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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte FLORIAN PESTONI, PRITHAM SHETTY,
SUNIL C. AGRAWAL, and KATHERINE K. NADELL

Appeal 2016-005893
Application 12/545,578
Technology Center 3600

Before JAMES R. HUGHES, MATTHEW J. McNEILL, and
JASON M. REPKO, *Administrative Patent Judges*.

HUGHES, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants¹ seek our review under 35 U.S.C. § 134(a) of the Examiner’s final decision rejecting claims 1–6, 8–11, 17–22, 24–27, 33–38, 40–43, 50, and 51. Claims 7, 12–16, 23, 28–32, 39, and 44–49 have been canceled. Final Act. 1–2; Br. 5.² We have jurisdiction under 35 U.S.C. § 6(b).

¹ The real party in interest is Adobe Systems Inc. Br. 3.

² We refer to Appellants’ Specification (“Spec.”) filed Aug. 21, 2009 (claiming benefit of US 61/171,730 filed Apr. 22, 2009) and Appeal Brief (“Br.”) filed Oct. 30, 2015. We also refer to the Examiner’s Answer (“Ans.”) mailed Mar. 16, 2016, and Final Office Action (Final Rejection) (“Final Act.”) mailed June 4, 2015.

We affirm.

Appellants' Invention

The invention generally relates to computer-readable storage media, digital rights management systems, and methods for digital rights management with the capability of delegating content access authorization. The method includes receiving data (an electronic communication) from a content distribution entity containing encrypted protected content, receiving data (an electronic communication) from a content merchant entity containing a delegation token indicating authorization to access the encrypted protected content, receiving data (an electronic communication) from an access coordinator entity containing a content license for the encrypted protected content, and utilizing the content license and the delegation token to decrypt the encrypted protected content. Spec. ¶¶ 2, 6, 7; Abstract.

Representative Claim

Independent claim 1, reproduced below, further illustrates the invention:

1. A computer-implemented method for digital rights management with delegated authorization for content access, comprising:

receiving, at a computer system, an electronic communication from a content distribution entity, the electronic communication from the content distribution entity containing encrypted protected content;

receiving, at the computer system, an electronic communication from a content merchant entity, the electronic communication from the content merchant entity containing a delegation token, receipt of the electronic communication containing the delegation token indicating that the content

merchant entity determined that a user is authorized to consume the encrypted protected content, the delegation token applicable for providing access to the encrypted protected content;

receiving, at the computer system, an electronic communication from an access coordinator entity, the electronic communication from the access coordinator entity containing a content license for the encrypted protected content, the access coordinator entity, the content merchant entity, and the content distribution entity each separate and distinct entities;

in response to receiving both the delegation token and the content license at the computer system, utilizing, by the computer system, the content license and the delegation token to decrypt the encrypted protected content effective to provide access to the encrypted protected content on the computer system.

Rejections on Appeal

1. The Examiner rejects claims 1–6, 8–11, 17–22, 24–27, 33–38, 40–43, 50, and 51 under 35 U.S.C. § 101 as being directed to patent ineligible subject matter.

2. The Examiner rejects claims 1–6, 8–11, 17–22, 24–27, 33–38, 40–43, 50, and 51 under 35 U.S.C. § 103(a) as being unpatentable over Gilliam et al. (US 2004/0267552 A1, published Dec. 30, 2004) (“Gilliam”) and Benitez et al. (US 2002/0161908 A1, published Oct. 31, 2002) (“Benitez”).

ISSUES

Based upon our review of the record, Appellants’ contentions, and the Examiner’s findings and conclusions, the issues before us follow:

1. Did the Examiner err in rejecting claims 1–6, 8–11, 17–22, 24–27, 33–38, 40–43, 50, and 51 under 35 U.S.C. § 101 as being directed to patent ineligible subject matter?

2. Did the Examiner err in finding that Gilliam and Benitez collectively would have taught or suggested “receiving, at a computer system, an electronic communication from a content distribution entity . . . containing encrypted protected content” and “receiving . . . an electronic communication from a content merchant entity . . . containing a delegation token . . . indicating that the content merchant entity determined that a user is authorized to consume the encrypted protected content” and “receiving . . . an electronic communication from an access coordinator entity . . . containing a content license for the encrypted protected content, the access coordinator entity, the content merchant entity, and the content distribution entity each separate and distinct entities” and “utilizing . . . the content license and the delegation token to decrypt the encrypted protected content effective to provide access to the encrypted protected content on the computer system” within the meaning of Appellants’ claim 1 and the commensurate limitations of Appellants’ claims 17 and 33?

