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13/630,038	09/28/2012	Bryan Katz	4366-487	7787
48500	7590	01/02/2020	EXAMINER	
SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202			KELLER, MICHAEL A	
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* BRYAN KATZ, TEDD YOUEL,  
DARYL HUFF, and MICHAEL KEENAN

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Appeal 2018-003348  
Application 13/630,038  
Technology Center 2400

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Before ELENI MANTIS MERCADER, JOHN D. HAMANN, and  
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant<sup>1</sup> appeals from the Examiner's decision to reject claims 1–7 and 12–20. *See* Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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<sup>1</sup> We use the word Appellant to refer to “applicant” as defined in 37 C.F.R. § 1.42. The real party in interest has been assigned by two of the inventors, Bryan Katz and Ted Youel, to Avaya Inc. Appeal Br. 2.

CLAIMED SUBJECT MATTER

The claims are directed to a media contention for virtualized devices.

Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method, comprising:

    providing a media controller application that is executed by a microprocessor on a virtual desktop infrastructure (VDI) client device;

    receiving, by the microprocessor, a virtualization media stream that is a communications channel for virtualized operations; and

    receiving, by the microprocessor, a second media stream that is a direct communication channel separate from the communications channel of the virtualization media stream;

    wherein at least portions of the virtualization media stream and the second media stream are received simultaneously and require simultaneous use of at least one output facility of the VDI client device, and wherein the microprocessor, when executing the media controller application, controls handling of the virtualization media stream and the second media stream at the VDI client device by provisioning the at least one output facility to provide for each of the virtualization media stream and the second media stream.

## REFERENCES

The prior art relied upon by the Examiner is:

<b>Name</b>	<b>Reference</b>	<b>Date</b>
Jain	US 2009/0216835	Aug. 27, 2009
Ryman	US 2011/0004680 A1	Jan. 6, 2011
Escoda	US 2011/0197132 A1	Aug. 11, 2011
Lauwers	US 2011/0225578 A1	Sept. 15, 2011
McConnell	US 2013/0018953 A1	Jan. 17, 2013
Somekh	US 2013/0275611 A1	Oct. 17, 2013
Huang	US 8,611,428	Dec. 17, 2013

## REJECTION

Claims 1, 3–5, 12, 13, and 15–20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McConnell in view of Huang, in view of Ryman, and further in view of Escoda.

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over McConnell, Huang, Ryman, Escoda, and further in view of Jain.

Claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over McConnell, Huang, Ryman, Escoda, and further in view of Somekh.

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over McConnell, Huang, Ryman, Escoda, and further in view of Lauwers.

OPINION

To the extent consistent with our analysis below, we adopt the Examiner's findings and conclusions in (i) the Final action from which this appeal is taken and (ii) the Answer.

1. *Claims 1, 3–5, 12, 13, and 15–20 rejected under 35 U.S.C. § 103(a) as being unpatentable over McConnell in view of Huang, Ryman, and Escoda*

Appellant argues that the combination of McConnell, Huang, Ryman, and Escoda fails to teach or suggest the claim 1 limitation of

wherein at least portions of the virtualization media stream and the second media stream are received simultaneously and require simultaneous use of at least one output facility of the VDI client device, and wherein the microprocessor, when executing the media controller application, controls handling of the virtualization media stream and the second media stream at the VDI client device by provisioning the at least one output facility to provide for each of the virtualization media stream and the second media stream.

*See* Appeal Br. 9–12.

We do not agree. We agree with the Examiner's finding that McConnell and Huang both show two streams received and used simultaneously (McConnell para. 70, Figs. 3–6, and Huang col. 4, ll. 6–33). Ans. 5. In particular, we agree with the Examiner that McConnell teaches meeting room handlers for posting multiple streams, e.g., video and audio, for presentation during a meeting in a virtual meeting room where attendees to the meeting include user systems that may include virtual desktop computers. Ans. 5 (citing McConnell para. 70). Thus, we agree with the Examiner that McConnell teaches the claimed VDI client device and the two streams

Appeal 2018-003348  
Application 13/630,038

(i.e., video and audio) received and used simultaneously. *Id.* We further agree with the Examiner that Huang explicitly teaches a mobile device including processing, memory, and software and a media controller application executed by a microprocessor. *Id.*

Appellant further argues that McConnell, Huang, Ryman, and Escoda are silent regarding that any microprocessor, when executing the media controller application, “controls handling of the virtualization media stream and the second media stream . . . by provisioning the facility to provide for each of the virtualization media stream and the second media stream” where the virtualization media stream and the second media stream are received simultaneously at a VDI client device and require simultaneous use of at least one output facility of the VDI client device, as claimed. Appeal Br. 13.

We do not agree with Appellant’s argument. We agree with the Examiner’s finding that McConnell teaches a real-time meeting room with multiple attendees requiring simultaneous use of a common virtual meeting. *See* Ans. 6, Final Act. 6 (citing McConnell para. 72). The Examiner then relies on Escoda for teaching portions of the virtualization media stream and the second media stream are being received simultaneously, wherein Red5 is used to stream video and audio (i.e., two streams) between the clients, publish and subscribe their streams, also used to replicate actions over some shared objects (virtualization media stream) and also allow for simultaneous interaction between multiple participants over a set of shared contents. *See* Ans. 6; Final Act. 6 (citing Escoda paras. 17, and 26).

Appellant further argues that the Examiner improperly employs hindsight reconstruction. Appeal Br. 15–17.

We do not agree with Appellant. We agree with the Examiner that adequate motivation was provided for combining the teachings. In particular, we agree with the Examiner's reasons to combine stating that the motivation to combine Huang with the system of McConnell is to stream multimedia content to client devices (citing Huang col. 2, ll. 11–12), Ryman with the system of McConnell-Huang in order to provide a management functionality for a managed virtual desktop session (citing Ryman para. 110), Escoda with the system of McConnell-Huang-Ryman in order to allow simultaneous interaction between multiple participants over a set of shared contents and provide cheaper implementations than existing solutions (citing Escoda para. 17). *See* Ans. 8.

Accordingly, we affirm the Examiner's rejection of claim 1, and for the same reasons the rejection of claims 3, 5, 12, 13, and 15–20 not argued separately.

*2. Claims 2, 6–7, and 14*

Appellant argues that the additional references of Jain, Somekh, and Lauwers used to reject claims 2, 6, 7, and 14 do not cure the above cited deficiencies and repeat similar hindsight arguments as those presented above with respect to claim 1. *See* Appeal Br. 17–27.

We do not agree with Appellant's argument because there was no deficiency found that needed to be cured, and we adopt the Examiner's findings as well as the articulated motivations to combine with respect to these claims, which we find reasonable and adequate without having to repeat then herein. *See generally* Ans. and Final Act.

Appeal 2018-003348  
Application 13/630,038

Accordingly, we also affirm the Examiner's rejections of claims 2, 6, 7, and 14.

### CONCLUSION

The Examiner's rejection is Affirmed.

### DECISION SUMMARY

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1, 3-5, 12, 13, 15-20	103(a)	McConnell, Huang, Ryman, Escoda	1, 3-5, 12, 13, 15-20	
2	103(a)	McConnell, Huang, Ryman, Escoda, Jain	2	
6, 7	103(a)	McConnell, Huang, Ryman, Escoda, Somekh	6, 7	
14	103(a)	McConnell, Huang, Ryman, Escoda, Lauwers	14	
<b>Overall Outcome:</b>			1-7, 12-20	

### TIME PERIOD FOR RESPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED