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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/765,137	02/12/2013	Rajeswari KANNAN	P5875US00	9038
11764	7590	11/02/2016	EXAMINER	
Ditthavong & Steiner, P.C. 44 Canal Center Plaza Suite 322 Alexandria, VA 22314			CHOWDHURY, SUMAIYA A	
			ART UNIT	PAPER NUMBER
			2421	
			NOTIFICATION DATE	DELIVERY MODE
			11/02/2016	ELECTRONIC

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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* RAJESWARI KANNAN,  
TIMO TAPANI AALTONEN, and YAN QING CUI

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Appeal 2015-008266  
Application 13/765,137  
Technology Center 2400

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Before KRISTEN L. DROESCH, JENNIFER L. MCKEOWN, and  
LINZY T. McCARTNEY, *Administrative Patent Judges*.

McCARTNEY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a rejection of claims  
1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

## STATEMENT OF THE CASE

The present patent application concerns “providing social interactions with programming content.” Spec. Abstract. Claim 1 illustrates the claimed subject matter:

1. A method comprising:

processing and/or facilitating a processing of one or more images of one or more users watching programming content to cause, at least in part, an identification of the one or more users, wherein the images are captured by one or more devices;

determining one or more social connections among the one or more users, one or more other users, or a combination thereof, wherein the one or more social connections are based on, at least in part, one or more social networking services, one or more user associated devices, or a combination thereof; and

causing, at least in part, a transmission of status information associated with the one or more users, the one or more other users, the programming content, or a combination thereof, to the one or more users, the one or more other users, or a combination thereof.

## REJECTIONS

Claims 1–4, 6, 7, 10–13, 15, 16, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Holmdahl et al. (US 2012/0324493 A1; Dec. 20, 2012) and Bhatia et al. (US 2013/0014136 A1; Jan. 10, 2013).

Claims 5 and 14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Holmdahl, Bhatia, and Reto (US 2002/0144273 A1; Oct. 3, 2002).

Claims 8, 9, 17, and 18 stand rejected under 35 U.S.C. § 103(a) over Holmdahl, Bhatia, and Gudorf et al. (US 2003/0182663 A1; Sept. 25, 2003).

## ANALYSIS

### Claim 1

Appellants contend the Examiner’s combination of Holmdahl and Bhatia fails to teach or suggest the following limitations recited in claim 1: “wherein the one or more social connections are based on, at least in part, one or more social networking services, one or more user associated devices, or a combination thereof” and “causing, at least in part, a transmission of status information . . . to the one or more users, the one or more other users, or a combination thereof.” *See* App. Br. 6–9; Reply Br. 2–4.<sup>1</sup> In particular, Appellants assert the cited portions of Bhatia disclose “a proxy server capturing a TV watch list and viewing status of a person which is *shared*” and “transmission of status information . . . to the ‘ATMOS’ . . . which *populates a message in social media.*” App. Br. 8 (emphasis added); Reply Br. 3 (emphasis added). Appellants contend “[e]ven read broadly, [the claimed] ‘transmission’ does not equate to simple ‘sharing.’” App. Br. 8. Appellants also argue that populating a message on social media cannot “reasonably be considered ‘transmission to the one or more users,’ rather this is equivalent to posting information on a wall for users to access/look at.” Reply Br. 3.

We find Appellants’ arguments unpersuasive. Claim 1 recites a method that includes “causing, *at least in part*, a transmission of status information associated with the one or more users . . . to the one or more users.” App. Br. 15 (emphasis added). Therefore, the plain language of

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<sup>1</sup> The Appeal Brief largely lacks page numbers. We treat the Appeal Brief as if Appellants had numbered it beginning with the page containing the “Real Party in Interest” section.

claim 1 encompasses causal steps that lead to the recited transmission. For the reasons explained below, the cited portions of Bhatia suggest a causal step that results in the recited transmission of status information.

