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(54) **SYSTEM AND METHOD FOR AUTOMATICALLY UPLOADING UPDATES**

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H04L 29/06	(2006.01)

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See application file for complete search history.

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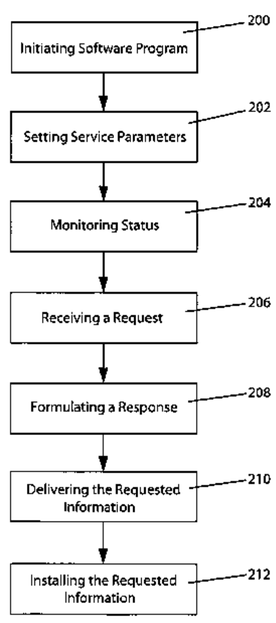
(57) **ABSTRACT**

The present invention relates to a method and apparatus for providing a user of an electronic device with an Automatic Upgrade Functionality (AUF), the ability to automatically upgrade software installations with a configurable amount of user interaction and interruption.

32 Claims, 3 Drawing Sheets



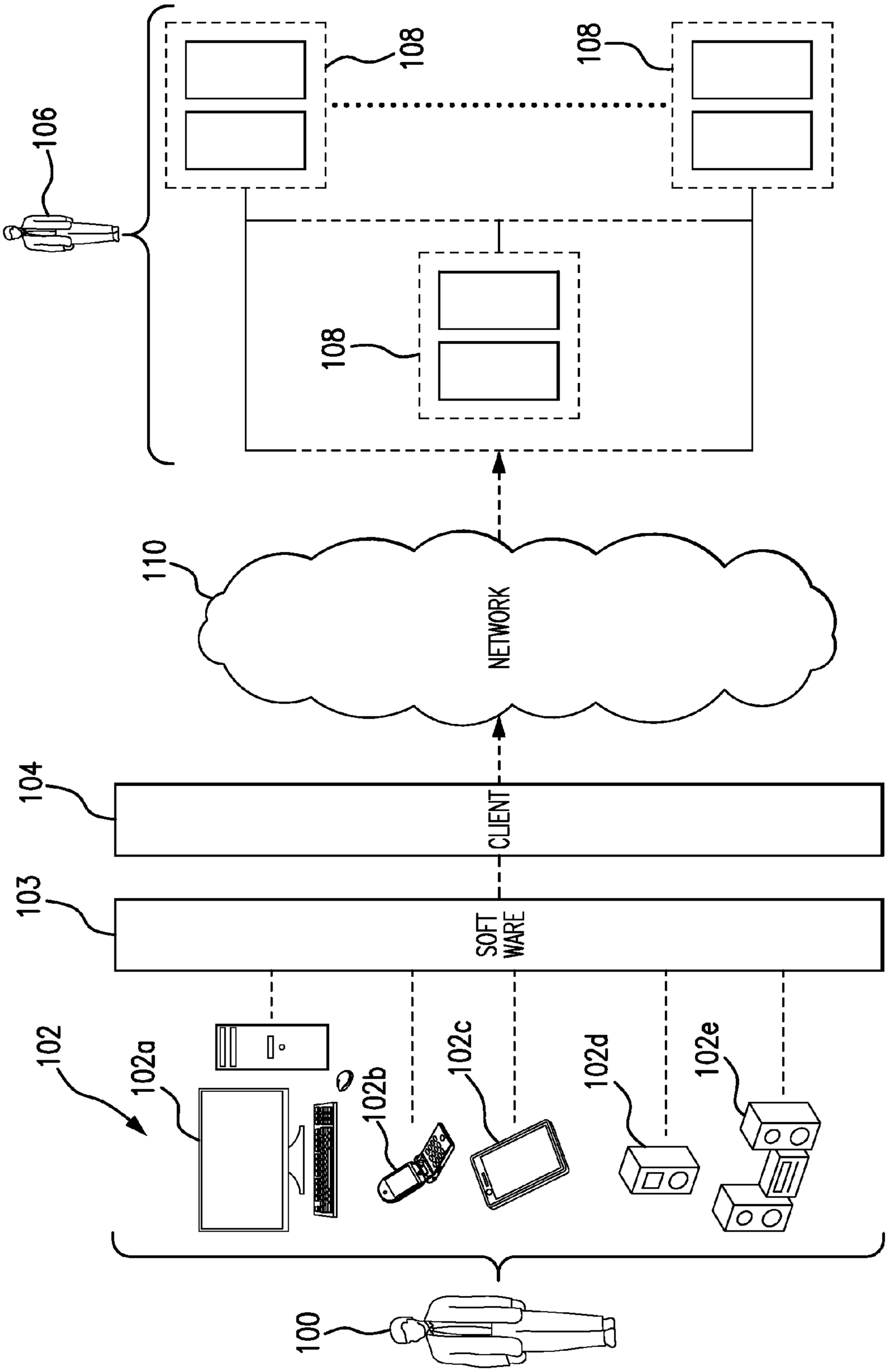

106
108
108
108
110
NETWORK
104
CLIENT
103
SOFT WARE
102
102a
102b
102c
102d
102e
100

FIG. 1

Fig. 2

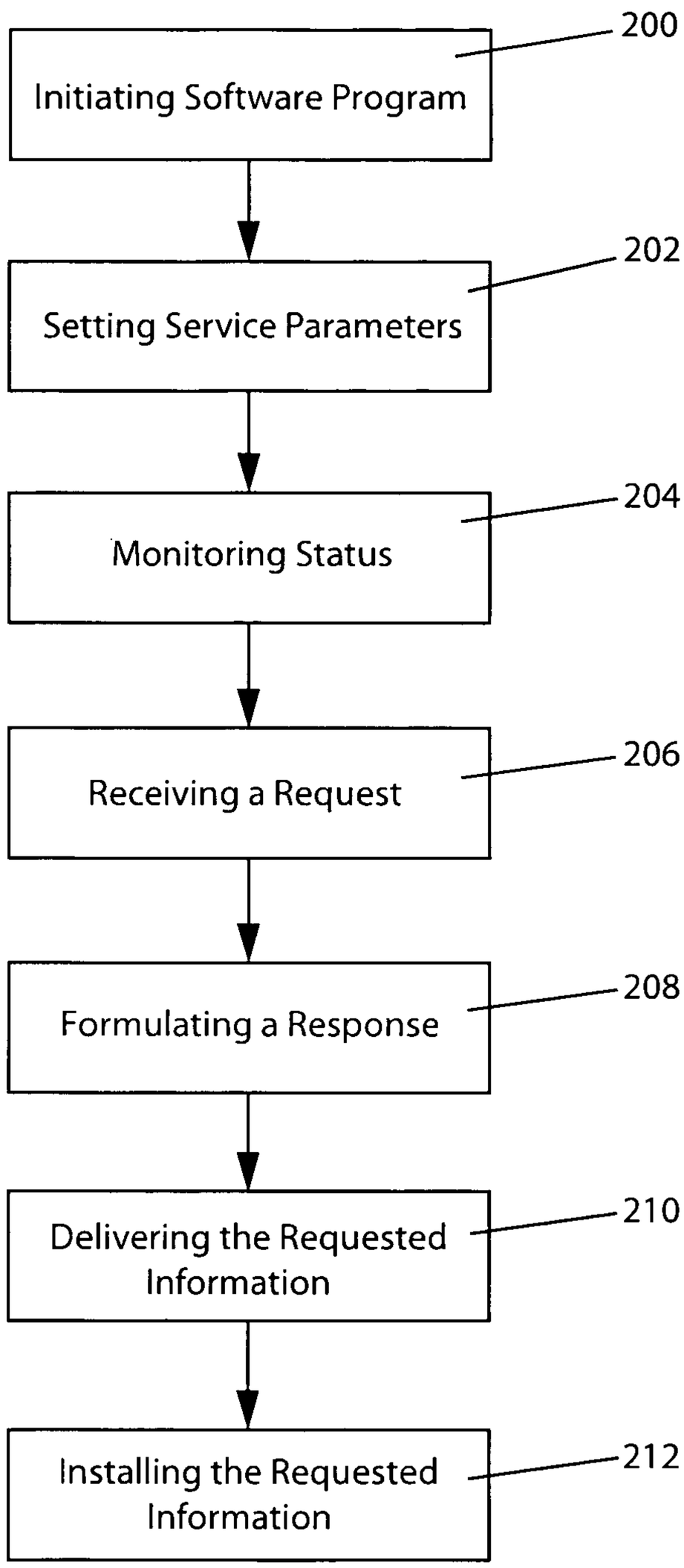
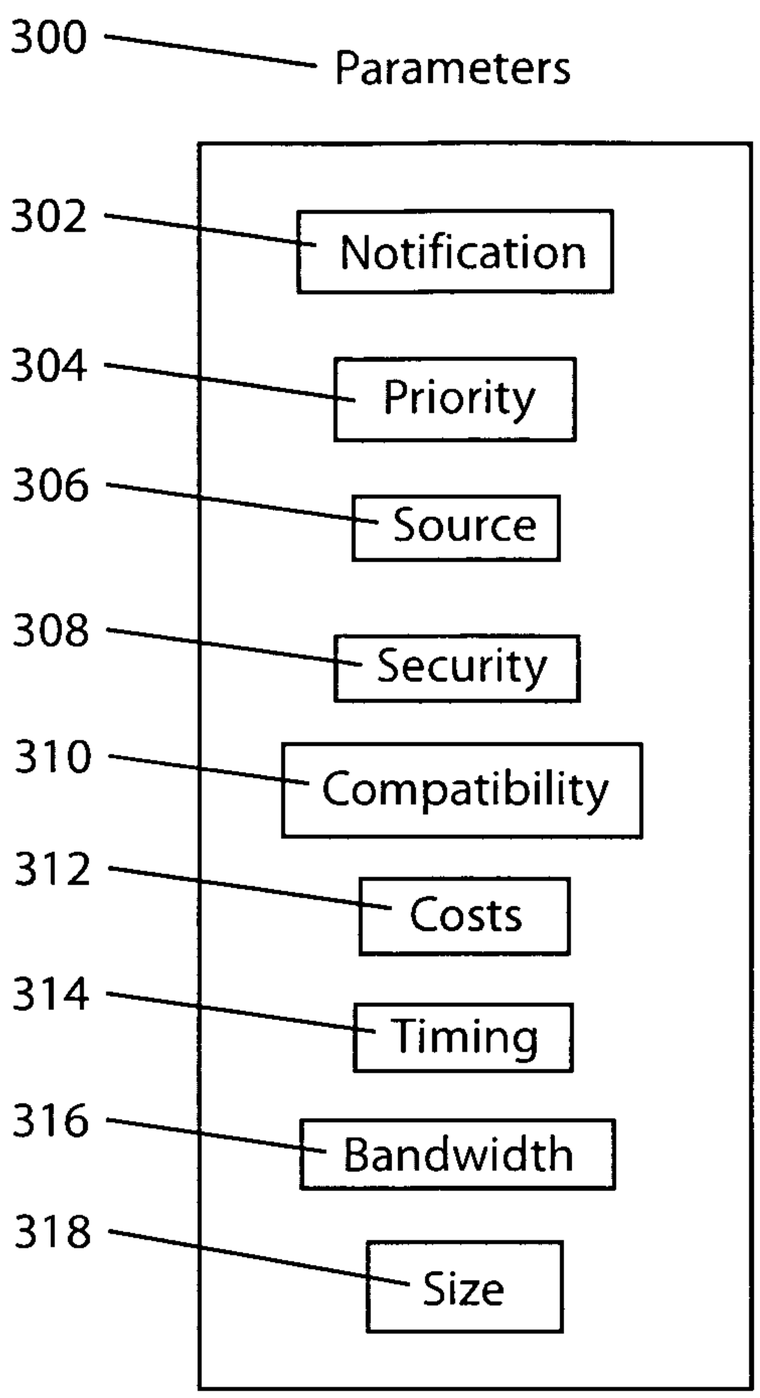

