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Core Wireless Licensing Ltd 5601 Granite Parkway Suite 1300 Plano, TX 75024			HOPE, DARRIN	
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* CHRISTIAN OSTERGAARD

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Appeal 2015-006093  
Application 12/596,689  
Technology Center 2100

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Before ERIC S. FRAHM, NATHAN A. ENGELS, and  
JOHN D. HAMANN, *Administrative Patent Judges*.

ENGELS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Final Rejection of claims 29, 31–37, 39–42, and 44–48. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

### ILLUSTRATIVE CLAIM

Claim 29, reproduced below, is illustrative of the claimed subject matter:

29. A method for a portable apparatus, comprising:  
enabling selection of a first item in a display view from a plurality of folders containing one or more items, wherein the plurality of folders are associated with different applications;  
upon selection of the first item, associating the selected first item with a playlist comprising at least the selected first item; and  
enabling selection of a further item or items from said plurality of folders and associating said further item or items with said playlist,  
wherein the selected playlist items remain in their respective folders, and  
whereby a playlist is created without first grouping items in a specific folder.

### THE REJECTION

Claims 29, 31–37, 39–42, and 44–48 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Moore et al. (US 2007/0055940 A1; Mar. 8, 2007).

### ANALYSIS

Appellant contends Moore does not disclose “enabling selection of a first item in a display view from a plurality of folders containing one or more items, *wherein the plurality of folders are associated with different applications,*” as recited in claim 29. App. Br. 7 (emphasis added). Appellant argues Moore “only discloses creating a list of selectable items to include in a list, album, playlist or the like, without any indication that the selectable items . . . were selected from a plurality of folders associated with

different applications” (App. Br. 7 (citing Moore ¶ 28)) and “[e]ach of Moore’s embodiments are limited to selecting items and folders associated with only a single application” (App. Br. 8 (citing Moore ¶ 32)).

Appellant cites paragraph 3 of Appellant’s Specification as written description support for the phrase “wherein the plurality of folders are associated with different applications” in claim 29. App. Br. 4. Paragraph 3 of Appellant’s Specification states that media items are often scattered throughout different folders in users’ devices such that music files, for example, may be found in a “music” folder belonging to a music rendering application or an “incoming mail” folder of an email application. *See also* App. Br. 8 (arguing “the ‘different applications’ as recited by claim 29 can include, for example, a music rendering application, email application, or web browser application as disclosed in the present specification”). Further, Appellant’s Specification states that a person of ordinary skill would have understood that different types of media files can require different kinds of applications. Spec. ¶ 32; *see also* Spec. ¶ 42 (explaining that a user can “navigate between folders containing different types of items and freely select items, of the same type, to create playlists without first grouping items of the same type in a specific folder”).

The Examiner finds, and we agree, that Moore discloses the disputed limitation with its disclosures of an interface that allows users to navigate to one or more folders and subfolders in various “storage locations” to create a list of selectable items. Final Act. 2–4 (citing Moore ¶¶ 28–33, 39, 43) Ans. 2 (citing Moore ¶¶ 28, 32); *see also* Moore Fig. 1, ¶¶ 21–27 (describing various applications stored in, e.g., system memory, removable non-volatile memory, and network storage). Among other things, Moore describes

navigation to folders and subfolders to select items such as photographs and songs.

The Examiner finds, and we agree, that Moore's disclosures of navigating to different folders in various storage locations to select files of different types discloses the disputed limitation. Among other things, Appellant's Specification evidences that a person of ordinary skill would have understood Moore's disclosures of different types of media to disclose different kinds of applications associated with the different media types. Spec. ¶ 43 (stating that a person of ordinary skill would have understood that rendering different types of multimedia items can require different kinds of applications suitable for the particular type of media).

Accordingly, having considered the Examiner's rejection of claim 29 in view of each of Appellant's arguments and the evidence of record, we disagree with Appellant and agree with the Examiner that Moore discloses each limitation of claim 29. We adopt as our own the Examiner's findings and reasoning in the Final Rejection and the Examiner's Answer and sustain the rejection of claim 29, as well as the rejections of claims 31–37, 39–42, and 44–48, for which Appellant does not raise independent arguments beyond those advanced for claim 29.

#### DECISION

We affirm the Examiner's rejection of claims 29, 31–37, 39–42, and 44–48.

No time period for taking any subsequent action in connection with this appeal may be extended. 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED