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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte NIRANJAN DAMERA-VENKATA and DAVID JOEL WU

Appeal 2011-000879
Application 11/788,100
Technology Center 3600

Before MURRIEL E. CRAWFORD, ANTON W. FETTING, and
BIBHU R. MOHANTY, *Administrative Patent Judges*.

MOHANTY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellants seek our review under 35 U.S.C. § 134 (2002) of the final rejection of claims 1-3 and 5-20 which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

SUMMARY OF THE DECISION

We REVERSE.

THE INVENTION

The Appellants' claimed invention is directed to providing advertising content to a public display (Spec. [0016]). Claim 1, reproduced below with the numbering in brackets added, is representative of the subject matter on appeal.

1. A system for providing content to consumers, comprising:
 - a public display;
 - a database configured to store said content; and
 - [1] a central processing element configured to concurrently receive parallel user queries from a plurality of users and concurrently present content from said database on said public display relevant to each user's query.

THE REJECTIONS

The Examiner relies upon the following as evidence in support of the rejections:

Carney	US 6,408,278 B1	Jun. 18, 2002
Hough	US 6,760,047, B2	Jul. 6, 2004

The following rejections are before us for review:

1. Claims 1-3, 5-7, 9-10, 13-18, and 20 are rejected under 35 U.S.C. § 103(a) under Carney and Hough.
2. Claims 8, 11-12, and 19 are rejected under 35 U.S.C. § 103(a) as unpatentable over Carney, Hough, and Official Notice.

FINDINGS OF FACT

We find that the findings of fact used in the Analysis section below are supported at least by a preponderance of the evidence:¹

ANALYSIS

The Appellants argue that the rejection of claim 1 is improper because the cited prior art fails to disclose elements of claim limitation [1] (Br. 11-17, Reply Br. 4-8).

We agree with the Appellants. Claim limitation [1] requires:

[1] a central processing element *configured to concurrently receive parallel user queries from a plurality of users and concurrently present content* from said database on said public display *relevant to each user's query*. (Claim 1, emphasis added).

The Appellants have argued that Carney fails to show the central processor “configured to concurrently receive parallel user queries from a plurality of users” (Br. 12). In contrast, the Examiner has cited to Carney at col. 2:51-63, 3:55-67, 4:16-29, 5:17-35, 5:53-67, 6:1-11, 6:53-67, and col.

¹ See *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Patent Office).

7:1-17 as disclosing or suggesting this (Ans. 3-4, 10). These portions of Carney largely only show that demographic data is transmitted to the processor and not the parallel user “*queries*” as required by the claim. While the cited portion of Carney at col. 6:53-7:17 does disclose that people can access a kiosk that provides access to the Internet (which would be a query) this is done in exchange only for demographic information that is transmitted to the central processor and the query is not relevant to what is displayed. Here the citations to Carney do not show the central processor “receiv[ing] parallel user queries from a plurality of users” and then “*present[ing] content....on said public display relevant to each user’s query*” as the claim further requires. The citation to Hough in the rejection fails to cure this deficiency as it relates largely to the display of information at a user interface (Abstract, Fig. 1A). For these reasons the rejection of claim 1 and its dependent claims is not sustained.

The remaining claims contain a similar limitation and the rejection of these claims is not sustained for these same reasons.

CONCLUSIONS OF LAW

We conclude that Appellants have shown that the Examiner erred in rejecting the claims listed in the Rejection section above.

DECISION

The Examiner’s rejection of claims 1-3 and 5-20 is reversed.

REVERSED

Appeal 2011-000879
Application 11/788,100

JRG