



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 11/827,397, 07/11/2007, Nelson Liang An Chang, 82231907, 9173
Row 2: 22879, 7590, 02/21/2013, HEWLETT-PACKARD COMPANY, Intellectual Property Administration, 3404 E. Harmony Road, Mail Stop 35, FORT COLLINS, CO 80528
Row 3: EXAMINER GATLING, STACIE D
Row 4: ART UNIT 3622, PAPER NUMBER
Row 5: NOTIFICATION DATE 02/21/2013, DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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 NELSON LIANG AN CHANG and
NIRANJAN DAMERA-VENKATA

Appeal 2011-000939
Application 11/827,397
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 1-20 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 people in a public location (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 advertising content, comprising:
a public display;
a database configured to store said advertising content; and
[1] a central processing element configured to receive input from participants in an interactive activity officiated by said central processing element, dynamically interact with said participants based on said received input, and present said advertising content in connection with information about said activity on said public display to observers not participating in said activity.

THE REJECTIONS

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

Carney	US 6,408,278 B1	Jun. 18, 2002
Cannon	US 2005/0233794 A1	Oct. 20, 2005

The following rejections are before us for review:

1. Claims 1-3, 5-13, 15-16, and 18-19 are rejected under 35 U.S.C. § 102(b) as anticipated by Carney.
2. Claims 4, 9-10, 14, 17, and 20 are rejected under 35 U.S.C. § 103(a) as unpatentable over Carney and Cannon.

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 Carney fails to disclose claim limitation [1] (Br. 12-17, Reply Br. 4-8).

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

[1] a central processing element configured to receive input from *participants in an interactive activity officiated* by said central processing element, *dynamically interact with said participants* based on said received input, and present said advertising content in connection with *information about said activity on said public display to observers not participating in said activity*. (Claim 1, emphasis added).

Here, the claim requires in part that the central processing element is configured to receive input from “participants in an *interactive activity officiated*” by the processing element and “dynamically interact with said participants.” The Specification provides examples where the activity is a

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).

game of some kind (Spec. [0016-0018] and Figures 5-7). The Examiner first cites to Carney at col. 2:51-63, col. 3:55-67, col. 4:16-29, col. 5:17-35, col. 5:53-67, col. 6:1:11, col. 6:20-45, col. 6:53-67, and col. 8:25-46 as disclosing these claim limitations (Ans. 3-5) but these portions largely only disclose the passing of demographic data to the central processor for advertising and this would not be an “*interactive activity officiated* by the central processing element” when the claim is read in light of the Specification and given its broadest reasonable interpretation.

The rejection also cites to the kiosk of Carney cited at col. 7:12-17 as meeting the claim limitation. Here, even taking the use of the kiosk to somehow be a “interactive activity officiated” by the CPU in some manner this fails to show the requirement for presenting “*information about said activity on said public display to observers not participating in said activity*” since this information would only be displayed on the kiosk to the user and not on the claimed public display. For these reasons the rejection of claim 1 and its dependent claims is not sustained.

Claim 13 contains language including limitations for the method to include:

conducting an activity with said public display, said activity involving participants;
receiving input regarding said participants engaged in said activity from said participants in said central processing element; and
displaying advertising content from a database concurrently with information regarding said activity to observers not participating in said activity. (Claim 13, emphasis added).

Here, if the “activity” was the display of advertising itself, then its display concurrently *with information regarding said activity to observers not participating in said activity* would not be met by the citations to Carney

Appeal 2011-000939
Application 11/827,397

detailing the taking of demographic data to choose displayed advertising. Further, the citation to the kiosk of Carney would fail to meet the claimed limitations as well. Here, the citation to Carneys kiosk would fail for not displaying the information regarding the activity to observers not participating in the activity. For these reasons the rejection of claim 13 and its dependent claims is not sustained as well.

CONCLUSIONS OF LAW

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

DECISION

The Examiner's rejection of claims 1-20 is reversed.

REVERSED

JRG