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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/077,298	03/31/2011	Charles McCoy	201003461.02	5317

51518 7590 01/18/2019

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ART UNIT	PAPER NUMBER
2174	

NOTIFICATION DATE	DELIVERY MODE
01/18/2019	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte CHARLES MCCOY, LING JUN WONG and TRUE XIONG

Appeal 2018-004525
Application 13/077,298
Technology Center 2100

Before CARL W. WHITEHEAD JR, JOSEPH P. LENTIVECH and PHILLIP A. BENNETT, *Administrative Patent Judges*.

WHITEHEAD JR., *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants are appealing the final rejection[1] of claims 1–24 under 35 U.S.C. § 134(a). Appeal Brief 2[2]. We have jurisdiction under 35 U.S.C. § 6(b) (2012).

We affirm.

Introduction

The invention is directed to:

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[1] Herein, we refer to the Specification, filed Mar. 31, 2011 and the documents on page 4 of this Decision.
[2] The Real Parties in Interest are Sony Corporation and Sony Network Entertainment. Appeal Brief 2.

> Systems and methods are provided that allow a user to directly launch a service when launching a second display application. The second display application may be a web application or a native remote controller application. In this way, the user is saved the trouble of having to search for the desired service in a list of services, reducing the difficulties of the systems disclosed above.

Specification, paragraph 3.

Illustrative Claim

1. A method of directly launching a service upon instantiation of a second display application, comprising:

i. upon instantiation of a second display application, the second display application controlling content playback on a content playback device and providing access to one or more services, establishing a session between a second display and a first server, wherein the session is associated with a user account, the user account having associated therewith an authentication credential of at least one content playback device, the content playback device being distinct from the second display and the first server;

ii. also upon the instantiation of the second display application, retrieving, from storage on the second display, an identifier of a service to be directly launched;

iii. using the identifier to load the service to be directly launched; and

iv. launching the service within the second display application, the service using the authentication credential of the at least one content playback device for authentication.

Rejections on Appeal

Claims 1, 6–8 and 12–16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Redford (US Patent 8,660,545 B1; issued February 25, 2014) and Experton (US Patent Application Publication 2006/0031289 A1; published February 9, 2006). Final Action 2–8.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Redford, Experton and Sridhar (US Patent Application Publication 2009/0183124 A1; published July 16, 2009). Final Action 8.

Claims 9 and 10 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Redford, Experton and Handa (US Patent Application Publication 2009/0070475 A1; published March 12, 2009). Final Action 9.

Claim 11 stands rejected under 35 U.S.C. §103 (a) as being unpatentable over Redford, Experton and Clark (US Patent 6,085,235; issued July 4, 2000). Final Action 10.

Claims 17–19 and 21–24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Redford, Experton and Malik (US Patent Application Publication 2005/0228876 A1; published October 13, 2005). Final Action 10–16.

Claims 2, 3 and 5 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Redford, Experton, Vardi (US Patent Application Publication 2008/0288618 A1; published November 20, 2008) and Kimura (US Patent 5,737,579; issued April 7, 1998). Final Action 16–18.

Claim 20 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Redford, Experton, Malik and Clarke. Final Action 18.

ANALYSIS

Rather than reiterate the arguments of Appellants and the Examiner, we refer to the Appeal Brief (filed September 26, 2017), the Answer (mailed January 12, 2018) and the Final Action (mailed February 24, 2017) for the respective details.

Appellants contend, "Redford is used for the majority of the claim limitations. Experton is used for the teaching of automatic launch of processes and applications." Appeal Brief 4.

Appellants' Figure 1 is reproduced below:

