



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
13/861,234 04/11/2013 Justin Lewis 25832.187 (L0187) 8133

101198 7590 01/30/2019
LOWENSTEIN SANDLER LLP / Google
Patent Docket Administrator
One Lowenstein Drive
Roseland, NJ 07068

EXAMINER

SOTO LOPEZ, JOSE R

ART UNIT PAPER NUMBER

2694

NOTIFICATION DATE DELIVERY MODE

01/30/2019

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@lowenstein.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JUSTIN LEWIS and KEVIN GREENE

Appeal 2018-004464
Application 13/861,234¹
Technology Center 2600

Before CAROLYN D. THOMAS, KARA L. SZPONDOWSKI, and
PHILLIP A. BENNETT, *Administrative Patent Judges*.

BENNETT, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner’s final rejection of claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

¹ Appellants’ Brief (“App. Br.”) identifies Google Inc. as the real party in interest. App. Br. 4.

CLAIMED SUBJECT MATTER

The claims are directed to systems and methods for displaying annotated video content by mobile computing devices. Spec., Title.

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

1. A method comprising:

receiving a first position identifier for a first annotation to be overlaid over one or more frames of a video during presentation of the video, wherein the first position identifier defines a first position of the first annotation within the frames where the first annotation is overlaid, and wherein the first position is designed for presentation on a first display of a first computing device;

presenting the video on a second display of a mobile computing device, wherein the second display is smaller than the first display, and wherein presentation of the first annotation on the second display at the first position prevents the first annotation from being readable by a user of the mobile computing device within the second display;

modifying, by a processing device of the mobile computing device, the first annotation, wherein modifying the first annotation comprises repositioning the first annotation from the first position in the frames of the video for the first display to a second position in the frames of the video for the second display in view of a screen size of the second display to make the first annotation readable by the user within the second display, and wherein the second position in the frames of the video is different than the first position in the frames of the video; and

presenting the first annotation overlaid over the frames at the second position during presentation of the video on the second display.

App. Br. 19 (Claims Appendix).

REFERENCES

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

Patterson	US 2012/0221972 A1	Aug. 30, 2012
Lopez	US 2013/0080916 A1	Mar. 28, 2013
Junuzovic	US 2014/0063174 A1	Mar. 6, 2014
Masuko	US 2015/0149883 A1	May 28, 2015

REJECTIONS

Claims 1–6, 9, 11–16, 19, and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Lopez and Junuzovic. Final Act. 10–18.

Claims 7, 10, and 17 stand rejected under 35 U.S.C. § 103 as being unpatentable over Lopez, Junuzovic, and Masuko. Final Act. 18–21.

Claims 8 and 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Lopez, Junuzovic, Masuko, and Patterson. Final Act. 21–23.

ISSUES

First Issue: Has the Examiner erred in finding Junuzovic teaches or suggests “wherein the second position in the frames of the video is different than the first position in the frames of the video,” as recited in independent claim 1?

Second Issue: Has the Examiner erred in finding Junuzovic teaches or suggests “resiz[ing] the first annotation . . . to make the first annotation readable by the user within the second display and selectable by the user within the touch screen,” as recited in independent claim 20?

ANALYSIS

First Issue

Claim 1 can be broadly summarized as a process by which annotations in a video file are modified for display on a smaller display device by repositioning the annotation within the video frame to ensure that it is selectable and/or readable by a user. Claim 1 recites the limitation “wherein the second position in the frames of the video is different than the first position the frames of the video.” In rejecting claim 1, the Examiner finds that Lopez teaches digital video designed for presentation on a specific display that can be annotated such that the location of the annotations are specified in the annotation data. Final Act. 10–11. The Examiner acknowledges that Lopez does not teach the limitations relating to the use of a second display, and turns to Junuzovic, and in particular, Figure 2 depicted below, to address these deficiencies. Final Act. 11–13.

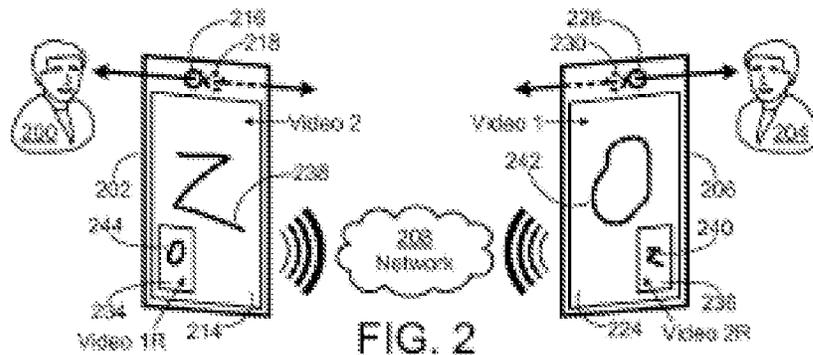


Figure 2 of Junuzovic showing annotation (238) displayed as annotation (240) within inset (236).

