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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DAVID ROBB, GRANT NEERINGS,
CAMERON PATTERSON, JOSEPH RODRIGUEZ, QUINTON
RICHARD HARRIS, and BENJAMIN COOK

Appeal 2014-006816
Application 13/571,293
Technology Center 3600

Before MURRIEL E. CRAWFORD, BIBHU R. MOHANTY, and
BRUCE T. WIEDER *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 of the final rejection of claims 1, 3–25, and 27–89 which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

SUMMARY OF THE DECISION

We AFFIRM-IN-PART.

THE INVENTION

The Appellants' claimed invention is directed to the distribution of multimedia content (Spec., para. 2). Claim 1, reproduced below, is representative of the subject matter on appeal.

1. A system comprising:
 - a display device configured for displaying a web browser;
 - a memory configured for storing data;
 - a processor communicatively coupled to the memory and the display device, the processor configured for displaying, in the web browser, a portable web widget, the web widget comprising:
 - a content retrieval component communicatively coupled to an application server over a computer communications network, the content retrieval component executed by the processor to retrieve one or more multimedia display files and metadata into an embedded electronic commerce store in the web widget, the multimedia display files and the metadata retrieved from a storage resource communicatively coupled to the application server and stored in the memory after the web widget enters an active operational mode, the web widget entering the active operational mode after a user clicks on the web widget in an inactive operational mode in the web browser;
 - a content preview component executed by the processor for streamed execution of a portion of one or more multimedia content files from a multimedia content distribution system executing on the application server, the streamed execution performed in the web browser based on a selection request made on the web widget in the active operational mode for streamed execution of at least one of the one or more multimedia content files; and
 - a transaction processing component executed by the processor to execute and complete a commercial transaction in the embedded electronic commerce store pertaining to the one or more multimedia content files;
 - wherein the one or more multimedia display files and metadata are associated with each of the one or more multimedia content files;

wherein the multimedia display files, the multimedia content files and the metadata are created under control of a content owner; and

wherein the multimedia content files are associated with the web widget by at least one of the content owner and a content distributor using the multimedia content distribution system.

THE REJECTION

The following rejection is before us for review:

Claims 1, 3–25, and 27–89 are rejected under 35 U.S.C. § 103(a) as unpatentable over Jerome (US 7,526,545 B2, iss. Apr. 28, 2009) and Fujioka (US 2010/0235766 A1, pub. Sept. 16, 2010).

FINDINGS OF FACT

We have determined that the findings of fact in the Analysis section below is supported at least by a preponderance of the evidence.¹

ANALYSIS

Claims 1, 3–25, and 27–48

The Appellants argue that the rejection of claim 1 is improper because the cited prior art fails to disclose claim limitations for “a portable widget” including an “embedded electronic commerce store” that responds to user selection requests “for streamed execution of a portion of one or more multimedia content files from a multimedia content distribution system” and that the combination of references is improper (App. Br. 14–15).

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.).

In contrast, the Examiner has determined that the cited claim limitations are shown by Jerome at columns 17:18–18:51 and Fujioka at paras. 60 and 84 (Ans. 3, 19, 20).

We agree with the Appellants. Here, Fujioka at the cited portions does disclose a generic “web widget” but there is no specific disclosure at those portions or in Jerome at column 17:18–18:51 of any “embedded electronic commerce store” as the cited claim limitation requires. Accordingly, the rejection of claim 1 and its dependent claims is not sustained. Claim 25 contains a similar limitation and the rejection of that claim and its dependent claims is not sustained for the same reasons given above.

Claims 49-80

The Appellants argue in the Appeal Brief at pages 18 and 19 that the rejection of claim 49 is improper because the cited prior art fails to disclose elements of the claim limitations for

retrieving from the storage resource to the memory one or more multimedia display files and metadata for each of the one or more multimedia content files associated with the web widget, the one or more multimedia display files and the metadata created under control of the content owner; [and]

receiving a selection request on the activated web widget, the selection request determined from one or more user selections of the retrieved one or more multimedia display files.

(Claim 49).

In contrast, the Examiner has cited to the portions of the argued claim limitation as being shown by Jerome at columns 5:4–32, 17:18–18:51 and Fujioka at paras. 59–78 (Ans. 15, 16, and 21).

We agree with the Examiner. Here, the portions of the cited claim limitation that have been argued have been shown in the prior art. For example, Jerome at column 17:18–25 discloses a Content Provider Packet Manger for handling content packets in the distribution system for the creation, storage, and retrieval of content provider content. Fujioka at paras. 60 and 84 discloses the use of a web widget. Here, in the cited combination, a selection request would be made from the activated web widget. Accordingly, the rejection of claim 49 and its dependent claims which have not been separately argued is sustained.

With regard to claim 71, the Appellants argue that the cited prior art fails to disclose the claim limitation for

searching the multimedia content distribution system for the one or more multimedia content files and the associated metadata after receiving a selection request at the web server from the one or more web browsers executing the web widget

(App. Br. 19). The Examiner cites to this portion as being shown by Jerome at column 17:18–18:51 (Ans. 18).

We agree with the Examiner. As discussed above, Jerome at column 17:18–25 discloses a Content Provider Packet Manger for handling content packets in the distribution system for the creation, storage, and retrieval of content provider content. Fujioka at paras. 60 and 84 discloses the use of a web widget. Here, in the cited combination a selection request would be made from the activated web widget. For these reasons, the rejection of claim 71 and its dependent claims which have not been separately argued is sustained.

CONCLUSIONS OF LAW

We conclude that Appellants have shown that the Examiner erred in rejecting claims 1, 3–25, and 27–48 as listed in the Rejection section above.

We conclude that Appellants have not shown that the Examiner erred in rejecting claims 49–89 as listed in the Rejection section above.

DECISION

The Examiner's rejection of claims 1, 3–25, and 27–48 is reversed.

The Examiner's rejection of claims 49–89 is sustained.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED-IN-PART