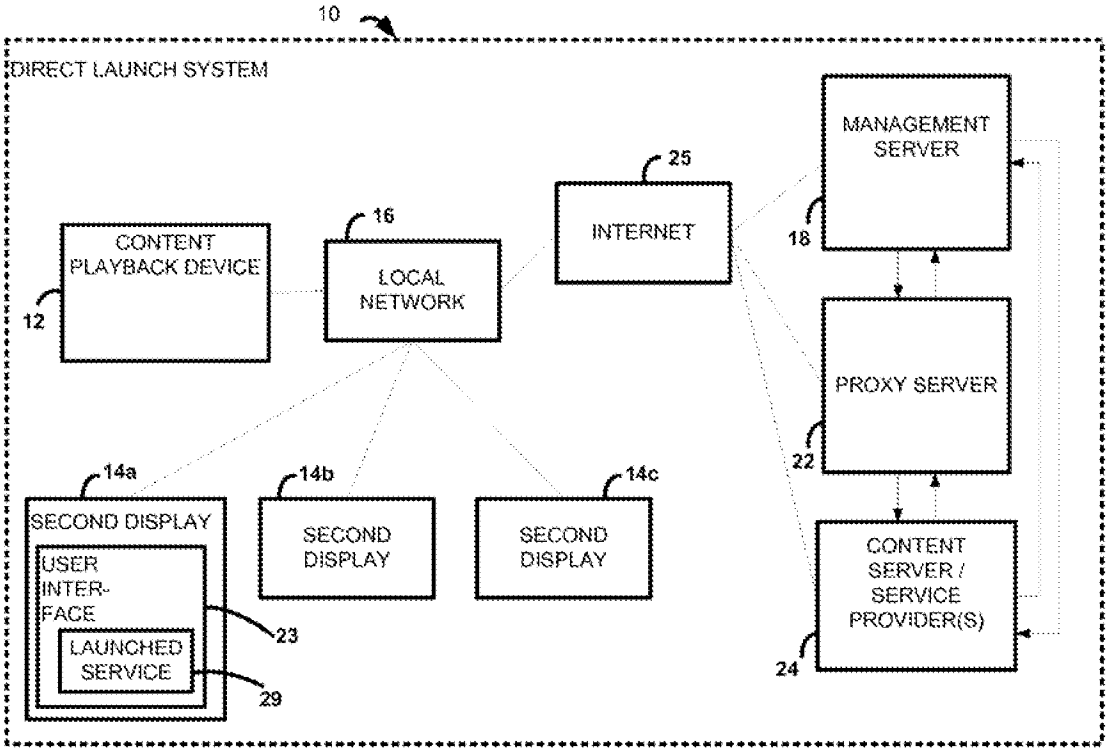

Figure 1 discloses, "[A] direct launch system 10 is shown including a content playback device 12 coupled to a local network 16, which may be wired, wireless, or a combination of both. Also coupled to the local network 16 are one or more second displays 14a-14c, an exemplary one of which is termed second display 14i. A number of servers may be accessed by the content playback device 12 and the second display 14i through the local network 16 and the internet 25, including a management server 18, a proxy server 22, and one or more content servers 24 corresponding to service providers (only one is shown in Fig. 1)."

Specification ¶ 41.

Redford's Figure 3A is reproduced below:

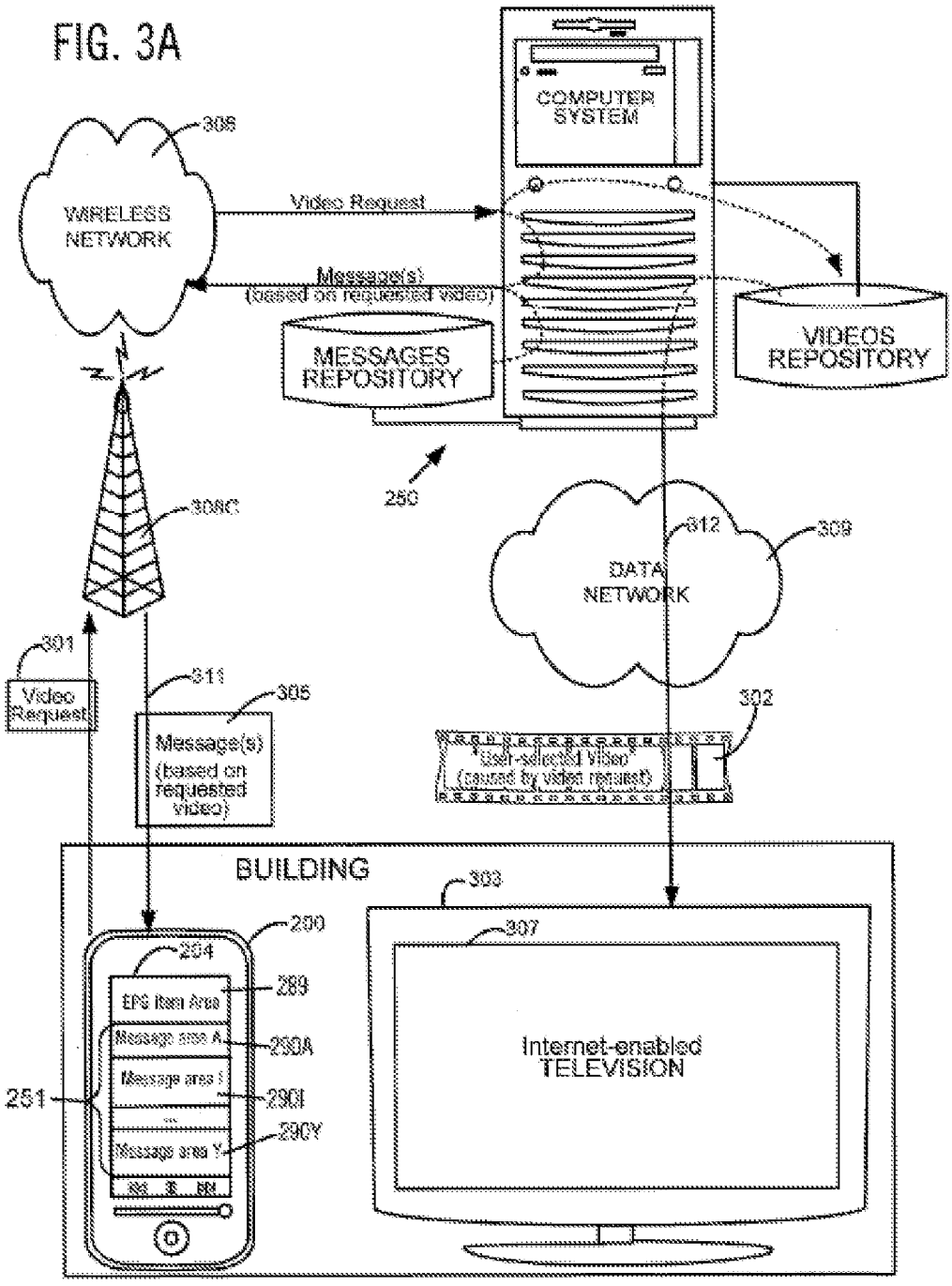

Figure 3A discloses a "computer system **250** responds to request **301** by sending a signal **312** carrying the user-selected video **302** to an internet-enabled television **303** (FIG. 3**A**) that is typically located in the vicinity of handheld device **200** (e.g. co-located in a building **310**, and in many

embodiments co-located in a common room within building **310**, such as a family room of a typical home). Internet enabled television **303** in accordance with the invention is any normal television that includes circuitry to interface with the Internet, either internally within a housing, of which TV screen **307** is a portion, or externally in a box that is normally placed on top of the television housing. Also in accordance with the invention, television **303** executes predetermined software, referred to herein as authority-compatible set-top interface software, to display video **302** that is retrieved from the Internet in response to request **301**."

Redford, columns 11–12; *see* Answer 4.

Claim 1 recites, "launching the service [29] within the second display application [14a], the service using the authentication credential of the at least one content playback device [12] for authentication." (Appellants' Figure 1's element numbers added). Appellants argue Redford "does not disclose the claim limitation of the second display application providing access to services, where the service is directly launched by the second display application, much less where the service uses the authentication credential of the content playback device for authentication." Appeal Brief 5. Appellants further argue:

> Appellant[s] respectfully submit[s] that the above points made by the Office do not establish that the hand held device uses the authentication credential of the "iTV." It is true that the hand held device can initiate content playback, but such does not in any way establish that the hand held device is doing so by way of the authentication credential of the iTV, or that the hand held device is communicating with service providers using the authentication credential of the iTV.

Appeal Brief 9–10.

Appellants argue that the rejections of independent claims 1 and 17 should be withdrawn; however, we do not find Appellants' arguments

persuasive of Examiner error. *See* Appeal Brief 10. Claim 1 only requires that launching a service within the second device uses an authentication credential of one content playback device. Redford discloses, "an authority server in accordance with the invention receives the following information from a handheld device: identifier of the handheld device, user's name and password, TV-name and TV-password, credit card information, user profile information." Redford, column 44.

Subsequently, Redford discloses launching a service selected from EPG ((electronic program guide) 289) applications within a second display (204)/handheld device (200) using authentication credentials of the content playback device (TV (303)) such as user's name and password/ TV-name and TV-password. *See* Redford, Figure 3A, column 44.

Appellants further argue that the "Examiner has not provided sufficient reason why one of ordinary skill in the art would combine the references." Appeal Brief 10. Appellants argue:

- Appellant respectfully disagrees that each reference contemplates frameworks for automatic content request and playback.
- Experton relates to access of network addresses and applications, and is not related to video playback in any substantial way. Thus, for at least this reason, Appellant submits the references are in nonanalogous arts and the rejections should thus be overturned.
- Redford itself never states any deficiency with an intuitiveness of a launch feature, and there is no disclosure that the details of Experton would ease or make more intuitive or straightforward the system of Redford. In fact, it is even unclear how one would incorporate the system of Experton into that of Redford, as the former

> simply allows an easier way to access addresses, and the latter simply assumes that addresses exist and are accessible.
>
> Appeal Brief 11.

Neither claim 1, nor claim 17 "contemplates frameworks for automatic content request and playback" as argued by Appellants. We do not find Appellants' argument that Redford and Experton are non-analogous persuasive because both inventions pertain to displaying computer based applications/content while employing authentication means. *See* Redford columns 43–44; *see also* Experton, ¶¶ 22, 33. We do not find Appellants' bodily incorporation of the references argument persuasive. "The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art." *See In re Keller*, 642 F.2d 413, 425 (CCPA 1981).

The Examiner finds that Experton discloses a system for automatically launching computer-executable processes wherein the authentication credentials are stored on a device similar to the claimed playback device. Final Action 5 (*citing* Experton ¶¶ 16, 22 and 33; Figure 1, element 122). The Specification discloses, "If the service is found in the list, the service is automatically launched as described and a landing page of that service is displayed." Specification ¶ 5. However, as we stated above, we do not find that independent claims 1 and 17 require the automatic launching of computer executable processes or services.

We sustain the Examiner's obviousness rejections of independent claims 1 and 17, as well as, the obviousness rejections of dependent claims 2–16 and 18–24 not argued separately. Appeal Brief 10.

DECISION

The Examiner's 35 U.S.C. §103(a) rejections of claims 1–24 are affirmed.

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). *See* 37 C.F.R. § 1.136(a)(1)(v).

AFFIRMED