ANALYSIS

The 35 U.S.C. § 101 Rejection

Appellants argue independent claims 1, 17 and 33 together as a group with respect to the § 101 rejection. *See* Br. 14–22. We select independent claim 1 as representative of Appellants’ arguments with respect to claims 1–6, 8–11, 17–22, 24–27, 33–38, 40–43, 50, and 51. 37 C.F.R. § 41.37(c)(1)(iv).

The Examiner rejects the claims as being directed to patent ineligible subject matter in that:

The claims are directed to a series of steps instructing how to access protected content, which is an abstract idea. The independent claims are directed to receiving encrypted content at a computer; receiving a delegation token that authorizes the user to consume the content at the computer; receiving a content license for the content at the computer; and decrypting the content utilizing the content license and delegation token. These limitations simply describe the abstract idea. Evaluated as a whole, the claims do not amount to significantly more than an abstract idea. Using a general purpose computer to perform these steps is not sufficient to transform a judicial exception into a patentable invention. The computer components are recited at a high level of generality and perform the basic functions of a computer (e.g. receiving data). Generically recited computer elements do not add a meaningful limitation to the abstract idea since they would be routine in any computer implementation.

Final Act. 2–3. The Examiner further explains that Appellants’ “invention simply requires receiving data (i.e.,[.] encrypted content, delegation token, and a content license) and performing manipulations on said data (i.e.,[.] to decrypt the content)” amounting to “an idea of itself” and/or “a certain method of organizing human activity” (Ans. 3). *See* Ans. 2–5.

Appellants contend that claims as a whole are not directed to an abstract idea or patent-ineligible concept because “[t]he Office fails to analyze the entire claim and instead simply attempts to summarize the claimed subject matter while omitting essential elements of the claim” (Br. 15) and the claims do not “recite subject matter that constitutes an abstract idea within the context of *Alice*” (*id.*) because the claims are not directed to “a fundamental economic practice” (Br. 16). *See* Br. 14–18. Appellants further contend that the claims do “not recite a basic concept that is similar

to any abstract idea previously identified by the courts” (Br. 17) when compared to the examples provided by the USPTO. *See* Br. 16–18. Additionally, Appellants contend that the claims include elements amounting to significantly more than the alleged abstract idea, in that “[t]he Office makes no attempt to analyze the claims under the second prong of the Mayo framework beyond mere conclusory statements” (Br. 18) and “the claims rely on technology[] and recite more than merely ‘receiving data’” and manipulating data “as alleged by the Office” (Br. 19). *See* Br. 18–20. Further, Appellants contend “the claims are directed to solving a technological problem that specifically arises in the realm of computers” similar to *DDR Holdings* (Br. 20). *See* Br. 20–22.

Under 35 U.S.C. § 101, a patent may be obtained for “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.” The Supreme Court has “‘long held that this provision contains an important implicit exception: Laws of nature, natural phenomena, and abstract ideas are not patentable.’” *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2354 (2014) (quoting *Ass’n for Molecular Pathology v. Myriad Genetics, Inc.*, 133 S. Ct. 2107, 2116 (2013)).

The Supreme Court, in *Alice*, reiterated the two-step framework previously set forth in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. 66, 77–80 (2012), “for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts.” *Alice*, 134 S. Ct. at 2355. The first step in that analysis is to “determine whether the claims at issue are directed to one of those patent-ineligible concepts” (*id.*), e.g., to an

abstract idea. If the claims are not directed to an abstract idea, the inquiry ends. Otherwise, the inquiry proceeds to the second step where the elements of the claims are considered “individually and ‘as an ordered combination’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Alice*, 134 S. Ct. at 2355 (quoting *Mayo*, 566 U.S. at 78, 79).

The Court acknowledged in *Mayo*, that “all inventions at some level embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas.” *Mayo*, 566 U.S. at 71. We, therefore, look to whether the claims focus on a specific means or method that improves the relevant technology or are instead directed to a result or effect that itself is the abstract idea and merely invoke generic processes and machinery. *See Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1336 (Fed. Cir. 2016).

