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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte BYUNG-RAE LEE, TAE-SUNG KIM,
JOONG-CHUL YOON, and KYUNG-IM JUNG

Appeal 2010-008498
Application 11/091,881
Technology Center 2400

Before BRUCE R. WINSOR, JEREMY J. CURCURI, and
TRENTON A. WARD, *Administrative Patent Judges*.

WARD, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants seek review under 35 U.S.C. § 134(a) of a rejection of claims 1, 3-12, and 14-22, the only claims pending in the application on appeal. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF CASE¹

Appellants' claimed invention relates to a portable storage device and method of managing files in the portable storage device. *See* Abstract. An understanding of the invention can be derived from a reading of exemplary claim 12, which is reproduced below with certain disputed limitations italicized:

12. A method of managing a file in a portable storage device, comprising:
sorting digital rights management data from received data;
forming a file comprising the digital rights management data;
and
storing the file in a storage module;
wherein the storing the file comprises:
setting a restricted region in the storage module using a control module; and
allocating a file identifier mapped to the restricted region to the file comprising the digital rights management data and storing the file in the restricted region.

REFERENCES

The Examiner relies on the following prior art:

Dolphin	US 5,677,953	Oct. 14, 1997
Downs	US 6,574,609 B1	Jun. 3, 2003

REJECTIONS

Claims 1, 3, 4, 12, 14, and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dolphin. Ans. 3-4.

¹ Our decision will make reference to Appellants' Appeal Brief ("App. Br.," filed Nov. 24, 2009) and Reply Brief ("Reply Br.," filed Mar. 25, 2010) and the Examiner's Answer ("Ans.," mailed Jan. 25, 2010).

Claims 5-11 and 16-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dolphin and Downs. Ans. 4-8.

THE ANTICIPATION REJECTION OVER DOLPHIN

The Examiner finds that Dolphin discloses every recited feature of claim 12 including “setting a restricted region in the storage module using a control module” and “allocating a file identifier mapped to the restricted region to the file comprising the digital rights management data.” Ans. 3.

Appellants argue that Dolphin fails to teach (1) any specific restricted region in which DRM data, such as rights object data is stored, and (2) file identifiers mapped to a restricted region being allocated to a DRM data file. App. Br. 14.

ISSUE

Under § 102, has the Examiner erred in rejecting claim 12 by finding that the cited reference discloses “setting a restricted region in the storage module using a control module” and “allocating a file identifier mapped to the restricted region to the file comprising the digital rights management data”?

ANALYSIS

On this record, we find no error in the Examiner’s anticipation rejection of claim 12. The Examiner finds that the claim 12 limitation of “setting a restricted region in the storage module using a control module” is anticipated by the Dolphin disclosure regarding partitioning data stored on a portable readable medium to allow access restrictions to be placed on the use

of that data. Ans. 3, 8. Furthermore, the Examiner finds that the claim 12 limitation of “allocating a file identifier mapped to the restricted region to the file comprising the digital rights management data” is anticipated by the Dolphin disclosure regarding assigning Key Material Identifiers (“KMID”) to the partitioned data. Ans. 3, 8.

Appellants argue that although Dolphin teaches that data can be divided into sets and that different sets of data may be protected, accessed, and used differently, contrary to the Examiner’s findings, Dolphin does not teach “any specific restricted region in which DRM data, such as rights object data, is stored, nor does this teach any file identifiers mapped to a restricted region being allocated to a DRM data file.” App. Br. 14 (emphases omitted). More particularly, Appellants argue that claim 12 requires a specific restricted region and states that the “specification clearly describes that the restricted region is physically or *logically separate*.” App. Br. 15 (emphasis added). Under the broadest reasonable interpretation,² the “restricted region” can be met by any “logically separate” file comprising the digital rights management data. Accordingly, we are not persuaded of error in the Examiner’s findings that Dolphin discloses a restricted region.

Appellants further argue that “even if Dolphin were to teach a specific area set aside for a data set having restricted access (which it does not), this does not disclose or suggest that DRM data is stored in such a specific area.” App. Br. 15. Appellants’ arguments are contrary to the disclosure in Dolphin cited by the Examiner. Dolphin discloses that the KMIDs are

² During patent examination, claims are given their broadest reasonable interpretation in light of the specification as it would be interpreted by skilled artisans. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316 (Fed. Cir. 2005) (en banc) (citations omitted).

“indexes or identifying codes for the purpose of correlating . . . access codes” and that the “encrypted or scrambled data along with the KMID is then stored on a portable storage medium or server.” Dolphin, col. 3, ll. 4-6, 13-15. Because Dolphin expressly discloses the storage of the KMID along with the encrypted data, we are not persuaded by Appellants’ arguments that Dolphin does not disclose or suggest DRM data is stored in a restricted region.

As to the file identifier limitation in claim 12, Appellants argue that “[e]ven if Dolphin were interpreted to teach a specific area of a storage module set aside for the data having restricted access, there is no disclosure or suggest [sic] that any identifier mapped to such a region is allocated to any file comprising DRM.” App. Br. 15-16 (emphasis omitted). Contrary to Appellants’ arguments, the Examiner finds that identifier mapping of the DRM data file is met by Dolphin’s disclosure that the KMID or access code is assigned to the partitioned data. Ans. 3, 9. We see no error in the Examiner’s position that the KMID disclosed in Dolphin anticipates the “file identifier” recited in claim 12.

We are therefore not persuaded that the Examiner erred in rejecting claim 12, and claims 1, 3, 4, 14, and 15 not separately argued with particularity.

OBVIOUSNESS REJECTION OVER DOLPHIN AND DOWNS

Appellants argue that claims 5-11 and 16-22 are allowable over Dolphin and Downs because Downs fails to remedy the deficiencies of Dolphin argued by Appellants with respect to the rejection of claims 1, 3, 4, 12, 14, and 15 under 35 U.S.C. § 102. App. Br. 17. We are not persuaded

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that the Examiner erred in rejecting claims 5-11 and 16-22 for the reasons discussed above.

ORDER

The Examiner's decision rejecting claims 1, 3-12, and 14-22 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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