Initiating Software Program
200
Setting Service Parameters
202
Monitoring Status
204
Receiving a Request
206
Formulating a Response
208
Delivering the Requested Information
210
Installing the Requested Information
212

Fig. 3


300
Parameters
302
Notification
304
Priority
306
Source
308
Security
310
Compatibility
312
Costs
314
Timing
316
Bandwidth
318
Size

SYSTEM AND METHOD FOR AUTOMATICALLY UPLOADING UPDATES

FIELD OF THE INVENTION

This invention generally relates to a system and method of seamlessly updating, correcting, modifying or upgrading software on an electronics device.

BACKGROUND OF THE INVENTION

Computer software is constantly updated to keep pace with new features, prevent problems from arising, or fix known or recurrent problems. Users exploit several mechanisms, each requiring a certain amount of computer resources, involvement and decision-making on the part of the user, to keep up with available updates. Various methods for updating software include patching and hardware and software upgrades.

Providers typically determine when, how, at what cost, and under what circumstances upgrades are made available. Inevitably, upgrading requires the time and energy of the user device, and some level of user involvement. As a general matter, any increase in time or effort required by the user, or any annoyance experienced due to reduced device functionality while an upgrade occurs, reduces the likelihood that the user actively chooses to upgrade their software, especially if they are not experiencing a problem.

Providers are increasingly providing upgrades via a patch, a discreet portion of computer code downloaded via a network, such as the Internet, as opposed to upgrading via hardware and software upgrades. This is because the process of upgrading via hardware and software upgrades often requires more time than that of a patch as it requires the user to physically load the update onto their user device. The possibility of user error is also increased as greater activity is required on the part of the user to implement upgrades. Alternatively, the process of upgrading via a patch does not require any physical loading of software or hardware by the user. However, upgrading a user's system via the patch does require consideration of the network connection quality, processing capacity of the user device, and user's ability and willingness to properly download and implement the patch.