Turning to the first step of the eligibility analysis, the Examiner finds claim 1 is directed to the abstract idea of accessing protected content — “[t]he claims are directed to a series of steps instructing how to access protected content” (Final Act. 2) and/or receiving and manipulating data to decrypt and access protected content (*see* Ans. 3). The Examiner further explains that the claims are similar to claims previously found to be directed to abstract ideas —

Much like the examples . . . of an idea of itself and a certain method of organizing human activity, this invention can be summarized as collecting and comparing known information (collecting the token and license and using them to decrypt the content); obtaining and comparing intangible data (obtaining the encrypted content, token, and license and comparing the token and license to the content); and using an algorithm (using a token and license for decrypting)

(Ans. 4). *See* Ans. 3–5. Appellants simply attack the Examiner’s findings, alleging the Examiner has not properly mapped the abstract concept to specific precedent, without actually addressing any of the Examiner’s findings. *See* Br. 14–18. We agree with the Examiner that Appellants’ claim 1 (and the other pending claims) are directed to a patent-ineligible abstract idea.

Instead of using a fixed definition of an abstract idea and analyzing how claims fit (or do not fit) within the definition, “the decisional mechanism courts now apply is to examine earlier cases in which a similar or parallel descriptive nature can be seen — what prior cases were about, and which way they were decided.” *Amdocs (Isr.) Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288, 1294 (Fed. Cir. 2016) (citing *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353–54 (Fed. Cir. 2016)). As part of this inquiry, we must “look at the ‘focus of the claimed advance over the prior art’ to determine if the claim’s ‘character as a whole’ is directed to excluded subject matter.” *Affinity Labs. of Texas, LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1257 (Fed. Cir. 2016).

Here, Appellants’ claims generally, and independent claims 1, 17, and 33 in particular, relate to decrypting data using multiple digital rights management schemes, i.e., receiving and manipulating data — specifically, receiving data from three separate entities (electronic communications containing (1) encrypted protected content from a content distribution entity, (2) a delegation token from a content merchant entity, (3) a content license from an access coordinator entity) and manipulating data (utilizing the content license and the delegation token to decrypt the encrypted protected content). *See* claim 1; Spec. ¶¶ 64–72. This is consistent with how

Appellants describe the claimed invention. *See* Spec. ¶¶ 6, 7, 64–72. Delineating this underlying concept does not mean the Examiner failed to analyze the entire claim. *See* Br. 15. Also, contrary to Appellants’ assertions that the present claims are most closely analogous to Claim 1 of Example 23 of Appendix 1 of the USPTO’s July 2015 Update on Subject Matter Eligibility (“July 2015 Update Appx”) (*see* Br. 16–18; July 2015 Update Appx. 8–9), the claims are, instead, analogous to a number of cases in which courts have identified similar claims as encompassing abstract ideas.

Our reviewing court has held that the collection, analysis, and manipulation of information (data) are abstract ideas. *See Elec. Power*, 830 F.3d at 1354; *see also Content Extraction & Transmission LLC v. Wells Fargo Bank, N.A.*, 776 F.3d 1343, 1347 (Fed. Cir. 2014) (collecting data and recognizing certain data within the dataset are abstract ideas). Indeed, it is well settled that “analyzing information by steps people go through in their minds, or by mathematical algorithms, without more, [are] essentially mental processes within the abstract-idea category.” *Elec. Power*, 830 F.3d at 1354; *see also Digitech Image Techns., LLC v. Elecs. for Imaging, Inc.*, 758 F.3d 1344, 1351 (Fed. Cir. 2014) (finding “a process that employs mathematical algorithms to manipulate [data or information] to generate additional information is [abstract and] not patent eligible”).

Here, the decryption of encoded (encrypted) protected data using received information (data), a delegation token from a content merchant entity and a content license from an access coordinator entity, is analogous or similar to the abstract ideas of data manipulation and analysis using collected information discussed in *Electric Power*. It is also similar to “the

abstract idea of encoding and decoding image data.” *RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322, 1326 (Fed. Cir. 2017). “Morse code, ordering food at a fast food restaurant via a numbering system, and Paul Revere’s ‘one if by land, two if by sea’ signaling system all exemplify encoding at one end and decoding at the other end.” *Id.* Appellants’ claims provide no additional limiting recitation (other than the entity from whom the data is received) with respect to the data or the decryption. Thus, we agree with the Examiner that the claims are directed to an abstract idea of receiving, manipulating, and decoding data. Notably, this characterization is consistent with Appellants’ description of the claimed invention. *See* Spec. ¶¶ 6, 7, 64–72.

