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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte PIL-SEUNG YANG, CHAN-HONG MIN,
YOUNG-AH SEONG, and SAY JANG

Appeal 2018-005763
Application 14/494,987¹
Technology Center 2100

Before JEAN R. HOMERE, JAMES B. ARPIN, and
DAVID J. CUTITTA II *Administrative Patent Judges*.

CUTITTA, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant seeks our review under 35 U.S.C. § 134(a) of the Examiner’s final decision rejecting claims 1, 2, 4–10, 13–17, 19–25, and 28–36, all of the claims pending in the application.² We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ Samsung Electronics Co., Ltd. (“Appellant”) is the applicant, as provided for under 37 C.F.R. § 1.46, and is also identified in the Appeal Brief as the real party in interest. *See* Appeal Br. 2.

² Claims 3, 11, 12, 18, 26, and 27 are cancelled. *See* Appeal Br., Claims Appx.

STATEMENT OF THE CASE

Invention

Appellant's invention relates to sharing content, such as handwritten information, between devices using transparent layers. *See Spec.* ¶¶ 2, 8.³

Exemplary Claim

Claims 1, 10, 16, and 25 are independent. Claim 1 is exemplary and is reproduced below with limitation at issue italicized.

1. A content sharing method performed by a display device connected to at least one user terminal, the content sharing method comprising:

displaying content on the display device;

receiving information included in a transparent layer of a first user terminal among the at least one user terminal from the first user terminal; and

overlapping the transparent layer of the first user terminal, including the information received from the first user terminal, on the displayed content,

wherein the at least one user terminal outputs the content to share a screen displayed on the display device, and

wherein the information included in the transparent layer of the first user terminal includes a property of the transparent layer indicating the transparent layer is shareable.

Appeal Br. 10.

³ Throughout this Decision, we refer to the following documents: (1) Appellant's Specification, filed September 24, 2014 ("Spec."); (2) the Final Office Action ("Final Act."), mailed November 2, 2017; (3) the Appeal Brief filed February 27, 2018 ("Appeal Br."); (4) the Examiner's Answer ("Ans.") mailed March 22, 2018; and (5) the Reply Brief filed May 15, 2018 ("Reply Br.").

REFERENCES AND REJECTIONS

Claims 1, 2, 4, 5, 9, 10, 13–17, 19, 20, 24, 25, and 28–36 stand rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Viswanathan (US 2012/0254773 A1; pub. Oct. 4, 2012) and Branton et al. (US 2014/0281875 A1; pub. Sep. 18, 2014) (“Branton”). Final Act. 2–15.

Claims 6–8 and 21–23 stand rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Viswanathan, Branton, and Samsung, *Samsung School - smart education solution*, <https://www.myldi.com/wp-content/uploads/2016/04/Samsung-School.pdf> (2013) (last visited January 10, 2018) (“Samsung”). Final Act. 15–17.

Our review in this appeal is limited to the above rejections and the issues raised by Appellant. Arguments not made are waived. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2017).

CONTENTIONS AND ANALYSIS

Rejection of Claim 1 Under § 103

Issue: Does the Examiner err in finding the combination of Viswanathan and Branton teaches or suggests “wherein the information included in the transparent layer of the first user terminal includes a property of the transparent layer indicating the transparent layer is shareable,” as recited in claim 1?

The Examiner finds Branton teaches the limitation at issue. *See* Final Act. 4; Ans. 19–21 (citing Branton ¶¶ 2–4, 37, 52, 92, 93, 112). Specifically, the Examiner relies on Branton’s discussion of collaborative annotation of documents in which “[u]sers can control which layers are shown and hidden”; transparent layer.” Final Act. 4 (citing Branton ¶ 105).

Appellant disputes the Examiner’s factual findings, arguing Branton doesn’t teach a property *included in* the transparent layer. Specifically, Appellant argues “Branton provides no disclosure that any *information* is included in a transparent layer, aside from perhaps the user label and the sequence identifier. But Branton makes no disclosure that the user label and sequence identifier are properties that indicate the transparent layer is *shareable*.” Appeal Br. 6; *see* Reply Br. 2.

