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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte LIEVEN TRAPPENIERS,
MICHAEL FREDERIK FRANCOIS ALBERT BRACKX,
ZHE LOU, SIGURD VAN BROECK,
MARC BRUNO FRIEDA GODON, and
JOHAN GEORGES PROSPER CRIEL

Appeal 2016-000022
Application 11/961,966¹
Technology Center 2600

Before MAHSHID D. SAADAT, TERRENCE W. MCMILLIN, and
JOYCE CRAIG, *Administrative Patent Judges*.

CRAIG, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's
Final Rejection of claims 1–14. We have jurisdiction under 35 U.S.C.
§ 6(b).

We affirm.

¹ According to Appellants, the real party in interest is ALCATEL
LUCENT. App. Br. 1.

INVENTION

Appellants' invention relates to media content delivery to a media destination device. Abstract. Claim 1 is illustrative and reads as follows:

1. A system for media content delivery to a media destination device (DD1) of a plurality of media destinations devices (DD1, DD2, DD3) based on an input of an input reception device (IRD), said input selecting said media content, wherein said system for media content delivery further comprises:

an associating device (AD), comprising: a processor and storage configured to store and provide information identifying an association between said input reception device (IRD) and at least one media destination device (DD1) of said plurality of media destination devices (DD1, DD2, DD3).

REJECTIONS

Claims 1–9, 12, and 14² stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tedenvall (US 2007/0288970 A1; published Dec. 13, 2007) and Yamamoto et al. (US 7,454,401 B2; issued Nov. 18, 2008) (“Yamamoto”).

Claims 10, 11, and 13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Tedenvall, Yamamoto, and Clarke (US 2006/0181394 A1; published Aug. 17, 2006).

² The Examiner mistakenly identified claims 10, 11, and 13 in the rejection heading. *See* Final Act. 2. Because Appellants understood that the Examiner meant to identify claims 1–9, 12, and 14 (*see* App. Br. 15), discussed in the body of the rejection, we find this harmless error and identify the correct claims here.

ANALYSIS

We have considered Appellants' arguments, but do not find them persuasive of error. We agree with and adopt as our own the Examiner's findings of facts and conclusions as set forth in the Answer and in the Action from which this appeal was taken. We provide the following explanation for emphasis.

Claims 1–9, 12, and 14

In rejecting claim 1, the Examiner found that Tedenvall teaches or suggests all of the recited limitation, except:

an associating device (AD), comprising: a processor and storage configured to store and provide information identifying an association between said input reception device (IRD) and at least one media destination device (DD1) of said plurality of media destination devices (DD1, DD2, DD3),

for which the Examiner relied on Yamamoto. Final Act. 3–4 (citing Tedenvall ¶¶ 48, 52, Fig. 5; Yamamoto Fig. 1, col. 6:21–31, col. 7:11–38).

Appellants contend the cited portions of Yamamoto do not disclose the “associating device” limitation set forth above. App. Br. 15. In particular, Appellants argue that “Yamamoto **does not disclose or suggest separate input reception devices and media destination devices as a disclosed and claimed in the present application.” *Id.* at 16. Appellants argue that, instead, Yamamoto discloses that the component stereo set 2 receives a voice command as input, then receives and plays the requested music. *Id.***

Appellants' arguments do not persuade us of Examiner error. We agree with the Examiner that the plain language of claim 1 does not require separate input reception devices and media destination devices. *See* Ans. 2. Although the claims are interpreted in light of the Specification, limitations

from the Specification are not read into the claims. *See In re van Geuns*, 988 F.2d 1181 (Fed. Cir. 1993). Moreover, Appellants attack Tedenvall and Yamamoto separately, even though the Examiner relied on the combination of the references as teaching or suggesting the disputed limitation. *See* Final Act. 3–4. *In re Mouttet*, 686 F.3d 1322, 1332 (Fed. Cir. 2012) (citing *In re Keller*, 642 F.2d 413, 425 (CCPA 1981)) (“The test for obviousness is what the combined teachings of the references would have suggested to those having ordinary skill in the art.”).

Appellants further contend the Examiner erred in combining the teachings of Tedenvall and Yamamoto because the Examiner’s articulated rationale for combining the references differs from what claim 1 recites. App. Br. 18. The Examiner concluded that it would have been obvious to an artisan of ordinary skill to modify Tedenvall with the teachings of Yamamoto “to provide a system capable of automatically construct[ing] a database associated with contents data stored in plural reproducing apparatuses in a distributed manner.” Final Act. 4. We find the Examiner has clearly articulated a rationale that would have led one of ordinary skill to combine the teachings of Tedenvall and Yamamoto to arrive at the claimed invention. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 415–421 (2007).