The cited portions of Bhatia disclose a “user’s selection of channel ‘CBS’ may be transmitted to ATMOS, which may in turn automatically populate a message on social media, e.g., a Facebook status update showing the user ‘is watching The Big Bang Theory on CBS.’” Bhatia ¶ 38 (reference numbers omitted). Even assuming “this is equivalent to posting information on a wall for users to access/look at,” Reply Br. 3, one of ordinary skill in the art would recognize that viewing the posted information on another user’s computing device generally requires first transmitting that information from the posting user’s device to the viewing user’s device. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (explaining that an obviousness analysis “need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ”); *Perfect Web Techs., Inc. v. InfoUSA, Inc.*, 587 F.3d 1324, 1329 (Fed. Cir. 2009) (holding that an obviousness analysis “may include recourse to logic, judgment, and common sense available to the person of ordinary skill that do not necessarily require explication in any reference or expert opinion”). Therefore, Bhatia’s method of populating a message on social media suggests, if not teaches, “causing, at least in part,” the recited transmission. Accordingly, we sustain the Examiner’s rejection of claim 1.

### Claim 5

Claim 5 depends from claim 1 and recites “determining one or more privacy policies associated with the one or more users . . . wherein the transmission of the status information is based, at least in part, on the one or more privacy policies.” App. Br. 16. Appellants contend Reto’s privacy mode “is not the same as ‘wherein transmission of status information is based, at least in part, on the one or more privacy policies.’” App. Br. 11; Reply Br. 4–5. According to Appellants, “basing ‘transmission of status information’ on ‘privacy policies’ [is] not the same as a ‘privacy mode’ [that] completely stops *any* ‘transmission,’ as the claims require ‘transmission of status information.’” Reply Br. 4 (emphasis added). Appellants also argue “Reto’s ‘privacy mode’ relating to receiving users, is in clear conflict with (i.e. teaches away from) Holmdahl’s privacy related scheme.” App. Br. 11 (emphases omitted).

We find Appellants’ arguments unpersuasive. The cited portions of Reto disclose “[p]lates of client devices that are offline, *or in a privacy mode where it does not advise its on-line status to the server*, are displayed in black.” Reto ¶ 116 (emphasis added) (reference number omitted); *see also id.* ¶ 113, Table 1. The Examiner found Reto’s privacy mode teaches or suggests the disputed limitation because, in order to share a user’s status information, “the user’s privacy policy [i.e., privacy mode] needs to be determined.” Ans. 3; *see also* Final Act. 8–9 (citing Reto ¶ 116; Figs. 25, 26). Appellants have not persuasively challenged this finding, and in any event, this finding is a logical, commonsense inference that follows from the cited portions of Reto. *See KSR Int’l*, 550 U.S. at 418; *Perfect Web Techs.*, 587 F.3d at 1329. And contrary to Appellants’ arguments, Reto’s privacy

mode does not stop *all* status information transmission. Rather, the privacy mode simply prevents *clients that have privacy mode set* from transmitting status information. *See* Reto ¶¶ 113, 116, Fig. 5. Clients that are online and do not have the privacy mode set still transmit status information. *See id.* ¶ 113.

As for Appellants' contention that Reto teaches away from the Examiner's combination of Holmdahl, Bhatia, and Reto, Appellants have not shown "a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994). Simply asserting that Reto and Holmdahl have conflicting privacy schemes, without providing persuasive supporting evidence or argument, does not establish the cited art teaches away from the claimed invention. We therefore sustain the Examiner's rejection of claim 5.

#### Remaining Claims

Although Appellants assert that "[t]he appealed claims do not stand or fall together," App. Br. 5, Appellants have failed to present separate, persuasive arguments for the 2–4 and 6–20. Accordingly, we sustain the Examiner's rejections of these claims.

#### DECISION

For the above reasons, we affirm the Examiner's rejections of claims 1–20.

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 2015-008266  
Application 13/765,137

AFFIRMED