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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MIKKO NURMI

Appeal 2015-006780
Application 12/708,324
Technology Center 2400

Before BRUCE R. WINSOR, MICHAEL J. STRAUSS, and
DANIEL N. FISHMAN, *Administrative Patent Judges*.

STRAUSS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–4, 6–13, and 15–20, which constitute all the claims pending in this application. Claims 5 and 14 are canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

THE INVENTION

The claims are directed to preventing unauthorized use of media items. Spec., Title. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method comprising:

determining context information associated with a user of a privacy service, the context information including at least one of date, time, and location, and being linked with one or more features associated with two or more media items associated with the user of the privacy service;

matching with one or more processors, at least in part, the determined context information against metadata associated with the two or more media items to obtain a prioritized set of the two or more media items;

searching the prioritized set of the two or more media items to identify the one or more features associated with the user of the privacy service;

determining with the one or more processors whether the identified one or more features are registered with the privacy service; and

based on a result of the step of determining, applying with the one or more processors one or more privacy rules on each media item of the prioritized set of the two or more media items in which the one or more features is identified.

REFERENCES

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

Karaoguz et al. (“Karaoguz”) US 2009/0138930 A1 May 28, 2009
Bellwood et al. (“Bellwood”) US 2009/0217344 A1 Aug. 27, 2009

REJECTION

The Examiner rejected claims 1–4, 6–13, and 15–20 under 35 U.S.C. §103(a) as being unpatentable over Bellwood and Karaoguz. Final Act. 5–10.

ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellant’s arguments the Examiner has erred in rejecting independent claims 1, 10, and 19 under 35 U.S.C. §103(a) over Bellwood and Karaoguz. We agree with Appellant’s conclusions as to this rejection of the claims.

The Examiner finds filtering based on a person’s predicted or actual location performed by Bellwood’s DRM relaxing controller teaches or suggests context information associated with two or more media items, which are then searched to identify features associated with a user of a privacy service. *See* Ans. 4–5; Final Act. 5–6. Appellant contends,

[Bellwood’s] captured content rights controller (CCRC) clearly begins applying its DRM prior to any filtering of the captured content. Thus, the location information cannot be used until after an object/element has been determined to be within captured content, not for use in obtaining a prioritized set of media items from which to identify the object/element.

App. Br. 11. Appellant further argues Bellwood applies DRM to each captured content individually instead of “the use of multiple media items in creating a prioritized listing,” as required by claim 1. App. Br. 12.

We agree with Appellant. Although the Examiner directs attention to paragraph 84 of Bellwood for “suggest[ing] that the location [(i.e., context information)] is determined in order to perform further filtering” (Ans. 5), the filtering is part of the DRM process (i.e., the searching step of claim 1), not as part of a precursor step as recited by Appellant’s matching step so as to obtain a prioritized set of two or more media items, which are *then* searched. *See* Bellwood ¶¶ 81, 82, and 84. Accordingly, we agree with Appellant the Examiner erred in rejecting independent claim 1 and, for the same reasons, in rejecting independent claims 10 and 19, which include similar limitations.

Because we agree with at least one of the arguments advanced by Appellant, we need not reach the merits of Appellant’s other arguments. Therefore, for the reasons *supra*, we do not sustain the rejection of independent claim 1 under 35 U.S.C. §103(a) as being unpatentable over Bellwood and Karaoguz and, for the same reason, we do not sustain the rejection of independent claims 10 and 19, which include substantially the same limitations, and the rejection of dependent claims 2–4, 6–9, 11–13, 15–18, and 20.

DECISION

We reverse the Examiner’s decision to reject claims 1–4, 6–13, and 15–20.

REVERSED