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THOMAS I HORSTEMEYER, I.J.P (Broadcom)			CORBO, NICHOLAS T	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* RAJENDRA KUMAR KHARE,  
BRAJABANDHU MISHRA, and  
SANDEEP KUMAR RELAN

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Appeal 2011-010633  
Application 11/256,174  
Technology Center 2400

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Before: JOSEPH L. DIXON, ST. JOHN COURTENAY III, and  
CARLA M. KRIVAK, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant(s) appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1-7, and 9-22. Claim 8 has been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

INVENTION

Appellants' claimed invention is directed to "the field of personal video recording (PVR) and distribution of video data such as live video broadcasts, movies, and other programs, which may be distributed by satellite, cable television or other transmission sources." (Spec. ¶ [0001].)

Independent claim 1, reproduced below, is representative of the subject matter on appeal.

1. A personal video recorder (PVR) system comprising:

a Personal Video Recorder (PVR) client at a first geographic location;

a Personal Video Recorder (PVR) server at a second geographic location that is separate and distinct from the first geographic location, wherein the PVR server is communicatively coupled to the PVR client system through a communications medium;

a display unit coupled to the PVR client;

wherein the personal video recorder system enables shared access to multimedia content stored at the PVR server such that the PVR client can retrieve the multimedia content and display it on the display unit, and wherein particular multimedia content captured by the PVR client is stored only at the second geographic location of the PVR server.

#### REFERENCES

Berezowski	U.S. Patent App. Pub. No. 2002/0016971 A1	Feb. 7, 2002
Moynihan	U.S. Patent App. Pub. No. 2002/0056119 A1	May 9, 2002
Ellis '893	U.S. Patent App. Pub. No. 2004/0054893 A1	Mar. 18, 2004
Halgas	U.S. Patent App. Pub. No. 2004/0073437 A1	Apr. 15, 2004
Ellis '831	U.S. Patent App. Pub. No. 2004/0117831 A1	Jun. 17, 2004
Ellis '926	U.S. Patent 6,774,926	Aug. 10, 2004
Feldkamp	U.S. Patent App. Pub. No.: 2005/0174229 A1	Aug. 11, 2005

#### REJECTIONS

Claims 1, 4, 7, 15, 16, and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis '926 and Feldkamp.

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis '926, Feldkamp, and Ellis '831.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis '926, Feldkamp, and Ellis '893.

Claims 6 and 9-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis '926, Feldkamp, and Moynihan.

Claims 13 and 14 stand rejected under U.S.C. § 103(a) as being unpatentable over Ellis '926, Feldkamp, Moynihan, and Berezowski.

Claims 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis '926, Feldkamp, and Halgas.

#### ANALYSIS

We note that Appellants have elected to set forth arguments to independent claims 1, 7, and 15. Therefore, we will address the arguments with respect to these representative claims.

With respect to independent claim 1, Appellants contend that the combination of the Ellis '926 reference and the Feldkamp reference fails to describe, teach, or suggest that video captured at a first geographic location is **not** also stored at that location, but rather at a second geographic location that is separate and distinct from the first location. (App. Br. 8). Appellants further contend that the Examiner's attempt to shoehorn the Feldkamp reference into the primary reference Ellis '926 changes the principle of operation of the Ellis '926 reference thereby running afoul to the MPEP and case law. (App. Br. 8). We disagree with Appellants' contentions. Appellants dissect the terminology and teachings in the Feldkamp reference and equate various words to storage at a local monitored location. (App. Br. 10-12). Appellants then opine that while the camera and audio stations may capture and immediately transmit data to a target device there is nothing in the Feldkamp reference that indicates that such captured video and audio data is not also recorded by the cameras and audio stations. (App. Br. 11) We disagree with Appellants' over-generalization and Appellants' desire for an express teaching of a negative limitation within the four corners of the Feldkamp reference. We find no requirement for such an express teaching of the negative limitation within the four corners of the Feldkamp reference.

From our review of the disclosure in Appellants' Specification, we find no express discussion of how the information can only be stored at the remote location. For example, most acquisition and capture devices buffer the information so that the information may be properly formatted and transmitted to a separate location. We find this equivalent to the near real-time processing of the Feldkamp reference. Furthermore, skilled artisans appreciate that the caching of information temporarily stores information for

similar reasons and processing ability, but the information is not maintained in persistent storage. Moreover, we find that permanent or persistent storage in a system database would be achieved as described by the Feldkamp reference.

Additionally, even if we *arguendo* adopt Appellants' overly restrictive interpretation of the disclosed teachings of the Feldkamp reference with regard to "*recording* video images" as disclosed in paragraph [0033], we would similarly be required to interpret Appellants' claimed "personal video recorder (PVR) client," which is alleged to not store information, to be interpreted the same way as in the Feldkamp reference. (Emphasis added). We find Appellants' arguments are unpersuasive of error in the Examiner's conclusion regarding the combination of the Ellis '926 and Feldkamp references.

With respect to Appellants' argument regarding changing the principle of operation of the Ellis '926 reference (App. Br. 12-14), we find Appellants' argument to be unpersuasive of error in the Examiner's combination. We find that the difference in local or remote storage would not significantly change the principle of operation of the system of the Ellis '926 reference, which would still perform the same function/operation of a personal television channel system in a slightly different manner. Therefore, we find Appellants' argument to be unpersuasive of error in the Examiner's conclusion of obviousness of representative claim 1 and its dependent claims.

Appellants present similar arguments in the Reply Brief, which we find unpersuasive of error in the Examiner's conclusion of obviousness (Reply Br. 2-9). Additionally, we note that Appellants do not address the

additional citations made by the Examiner concerning the Feldkamp reference, paragraphs [0073]-0075], (Ans. 23-24) which describes the process shown in Figure 3 providing near real-time feed of alarm related video and-or audio to a non-discriminatory security provider.

We find the buffering or caching of information at the local site to be within the level of skill in the art and the persistent storage in a database at a remote location to be well within the level of skill of an ordinary skill artisan.

With respect to independent claims 7 and 15, Appellants' present similar arguments to those addressed above with respect to independent claim 1. Since we find these arguments unpersuasive with respect to independent claim 1, we find these same arguments to be unpersuasive with respect to independent claims 7 and 15 and their respective dependent claims.

#### CONCLUSION

The Examiner did not err in rejecting claims 1-7, and 9-22 under 35 U.S.C. § 103(a).

#### DECISION

The Examiner's decision rejecting claims 1-7 and 9-22 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)(2010).

AFFIRMED

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