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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/609,874	09/11/2012	Hung-Chi Huang	67407-269	8107
65358	7590	11/17/2016	EXAMINER	
WPAT, PC INTELLECTUAL PROPERTY ATTORNEYS 8230 BOONE BLVD. SUITE 405 VIENNA, VA 22182			SHIBRU, HELEN	
			ART UNIT	PAPER NUMBER
			2484	
			MAIL DATE	DELIVERY MODE
			11/17/2016	PAPER

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* HUNG-CHI HUANG

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Appeal 2015-006585<sup>1</sup>  
Application 13/609,874  
Technology Center 2600

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Before JEAN R. HOMERE, JOHN F. HORVATH, and  
SHARON FENICK, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant seeks our review under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of claims 1–22. App. Br. 3. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

*Appellant's Invention*

Appellant's invention is directed to a television for simultaneously playing back multiple audio content in different languages, wherein the

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<sup>1</sup> Appellant identifies the real party in interest as MStar Semiconductor, Inc. App. Br. 3.

playback contents are not translations of one another. Spec. ¶¶ 21, 24, Fig. 2A.

*Illustrative Claim*

Independent claim 1 is illustrative, and reads as follows:

1.

A playback method, for a video/audio playback apparatus, comprising:

receiving a first playback data and a second playback data;

converting first character information in the first playback data to a first speech data; and

simultaneously playing the first speech data and a second-speech data corresponding to the second playback data, wherein the second speech data is not a translation result of the first speech data;

wherein, the first and the second speech data respectively correspond to a first playback language and a second playback language.

*Prior Art Relied Upon*

Hirayama	US 6,128,434	Oct. 3, 2000
Xie	US 2003/0200858 A1	Oct. 30, 2003
Murase	US 2006/0140590 A1	Jun. 29, 2006
Smith III	US 2007/0261084 A1	Nov. 8, 2007

*Rejections on Appeal*

Claims 1–3, 5, 7–13, 15, and 17–22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Murase, Xie, and Hirayama.

Claims 4, 6, 14, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Murase, Xie, Hirayama, and Smith.

#### ANALYSIS

We consider Appellant's arguments *seriatim*, as they are presented in the Appeal Brief, pages 7–19, and the Reply Brief, pages 19–21.<sup>2</sup>

Appellant argues that the combination of Murase, Xie, and Hirayama does not teach or suggest simultaneously playing back a first speech data in a first language and a second speech data in a second language, wherein the latter speech data is different, and is not a translation of the former. App. Br. 7, 8. According to Appellant, Murase's disclosure of a movie disc providing users the option of playing back a video stream and an audio stream in mono or stereo mode in one of a plurality of languages does not teach or suggest simultaneously playing back different audio contents in different languages. *Id.* (citing Murase ¶¶ 46-49). Further, Appellant argues that Hirayama's disclosure of simultaneously playing back the same audio content in different languages does not cure the admitted deficiencies of Murase. *Id.* at 9, 10 (citing Hirayama 6:31-51). These arguments are persuasive.

We agree with Appellant that the Examiner erred in finding Murase teaches simultaneously playing back two different audio contents in two different languages. Ans. 9. Murase discloses simultaneously playing back a video stream and an audio stream in a selected one of a plurality of

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<sup>2</sup> Rather than reiterate the arguments of Appellant and the Examiner, we refer to the Appeal Brief (filed January 30, 2015), the Reply Brief (filed June 24, 2015) and the Answer (mailed April 24, 2015) for their respective details.

languages. Murase ¶¶ 46-49, Fig. 42A-C. At best, Murase teaches splitting the single audio stream into two different channels for simultaneous playback in stereo mode in the selected language. *Id.* at Figs. 42B, 42C. Further, we agree with Appellant that although Hirayama discloses simultaneously playing back audio contents in different languages, the contents being played are translations of each other. Hirayama 6:31-58. Because Appellant has shown at least one reversible error in the Examiner's rejection, we need not reach Appellant's remaining arguments. Consequently, we reverse the Examiner's rejection of claim 1, as well as claims 2–22, which recite the disputed limitations discussed above.

#### DECISION

We reverse the Examiner's obviousness rejections under 35 U.S.C. § 103(a) of claims 1–22.<sup>3</sup>

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<sup>3</sup> In the event of further prosecution, we leave it to the Examiner to consider rejecting claim 1 as being unpatentable over the combination of Xie and Hirayama. Xie teaches converting the text of a book into a first audio stream, e.g., English, and playing that audio stream while simultaneously playing a background music audio stream. Xie does not limit the background music to instrumental music, and can therefore be music having lyrics in a second language, such as an Italian opera. Common knowledge teaches it is well known that background music can be sung in a different language, e.g., a movie depicts a couple having a romantic dinner and conversing in English while an Italian opera plays in the background. Hirayama confirms it was known to simultaneously play two audio streams in different languages. Therefore, it would have been obvious to have the two audio streams in Xie be in different languages – for example an English speaker can have the text of the book converted to an English audio stream while listening to background music in the form of an Italian opera.

Appeal 2015-006585  
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REVERSED