A patch can be an upgrade, a bug fix, a new hardware driver or update to address new issues such as security, stability or other end-user problems. Most patches are free to download, but ultimately the provider determines which versions of their software are updated for free. In some cases, only registered users may get certain upgrades. At other times the only way to upgrade is to purchase the newer version at a discounted price, which requires reinstallation of the program. Typically, a patch can be installed concurrent with an existing program depending on the supplier and the nature of the patch.

Providers often force, or push, upgrades to the user device and users are typically denied access to the device until upgrades are installed. Alternatively, a provider may prevent a user from closing out of an application until the upgrade is downloaded. When the provider forces downloads of upgrades the user's device typically functions more slowly or not at all until upgrades are downloaded. Alternatively, users may request, or pull, upgrades by accepting them upon notification provided by the provider that upgrades are available. The download of the upgrade is typically contemporaneous with the user's request and consumes computer resources causing delay in the device's utility to the user.

Generally, users must conform to parameters set by the providers if they are to obtain upgrades. The prior art method of receiving upgrades is problematic for several reasons. The

provider typically does not take into account that the user's device is slowed while the download takes place and that the user's experience while using their device is negatively impacted by a delay caused by downloading an upgrade. Alternatively, when upgrades are pulled, users are required to make decisions about when to suffer a delay on the user device on a case-by-case basis. Further, users pulling upgrades are often required to determine the correct upgrade for their system with no or little knowledge or guidance. In either case, the provider may limit the size of the upgrade to be downloaded or provide the upgrade in serial form to reduce the delay experienced by the download.

In situations where the provider forces the user to accept updates, the user typically has no choice as to when or how such upgrades occur. The user experiences interruption in the functionality of the user device and, worse still, the delay may be unexpected and/or frustrate the user's use of their device. In situations where the upgrade is requested by the user, they typically have limited options to refuse a download. In the event that the user chooses to download the upgrade, the upgrade starts downloading to the user device immediately and, during the time of the upgrade, the user experiences reduced functionality of the user device. Some users have developed a habit of choosing not to upgrade due to the temporary interruption in the use of the device. The burden of upgrading to resolve problems often exacerbates the frustration of the user experiencing an underlying problem and makes finding a less intrusive means of providing upgrades to clients and users desirable. In the long term, failure to voluntarily upgrade acts as a detriment to providers, clients and users, as upgrades allow users to experience the best product the provider has to offer, resolve problems, and prevent problems from arising.

There exists a need to provide users with a less burdensome means of upgrading their devices by providing users with the means to select when and in what manner downloading can occur that reduces the interruption of their use of their device.

SUMMARY OF THE INVENTION

The present invention relates to a method and apparatus for providing a user of an electronic device with an Automatic Upgrade Functionality (AUF), the ability to automatically upgrade software installations with a configurable amount of user interaction and interruption. That is, an upgrade is configured to provide full or limited notification of the upgrade to the user or is completely silent.

The present invention augments existing methods for patch, soft and hard upgrades by providing an upgrade facility with more control over the user experience. AUF provides an innocuous upgrade service to users and/or clients compared to conventional methods, where users and/or clients are forced to quit the application, download an installer program and then run it manually to upgrade their application, or are burdened by an undesirable reduction in the use of their device. AUF provides for a less intrusive way for providers to supply users and/or clients with upgrades, and for users and/or clients to implement those upgrades. Using AUF, the user/client pre-selects the parameters under which they prefer receiving upgrades, or the client/server determines the best time to download an upgrade.

There are several steps in the AUF process. The AUF program can be stored on either the client or the server. The user's device connects to the server using an existing connection protocol. As part of the server response to the connection, the server and/or client transmit AUF data. The user may or may not access the AUF to set personal preferences using several

available parameters to control the AUF process. The parameters can be preset to automatically upgrade the software or to upgrade the software according to user preference. In one embodiment, any upgrade downloaded according to the AUF parameters is implemented automatically at a time when the user is not otherwise using the device. Alternatively, any upgrade downloaded according to the AUF parameters is implemented automatically when the software is launched. In an embodiment, AUF parameters are preset to automatically upgrade the device with upgrades that are available from secure sources at times when the client is used the least.

In one embodiment, to download an update, the user device connects to the download server and downloads the upgrade using an URL and priority parameters. The client verifies that the downloaded upgrade is unchanged and prepares the upgrade to be launched automatically, or at the next client startup. Verification uses the checksum or other security parameter returned during initiation to ensure that the downloaded update is correct. If the parameters are set to notify the user, the user is notified accordingly.

