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EXAMINER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte WILLIAM K. BODIN, DAVID JARAMILLO,
JERRY W. REDMAN, and DERRAL C. THORSON

Appeal 2014-007726
Application 11/352,680
Technology Center 2100

Before CARL W. WHITEHEAD JR., ERIC S. FRAHM, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

HOWARD, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants¹ appeal under 35 U.S.C. § 134(a) from the Final Rejection of claims 1, 4, 5, 7, 10, 11, 13, 16, 17, and 21–35, which constitute all of the claims pending in this application. Claims 2, 3, 6, 8, 9, 12, 14, 15, and 18–20 have been cancelled. Br. 3. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ Appellants identify International Business Machines Corporation as the real party in interest. Br. 3.

THE INVENTION

The disclosed and claimed invention is directed to synthesizing the content of disparate data types. Abstract; Spec., 1:10-11

Claim 1, reproduced below with the disputed language in italics, is illustrative of the claimed subject matter:

1. A computer-implemented method for synthesizing the content of disparate data types into synthesized content including data of a particular data type for single point access by a user, the method comprising:

receiving, at a consolidated content management server, a request for aggregated content to be sent to a rendering device;

identifying the rendering device and retrieving a device profile for the rendering device;

identifying, by a synthesis engine of the consolidated content management server, aggregated content of disparate data types; and

translating, by the synthesis engine, the aggregated content into text content in accordance with the device profile for the rendering device, including:

creating text in dependence upon the aggregated content;

creating a media file for the text content; and

inserting the text into a header of the media file, wherein the media file is a digital audio file or a digital video file and wherein the inserted text is configured to be displayed as text by the rendering device.

REFERENCES

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

Ehsani et al.	US 2002/0032564 A1	Mar. 14, 2002
Silva et al.	US 2002/0054090 A1	May 9, 2002
Carolan et al.	US 6,965,569 B1	Nov. 15, 2005
Dutta et al.	US 6,993,476 B1	Jan. 31, 2006

Blankinship	US 2006/0149781 A1	July 6, 2006
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REJECTIONS

Claims 1, 7, 13, 21–30, 32, and 34 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Carolan in view of Blankinship. Final Act. 3–8.

Claims 4, 10, and 16 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Carolan in view of Blankinship and Silva. Final Act. 8–9.

Claims 5, 11, and 17 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Carolan in view of Blankinship, Silva, and Ehsani. Final Act. 9–10.

Claims 31, 33, and 35 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Carolan in view of Blankinship and Dutta. Final Act. 10.

ANALYSIS

We have reviewed the Examiner’s rejection in light of Appellants’ arguments that the Examiner erred. In reaching this decision, we have considered all evidence presented and all arguments made by Appellants. We are not persuaded by Appellants’ arguments regarding the pending claims.

Claims 1, 4, 5, 7, 10, 11, 13, 16, 17, 22, 23, 25, 26, and 28–35

Appellants argue that the Examiner erred in finding Carolan teaches the translating limitation recited in claim 1. Br. 9–10. Specifically,

Appellants argue the citations to Carolan in the Final Action only involve translating a single data type and not the “disparate data types,” recited in claim 1.

In the Final Action, the Examiner finds the conversion of a TIFF file to a text file satisfies the disputed claim limitation. Final Act. 3. In addition, in the Answer the Examiner further finds that Carolan teaches translating a plurality of disparate data types into one data type:

Carolan further discusses various conversions of data types including conversions of various non-text formats to a text format (Col 4 ln 34 and ln 47–49) as well as discussing an example of one such conversion wherein an email comprising various disparate data types being converted into one data type (Col 12 ln 62-Col 13 ln 2).

Ans. 13.

We are not persuaded of error based on Appellants’ argument because it does not address the reasoning relied on by the Examiner (Ans. 14) and, thus, does not adequately address the rejection on appeal. Specifically, although the Examiner made additional fact finding in the Answer, Appellants did not submit a Reply Brief and therefore did not identify any errors in the Examiner’s additional finding. “If an appellant fails to present arguments on a particular issue — or, more broadly, on a particular rejection — the Board will not, as a general matter, unilaterally review those uncontested aspects of the rejection.” *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential). Accordingly, we determine the Examiner did not err in finding Carolan teaches the translating limitation recited in claim 1.

Appellants also argue that the Examiner erred in finding Blankinship teaches the inserting text limitation for two reasons. Br. 11–12. First,

Appellants argue “Blankinship does not translate ‘aggregated’ content into text content.” Br. 11. Second, Appellants argue Blankinship is merely an example of inserting XML metadata code to control video segments but “that the code isn’t meant to be shown when the video is played.” Br. 11–12.

We are not persuaded by Appellants arguments that the Examiner erred.

First, nonobviousness cannot be established by attacking the references individually when the rejection is predicated upon a combination of prior art disclosures. *In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). The test for obviousness is not whether the claimed invention is expressly suggested in any one or all of the references, but whether the claimed subject matter would have been obvious to those of ordinary skill in the art in light of the *combined teachings* of those references. *In re Keller*, 642 F.2d 413, 425 (CCPA 1981). Because the Examiner relied on Carolan for the translating limitation, Appellants’ argument that Blankinship does not teach that limitation is not persuasive of Examiner error. *See* Ans. 14.

Second, the Examiner finds Blankinship teaches uses the codes for synchronizing captions with a particular segment of media. Ans. 14 (citing Blankinship ¶¶ 37–39, Fig. 1). The Examiner further finds Blankinship’s discussion of closed captions and subtitles teaches the inserting limitation. *See* Final Act. 4–5 (citing Blankinship ¶¶ 7, 37–39, Fig. 1). We agree with and adopt the Examiner’s findings. Contrary to Appellants’ arguments, closed captions and subtitles are meant to be displayed. *See* Blankinship ¶ 7 (“Many video files provide for the display closed of captions at the bottom of the screen while a scene is playing.”).

Accordingly, we sustain the Examiner's rejection of claim 1, along with the rejections of claims 7 and 13, which are argued on the same grounds, and claims 22, 23, 25, 26, and 28–30.

With respect to dependent claims 4, 5, 10, 11, 16, 17, 31, 33, and 35, Appellants merely contend that because the additional references used in the rejections of these claims (Silva, Ehsani, and Dutta) do not cure the shortcomings of the other references applied against claim 1, the Examiner failed to make a prima facie case of obviousness for these claims. Br. 12. Because we determine that the rejection of claim 1 is not erroneous for the reasons discussed above, we sustain the rejections of these claims.

Claims 21, 24, and 27

Appellants argue that because “Carolan is converting only one file, not ‘aggregated content [of disparate data types]’ as recited in the claims,” the Examiner erred in finding Carolan teaches the additional limitation of dependent claims 21, 24, and 27. Because this is substantially the same argument as Appellants’ argument directed to the translating limitation, we are not persuaded that the Examiner erred for the same reasons discussed above.

Accordingly, we sustain the Examiner's rejection of claims 21, 24, and 27.

DECISION

For the above reasons, we affirm the Examiner's decisions rejecting claims 1, 4, 5, 7, 10, 11, 13, 16, 17, and 21–35.

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Application 11/352,680

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