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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DANIEL MOSES, KALIN M. ATANASSOV,
SERGIU R. GOMA, and MILIVOJE ALEKSIC

Appeal 2015-007959
Application 13/334,625
Technology Center 2600

Before ELENi MANTIS MERCADER, CARL W. WHITEHEAD JR., and
ADAM J. PYONIN, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–44. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

THE INVENTION

Appellants' claimed invention is directed to "control[ling] a user interface on a remote control" (Abstract).

Independent claim 1, reproduced below, is representative of the subject matter on appeal:

1. A method of displaying a user interface on a remote control, the method comprising:

 sending a first command to a multifunction device, wherein the multifunction device comprises a multimedia server, and wherein the first command results in the device leaving a first functional mode and entering a second functional mode;

 receiving a second command from the multifunction device, wherein the second command identifies a first remote control user interface to be displayed on the remote control from among a plurality of remote control user interfaces selectable by the multifunction device, the first remote control user interface operative to control features of the multifunction device unique to the second functional mode; and

 displaying the first remote control user interface on an electronic display of the remote control.

REFERENCES and REJECTIONS

Claims 1–10, 12–18, and 20–44 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Roberts (US 2011/0304778 A1; Dec. 15, 2011). Final Act. 2.

Claims 11 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roberts in view of Lau (US 2010/0333135 A1; Dec. 30, 2010). Final Act. 12.

ISSUE

The pivotal issue is whether the Examiner erred in finding that Roberts discloses:

receiving a second command from the multifunction device, wherein the second command identifies a first remote control user interface to be displayed on the remote control from among a plurality of remote control user interfaces selectable by the multifunction device, the first remote control user interface operative to control features of the multifunction device unique to the second functional mode,

as recited in claim 1.

ANALYSIS

We adopt the Examiner’s findings in the Answer, Advisory Action, and Final Action and we add the following primarily for emphasis.

Appellants argue the Examiner erred in finding that Roberts anticipates the limitation of “receiving a second command,” as recited in claim 1. Particularly, Appellants contend that:

a plain reading of Roberts reveals that the disclosures of paragraph [0028] do not relate to the disclosures of paragraph [0029] as the former paragraph is directed to features described within the specific context of Figure 2 . . . whereas the latter paragraph is directed to describing features in the specific context of Figure 3 . . . —that is, *two entirely different contexts*

(App. Br. 18).

We do not agree with Appellants’ argument. The Examiner finds, and we agree, that Roberts teaches that:

the requested content may include additional instructions that may be used to adapt particular key functions, of the remote control 100, to the requested content. The remote control 100 may receive the instructions to remap particular key functions to provide a customized **remote control interface** for the requested application

(Final Act 3, citing Roberts ¶ 28) and that “remote control 100 may include a touch screen display which may be configured to display images of control buttons and to receive a user input when the user touches the touch screen display” (Final Act 3, citing Roberts ¶ 29; Para. 32). Appellants’ argument that the disclosures of Roberts paragraph 28 “do not relate to” the disclosures of paragraph 29 are unpersuasive because paragraph 28 begins with the statement “[in implementations described herein,” which does not limit the teachings to only paragraph 28. App. Br. 18. Roberts teaches in paragraphs 28 and 28 how the remote control 100 is customizable.

Further, we find the Examiner has identified disclosures of Roberts that relate to each other and are applicable to the remote control shown in Figure 1, as both paragraphs 28 and 29 reference remote control 100. *See Wm. Wrigley Jr. Co. v. Cadbury Adams USA LLC*, 683 F.3d 1356, 1361 (Fed. Cir. 2012) (finding that, although a prior art reference

discloses a number of different combinations of compounds for a chewing gum composition, one of the combinations anticipates the challenged claim when the combinations are all meant to be used in a single product).

Accordingly, the Examiner's findings show that the cited portions of Roberts disclose the limitations of claim 1 "without *any* need for picking, choosing, and combining various disclosures not directly related to each other." *In re Arkley*, 455 F.2d 586, 587 (Fed. Cir. 1972). We do not find the Examiner erred in rejecting independent claim 1, or independent claims 7, 13, 21, 27, 32, 35, and 40 and dependent claims 2–6, 8–12, 14–20, 22–26, and 28–31, 33, 34, 36–39, 41–44, not separately argued with particularity.

CONCLUSION

The Examiner did not err in finding that Roberts discloses:

receiving a second command from the multifunction device, wherein the second command identifies a first remote control user interface to be displayed on the remote control from among a plurality of remote control user interfaces selectable by the multifunction device, the first remote control user interface operative to control features of the multifunction device unique to the second functional mode,

as recited in claim 1.

DECISION

The Examiner's decision rejecting claims 1–44 is affirmed.

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).

Appeal 2015-007959
Application 13/334,625

AFFIRMED