Having found Appellants’ claims are directed to an abstract idea under *Alice*’s step 1 analysis, we next address whether the claims add significantly more to the alleged abstract idea. As directed by our reviewing Court, we search for an “‘inventive concept’ sufficient to ‘transform the nature of the claim into a patent-eligible application.’” *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1312 (Fed. Cir. 2016) (quoting *Alice*, 134 S. Ct. at 2355). The implementation of the abstract idea involved must be “more than performance of ‘well-understood, routine, [and] conventional activities previously known to the industry.’” *Content Extraction & Transmission LLC v. Wells Fargo Bank, N.A.*, 776 F.3d 1343, 1347–48 (Fed. Cir. 2014).

Here, the Examiner found that Appellants’ claims do not add significantly more. *See* Final Act. 3; Ans. 3–5. Appellants, on the other hand, contend the Examiner’s findings are conclusory and fail to adequately address whether the claims add significantly more to the alleged abstract

idea. *See* Br. 18. Appellants also contend the “claims do not merely recite instructions to implement the idea on a computer[,] . . . the recited methods and operations cannot be done by humans without technology[,]” and “the claims rely on technology[] and recite more than merely ‘receiving data’ as alleged by the Office.” Br. 19.

Appellants add that the claims do not “tie up” or preempt others from decrypting content. *See* Br. 19–20. Additionally, Appellants contend that the rejected claim “are directed to solving a technological problem that specifically arises in the realm of computers,” similar to the claims in *DDR Holdings*. *See* Br. 20.

We disagree with Appellants’ unsupported and conclusory arguments, which do not address the Examiner’s specific findings. Claim 1 recites processes for collecting and manipulating data, e.g., decrypting protected data using a received delegation token and a received content license. As discussed *supra*, method steps of collecting, analyzing, and manipulating information are all routine and conventional computer functions (i.e., mathematical operations) of a general processor. The Specification supports this view in discussing the processes implemented in software which operate on generic computers to perform the recited data manipulation steps. *See* Spec. ¶¶ 15, 23–29, 64–72; Figs. 1, 2.

With respect to Appellants’ preemption arguments, “[w]hile preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility.” *FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1098 (Fed. Cir. 2016) (quoting *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015)); *see also OIP Techs.*, 788 F.3d at 1362–63 (“[T]hat the claims do not

preempt all price optimization or may be limited to price optimization in the e-commerce setting do not make them any less abstract.”). Further, “[w]here a patent’s claims are deemed only to disclose patent ineligible subject matter under the Mayo framework, as they are in this case, preemption concerns are fully addressed and made moot.” *Ariosa*, 788 F.3d at 1379.

With respect to Appellants’ *DDR Holdings* arguments, Appellants misconstrue *DDR Holdings*. In *DDR Holdings*, the court held that a claim may amount to more than any abstract idea recited in the claims when it addresses and solves problems *only* encountered with computer technology and online transactions, e.g., by providing a composite web page rather than adhering to the routine, conventional functioning of Internet hyperlink protocol. *See DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1257–59 (Fed. Cir. 2014). In contrast, claim 1 performs a process that collects information (encrypted content, a delegation token, and a content license) and analyzes and/or manipulates the received information (decrypts the encrypted content using the delegation token and the content license) utilizing a conventional computer. *See* Final Act. 3; Ans. 3–5; Spec. ¶¶ 15, 23–29, 64–72; *cf.* Br. 18–22. The collection, analysis, and manipulation of data utilizing various DRM schemes to control access to copyrighted material is not a technical problem as discussed in *DDR*, it is an economic and organization (access control) problem (the focus of DRM techniques is to “combat unauthorized consumption of content” (Spec. ¶ 5)). Decrypting protected content using multiple access controls (DRM schemes), e.g., a delegation token from one entity and a license from a different entity, is a commercial solution to the access control problem, not a technical solution.

This commercial solution may be assisted using a general purpose computer to perform the data collection, analysis, and manipulation processes, but does not arise specifically in the realm of computer networking or improve how the computer itself functions.

As we previously explained, the instant claims are more akin to the claims for analyzing information found to be abstract *Elec. Power*, 830 F.3d at 1353.