One embodiment has a single point of execution. For example, a small launch executable can be the main entry point for users to run the application. The launcher, when run, reads a known registry key and allows the current client executable to run. When a new version of the software is downloaded successfully, the registry key is updated accordingly. For example, the launcher can be called "Client.exe" and the client executable is called "Client-<version>.dat", where "<version>" is the version number of the executable.

In one embodiment, the download request and the user notification are handled outside of the main client thread, therefore the user is free to use the client while the AUF process is completed. Download priority is implemented by setting a thread priority control. Therefore, by virtue of the thread scheduler, the download thread gets more or less CPU time to complete the download depending on the settings.

In an embodiment, the request for software updates automatically indicates the current version and any patch version used by the user device issuing the request. The server and/or the client responds by comparing the version information with available updates to determine whether or not to upgrade the client.

Verification that the download is successful utilizes a checksum or similar program. The checksum is used to prevent corrupted downloads. For improved security, a cryptographic hash (e.g. MD5 or SHA1) or other similar security measure can be used.

In an embodiment, because AUF is invoked multiple times for the lifetime of a client installation, "old" computer code can collect on the user's device. To prevent this from becoming a resource leak and to prevent unnecessary use of storage space, only the most recently used version is retained. For example, a software upgrade from version 3.6 to 3.7, and then 3.7 to 3.8, results in removal of the 3.6 version from the device. When version 3.8 is upgraded to 3.9, the 3.7 version is removed. Alternatively, prior versions are deleted in accordance with a predetermined amount of time or are stored elsewhere.

In an embodiment, AUF can download an update obscured to prevent it from being considered a security risk. The executable can be packaged as a .CAB archive file or other similar file and can be given a specific name to identify the version upgrade.

Downgrades can also be performed using the present invention. Users have the option to refuse upgrades, either in whole, or only for specific applications, thereby selectively maintaining pre-updated material. This feature is especially useful where the compatibility of a program with other programs is lost upon installation of an upgrade, or where the user has a preference for a particular version of the application.

In one embodiment, upon initiation of the AUF, the server notifies the user device that an upgrade is available. This is done via a defined protocol between the user device and the server.

In one embodiment, registry settings include an option to enable or disable the AUF and checksum verification; and indicate the current and previous versions of the client. In one embodiment, hidden registry settings pertaining to AUF are also created.

In one embodiment, little or no user intervention is required, and the user continues to use the device and software uninterrupted and the actual upgrade occurs at the next launch. The update method includes automatically downloading an upgrade in the background so that the next time the user starts their device the software upgrade is automatically loaded and the software upgraded.

It is an object of this invention to provide the user with the greatest amount of control possible, such that they are encouraged to upgrade despite interruption in the use of their computer.

BRIEF DESCRIPTION OF THE DRAWINGS

The above and still further objects, features and advantages of the present invention will become apparent upon consideration of the following detailed description of a specific embodiment thereof, especially when taken in conjunction with the accompanying drawings wherein like reference numerals in the various figures are utilized to designate like components, and wherein:

FIG. **1** is a diagram of the present invention;

FIG. **2** is a flow chart of an embodiment of a method of the present invention; and

FIG. **3** is a diagram illustrating an embodiment of the service parameters of the present invention.

DETAILED DESCRIPTION OF THE EMBODIMENTS

The system and method provides a user of an electronic device with an AUF, that is, the ability to automatically upgrade software installations with a configurable amount of user interaction and interruption.

FIG. **1** illustrates a basic system of the present invention. A user **100** utilizes a device **102** connected over a network **110** to a provider's **106** system, typically including one or more servers **108**. The user's devices **102** can include a computer **102***a*, a cellular telephone **102***b*, a PDA/pager/Blackberry® **102***c*, an MP3 player **102***d*, or entertainment device **102***e*, including stereos, DVD/VHS players, game systems (e.g. PS2®, X-Box®) or any networked device both stationary or portable. User device **102** can, in one embodiment, run a client **104** which can be the software allowing the user **100** to access server **108** and also run software **103**. The user **100** can connect to the network **110** using any method known in the art, including telephone, DSL, cable, wireless and satellite. Network **110** can be a LAN, WAN and include the Internet. The provider's **106** system can include one or more servers **108** to run the service accessed by user **100**. The provider **106** can distribute the functionally, across multiple servers, each server handling one of more specific tasks, or each server handling all tasks.

FIG. **2** illustrates a method for transmitting electronic information over a computer network. The method for providing an update to a user device **102** includes the steps of initiating the client **104** on a user device **102** (step **200**). The user **100** or the client **104** can initiate the software program **103** by downloading the program from the server **108** via the network **110**, by obtaining the software program from another source, or by launching the client **104**.