Appellants further argue in a conclusory manner that incorporation of the episode server of Yamamoto into the system of Tedenvall would change the principle of operation of Tedenvall from “retransmission directly from mobile device 14” to “one of access of media via the episode server” and, therefore, is impermissible. *See* App. Br. 20.

As explained by the Examiner, Tedenvall discloses a method of sharing television content with a destination device in response to a user

command. Final Act. 3; Ans. 3–4. The Examiner further found the episode server 1 of Yamamoto has the ability to identify an association or lack thereof between component stereo set 2 (i.e., “IRD”) and at least one other device. Final Act. 3–4; Ans. 4, 6 (citing Yamamoto 7:11–38). We are not persuaded that the disclosure of identifying an association or lack thereof between an IRD and another device in Yamamoto changes the principle of operation of Tedevall with respect to sharing television content by sending a message to a remote device. Furthermore, the skilled artisan is “a person of ordinary creativity, not an automaton,” and this is a case in which the skilled artisan would “be able to fit the teachings of multiple patents together like pieces of a puzzle.” *KSR*, 550 U.S. 398, 420, 421 (2007). Moreover, Appellants have not presented persuasive explanation or evidence to show that modifying Tedenvall with the episode server of Yamamoto would have been “uniquely challenging or difficult for one of ordinary skill in the art” or “represented an unobvious step over the prior art.” *Leapfrog Enters., Inc. v. Fischer-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR*, 550 U.S. 398, 418–19 (2007)).

For these reasons, we are not persuaded the Examiner erred in finding that the combination of Tedenvall and Yamamoto teaches or suggests the limitations of claim 1. Accordingly, we sustain the 35 U.S.C. § 103(a) rejection of independent claim 1.

With regard to claim 2, Appellants argue the Examiner failed to identify which prior art elements correspond to the recited “media delivery device” of claim 2. App. Br. 19. In particular, Appellants argue that none of the cited servers 20, 22, and 24 of Tedenvall is “a media delivery device (MDD) configured to deliver content to said at least one media destination

device (DD1) based on said association between said input reception device and said at least one media destination device (DD1),” as claim 2 requires.
Id.

We are not persuaded the Examiner erred. The Examiner explained that Tedenvall Figure 5 teaches sharing TV content with a remote device. Ans. 5. Appellants present no persuasive explanation or evidence to rebut the Examiner’s findings. *See* Reply 11. Moreover, Appellants attack Tedenvall individually, although the Examiner relies Tedenvall in combination with Yamamoto in rejecting claim 2. *In re Mouttet*, 686 F.3d at 1332.

For these reasons and the reasons set forth above for claim 1, from which claim 2 depends, we sustain the 35 U.S.C. § 103(a) rejection of claim 2. We also sustain the 35 U.S.C. § 103(a) rejection of claims 3–9, 12, and 14 for which Appellants make similar arguments. *See* App. Br. 21–37.

Claims 10, 11, and 13

Regarding claim 13, Appellants make arguments similar to discussed above for claims 1–9, 12, and 14. *See* App. Br. 36. We find those arguments unpersuasive for the reasons discussed above.

Additionally, Appellants contend the Examiner erred because “there is no motivation in the art” to modify Tedenvall’s system with tag reading taught in Clarke “other than information gleaned only from the present application.” App. Br. 38.

We are not persuaded of Examiner error. We find the Examiner has articulated a rationale that would have led one of ordinary skill to combine the teachings of Tedenvall and Yamamoto to arrive at the claimed invention.

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See KSR, 550 U.S. at 415–21; Final Act. 12–13. Moreover, Appellants have not presented sufficient explanation or evidence to show that modifying the teachings of Tedenvall and Yamamoto with the RFID reader of Clarke would have been “uniquely challenging or difficult for one of ordinary skill in the art” or “represented an unobvious step over the prior art.” *Leapfrog Enters., Inc. v. Fischer-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR*, 550 U.S. 398, 418–19 (2007)).

For these reasons, we are not persuaded the Examiner erred in rejecting claims 10, 11, and 13. Accordingly, we sustain the 35 U.S.C. § 103(a) rejection of claims 10, 11, and 13.

DECISION

We affirm the decision of the Examiner rejecting claims 1–14.

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).

AFFIRMED