We agree with the Examiner that the additional limitations, separately, or as an ordered combination, do not provide meaningful limitations (i.e., do not add significantly more) to transform the abstract idea into a patent eligible application. *See e.g.*, Final Act. 3–5. Indeed, as discussed *supra*, the claim merely recites processes for receiving content, receiving DRM information (the delegation token and the license), and decrypting the content using the DRM information (performing mathematical operations according to a non-recited algorithm). Such steps are all routine and conventional and well-understood computer functions of a general processor. The Specification supports this view in discussing the processes implemented in software which operates on generic computers to perform the recited data collection and manipulation steps (see discussion *supra*). “[T]he use of generic computer elements like a microprocessor” to perform conventional computer functions “do not alone transform an otherwise abstract idea into patent-eligible subject matter.” *FairWarning*, 839 F.3d at 1096 (citing *DDR Holdings*, 773 F.3d at 1256).

Further, Appellants failed to file a Reply Brief addressing the Examiner’s clarified findings and additional discussion of the § 101 rejection, or otherwise rebutting the findings and responsive arguments

made by the Examiner in the Answer. For at least the reasons above, we are not persuaded of Examiner error in the rejection of claim 1 under 35 U.S.C. § 101. Thus, we sustain the Examiner's rejection under § 101 of independent claims 1, 17, and 33, and also dependent claims 2–6, 8–11, 18–22, 24–27, 34–38, 40–43, 50, and 51, which fall with claims 1, 17, and 33, respectively.

The 35 U.S.C. § 103(a) Rejection

Appellants provide separate arguments for each of independent claims 1, 17, and 33, but the arguments for claims 17 and 33 merely reiterate the arguments made with respect to claim 1. *See* Br. 22–25 (claim 1), 27–30 (claim 17), and 31–36 (claim 33). Appellants also present separate arguments for dependent claims 6, 27, and 34. We select independent claim 1 as representative of Appellants' arguments with respect to claims 1–5, 8–11, 17–22, 24–26, 33, 35–38, 40–43, 50, and 51. 37 C.F.R. § 41.37(c)(1)(iv).

The Examiner rejects independent claim 1 as being obvious in view of Gilliam and Benitez. *See* Final Act. 3–6; Ans. 5–6. Appellants contend Gilliam and Benitez do not teach the disputed features of claim 1. *See* Br. 22–25. Specifically, Appellants contend “Gilliam does not show receipt of an electronic communication from a content merchant entity” (Br. 24), but instead a user “receives data from only one source, the distributor 120” (*id.*), and “that any sort of usage rights for content are packaged and distributed with the content by the content distributor” (*id.*). Similarly, Appellants contend “Gilliam does not show receipt of an electronic communication from an access coordinator entity that is separate and distinct from a content merchant entity” (Br. 24) and that “usage rights must be associated with

content before the content is received by a user from the distributor entity” (Br. 25). *See* Br. 22–25.

We agree with the Examiner and find a preponderance of the evidence demonstrates that the combination of Gilliam and Benitez would have taught or at least suggested the disputed features of Appellants’ claim 1.

Appellants contend that Gilliam does not describe receiving encrypted content from a first source (content distributor) and DRM information (a delegation token and a content license) from two other distinct sources or entities (a content merchant and an access coordinator). *See* Br. 22–25. We agree with the Examiner, however, that Gilliam teaches receiving encrypted content and DRM information from three distinct sources. *See* Final Act. 3–6; Ans. 6.

As explained by the Examiner, Gilliam describes receiving encrypted content from a content distributor. *See* Final Act. 4; Ans. 6 (citing Gilliam ¶¶ 48, 52). As also explained by the Examiner, Gilliam describes receiving a digital ticket (delegation token) from a stakeholder, rights holder, or government agency (content merchant). *See* Final Act. 4; Ans. 6 (citing Gilliam ¶¶ 92, 95, 114). The Examiner further explains that Gilliam describes receiving a license (usage rights) from a creator (access coordinator) that are deposited in a repository. *See* Final Act. 4; Ans. 6 (citing Gilliam ¶¶ 92, 95, 114). As explained by the Examiner, Gilliam describes each entity or source as being distinct. *See* Final Act. 4; Ans. 6 (citing Gilliam ¶¶ 128–131). Further Gilliam explicitly describes the DRM information and content being transmitted separately and at different times. Gilliam ¶ 131. It follows that Appellants’ arguments contradict the express teachings of Gilliam.