Another step is the setting one or multiple of the available service parameters (step **202**). The service parameters **300** can be stored either on at least one of the client **104** and server **108**. The parameters **300** are understood by the client **104** and server **108**. The user **100**, the client **104**, the server **108**, can set the parameters **300** on the client **104** and/or server **108**. Alternatively, the parameters **300** can be preset as part of the AUF upon initiating the client **104** or may be preset and later altered according to the user's **100** preferences. In one embodiment, the user **100** is not involved, and the AUF functions automatically according to service parameters **300**. Other embodiments include some of or all of the following parameters **300** as set by one of the user **100** or the client **104**.

A notification parameter **302** determines the amount of notification to the user **100**. In one embodiment, the notification parameter **302** is set to either notify or not to notify the user **100** under various circumstance, including but not limited to those set forth below. The notification parameter **302** can be set to notify user **100** that the upgrade is available, to request approval before downloading an upgrade, that the upgrade download was successful, to indicate the download source and/or security, and to notify the user **100** of a need for further instruction regarding particular downloads. The client **104** can also be notified. The notification parameter **302** can be set to include notification of, among others, only certain types of upgrades, upgrades provided by particular providers, upgrades that are provided by a secure source, upgrades exceeding a certain size, or upgrades expected to require more than a certain amount of time to download. Additionally, the notification parameter **302** can be set to request notification at specific times, or a delayed summary notification of all upgrade downloads over a specified time.

Priority parameter **304** is set to determine the priority with which downloads occur and allows user **100**, client **104** and/or server **108** to set a range of priority for downloading requested information. For example, downloads of greater priority result in faster download performance with the understanding that such downloads have the highest probability that the user **100** can be disturbed. Downloads of lower priority result in slower download performance, but are less likely to disturb the user **100**.

Source parameter **306** provides the user **100** or instructs the client **104** of the option to download depending on the available source. The source parameter **306** can be set to only download from particular sources, or where download security is also available. For example, if the download is from an undesirable unsecured source, the download does not occur. In the instance that a download is selected on the basis that its source is unsecured or otherwise undesirable, the option to have the client **104**, either automatically and/or upon notice to the user **100**, locate a provider-approved or a secure source of the upgrade is available.

Security parameter **308** provides the user **100** and/or the client **104** the option to download a checksum, indicating that a checksum is used to verify that the download was not corrupted. This option is available using methods known in the art, such as by using either MD5 or SHA hashes.

Compatibility parameter **310** can be set to provide one or more of the user **100**, client **104** and server **108** the option to determine the compatibility of available downloads with other programs located on user device **102**, and the ability to refuse to download those upgrades and/or download upgrades accordingly. In one embodiment, another provider's **106** information is used to assess any conflicts between existing software on the user device **102** and the suggested download. This embodiment results in two downloads, one to upgrade for each software package, so that they are compatible.

Costs parameter **312** can be set values for prompting certain responses from the user **100** and or the client **104** when there is a cost associated with the download and/or according to the amount of the cost. In one embodiment, the user **100** and or the client **104**, sets up an automatic account on the client **104** or through a third party so that payment is made and the upgrade is downloaded.

Timing parameter **314** can be set to request that downloads only occur at specific times. In an embodiment, the client **104** can be set to independently determine optimal times for download, such as when the client is used the least. Alternatively, the client **104** requests to re-initiate contact with the provider **106** and/or the server **108** in order to download upgrades at a certain time. For example, where software **103** did not upgrade so that the user's **100** use of software **103** may be less likely to be impeded in the short term, the client **104** can note the URL of the site where the upgrade download is available and return to that site in accordance with the parameters set for AUF.

Bandwidth parameter **316** can be set to request that an upgrade be delivered using only a certain amount of available bandwidth, or not exceeding a certain amount of bandwidth. This feature is useful for devices **102** that need to keep a certain amount of bandwidth available for other uses.

Size parameter **318** can be set to request that an upgrade be delivered according to size, or not exceeding a certain size. In one embodiment, the client **104** requests information regarding the download size and requests that the upgrade be sent as one large file or multiple small files delivered one at a time.

Returning to FIG. **2**, another step can be monitoring the status of the client **104** by at least one of the client **104** and the server **108** via the network **110** (step **204**). Monitoring the status of the client **204** can occur all the time, can occur at times determined by setting the service parameters **202**, can occur automatically when the client **104** launches, when the server **108** and client **104** connect to each other via the network **110**, and anytime the server **108** and client **104** connect to the network **110**. Monitoring the status of the client **204** can include monitoring selected or all sources available via the network **110** for available updates and any potential use for the available updates by the client **104**.

