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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ANDREW CHU

Appeal 2011-013188
Application 11/771,480
Technology Center 2600

Before THU A. DANG, JAMES R. HUGHES,
and GREGORY J. GONSALVES, *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from a Final Rejection of claims 1-20. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

A. INVENTION

Appellant's invention is directed to a system and method for remote participation over a wireless network of an event by a plurality of users through a proxy server; wherein, the users are able to control cameras and to participate in a virtual community during the event (Abstract).

B. ILLUSTRATIVE CLAIM

Claim 1 is exemplary:

> 1. A method comprising:
>
> receiving, at a proxy server, certification information corresponding to a ticket purchased for an event, wherein the ticket permits control, via a mobile device over a wireless network, of a remote camera to view an event from a plurality of viewing perspectives; and
>
> using the proxy server to maintain a plurality of communication sessions with the mobile device over the wireless network, wherein the communication sessions correspond to the event and provide participation in a virtual community to experience the event.

C. REJECTIONS

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Lohman	US 2005/0289627 Al	Dec. 29, 2005

Brattesani	US 2006/0294012 Al	Dec. 28, 2006
Rao	US 2006/0217113 Al	Sep. 28, 2006
Mills	US 2007/0006277 A1	Jan. 04, 2007
Mottur	US 7,382,397 B2	Jun. 03, 2008 (filed Nov. 21, 2002)

Claims 1-4, 6-13, and 15-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brattesani in view of Mottur and Lohman.

Claims 5, 14, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brattesani in view of Mottur, Lohman, Mills, and Rao.

II. ISSUES

The dispositive issues before us are whether the Examiner has erred in determining that the combination of Brattesani, Mottur, and Lohman teaches or would have suggested:

1. "using the *proxy server to maintain a plurality of communication sessions with the mobile device over the wireless network*, wherein the communication sessions correspond to the event and *provide participation in a virtual community to experience the event*" (claim 1, emphasis added); and

2. "*transmitting an application to the mobile device* for supporting the plurality of communication sessions" (claim 2, emphasis added).

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Brattesani

1. Brattesani discloses a system including one or more cameras 10 installed in a facility 12 to provide a video and audio feed to a remote user (virtual guest) who cannot attend an event; wherein, the virtual guest at a client device 20 remotely controls the position and zoom of video cameras over the Internet 16 through a server 22 that maintains the communication between any client device 20 and any camera 10 (Fig. 1; ¶¶ [0021]-[0026] and [0028]).

Mottur

2. Mottur discloses a system and method that enables a user to select one of controlled region devices (cameras) and to provide variable speed control commands over a network through a web server 64 to the selected controlled region device (Abstract). The system establishes at least one queue for administering control between the network users and the cameras; wherein, a network of users can request control of a camera (col. 2, ll. 52-62).

3. The web server 64 provides user 48 and/or user device 62 with an applet or another program 66 configured for the user's device 62 to operate and control the cameras (col. 16, ll. 26-29).

Lohman

4. Lohman discloses a community cable system having a server that provides a virtual community cable service which enables each subscriber to communicate with other subscribers over its network while

watching the same event; wherein, each subscriber controls the camera feed which is sent to the other subscribers (Fig. 1; ¶¶ [0010] and [0021]).

IV. ANALYSIS

Claims 1-4, 6-13, and 15-19

Appellant contends that "nowhere in the entire disclosure of the Lohman reference is there a teaching or even a suggestion that the virtual audience provided in the standard television system is even capable of maintaining a plurality of communication sessions **with a mobile device over a wireless network**, wherein the communication sessions correspond to an event and **provide participation in a virtual community**" (App. Br. 7). Appellant argues that "the applied references provide no reason why one having ordinary skill in the art would modify the system of Brattesani … [with] Mottur" (*id*.). Appellant contends further that "the Examiner's rationale for such a combination appears to be unnecessary as the system of Brattesani already provides for multiple guests to view a video feed" (App. Br. 8).

However, the Examiner finds that "Brattesani and Mottur sufficiently disclose a plurality of communication sessions with a mobile device over a wireless network" (Ans. 19). The Examiner notes that he relies upon Lohman to teach "the participation in a virtual community to experience the event" (Ans. 19).

We give the claim its broadest reasonable interpretation consistent with the Specification. *See In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997). Claim 1 does not place any limitation on what "proxy server" means, includes, or represents. Thus, we give "using the proxy server to maintain a

plurality of communication sessions with the mobile device over the wireless network" its broadest reasonable interpretation as any server that maintains communication with any device that is mobile over a wireless network, as consistent with the Specification and claim 1.

