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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/901,205	09/14/2007	Charlie X. Yang	GA-024374 US ORD(RGB-113)	5844

89023 7590 02/12/2018

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EXAMINER
HUANG, TSAN-YU J

ART UNIT	PAPER NUMBER
3685	

NOTIFICATION DATE	DELIVERY MODE
02/12/2018	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte CHARLIE X. YANG

Appeal 2016-008360
Application 11/901,205
Technology Center 3600

Before ALLEN R. MacDONALD, BETH Z. SHAW, and MICHAEL M. BARRY, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 1, 3–9, and 18–20. Claims 11–17 are withdrawn from consideration. Final Act. 1. Claims 2 and 10 have been cancelled. App. Br. 16–18. We have jurisdiction under 35 U.S.C. § 6(b). We reverse.

Representative Claims

Representative claim 1 under appeal reads as follows (emphasis, formatting, and bracketed material added):

> 1. A method for licensing a service provider to process content using a video processing device comprising the steps of:
>
> [A.] generating ***a license key indicative of a license for a specified amount of bandwidth for a particular feature that is covered by a license fee***, the license fee being charged to the service provider based on a specified amount of bandwidth for the particular feature according to a license;
>
> [B.] enforcing the license, at a video processing device, ***using the license key*** based on whether there is sufficient bandwidth available from the specified amount of bandwidth to accommodate a newly created output transport stream related to the particular feature; wherein the enforcing comprises at least one of:
>
> [i.] allowing processing of the newly created output transport stream if there is a sufficient amount of bandwidth available to accommodate the newly created output transport stream; and
>
> [ii.] denying processing of the newly created output transport stream if there is an insufficient amount of bandwidth available to accommodate the newly created output transport stream.

Rejection on Appeal

The Examiner rejected claims 1, 3–9, and 18–20 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Mabey et al. (US 2005/0018768 A1; Jan. 27, 2005), Chandran (US 6,801,500 B1; Oct. 5, 2004), and Shteyn et al. (US 2003/0069964 A1; Apr. 10, 2003).[1]

Appellant's Contention[2]

Appellant contends that the Examiner erred in rejecting claim 1 under 35 U.S.C. § 103(a) because:

> Chandran does not teach or suggest ***a license key that is generated to be indicative of the license for the specified amount of bandwidth for a particular feature covered by the license fee***, as recited in claim 1. Indeed, in claim 1, the bandwidth limit is set based on the license that is established according to payment of the license fee, while in Chandran, the bandwidth limit is set based on a network flow.

App. Br. 8 (emphasis added).

Issue on Appeal

Did the Examiner err in rejecting claim 1 as being obvious?

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[1] Separate patentability is not argued as to claims 3–9 and 18–20. Except for our ultimate decision, claims 3–9 and 18–20 are not discussed further herein.

[2] This contention is determinative as to the rejection on appeal. Therefore, Appellant's other contentions are not particularly discussed herein.

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellant's arguments that the Examiner has erred.

As to Appellant's above contention, we agree. We conclude, consistent with Appellant's argument, there is insufficient articulated reasoning to support the Examiner's finding that "Chandran teaches . . . generating a license key indicative of a license for a specified amount of licensed bandwidth." Final Act. 6. Therefore, we conclude that there is insufficient articulated reasoning to support the Examiner's final conclusion that claim 1 would have been obvious to one of ordinary skill in the art at the time of Appellant's invention.

CONCLUSIONS

(1) Appellant has established that the Examiner erred in rejecting claims 1, 3–9, and 18–20 as being unpatentable under 35 U.S.C. § 103(a).

(2) On this record, these claims have not been shown to be unpatentable.

DECISION

The Examiner's rejection of claims 1, 3–9, and 18–20 is reversed.

REVERSED