A request for information is sent and received by the client **104** or the server **108** (step **206**). In one embodiment, the request to obtain information can be sent from the client **104** to the server **108** via the network **110** automatically by the client **104** or can be sent under the direction of the user **100**. In an embodiment, the request to obtain information is sent and/or received in accordance with the parameters **300**.

One of the client **104** and the server **108** formulate a response to requests for information (step **208**). A response is formulated according to the set service parameters **202**. The requested information is then delivered to the requesting client **104** or server **108** via the network **110** (step **210**).

The delivery of the requested information **210** is made according to the set service parameters **300**. In one embodiment, the software modification is delivered in encrypted and/or compressed form. In another embodiment, the deliv-

ery of the requested information **210** is accompanied by the delivery of instructions to the user for the proper installation of the update.

Requested information is installed (step **212**) by the client **104**, the user **100** and/or the server **108**. In one embodiment, proper installation of the requested information on the client **104** is ensured by the client **104** and/or the server **108**.

While there have been shown, described, and pointed out fundamental novel features of the invention as applied to a preferred embodiment thereof, it will be understood that various omissions, substitutions, and changes in the form and details of the devices illustrated, and in their operation, may be made by those skilled in the art without departing from the spirit and scope of the invention. For example, it is expressly intended that all combinations of those elements and/or steps which perform substantially the same function, in substantially the same way, to achieve the same results are within the scope of the invention. Substitutions of elements from one described embodiment to another are also fully intended and contemplated. It is also to be understood that the drawings are not necessarily drawn to scale, but that they are merely conceptual in nature.

I claim:

1. A method for receiving over a computer network a software

upgrade at a user device used by a user, comprising:

receiving, with the user device, a user-selected download priority, wherein the user selected download priority is stored after the user-selected download priority is received;

receiving, with the user device, a user-selected bandwidth parameter, wherein the user selected bandwidth parameter indicates a maximum portion of a bandwidth of the user device that is less than all of the bandwidth of the user device, and wherein the user-selected bandwidth parameter is stored after the user-selected bandwidth parameter is received;

after the user-selected download priority and the user-selected bandwidth parameter are stored, monitoring a status of a software program on the user device by at least one of a client or a server, wherein monitoring comprises comparing the status of the software program on the user device with a status of a second software program;

responsive to the monitoring, automatically transmitting, with the user device, a request for a software upgrade to a service provider server, wherein the request indicates the maximum portion of the bandwidth of the user device;

receiving, with the user device, the requested software upgrade pursuant to a priority based on the user-selected download priority and at less than the maximum portion of the bandwidth of the user device, from the service provider server; and

after receiving the requested software upgrade, installing the requested software upgrade on the user device.

2. The method of claim **1**, further comprising providing notice to at least one of the user, a client, a server, and a provider regarding one or more of:

setting the download priority,

monitoring the status of the software program on the user device,

formulating a response to the request using the download priority,

delivering the requested software upgrade pursuant to the download priority, and

installing the requested software upgrade pursuant to the download priority.

3. The method of claim **1**, further comprising:

installing the software program on the user device;

starting the software program on the user device; and

setting service parameters according to a preference received from the user.

4. The method of claim **1**, wherein monitoring the status of the software program on the user device further comprises automatically detecting availability of the requested software upgrade without the need for further action by the user.

5. The method of claim **1**, wherein monitoring the status of the software program on the user device further comprises detecting availability of the requested software upgrade by one of a client, a server, and a provider.

6. The method of claim **1**, wherein monitoring the status of the software program on the user device further comprises automatically detecting appropriateness of the requested software upgrade for installation without the need for further action by the user.

7. The method of claim **1**, further comprising:

formulating a response to the request using the download priority by accessing the download priority,

interpreting the download priority, and

applying the download priority to the request for information.

8. The method of claim **1**, wherein the download priority is included in a service parameter that includes at least one of a source parameter, a security parameter, a compatibility parameter, a cost parameter, a timing parameter, the bandwidth parameter, and a size parameter.

9. The method of claim **8**, wherein:

the service parameter includes a timing parameter; and

the requested software upgrade is delivered at a time indicated by the timing parameter.

10. The method of claim **8**, wherein:

the service parameter includes a size parameter; and

the requested software upgrade is delivered in at least one file not exceeding a maximum file size indicated by the size parameter.

11. The method of claim **8**, wherein the service parameter includes a cost parameter, and the method further comprises:

charging an account, indicated by the cost parameter, with a cost for the requested software upgrade.

12. The method of claim **8**, wherein the service parameter includes a compatibility parameter, the method further comprises:

automatically assessing compatibility of the requested software upgrade with an installed program based on the compatibility parameter without the need for further action by the user.