Brattesani discloses a system having a server that enables the remote control of cameras over the Internet by a plurality of virtual guests at client devices who cannot attend an event (FF 1). We find that the Internet comprises a wireless network and the client device comprises a device that communicates with the server over the wireless network. That is, we find that Brattesani's system and method comprises "using the proxy server to maintain a plurality of communication sessions with the mobile device over the wireless network, wherein the communication sessions correspond to the event" (claim 1).

In addition, Mottur discloses a system and method that enables a user to select and control one of controlled region devices (cameras) using variable speed control commands over a network through a web server to the selected controlled region device (FF 2). We find that web server represents a server that communicates between user devices and the cameras controlled over a network. In particular, we find that Mottur's system comprises "using the proxy server to maintain a plurality of communication sessions with the mobile device over the wireless network" (claim 1).

Furthermore, Lohman discloses a community cable system having a server that provides a virtual community cable service such that a subscriber may communicate with other subscribers while watching an event; wherein, each subscriber controls a camera the transmits a video of the subscriber to the other subscribers (FF 4). We find that virtual community cable service

provides a virtual community of subscribers viewing an event; wherein, the subscribers are in communication with the server. Specifically, we find that Lohman's system comprises "using the proxy server to maintain a plurality of communication sessions with the [subscriber] over the wireless network, wherein the communication sessions correspond to the event and provide participation in a virtual community to experience the event" (claim 1).

We find that the combination of Brattesani, Mottur, and Lohman *at least suggests* providing "using the proxy server to maintain a plurality of communication sessions with the mobile device over the wireless network, wherein the communication sessions correspond to the event and provide participation in a virtual community to experience the event," as specifically required by claim 1.

We also agree with the Examiner's explicit motivation that combining the references would be obvious "because [each] prior art [reference is] … directed towards methods/systems used for capturing and distributing streams of media information to users that are remote" (Ans. 6) and "the experience of watching an event with a community of people as opposed to watching it alone enhances the experience of the event" (Ans. 6-7). The Supreme Court has stated that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007).

Thus, we find no error in the Examiner's finding that the combination of Brattesani's system having a server that enables the remote control of cameras over the Internet by a plurality of virtual guests at client devices who cannot attend an event with the web server that grants camera control to

each client device, as disclosed in Mottur, and the virtual community service of Lohman produces a system having a proxy server that maintains communication sessions with a mobile device over a wireless network for experiencing an event in a virtual community which would be obvious (Ans. 6-7; FF 1, 2, and 4).

Accordingly, we find that Appellant has not shown that the Examiner erred in rejecting claim 1 under 35 U.S.C. § 103(a) over Brattesani in view of Mottur and Lohman. Further, independent claims 10 and 18 having similar claim language and claims 3, 4, 6-9, 11-13, 15-17, and 19 (depending from claims 1, 10, and 18), which have not been argued separately, fall with claim 1.

Claim 2

Appellant contends that "nowhere in the entire disclosure of the Mottur reference is there a teaching of an application **transmitted** to the user device 62 for supporting a plurality of communication sessions" (App. Br. 9).

However, the Examiner finds that "Mottur also teaches that an applet or another program can be configured to the user device to operate according to the disclosed methods and systems" (Ans. 20).

As noted *supra*, Mottur discloses a system and method that enable a user to select and control one of a plurality of cameras; wherein, the system downloads an applet or another software program to the user's device that is configured for operating and controlling the cameras (FF 2 and 3). We find that download of software to be a transmission of an application to the mobile device which supports the plurality of communication sessions. That is, we find that Mottur's system and method includes "transmitting an

application to the mobile device for supporting the plurality of communication sessions" (claim 2).

Accordingly, we find that Appellant has not shown that the Examiner erred in rejecting claim 2 under 35 U.S.C. § 103(a) over Brattesani in view of Mottur and Lohman.

Claims 5, 14, and 20

Appellant argues that claims 5, 14, and 20 are patentable over the cited prior art for the same reasons asserted with respect to claim 1 and "Mills and Rao fail to at least remedy the above discussed deficiencies of Brattesani, Mottur, and Lohman" (App. Br. 10).

As noted *supra*, however, we find that Brattesani, Mottur, and Lohman *at least suggest* all the features of claim 1. We, therefore, affirm the Examiner's rejection of claims 5, 14, and 20 under 35 U.S.C. § 103 over Brattesani in view of Mottur, Lohman, Mills, and Rao for the same reasons expressed with respect to parent claims 1, 10, and 18, *supra*.

V. CONCLUSION AND DECISION

The Examiner's rejection of claims 1-20 under 35 U.S.C. § 103(a) 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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