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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte FRANK R. BENTLEY, ROHIT S. BODAS,
and MICHAEL E. GROBLE¹

Appeal 2016-000938
Application 12/256,578
Technology Center 2100

Before ALLEN R. MacDONALD, JON M. JURGOVAN, and
DAVID J. CUTITTA II, Administrative Patent Judges.

CUTITTA, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 9–16 and 19, all pending claims of the application.² We have jurisdiction over this appeal under 35 U.S.C. § 6(b).

We REVERSE.

¹ According to Appellants, the real party in interest is Google Technology Holdings LLC. *See* Appeal Brief 1.

² Claims 1–8, 17, and 18 are cancelled.

STATEMENT OF THE CASE

According to Appellants, the application relates to creating video clips of important events using multiple video feeds. Spec. ¶ 1.³ Creation of the video clips is simplified by providing an array of video thumbnail images and allowing the user to provide a command to create video clips of a particular length of time from the multiple video sources. Spec. ¶ 3. The command may include a single selection of one of a plurality of soft buttons, each for capturing a video of a different predetermined length of time. Spec. ¶ 5. Claims 10 and 16 are independent. Claim 10 is illustrative and is reproduced below with disputed limitations emphasized:

10. A method comprising:

receiving live video streams from multiple video sources;

generating a graphical user interface (GUI) providing a thumbnail representation of each of the video sources;

receiving a command to create video clips of a particular length of time from the multiple video sources, the command comprising a single selection of one of a plurality of soft buttons, wherein the plurality of soft buttons comprises a plurality of different predetermined time periods;

simultaneously capturing segments from each of the multiple video streams for the particular length of time;

displaying in the GUI associated with each video source multiple thumbnails of each of the captured segments as an array, wherein the array has an x-axis representing time, and a y-axis representing video source, or vice versa;

³ Throughout this Opinion, we refer to: (1) Appellants' Specification filed Oct. 23, 2008 (Spec.); (2) the Final Office Action (Final Act.) mailed Apr. 1, 2014; (3) the Appeal Brief (Appeal Br.) filed Apr. 9, 2015; (4) the Examiner's Answer (Ans.) mailed Aug. 21, 2015; and (5) the Reply Brief (Reply Br.) filed Oct. 21, 2015.

receiving selection information from an input device indicating the starting point image and the ending point image of the array of displayed multiple images for the captured segment associated with each video source; and

creating video clips from the captured segments in the array, based on the selected starting and ending points applied to each captured segment associated with each video source.

REFERENCES

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

Carlson	US 2003/0009773 A1	Jan. 9, 2003
Baxter	US 2005/0033758 A1	Feb. 10, 2005
Davey et al. (“Davey”)	US 7,823,056 B1	Oct. 26, 2010

Jan Ozer, *Visual Quickstart Guide Pinnacle Studio 11 for Windows*, Peachpit Press (2008) (hereinafter “Ozer”).

REJECTION

Claims 9–16 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davey, Carlson, and Baxter or alternatively over Davey, Ozer, and Baxter. Final Act. 6–13.

Our review in this appeal is limited only to the above rejection and issues raised by Appellants. We have not considered other possible issues that have not been raised by Appellants and which are, therefore, not before us. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2014).

ISSUE

Based on Appellants’ arguments, the dispositive issue presented on appeal is whether the Examiner errs in finding that the cited combination of references teaches or suggests “*receiving a command to create video clips of a particular length of time from the multiple video sources, the command*

comprising a single selection of one of a plurality of soft buttons, wherein the plurality of soft buttons comprises a plurality of different predetermined time periods,” as recited in claim 10.

ANALYSIS

The Examiner finds GUI 610 of Baxter’s video editing software includes a plurality of soft buttons each representing a plurality of different predefined times. Ans. 10. More specifically, the Examiner finds GUI 610’s “pyramid of frame rates ranging from 1 hr. at the top to a 10th of a second frame rate at the bottom” suggests the claimed plurality of soft buttons. Ans. 10 (citing Baxter ¶¶ 66–67, 77–78 and Fig. 8).

Appellants argue that “Baxter only discloses the search rate pyramid indicator being used to **show** the interval the user selected” but does not disclose a plurality of soft buttons because Baxter “does not disclose the levels of the pyramid being used to **select** a time interval.” (emphasis added) Reply Br. 3.

We agree with Appellants the Examiner has not demonstrated that these findings are supported by the teachings or suggestions of Baxter. The Examiner has not established that the keyframe event rates displayed on the search rate pyramid indicator are soft buttons. And while we agree with the Examiner that Carlson suggests capturing a clip of a particular length of time from a live stream using a *single* soft button command (Final Act. 7–8; citing Carlson ¶¶ 6 and 41–42), the Examiner does not provide sufficient articulated reasoning to explain why one skilled in the art at the time of the invention would have found it obvious to add a plurality of soft button’s to

Carlson’s single soft button in view of Baxter or any of the other cited references.

Accordingly, we concur with Appellants that the Examiner *has failed to establish* the combination of Davey, Carlson or Ozer, and Baxter teaches, suggests, or renders obvious “receiving a command to create video clips of a particular length of time from the multiple video sources, the command comprising a single selection of one of a plurality of soft buttons, wherein the plurality of soft buttons comprises a plurality of different predetermined time periods,” as recited in claim 10. We therefore reverse the Examiner’s 35 U.S.C. § 103(a) rejection of claim 10.

Because we agree with at least one of the dispositive arguments advanced by Appellants for claim 10, we need not reach the merits of Appellants’ other contentions.

We also reverse the rejection of independent claim 16, which recites commensurate limitations, and of dependent claims 9, 11–15, and 19, which stand with their respective independent claims.

DECISION

We reverse the Examiner’s decision rejecting claims 9–16 and 19 under 35 U.S.C. § 103(a).

REVERSED