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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JOSTEIN SVENDSEN and BJORN RUSTBERGGAAD

Appeal 2016-000410
Application 13/433,252
Technology Center 2100

Before ROBERT E. NAPPI, ERIC S. FRAHM, and
CARL L. SILVERMAN, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the Final Rejection of claims 1 through 21. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

INVENTION

This invention is directed to a system for video editing where a user can edit a timeline at a client device and the timeline is sent to an online server to perform the editing. *See* paragraph 5 of Appellants' Specification. Claim 1 is representative of the invention and reproduced below.

1. A system for low bandwidth consumption

online content editing, the system comprising:
a server-side online content timeline editing engine;
a content layer rendering engine coupled to the server-side online content timeline editing engine;
a content library engine coupled to the content layer rendering engine;
a content library datastore coupled to the content library engine, wherein the content library datastore comprises content;
wherein, in operation:
the server-side online content timeline editing engine creates a first content timeline for multi-layered user-created content, wherein the first content timeline comprises information defining a first layer of the multi-layered user-created content, information defining content within the first layer, and information defining a temporal property of the content within the first layer;
the server-side online content timeline editing engine transmits the first content timeline to a client;
the server-side online content timeline editing engine receives a second content time line from the client, wherein the second content time line is a modified version of the first content timeline;
the content library engine provides the content from the content library datastore to the content layer rendering engine;
the content layer rendering engine renders the first layer of the multi-layered user created content in accordance with the second content timeline.

REJECTIONS AT ISSUE

The Examiner has rejected claim 21 under 35 U.S.C. § 112, second paragraph. Answer 2–3.¹

The Examiner has rejected claims 1 through 7 and 12 through 21, under 35 U.S.C. § 102(b) as unpatentable over Sideman (US 2002/0116716 A1, published Aug. 22, 2002). Ans. 4–15.

The Examiner has rejected claims 8 through 11 under 35 U.S.C. § 103(a) as unpatentable over Sideman and Gavin (US 2008/0183844 A1, published July 31, 2008). Ans. 15–20.

ISSUE

Rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a)

Appellants argue, on pages 7 through 20 of the Appeal Brief and pages 2 through 7 of the Reply Brief, that the Examiner's rejection of independent claims 1, 12, 18, and 21 is in error. The dispositive issue presented by these arguments is: did the Examiner err in finding Sideman discloses the server side content engine receives a second content timeline from the client where the second timeline is a modified version of the timeline provided to the client from the server?

Appellants' arguments directed to the obviousness rejection present us with the same issue as the anticipation rejection.

¹ Throughout this Decision, we refer to the Appeal Brief dated April 30, 2015; the Reply Brief dated September 29, 2015; and the Examiner's Answer mailed August 10, 2015.

ANALYSIS

We have reviewed Appellants' arguments in the Appeal Brief and the Reply Brief, the Examiner's rejections, and the Examiner's response to Appellants' arguments. Appellants' arguments have persuaded us of error in the Examiner's rejections of claims 1 through 7 and 12 through 21 under 35 U.S.C. § 102(b) and 8 through 11 under 35 U.S.C. § 103(a). However, Appellants have not addressed the Examiner's rejection of claim 21 under 35 U.S.C. § 112, second paragraph and accordingly we summarily sustain the Examiner's rejection.

Independent claim 1 recites steps of the server side content engine receiving a second content timeline from the client where the second timeline is a modified version of the timeline provided to the client from the server. Independent claims 12, 18, and 21 include similar limitations. In response to Appellants' arguments, the Examiner interprets the term "client side" as including the web interface with all of the editing functions being on the server side. Ans. 20–21.² Further, the Examiner finds that Sideman teaches that a timeline is first sent to the client in the interface for editing and the edited timeline is then sent to the server with various edits. Answer 21 (citing para. 121). We disagree with the Examiner, we have reviewed the teachings of Sideman and do not find sufficient evidence to show Sideman discloses a client sending a timeline (claimed second timeline) to the server, which is a modified version of the timeline sent to the client from the server. As argued by Appellants, on page 12 of the Appeal Brief, Sideman teaches sending commands from the client to the server which edits the timeline but

² We note that independent claims 1, 12, and 21 do not recite the term "client side."

not sending the modified timeline. Accordingly, we do not sustain the Examiner's anticipation rejection of independent claims 1, 12, 18 and 21 or the claims which depend thereupon.

Rejection under 35 U.S.C. § 103(a)

Appellants' arguments directed to this rejection present us with the same issue as discussed above with respect to the anticipation rejection and the issue of whether the additional teachings of Gavin make up for the deficiencies in the anticipation rejection. App. Br. 20–24. The Examiner's rejection relies upon Sideman to teach a client sending a timeline (claimed second timeline) to the server, which is a modified version of the timeline sent to the client and the Examiner has not shown that Gavin teaches this limitation. Answer 16–17. Accordingly, we do not sustain the Examiner's obviousness rejection of claims 8 through 11 for the same reasons as discussed with respect to the anticipation rejection.

DECISION

We sustain the Examiner's rejections of claim 21 under 35 U.S.C. § 112, second paragraph.

We do not sustain the Examiner's rejections of claims 1 through 7 and 12 through 21 under 35 U.S.C. § 102(b).

We do not sustain the Examiner's rejections of claims 8 through 11 under 35 U.S.C. § 103(a).

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-IN-PART