13. The method of claim **1**, further comprising:

setting a thread priority control based on the download priority.

14. A server for updating a user device over a computer network, comprising:

a processor,

a network interface configured to facilitate communication with the user device over the computer network; and

a monitoring component, configured to remotely monitor a client on the user device; wherein

the processor is configured to receive a user-selected download priority from the user device;

the processor is also configured to receive a user-selected bandwidth parameter, wherein the user-selected band-

width parameter indicates a maximum portion of a bandwidth of the user device that is less than all of the bandwidth of the user device;

the user-selected download priority is stored after the user-selected download priority is received;

the user-selected bandwidth parameter is also stored after the user-selected bandwidth parameter is received;

the monitoring component is configured to:

automatically monitor the client after the user-selected download priority and the user-selected bandwidth parameter are stored, wherein monitoring the client comprises: monitoring a status of a software program on the user device by at least one of the user device or the server, and comparing the status of the software program on the user device to a status of a second software program, and

based on the monitoring of the client, produce an indication that a software upgrade for the user device is available; and

the processor is configured, responsive to indication by the monitoring component that the software upgrade for the user device is available, to transmit to the user device the software upgrade pursuant to a priority based on the user-selected download priority and at less than the maximum portion of the bandwidth of the user device.

15. The server of claim **14**, wherein the download priority is included in a service parameter that includes at least one of a source parameter, a security parameter, a compatibility parameter, a cost parameter, a timing parameter, the bandwidth parameter, and a size parameter.

16. The server of claim **15**, wherein:

the service parameter includes a timing parameter; and

the software upgrade is transmitted at a time indicated by the timing parameter.

17. The server of claim **16**, wherein:

the processor is further configured to automatically determine the time.

18. The server of claim **15**, wherein:

the service parameter includes a size parameter; and

the software upgrade is transmitted in at least one file not exceeding a maximum file size indicated by the size parameter.

19. The server of claim **15**, wherein:

the service parameter includes a cost parameter; and

the processor is further configured to charge an account, indicated by the cost parameter, with a cost for the software upgrade.

20. The server of claim **15**, wherein:

the service parameter includes a compatibility parameter; and

the processor is further configured to assess compatibility of the software upgrade with an installed program based on the compatibility parameter.

21. A user device, comprising:

a processor,

a client configured to access a server; and

a software upgrade component, configured to receive a user-selected download priority and a user-selected bandwidth parameter; wherein:

the user-selected download priority is stored after the user-selected download priority is received;

the user-selected bandwidth parameter is stored after the user-selected bandwidth parameter is received;

the software upgrade component is configured to, at a time after the user-selected download priority has been stored and the user-selected bandwidth parameter has been stored, to detect that a software upgrade for the user device is available, wherein detecting that the software upgrade for the user device is available comprises monitoring a status of a software program on the user device, and comparing the status of the software program on the user device with a status of a second software program, and responsive to detecting the software upgrade is available, to transmit a request for the software upgrade to the server;

the software upgrade component is configured to receive, responsive to the request transmitted by the software upgrade component, a software upgrade sent to the client, pursuant to the user-selected download priority and at less than the maximum portion of the bandwidth of the user device; and

the software upgrade component is configured to install the software upgrade on t he device after the software upgrade has been received.

22. The device of claim **21**, wherein the software upgrade component is configured to install the software upgrade pursuant to a service parameter different from the download priority.

23. The device of claim **22**, wherein the software upgrade component is configured to install the software upgrade at a time specified by the service parameter.

24. The device of claim **21**, wherein the download priority is included in a service parameter that includes at least one of a source parameter, a security parameter, a compatibility parameter, a cost parameter, a timing parameter, the bandwidth parameter, and a size parameter.

25. The device of claim **24**, wherein:

the service parameter includes a timing parameter; and

the software upgrade is received at a time indicated by the timing parameter.

26. The device of claim **25**, wherein:

the client is further configured to automatically determine the time.

27. The device of claim **24**, wherein:

the service parameter includes a size parameter; and

the software upgrade is received in at least one file not exceeding a maximum file size indicated by the size parameter.

28. The device of claim **24**, wherein:

the service parameter includes a cost parameter indicating an account to charge with a cost for the software upgrade.

29. The device of claim **24**, wherein:

the service parameter includes a compatibility parameter enabling compatibility of the software upgrade with an installed program to be automatically assessed without further action by the user.

30. The device of claim **21**, wherein:

the download priority specifies a thread priority; and

the software upgrade is received according to the thread priority.

31. The device of claim **21**, wherein the device is one of a computer, a cellular phone, a PDA, a MP3 player, and an entertainment device.

32. The device of claim **21**, wherein the software upgrade component has a thread priority based on the download priority.

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