Appellant’s argument is unpersuasive of Examiner error. Appellant amended claim 1 to include the limitation at issue in an Amendment filed January 26, 2017 (“Amendment”). *See* Amendment 2. Appellant relies on paragraph 33 of Appellant’s Specification (the “Specification”) to support the newly added limitation. *See* Amendment 10; *see also* Appeal Br. 2, 5. Paragraph 33 of the Specification discloses that:

The control unit may determine a property of the transparent layer and controls the communication unit to transmit the first handwritten information included in the transparent layer of the first user terminal to the display device according to the property of the transparent layer of the first user terminal, wherein the property of the transparent layer of the first user terminal indicates if the transparent layer of the first user terminal is shareable.

Spec. ¶ 33.

The Examiner finds that “[t]his description does not specify how the layer, information and property are stored or what they themselves are included in.” Ans. 20–21. We agree, noting the Specification simply indicates that a “property of the transparent layer of the first user terminal indicates if the transparent layer of the first user terminal is shareable.” Spec. ¶ 33. Paragraph 33 of the Specification does *not* disclose that the

property is stored in or included in the transparent layer.⁴ *Id.* Thus, in view of the Specification, the Examiner concludes that the broadest reasonable interpretation of the limitation at issue includes receiving information that includes a property of the transparent layer indicating the transparent layer is shareable. *See* Ans. 20–21. Appellant, in turn, fails to provide arguments that establish the Examiner’s interpretation is unreasonably broad when read in light of the Specification. *See In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). *See* Reply Br. 2–4.

Branton, likewise, teaches that a user can control “[v]isibility of each of a plurality of layers . . . based on *a layer attribute* that includes at least one of: . . . access controls. Branton ¶ 4 (*italics added*). In view of the Examiner’s interpretation of the limitation at issue in claim 1, we agree with the Examiner’s finding Branton’s layer attribute that allows a user to control layer visibility of each of a plurality of layers using access controls teaches or at least suggests information that “includes a property of the transparent layer indicating the transparent layer is shareable,” as recited in claim 1. Ans. 21 (“Branton discloses attributes and options that control sharing (visibility: shown/hidden to others)”).

⁴ Appellant fails to demonstrate that paragraph 33 provides support for Appellant’s amendment to claim 1 reciting the limitation at issue and more particularly reciting that “a property of the transparent layer indicating the transparent layer is shareable” *is included in* the transparent layer. *See* Amendment 2. Paragraph 33 does not disclose the property is included in information in the transparent layer, as recited in Appellant’s amendment to claim 1. Accordingly, in the event of further prosecution, the Examiner should consider whether to reject claim 1 under 35 U.S.C. § 112(a), as failing to comply with the written description requirement.

Appellant next argues “Branton provides no explanation for how a user indicates that a transparent layer is shareable when the user determines whether layers they create can be viewed by others” because “there are many ways for a user to determine whether a layer can be viewed by others aside from including information in a transparent layer that indicates the transparent layer is shareable.” Appeal Br. 6; *see also* Reply Br. 2.

We find this argument unpersuasive because we agree with the Examiner’s finding that Branton’s user interface for controlling visibility of individual layers teaches allowing the user to indicate that the layer is sharable by allowing the user to make the layer visible to others. *See* Ans. 21.

For the reasons discussed, Appellant has not shown error in the Examiner’s factual findings or conclusion of obviousness. Accordingly, we sustain the Examiner’s 35 U.S.C. § 103 rejection of independent claim 1, and of independent claims 10, 16, and 25, which are not argued separately. *See* Appeal Br. 6. Dependent claims 2, 4–9, 13–15, 17, 19–24, 28–36, and 36 are also not argued separately and so the rejections of these claims are sustained for the same reasons given for independent claim 1. *See* Appeal Br. 9.

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DECISION

We affirm the Examiner's decision to reject claims 1, 2, 4–10, 13–17, 19–25, and 28–36.

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