-18								
X	US 6233684 B (STEFIK et al.) 15 May Entire document, see in particular figur	1-18								
P,X	WO 2004/093062 A (VERISIGN, INC.) 28 October 2004 Entire document, see in particular figure 3 and paragraphs [0008] to [0011]									
P,A	P,A WO 2004/092931 A (KONINKLIJKE PHILIPS ELECTRONICS) 28 October 2004 Entire document									
X P	I Further documents are listed in the continu	uation of Box C X See pa	tent family annex							
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INTERNATIONAL SEARCH REPORT

International application No.

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Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 2002/001494 A (THE UPPER DECK COMPANY, LLC) 3 January 2002 Entire document	1-18
A	US 6119229 A (MARTINEZ et al.) 12 September 2000 Abstract	1-18
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INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/AU2004/001550

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report			Patent Family Member					
WO	02101577	BR	0206506	BR	0210932	BR	0211184	
		CA	2432283	CA	2432294	CA	2432314	
		CA	2432317	EP	1290823	EP	1302019	
		EP	1309926	EP	1317702	EP	1323018	
		EP	1334431	EP	1346307	EP	1381993	
i		EP	1393230	EP	1399796	EP	1456763	
		EP	1456797	EP	1459197	EP	1483714	
1		EP	1485833	US	2002109707	US	2002184155	
		US	2002184158	US	2002198843	US	2002198846	
		US	2003009423	US	2003009424	US	2003023564	
		US	2003066884	US	2003125976	ÚS	2003140003	
		US	2003144869	US	2003182142	US	2003182235	
:		US	2003220880	US	2004006542	US	2004034582	
		US	2004039704	US	2004111694	US	2004162784	
		US	2004220878	US	2004230529	WO	02057922	
		WO	02098041	WO	02098042	WO	02101491	
		WO	02101493	WO	02101494	WO	02101975	
		WO	02101983	WO	03007213	WO	03044680	
,		WO	03044681	WO	03044716	WO	03073231	
		WO	03102736	WO	2004046862	wo	2004109450	
US	6233684	EP	0862318	JР	2000122977	US	2001008557	
WO	2004093062	US	2004199471					
WO	2004092931	NONE						
WO	0201494	AU	68476/01	EP	1299852			
US	6119229	AU	23566/00	AU	69632/98	AU	73298/00	
		BR	0005205	BR	9808865	CA	2286056	
<u> </u>		CA	2328480	EP	0974118	JР	2001256402	
		NZ	500145	NZ	509945	US	6341353	
1		US	6378075	US	2002073043	wo	0036539	
		WO	0141527	wo	9847091			

Due to data integration issues this family listing may not include 10 digit Australian applications filed since May 2001.

END OF ANNEX