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JERRY.SHORMA@HP.COM
ipa.mail@hp.com
brandon.serwan@hp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte THEODORE F. EMERSON, ROBERT L. NOONAN,
DAVID F. HEINRICH, and DON DYKES

Appeal 2010-007686
Application 11/209,886
Technology Center 2600

Before JOSEPH F. RUGGIERO, ELENI MANTIS MERCADER,
and JEFFREY S. SMITH, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-32, which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Representative Claim

1. A remote management controller comprising:
a processor configured to execute instructions; and a video redirection device, separate from the processor, configured to:
obtain a slice of video data output from a video graphics controller,
calculate at least one value correlative to the slice of video data,
if the calculated value for any portion of the slice differs from a value for a previously obtained corresponding portion, update a table associated with an image related to a remote system with the calculated value, and
process the portion of the slice to create a data portion of a network packet in a network buffer, wherein the processor is configured by the instructions to:
allocate the network buffer, and
provide a header portion of the network packet to the network buffer.

Prior Art

Acampora	US 5,168,356	Dec. 1, 1992
Cahill	US 5,619,226	Apr. 8, 1997
Graf	US 6,170,021 B1	Jan. 2, 2001
Porter	US 2002/0163522 A1	Nov. 7, 2002
Van Hook	US 2003/0080963 A1	May 1, 2003
Gordon	US 2004/0261104 A1	Dec. 23, 2004
Tsai	US 7,039,656 B1	May 2, 2006

Examiner's Rejections

Claims 1-8, 12-19, 21-29, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gordon, Van Hook, Acampora, and Tsai.

Claims 9, 20, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gordon, Van Hook, Acampora, Tsai, and Porter.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gordon, Van Hook, Acampora, Tsai, and Cahill.

Claims 11 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gordon, Van Hook, Acampora, Tsai, and Graf.

ANALYSIS

Section 103 rejection of claims 1-5, 7, 8, 12-19, 21-29, and 31

Appellants contend that the combination of Gordon, Van Hook, Acampora, and Tsai does not teach a “video redirection device” that implies an original destination and a new destination. In particular, Appellants contend that the head end equipment (HEE) 202 of Gordon does not redirect video, and that Gordon’s encoding unit 216 does not obtain a slice of video data output from a video graphics controller. App. Br. 6-7; Reply Br. 3-5. The Examiner finds that Figure 2 of Gordon teaches a video redirection device shown by HEE 202 that selects data and re-modulates data for subscribers. Ans. 16-17, 31-32. Appellants have not provided a definition of video redirection device that excludes the HEE 202 taught by Gordon. We agree with the Examiner that Gordon teaches the claimed video redirection device for the reasons given by the Examiner in the Final Rejection and Examiner’s Answer.

Appellants contend that the combination of Gordon, Van Hook, Acampora, and Tsai does not teach “obtain[ing] a slice of video data output from a video graphics controller” as recited in claim 1. App. Br. 8-11. According to Appellants, the meaning of “video graphics controller” is

limited by paragraph 33 of Appellants' Specification. However, paragraph 33 of Appellants' Specification does not provide a definition of "video graphics controller" that excludes the Examiner's interpretation of a controller that manages the slice based encoding process. *See* Ans. 32-37.

Appellants contend that the combination of Gordon, Van Hook, Acampora, and Tsai does not teach "if the calculated value for any portion of the slice differs from a value for a previously obtained corresponding portion . . . process the portion of the slice to create a data portion of a network packet in a network buffer" as recited in claim 1. App. Br. 11-12. The Examiner finds that Gordon teaches video slices, Acampora teaches performing checks of CRC values in transport headers to find errors in video slices, and Tsai teaches comparing a calculated CRC value to a previously obtained CRC value. Ans. 37-41. We agree with the Examiner. Appellants have not provided persuasive evidence or argument to show that comparing a calculated value to a previous value as shown by Figures 8 and 9 of Tsai of CRC data in the packet headers taught by Acampora for the video slices of Gordon was anything more than the combination of familiar elements according to known methods that yields predictable results.

Appellants contend that the combination of Gordon, Van Hook, Acampora, and Tsai does not teach "a processor . . . configured by the instructions to: allocate the network buffer, and provide a header portion of the network packet to the network buffer" as recited in claim 1. App. Br. 12-15; Reply Br. 5-6. The Examiner finds that the combination of Gordon and Van Hook teaches this limitation. Ans. 41-46. We agree with the Examiner.

We adopt the Examiner's findings of fact made in the Final Rejection and Examiner's Answer as our own. We concur with the conclusions reached by the Examiner for the reasons given by the Examiner in the Final Rejection and Examiner's Answer.

We sustain the rejection of claim 1 under 35 U.S.C. § 103. Appellants have not presented arguments for separate patentability of claims 2-5, 7, and 8 which fall with claim 1. Appellants present arguments for the patentability of claims 12 and 22 similar to those presented for claim 1 which we find unpersuasive. Appellants have not presented arguments for separate patentability of claims 13-19, 21, 23-29, and 31.

Section 103 rejection of claim 6

Appellants contend that the combination of Gordon, Van Hook, Acampora, and Tsai does not teach "video data is obtained from a direct video output of the video graphics controller" as recited in claim 6. App. Br. 17-18. The Examiner finds that the combination teaches this limitation, since the video source is directly send from the encoding unit before sent via connection 230 as shown in Figure 2 of Gordon. Ans. 54-55. We agree with the Examiner. We sustain the rejection of claim 6 under 35 U.S.C. § 103.

Section 103 rejection of claims 9, 20, and 30

Appellants do not present arguments for separate patentability of claims 9, 20, and 30, which fall with claim 1.

Section 103 rejection of claim 10

Appellants contend that the combination of Gordon, Van Hook, Acampora, Tsai, and Cahill does not teach “the processor notifies the encoder engine when the network buffer has been allocated” as recited in claim 10. App. Br. 18-19. The Examiner finds that Cahill teaches this limitation. Ans. 55-56 (citing Cahill col. 26, ll. 50-60). We agree with the Examiner. We sustain the rejection of claim 10 under 35 U.S.C. § 103.

Section 103 rejection of claims 11 and 32

Appellants do not present arguments for separate patentability of claims 11 and 32 which fall with claim 1.

DECISION

The rejection of claims 1-8, 12-19, 21-29, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Gordon, Van Hook, Acampora, and Tsai is affirmed.

The rejection of claims 9, 20, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Gordon, Van Hook, Acampora, Tsai, and Porter is affirmed.

The rejection of claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Gordon, Van Hook, Acampora, Tsai, and Cahill is affirmed.

The rejection of claims 11 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Gordon, Van Hook, Acampora, Tsai, and Graf is affirmed.

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Application 11/209,886

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED

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