More specifically, the Examiner finds a picture-in-picture display, as depicted in Figure 2 of Junuzovic, is a “second display [] smaller than the first display” within the meaning of Appellants’ claims, and that the

positioning of annotation (238/240) in the picture-in-picture display (236) is different because “the absolute position is modified to fit into the inset sector 236.” Final Act. 13.

Appellants argue the Examiner has erred because Junuzovic does not teach that the annotation (240) displayed within the inset (236) is positioned any differently than the annotation (238) that is displayed within larger local display screen (214). App. Br. 9. Appellants argue Junuzovic teaches that “as the inset sector is resized, the annotation is repositioned and resized to keep it at the same position within the frames of the video.” *Id.* We agree with Appellants.

The annotation (240) in Junuzovic shown in the inset (236) is not in a different position than the annotation (238) shown in the larger display (214). Rather, as Junuzovic explains, the inset (236) is simply a uniformly scaled-down version of the larger display (214). Junuzovic ¶ 33 (“[T]he location and size of the digital annotation 238 that is made by the local user is mapped from the local display screen to the inset sector 236 on the remote display screen.”). Thus, the intent of Junuzovic’s shared display system is to reproduce the annotation identically on the smaller inset display, and not to place the annotation in a different location within the display. As such, we are persuaded that the Examiner has erred in finding Junuzovic teaches “wherein the second position in the frames of the video is different than the first position the frames of the video,” and do not sustain the rejection of claim 1. For the same reason, we also do not sustain the rejection of claims 2–6, 9, 11–16, and 19, which each recite the same limitation.

Second Issue

Appellants argue separately for patentability of independent claim 20, which also is rejected as obvious over Lopez in Junuzovic. Claim 20 is similar to claim 1 in that it generally recites modifying an annotation for display on a smaller display to ensure that it is readable on the smaller display where it otherwise would not be without modification. It differs, however, in that it recites that the second display includes a touch screen and the modification of the annotation “resize[s] the first annotation . . . to make the first annotation readable by the user within the second display and selectable by the user within the touch screen.” App. Br. 25–26 (Claims Appendix).

In rejecting claim 20, the Examiner finds “it is a device comprising similar limitations as the method in claim 2 and is therefore rejected for similar reasons.” Final Act. 18. The Examiner’s reasoning in connection with respect to claim 2 is similar to the reasoning provided for rejecting claim 1, namely that in Junuzovic’s Figure 2 “annotation 240 is a resized version of annotation 238, such that said annotation 238 can be readable within the inset sector 236.” Final Act. 14. In the Final Office Action, the Examiner does not explain how Junuzovic teaches that the annotation is modified to be made “selectable by the user within the touch screen.” However, in the Examiner’s Answer, the Examiner finds Lopez teaches the recited “selectable by the user” because it describes the use of annotation selection data. Ans. 20 (citing Lopez ¶ 55).

Appellants contend the Examiner has erred in concluding claim 20 is obvious over Lopez and Junuzovic. Appellants argue that there is no teaching in Junuzovic that any annotation is “resized . . . to make the . . .

annotation readable . . . and selectable.” App. Br. 15–16. Appellants argue Junuzovic makes no reference to readability of any annotation, nor is there any indication in Junuzovic that the change in size of the annotation that takes place causes the annotation to be selectable or readable where it otherwise would not be. App. Br. 16. In the Reply Brief, Appellants address the Examiner’s additional reliance on Lopez, arguing that “Lopez teaches mapping a selection zone in all displays to a same position in every other display to maintain the selections zone.” Reply Br. 5.

We are persuaded by Appellants’ arguments. The Examiner relies on Lopez’s description of annotation selection data for teaching the recited “make the . . . annotation . . . selectable.” Ans. 20. However, annotation selection data as described in Lopez does not relate to selecting the annotation via a user interface on a touch display. Rather, the “annotation selection data” in Lopez is described as data which “specifies the times in screen locations at which certain scene elements, each having an element identifier 116, are displayed.” Lopez ¶ 55. Although the cited portion of Lopez includes the word “selection,” in context, it is clear that the “selection” described is not the type of selecting that is recited in Appellants’ claims. Accordingly, we are persuaded Lopez does not teach or suggest the modifying an annotation that would otherwise be not selectable so that it is selectable, and we do not sustain the rejection of claim 20.

DECISION

We reverse the Examiner’s rejection of claims 1–20.

Appeal 2018-004464
Application 13/861,234

REVERSED