We find Gilliam’s disclosures would have at least suggested the disputed features of Appellants’ claim 1. Thus, Appellants do not persuade us of error in the Examiner’s obviousness rejection of representative independent claim 1. Appellants do not provide sufficient explanation why the Examiner’s findings are erroneous with respect to the disputed claim limitations. Accordingly, we affirm the Examiner’s rejection of representative claim 1, independent claims 17 and 33, and dependent claims 2–5, 8–11, 18–22, 24–26, 35–38, 40–43, 50, and 51, not separately argued with particularity (*supra*).

With respect to claim 6, the Examiner rejects dependent claim 6 as being obvious in view of Gilliam and Benitez. *See* Final Act. 7; Ans. 6–7. Appellants contend Gilliam and Benitez do not teach the disputed features of claim 6 — “prior to receiving the content license from the access coordinator entity, submitting, by the computer system and to the access coordinator entity, a request for the content license, the request including the delegation token” (claim 6). *See* Br. 26. Specifically, Appellants contend that Gilliam does not teach an access coordinator (*see* discussion of claim 1, *supra*) and “Gilliam associates usage rights with content before the content with associated usage rights is distributed to a user.” Br. 26. As explained with respect to claim 1 (*supra*), Gilliam at least suggests a separate rights providing entity or source (creator) that deposits rights in a repository. Gilliam further describes transmitting rights separate from content and the digital ticket (*supra*), and punching a digital ticket prior to exercising rights (a license) (Gilliam ¶ 94). *See* Final Act. 7; Ans. 6–7 (citing Gilliam ¶¶ 94, 128–131). This disclosure at least suggests receiving the DRM information separately and at different times, which would include submitting a

token/ticket before receiving a license. Further, Appellants failed to file a Reply Brief addressing or otherwise rebutting the findings and responsive arguments made by the Examiner in the Answer. Accordingly, we affirm the Examiner's rejection of claim 6.

With respect to claim 27, the Examiner rejects dependent claim 27 as being obvious in view of Gilliam and Benitez. *See* Final Act. 9–10; Ans. 7. Appellants contend Gilliam and Benitez do not teach the disputed features of claim 27 — “wherein the program instructions are configured to receive the content license prior to receiving the delegation token” (claim 27). *See* Br. 30–31. Specifically, Appellants contend that “Gilliam teaches a system that requires usage rights to be associated with content before the content is distributed to a user by a distribution entity. The content and associated usage rights of Gilliam are then distributed together as a package to a user.” Br. 30–31. As explained by the Examiner Gilliam describes having a license prior to receiving a ticket/token. *See* Final Act. 9–10; Ans. 7 (citing Gilliam ¶ 107). *See also* Gilliam ¶¶ 94, 95, 114, 131. This disclosure at least suggests receiving the DRM information separately and at different times, which would include receiving a license before receiving a token/ticket. Accordingly, we affirm the Examiner's rejection of claim 27.

With respect to claim 34, the Examiner rejects dependent claim 34 as being obvious in view of Gilliam and Benitez. *See* Final Act. 6; Ans. 7. Appellants contend Gilliam and Benitez do not teach the disputed features of claim 34 — “wherein receipt of the delegation token indicates that the content merchant entity determined that the user of the computer system engaged in one or more of: a purchase of the encrypted protected content, a rental of the encrypted protected content, and a subscription to the encrypted

protected content” (claim 34). *See* Br. 35–36. Appellants reiterate the arguments made with respect to claim 6 — that Gilliam does not teach an access coordinator and Gilliam associates usage rights with content before the content with associated usage rights is distributed to a user (*id.*). We find Appellants’ arguments unpersuasive for the same reasons as claim 6 (*supra*). Further, as explained by the Examiner Gilliam describes purchasing content (buying a movie file). *See* Final Act. 6; Ans. 7 (citing Gilliam ¶ 99). This disclosure at least suggests receiving the DRM information (receiving a token/ticket), which is indicative of a user purchasing content. Accordingly, we affirm the Examiner’s rejection of claim 34.

CONCLUSIONS

Appellants have not shown that the Examiner erred in rejecting claims 1–6, 8–11, 17–22, 24–27, 33–38, 40–43, 50, and 51 under 35 U.S.C. § 101.

Appellants have not shown that the Examiner erred in rejecting claims 1–6, 8–11, 17–22, 24–27, 33–38, 40–43, 50, and 51 under 35 U.S.C. § 103(a).

DECISION

We affirm the Examiner’s rejections of claims 1–6, 8–11, 17–22, 24–27, 33–38, 40–43, 50, and 51.

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