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Ulmer & Berne I.J.P Avaya Inc. 1660 West 2nd Street, Suite 1100 Cleveland, OH 44113			TILLERY, RASHAWN N	
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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* GEORGE WILLIAM ERHART, VALENTINE C. MATULA, and  
DAVID JOSEPH SKIBA

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Appeal 2010-008129  
Application 10/989,136  
Technology Center 2100

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Before ALLEN R. MacDONALD, DEBRA K. STEPHENS, and  
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

BRADEN, *Administrative Patent Judge*

DECISION ON APPEAL

This is an appeal<sup>1</sup> under 35 U.S.C. § 134(a) from the Final Rejection of claims 1, 3-7, and 9-23. We have jurisdiction under 35 U.S.C. § 6(b). Claims 2 and 8 have been cancelled.

We affirm.

#### STATEMENT OF THE CASE

Appellants' invention relates to enabling a user of a telecommunications terminal to dynamically supplant the video content of an outgoing media stream (e.g., an outgoing videoconference stream, etc.) with video from a document (e.g., a PowerPoint<sup>®</sup> file, a Windows Media Video [WMV] file, etc.) via the terminal's graphical user interface (GUI). (Abstract.)

Claim 1 and 14 are exemplary, and are reproduced below with disputed limitations in italics:

1. A method comprising:
  - (a) transmitting from a local telecommunications terminal to a remote telecommunications terminal a first media stream that comprises a first video signal and an audio signal; and
  - (b) receiving from said remote telecommunications terminal, at said local telecommunications terminal, a second media stream;
  - (c) when a first graphical object that is associated with a document is drag-and dropped in a graphical user interface at said local telecommunications terminal onto a second graphical object that is associated with said first media stream, *supplanting said first video signal in said first media stream with a second video signal that is based on said document; and*

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<sup>1</sup> The Real Party in Interest is Avaya Technology L.L.C.

(d) when said first graphical object is drag-and-dropped away from said second graphical object, reverting in said first media stream to said first video signal.

14. A method comprising:

(a) transmitting from a local telecommunications terminal to a remote telecommunications terminal a first media stream that comprises a first video signal and an audio signal; and

(b) when a first graphical object that is associated with a document is drag-and dropped in a graphical user interface at said local telecommunications terminal onto a second graphical object that is associated with said first media stream,

(i) *adding a second audio signal that is based on said document to said first media stream, and*

(ii) *supplanting said first video signal in said first media stream with a second video signal that is based on said document; and*

#### REJECTIONS

Claims 14, 15, 17, 18, 20 and 22 stand rejected under 35 U.S.C. § 102(a) as anticipated by Amiel et al. (US 2006/0152575 A1; Feb. 26, 2004).

Claims 1, 4-7, 10-13, 16, 19, 21, and 23 stand rejected under 35 U.S.C. § 103(a) as being obvious over Amiel in view of Fogg (US 7,213,206 B2; May 1, 2007).

Claims 3 and 9 stand rejected under 35 U.S.C. § 103(a) as being obvious over Amiel in view of Fogg and Camara (US 7,237,197 B2; Jun. 26, 2007).

ISSUE 1

*Rejection of claims: 14, 15, 17, 18, 20, and 22*

Appellants argue Amiel, either alone or in combination with other references, fails to teach or suggest supplanting (i.e., replacing) a first video signal with a second video signal and adding a second audio signal to the transmission. (Br. 12.)

*Issue 1:* Has the Examiner erred in finding Amiel anticipates “supplanting a first video in said first media stream with a second video signal” as recited in claim 14?

ANALYSIS

We are unpersuaded by Appellants’ argument that Amiel, either alone or in combination with other references, fails to teach or suggest supplanting (i.e., replacing) a first video signal with a second video signal and adding a second audio signal to the transmission. (Br. 12.)

