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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/869,993	10/10/2007	Pekka Lahtinen	PAT 82868-2	4049
132251	7590	11/23/2016	EXAMINER	
(BLG/Core Wireless/27921) Borden Ladner Gervais LLP World Exchange Plaza 100 Queen Street, Suite 1300 Ottawa, ON K1P 1J9 CANADA			ANDERSEN, KRISTOPHER E	
			ART UNIT	PAPER NUMBER
			2158	
			NOTIFICATION DATE	DELIVERY MODE
			11/23/2016	ELECTRONIC

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* PEKKA LAHTINEN

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Appeal 2016-000101  
Application 11/869,993  
Technology Center 2100

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Before CARLA M. KRIVAK, JEFFREY S. SMITH, and  
MICHAEL J. STRAUSS, *Administrative Patent Judges*.

STRAUSS, *Administrative Patent Judge*.

DECISION ON APPEAL

## STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from a rejection of claims 1–25. This application had a prior decision on appeal (Appeal 2011-012178) affirming the rejections of all claims. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

## THE INVENTION

The claims are directed to enabling access to a dynamic attribute associated with a service point. Spec., Title. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method comprising:

receiving an indication of a dynamic attribute associated with a service point having a particular geographic location, the dynamic attribute being provided from a mobile content source proximate to the particular geographic location;

indicating an availability of the dynamic attribute to a user remotely located from the service point, wherein the indication of the dynamic attribute comprises sending an indication of media content provided at the service point;

enabling the user to access the dynamic attribute in response to a user selection; and

initiating viewing of the user selection at a device in response to the user selection.

## REFERENCES

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

Tischer	US 2005/0188399 A1	Aug. 25, 2005
British Telecommunications	EP 1 770 956 A1	Apr. 4, 2007

## REJECTIONS

The Examiner made the following rejections:

Claims 1–4, 6–14, 16–20, and 22–25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Tischer. Final Act. 2–8.

Claims 5, 15, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tischer and British Telecommunications. Final Act. 8–10.

## ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellant’s arguments the Examiner has erred. We disagree with Appellant’s conclusions. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken (Final Act. 2–11) and (2) the reasons set forth by the Examiner in the Examiner’s Answer in response to Appellant’s Appeal Brief (Ans. 2–5) and concur with the conclusions reached by the Examiner. We highlight the following for emphasis.

Appellant contends Tischer’s list of available feeds fails to disclose the indication of media content provided at the service point according to independent claim 1. Br. 7. The Examiner responds by finding Tischer’s shared media content discloses the *disputed dynamic attribute* when interpreted in light of Appellant’s Specification describing a dynamic attribute as, for example, video or audio content. Ans. 3. The Examiner further finds Tischer’s list of alternative feeds discloses the availability of the dynamic attribute. Furthermore, according to the Examiner, “[i]n paragraph [0026], Tischer teaches that the users of devices 116B and 116C send an indication of media content provided at the service point, because

‘the user pushes a button on the device that sends out a broadcast via peer networking which allows discovery of the device.’” Ans. 3–4. The Examiner responds to Appellant’s argument that “‘Tischer simply indicates a list of available feeds’” finding “indicating the list of available feeds *is* an indication of media content provided at the service point.” Ans. 4 quoting Br. 7.

Appellant has not persuasively rebutted the Examiner’s findings. In the absence of sufficient evidence or technical reasoning to the contrary, we agree with the Examiner’s findings that Tischer’s list of alternative media feeds (i.e., audio and/or video content) discloses the disputed limitation of indicating an availability of a dynamic attribute to a user remotely located from the service point, wherein the indication of the dynamic attribute comprises sending an indication of media content provided at the service point. *See* Ans. 3–4. Accordingly, we sustain the rejection of independent claim 1 under 35 U.S.C. §102(b) as anticipated by Tischer and, for the same reasons, the rejection of independent claims 12, 18, 24, and 25 and dependent claims 2–4, 6–11, 13, 14, 16–20, 22 and 23 which were not argued separately. We further sustain the rejection of dependent claims 5, 15, and 21 under 35 U.S.C. §103(a) over Tischer and British Telecommunications, these dependent claims also not argued separately.

#### DECISION

The Examiner’s decision to reject claims 1–25 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 2016-000101  
Application 11/869,993

AFFIRMED