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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KYUNG-MO PARK, SUNG-OH HWANG, and
JAE-YEON SONG¹

Appeal 2018-006814
Application 14/818,776
Technology Center 2400

Before CAROLYN D. THOMAS, JOSEPH P. LENTIVECH, and
SCOTT RAEVSKY, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants seek our review under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of claims 1–4, all the pending claims in the present application. Claim 5 is canceled (*see* Claims Appendix). We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We REVERSE.

The present invention relates generally to transmitting multimedia data in a hybrid network (*see* Spec., Abstract).

¹Appellants name Samsung Electronics Co., Ltd. as the real party in interest (App. Br. 2).

Claim 1 is illustrative:

1. A method for receiving a packet in a multimedia system, the method comprising:
 - receiving, from a transmitting entity, the packet including a header region and a payload;
 - identifying information included in the header region; and
 - decoding data included in the payload based on the information,wherein the information comprises:
 - data unit type information including a value indicating whether the data is a data unit of a complete type,
 - an indicator used to distinguish media data from another,
 - a flag indicating whether the data includes more than one data unit, and
 - payload type information indicating if the payload includes one or more control messages.

Appellants appeal the following rejections:

R1. Claims 1–3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki (US 8,098,388 B2, Jan. 17, 2012), Zhang (US 2008/0285501 A1, Nov. 20, 2008), Lee (US 2011/0299443 A1, Dec. 8, 2011), and Ylanen (US 2010/0329161 A1, Dec. 30, 2010); and

R2. Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki, Zhang, Lee, Ylanen, and Jorgensen (US 2002/0099854 A1, July 25, 2002).

We review the appealed rejections for error based upon the issues identified by Appellants, and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential).

ANALYSIS

Issue: Did the Examiner err in finding Ylanen teaches or suggests payload type information, in the header region, indicating if the payload includes one or more control messages, as set forth in claim 1?

Appellants contend that “the Message ID [in Ylanen] only represents the ID of the message packet 900, but does not represent whether the data payload of the message packet 900 includes control messages” (App. Br. 9 (emphasis omitted)), i.e., the Message ID does not indicate if the payload includes control messages. We agree with Appellants.

Here, the Examiner finds that under the “BRI interpretation the ‘payload type information’ is not restricted to a flag, so the message ID . . . show[s] the existence of the control message” (Ans. 4) and in Ylanen paragraph [91] “‘the data payload of packet 900 may include, at least Message ID information . . .’ [and] ‘control messages’ is one type of ‘activity pattern information’ which is in the payload” (*id.* at 4–5 (emphasis omitted)). In other words, the Examiner’s position rests on Ylanen’s Message ID being a control message and because it is located in the payload, it represents that the payload actually includes a control message.

However, the Examiner seems to ignore that claim 1 requires that the “payload type information” is in the *information included in the header region* (see claim 1), not the payload portion. Therefore, at best the Examiner has only directed our attention to arguably control messages in the payload. As such, we agree with Appellants that “the Examiner fails to appreciate that Appellant[s]’ claimed ‘payload type information’ is claimed as being comprised by information included in a header of a packet” (Reply Br. 6). In other words, even if Ylanen’s “Message ID” is associated with “control messages” *in the payload*, the Examiner is not showing such

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information in the *header portion* of the packet, as required by sole independent claim 1.

Thus, we disagree with the Examiner's finding that Ylanen teaches "payload type information" in the header region, given that the Examiner is only relying on information present in the payload portion. The Examiner also has not found that any of the other references of record teach this feature. Since we agree with at least one of the arguments advanced by Appellants, we need not reach the merits of Appellants' other arguments. Accordingly, we will *not* sustain the Examiner's obviousness rejection of claims 1–4.

DECISION

The decision of the Examiner to reject claims 1–4 is reversed.

REVERSED