The Examiner finds that Amiel meets the recited claim limitation “adding a second audio signal that is based on said document to said first media stream” because Amiel discloses “sound coming from the sender is mixed with the audio data contained in the multimedia file, as discussed in paragraph [0054] of the English translation, and page 10, lines 26-30 of the WO document).” (Ans. 4; Amiel paragraph [0054].) The Examiner also finds that Amiel meets the recited claim limitation “supplanting said first video signal in said first media stream with a second video signal that is based on said document” because Amiel discloses that “the local image captured by the camera of the transmitter is replaced by the video contained in the broadcast file, as discussed in paragraph [0053] of the English

translation, and page 10, lines 22-25 of the WO document).” (Ans. 4-5; Amiel paragraph [0053].) We agree with the Examiner.

We emphasize Amiel relates to “transmitting from a local telecommunications terminal to a remote telecommunications terminal a videoconference that contains both an audio and a video stream.” (Ans. 25-26; Amiel paragraphs [0053]-[0056].) When an icon representing a multimedia document is dragged onto the window containing this audio/video stream, a video stream based on the video contained in the document is added to the transmission that replaces the streaming video of the Page 26 videoconference. (Amiel paragraph [0053], Figs. 3-6.) Likewise, upon dragging of the icon representing the document onto the window, an audio stream based on the audio contained in the document with audio from the videoconference mixed in is added to the transmission that replaces the original streaming audio of the videoconference. (Amiel paragraph [0054].)

Under the broadest reasonable interpretation consistent with the Specification, we agree with the Examiner that Amiel discloses the recited claim limitations at issue. As noted by the Examiner, “[t]he appellant appears to be arguing that Claims 14 and 20 contains the limitation ‘supplanting said first video signal in said first media stream with a second video signal that consists only of the video contained in said document,’ but the limitations of the claims as currently amended only read ‘a second video signal that is based on said document,’ which is taught by Amiel.” (Ans. 26.) Similarly, with respect to claims 17 and 22, the Examiner notes Appellants seem to be arguing limitations not recited in the claims (*id.*).

Thus, Appellants have not persuaded us the Examiner erred in finding Amiel discloses the invention as recited in claims 14, 17, 20 and 22.

Accordingly, we sustain the rejection of independent claims 14, 17, 20, and 22 under 35 U.S.C. § 102(a). Appellants have not presented any substantive arguments with respect to dependent claims 15 and 18 and thus, these fall with their respective independent claims. Therefore, we sustain the rejection of claims 14, 15, 17, 18, 20, and 22 under 35 U.S.C. § 102(a).

## ISSUE 2

*Rejection of claims: 1, 4-7, 10-13, 16, 19, 21, and 23*

Appellants argue the claims are not obvious over Amiel in view of Fogg because Amiel does not teach supplanting content in a transmission (Br. 14). Further, Appellants contend Fogg does not cure the deficiencies of Amiel. (Br. 14-15.)

*Issue 2:* Has the Examiner erred in finding the combination of Amiel and Fogg teach or at least suggest “supplanting a first video in said first media stream with a second video signal” as recited in claim 1?

## ANALYSIS

For the reasons set forth above with respect to Issue 1, we find Amiel teaches or at least suggests “supplanting said first video signal in said first media stream with a second video signal that is based on said document.” Accordingly, we sustain the rejection of independent claim 1 and commensurately recited independent claim 7 under 35 U.S.C. § 103(a). Appellants have not presented any substantive arguments with respect to dependent claims 4-6, 10-13, 16, or 19 and thus, these claims fall with their

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respective independent claims. Therefore, we sustain the rejection of claims 1, 4-7, 10-13, 16, 19, 21, and 23 under 35 U.S.C. § 103(a)

### ISSUE 3

#### *Rejection of claims: 3 and 9*

Appellants argue Camara does not cure the deficiencies of Amiel and Fogg. (Br. 16.) As set forth above in Issue 1, we are not persuaded the Examiner erred in finding Amiel discloses the invention as recited in independent claims 1 and 7. Since Appellants have not presented any additional substantive arguments with respect to claims 3 and 9, we sustain the rejection of claims 3 and 9 under 35 U.S.C. § 103(a).

### DECISION

The Examiner's decision to reject claims 1-23 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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